

CONFERENCE COMMITTEE REP. NO. 11

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 105
S.D. 2
H.D. 1
C.D. 1

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

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
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. 105, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH,"

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 and intent of this measure is to adopt the Uniform Real Property Transfer on Death Act to authorize the transfer of real property to designated beneficiaries through a transfer on death deed that avoids the requirements of probate.

Your Committee on Conference 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

2011-2302 SCCR SMA.doc



banked assets. A transfer on death deed for real property as provided by 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. In addition to allowing surviving families and beneficiaries to avoid the expenses and potentially lengthy processes of probate court, this measure will also provide the State cost savings by reducing the need for probate court services. This measure is based on a uniform model act that has been adopted by thirteen states to date.

Your Committee on Conference has amended this measure by specifying that the exemption from the conveyance tax contained in this measure applies to documents or instruments that conform to the transfer on death deed as authorized by this measure.

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. 105, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 105, S.D. 2, H.D. 1, C.D. 1.

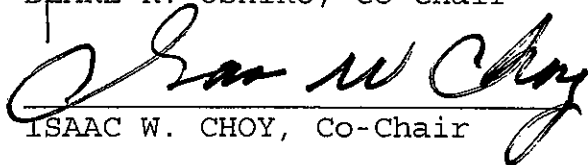
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

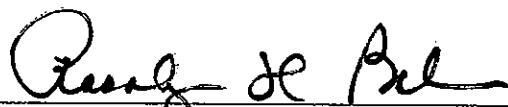
ON THE PART OF THE SENATE



BLAKE K. OSHIRO, Co-Chair



ISAAC W. CHOY, Co-Chair



ROSALYN H. BAKER, Chair

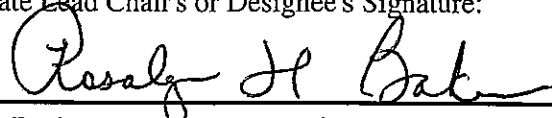



WILL ESPERO, Co-Chair



Hawaii State Legislature
**Record of Votes of a
 Conference Committee**

CCR 11

Bill / Concurrent Resolution No.: SB 105, SD 2, HD 1					Date/Time: <i>9:45 am 4-28-2011</i>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD). <input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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
BAKER, Rosalyn H., Chr.		✓				OSHIRO, Blake K., Co-Chr.		✓			
ESPERO, Will, Co-Chr.		✓				CHOY, Isaac W., Co-Chr.		✓			
GALUTERIA, Brickwood		✓				BROWER, Tom		✓			
TANIGUCHI, Brian T.					✓	LUKE, Sylvia					✓
SLOM, Sam					✓	THIELEN, Cynthia		✓			
TOTAL		3	-	-	2	TOTAL		4	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:		Original			Yellow		Pink		Goldenrod		
		File with Conference Committee Report			House Clerk's Office		Senate Clerk's Office		Drafting Agency		