

ACT 102

H.B. NO. 1999-84

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 501-2, Hawaii Revised Statutes, is amended to read as follows:

“§501-2 [Judge; appointment, tenure.] Judges; assignment of cases. [A judge of the circuit court of the first circuit designated so to act by the chief justice shall be judge of the land court. The judge shall act until a successor is similarly designated.] The administrative judge of the circuit court of the first circuit, subject to the direction of the chief justice as provided by section 601-2(b)(2)(B), shall assign all land court matters to such judge or judges of the circuit court of the first circuit as shall be deemed appropriate.”

SECTION 2. Section 501-5, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 501-1, Hawaii Revised Statutes, is amended to read as follows:

“§501-1 Court; jurisdiction; proceedings; location; rules, practice, etc. A court is established, called the land court, which shall have exclusive original jurisdiction of all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the State, with power to hear and determine all questions arising upon such applications, and also have jurisdiction over such other questions as may come before it under this chapter, subject to the rights of appeal under this chapter. The proceedings upon the applications shall be proceedings in rem against the land, and the decrees shall operate directly on the land and vest and establish title thereto.

The court shall hold its sittings in Honolulu, but may adjourn from time to time to such other places as the public convenience may require.

The court shall have jurisdiction throughout the State, and shall always be open, except on Saturdays, Sundays, and holidays established by law.

It is a court of record, and shall cause to be made a seal, and to be sealed therewith all orders, process, and papers made by or proceeding from the court and requiring a seal. All notices, orders, and process of the court may run into any judicial circuit and be returnable as the court may direct.

The procedure shall conform as near as may be to the practice in the circuit courts, but subject to the express provisions of this chapter and to general laws and rules of court. Forms prescribed by the court before taking effect shall be approved by the supreme court.

Upon demand for jury trial, issues shall be framed therefor by the circuit judge to whom the case has been assigned. No other issues shall be presented to the jury, and a special verdict shall be rendered.

In this chapter, except where the context requires a different construction, the word “court” or “judge” means the land court[.], the administrative

judge of the circuit court of the first circuit, civil division, or the circuit judge to whom a land court matter is assigned pursuant to section 501-2.”

SECTION 4. Section 501-61, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 501-62, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 501-63, Hawaii Revised Statutes, is amended to read as follows:

“§501-63 Appeal to supreme court. Pursuant to section 641-1(a) and the Hawaii Rules of Civil Procedure, [In] in all cases an appeal to the supreme court shall lie from the final decree of the land court on behalf of any party aggrieved by the decree. [The record on appeal may include the proceedings had in the circuit court, if any, as well as those had in the land court.]”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved May 9, 1984.)

Note

1. Edited pursuant to HRS §23G-16.5.