STAND. COM. REP. NO. 672

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 294 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 294 entitled:

"A BILL FOR AN ACT RELATING TO PERSONAL LIABILITY OF TRUSTEE TO THIRD PARTIES,"

begs leave to report as follows:

The purpose of this bill is to make statutory provisions governing the personal liability of a trustee to third parties consistent with the Uniform Probate Code and state laws governing personal representatives of probate estates.

The Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii supported this bill. The Hawaii Association for Justice opposed this bill.

Your Committee has amended this measure by clarifying that any judgment obtained against a trustee in the trustee's fiduciary capacity may be collected against the trust estate.

Your Committee notes that this measure does not change existing law that specifies that trust assets may be reached whether or not the trustee is personally liable.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No.

HB294 HD1 HSCR JUD HMS 2009-2546



STAND. COM. REP. NO. 612
Page 2

294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 294, H.D. 1, and be placed on the calendar for Third Reading.

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

Int. Karamanan Chair

## State of Hawaii House of Representatives The Twenty-fifth Legislature

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: Committee  HB 294		Dat	2/26/	09
☐ The committee is reconsidering its previous decision			1 1	
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)				
2. ITO, Ken (VC)	V ,			
3. BELATTI, Della Au				
4. CABANILLA, Rida	<b>V</b>			
5. CARROLL, Mele	enter de la companya			
6. HERKES, Robert N.				V
7. LUKE, Sylvia	Line County of the County of t			
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M.	Sec E All Se		2000/95000000000000000000000000000000000	
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.	-V			
16. THIELEN, Cynthia				
			<u> </u>	
TOTAL (16)	10			Ь
The recommendation is: Adopted If joint referral,	Not Adop	did not supp	ort recommendatio	n.
Vice Chair's or designee's signature:	M+			
<b>Distribution:</b> Original (White) – Committee Du	plicate (Yellow)	– Chief Clerk's Offic	e Duplicate (I	Pink) – HMSO