

STAND. COM. REP. NO.

140

Honolulu, Hawaii

FEB 14 2011

RE: S.B. No. 105
S.D. 1

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

Sir:

Your Committee on Commerce and Consumer Protection, to which
was referred S.B. No. 105 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 enable an owner
of real property within this State to pass on the property simply
and directly to a beneficiary upon the property owner's death
without the need for a probate process.

Your Committee received testimony in support of this measure
from the Commission to Promote Uniform Legislation and one private
individual.

Your Committee finds that under current law, there is no
simple and straightforward means of passing on real property from
a decedent to a beneficiary, even though real property is often an
individual's most important or only asset. In contrast, there are
existing simple methods of passing on personal property of similar
value such as life insurance, pension plans, securities, or banked
assets. Your Committee further finds that a transfer on death
deed for real property as contained in this measure offers
individuals a means of distributing real property to surviving
family or loved ones without a lengthy and complicated probate
process and without unintended adverse effects, such as
complications of Medicaid eligibility, for either the grantor or
the beneficiary. Finally, your Committee notes that this measure



is based on a uniform model act that has been adopted by thirteen states to date.

Your Committee has amended this measure by:

- (1) Replacing language regarding liability for creditor claims and statutory allowances with alternate language from the model act upon which this measure is based to better conform to existing state law; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

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

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 105</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-9-2011</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended <small>2312</small></div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments <small>2311</small></div> <div style="text-align: center;"><input type="checkbox"/> Hold <small>2310</small></div> <div style="text-align: center;"><input type="checkbox"/> Recommit <small>2313</small></div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	7	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 20px;">[Signature]</div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes