

Honolulu, Hawaii

APR 27 2012

RE: S.B. No. 2318  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2318, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to ensure that only one state has jurisdiction in a guardianship and protective proceeding at any one time;
- (2) Adopt guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult; and



- (3) Prioritize which state may proceed with a petition in an adult guardianship or protective proceeding in the case of simultaneous proceedings in more than one state.

Your Committee on Conference finds that due to increasing population mobility, cases involving simultaneous and conflicting jurisdiction over guardianship are increasing. Even when all parties are in agreement, steps such as transferring a guardianship to another state can require that the parties re-initiate the process of establishing guardianship in the second state.

Your Committee on Conference also finds this measure provides uniformity and reduces conflict among the states and that to date, thirty jurisdictions including the District of Columbia have adopted the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, and eight others including Hawaii are considering adopting it this year.

Your Committee on Conference has amended this measure by changing the effective date to September 1, 2014.

Your Committee on Conference notes the Judiciary's general concern with regard to the potential unintended consequences of this measure, such as families and guardians being subjected to increased complexity and procedure and possible conflicting definitions between federal and state law. Therefore, your Committee on Conference urges the Chief Justice to establish, if deemed appropriate by the Chief Justice, a working group within the Judiciary to facilitate the implementation of this measure. If the working group is established, your Committee on Conference respectfully requests the Chief Justice to share a report of the working group's activities with the Legislature.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2318, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2318, S.D. 1, H.D. 2, C.D. 1.




Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

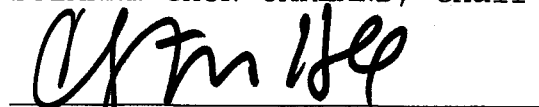
ON THE PART OF THE SENATE

  
\_\_\_\_\_  
JOHN M. MIZUNO, Co-Chair

  
\_\_\_\_\_  
KARL RHOADS, Co-Chair

  
\_\_\_\_\_  
JO JORDAN, Co-Chair

  
\_\_\_\_\_  
SUZANNE CHUN OAKLAND, Chair

  
\_\_\_\_\_  
CLAYTON HEE, Co-Chair



Hawaii State Legislature

CLR 98-12

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: **SB 2318, SD 1, HD 2** Date/Time: **4/27/17 10:20am**

The recommendation of the House and Senate managers is to pass with amendments (CD).  
 The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure  
 The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
IHARA, Les, Jr.	✓				JORDAN, Jo, Co-Chr.	✓			
SLOM, Sam	✓				CABANILLA, Rida T.R.	✓			
					PINE, Kymberly Marcos				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:  Adopted  Not Adopted  
 House Recommendation is:  Adopted  Not Adopted

Senate Lead Chair's or Designee's Signature: *Suzanne Chun Oakland*  
 House Lead Chair's or Designee's Signature: *John M. Mizuno*

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