

STAND. COM. REP. NO.

662

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 105
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 105, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH,"

begs leave to report as follows:

The purpose and intent of this measure is to adopt the Uniform Real Property Transfer on Death Act to authorize transfers of real property to intended beneficiaries through a transfer on death deed that avoids the requirements of probate.

Your Committee received testimony in support of this measure from Peter Hamasaki, Commission to Promote Uniform Legislation; and G.A. Rock.

Your Committee finds that this measure simplifies the transfer of real property to intended heirs and beneficiaries, providing substantial savings in time and costs. In addition to allowing surviving families and beneficiaries to avoid the expenses and potentially lengthy processes of probate court, this measure will also provide the State cost savings by reducing the need for probate court services.

Your Committee has amended this measure by:

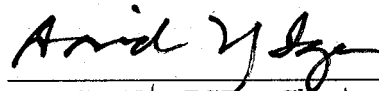
- (1) Inserting a definition of "revocatory act" to specify acts by which transfer on death deeds may not be revoked;



- (2) Clarifying that transfer on death deeds are ineffective if the transferor is a joint owner of the subject property and is survived by at least one other joint owner;
- (3) Making a technical, nonsubstantive change for consistency; and
- (4) Changing the effective date to July 1, 2050, to encourage further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 105, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 105, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 105 SD1	CPN, WAM	2/24/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
FUKUNAGA, Carol	✓			
KIM, Donna Mercado	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
RYAN, Pohai	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	13	0	0	✓ pro
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Suzanne Chun Oakland</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes