STAND. COM. REP. NO. 1802-08

Honolulu, Hawaii

RE: H.C.R. No. 173

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 173 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO STUDY AND RECOMMEND WHETHER LEGISLATION ESTABLISHING A REVOCABLE BENEFICIARY DEED SHOULD BE ENACTED IN HAWAII,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Department of the Attorney General (AG) to conduct a study of, and propose legislation to allow for the use of the real property donative transfer device known as a revocable beneficiary deed.

Testimony in support of this measure was received from a concerned individual. Testimony in opposition to this measure was received from the AG.

Your Committee has amended this concurrent resolution by:

- (1) Changing, from the AG to the Legislative Reference Bureau, the party requested to undertake the study and to report to the legislature;
- (2) Amending the scope of the study to require only identification and description of similar donative transfer devices under current state law, rather than of

all existing real property donative transfer devices; and

(3) Making technical, nonsubstantive revisions for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 173, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 173, H.D. 1.

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

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 1802-08

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HCR173	Committee Referral:	Da	Date: 4-1-0 9		
☐ The committee is reconsidering its pr	_1		1 1 00		
The recommendation is to:		ass, with amendment			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)				7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
2. OSHIRO, Blake K. (VC)					
3. EVANS, Cindy					
4. GREEN, Josh, M.D.					
5. ITO, Ken					
6. LUKE, Sylvia					
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.					
9. SONSON, Alex M.					
10. SOUKI, Joseph M.					
11. TSUJI, Clift				The state of the s	
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia					
TOTAL (16)	13	0	0	3	
	dopted	did not supp	oort recommendation	1.	
Vice Chair's or designee's signature:	Ju	\bigvee	-		
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