

Honolulu, Hawaii

FEB 25 2015

RE: S.B. No. 223
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 223 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF THE PUBLIC
GUARDIAN,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the Office of the Public Guardian from petitioning for its own appointment as guardian of the person for an incapacitated person; and
- (2) Authorize the court to allow the Office of the Public Guardian to manage a ward's financial assets where no conservatorship is in effect.

Your Committee received testimony in support of this measure from the Office of the Public Guardian of the Judiciary. Your Committee received comments on this measure from one individual.

Your Committee finds that for the past ten years, the Office of the Public Guardian has declined to petition the court for its own appointment due to the potential for conflicts of interest. This measure codifies this practice by prohibiting the Office of the Public Guardian from petitioning for its own appointment while allowing private and public entities and the Department of Human Services to petition for the Office of the Public Guardian's



appointment as guardian pursuant to section 560:5-304, Hawaii Revised Statutes.

Your Committee further finds that in situations where a ward of the Office of the Public Guardian has assets that should be protected in a conservatorship but no conservatorship is in place, this measure authorizes the Office to manage and oversee the financial assets of that ward.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Office of the Public Guardian that adds "emergency guardian" and substitutes "temporary guardian" with "temporary substitute guardian" under the types of guardian the public guardian is authorized to serve as; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 223, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 223, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN,
Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 223	JDL	1-30-15
<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	
KEITH-AGARAN, Gilbert S.C. (C)	✓	
SHIMABUKURO, Maile S.L. (VC)		✓
ESPERO, Will	✓	
GABBARD, Mike	✓	
IHARA, Jr., Les		✓
THIELEN, Laura H.	✓	
SLOM, Sam	✓	
TOTAL	5	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Will Espero</div>		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes