



## *The Judiciary, State of Hawai'i*

### **Testimony to the Senate Committee on Commerce and Consumer Protection**

Senator Rosalyn H. Baker, Chair  
Senator Brickwood Galuteria, Vice Chair

Tuesday, March 12, 2013, 10:00 a.m.  
State Capitol, Conference Room 229

by  
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**Bill No. and Title:** House Bill No. 423, Repealing a Sunset Provision in Section 21 of Act 120, Session Laws of Hawaii 2009.

**Purpose:** The bill makes part II of chapter 501, HRS, relating to land recordings and deregistration of fee simple timeshare interests, permanent by repealing the applicable sunset provision in section 21 of Act 120, Session Laws of Hawaii 2009.

### **Judiciary's Position:**

House Bill No. 423 proposes to repeal the sunset provision of Section 2 of Act 120, Session Laws of Hawaii 2009, relating to de-registering land from Land Court.

The Judiciary notes that Section 2 of Act 120, Session Laws of Hawaii 2009 provides for the sunset of (1) the de-registration of fee time share interests and (2) the voluntary de-registration of non time share fee interests.

The Judiciary supports the repeal of the sunset provision of Act 120, Session Laws of Hawaii 2009 relating to the de-registration from Land Court of fee simple time share interests, however the Judiciary has concerns about the sunset of the voluntary de-registration of non time share fee simple interests and current voluntary de-registration provisions. It is not the Judiciary's intent to oppose the passage of House Bill No. 423, but the Judiciary would like to continue to seek improvements to the process to ensure consistency.



House Bill No.4235, Repealing a Sunset Provision in Section 21 of Act 120,  
Session Laws of Hawaii 2009.

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The Judiciary is proposing that the sunset date of December 31, 2014 be retained for voluntary de-registration of fee simple interests. The Judiciary will continue working with an *ad hoc* group of stakeholders to resolve issues that have arisen in the voluntary de-registration of non time share fee interests with the intent to propose legislation for the 2014 session.

Thank you for the opportunity to testify on this measure.