STAND. COM. REP. NO. 122

Honolulu, Hawaii MATCA 22, 2013 RE: S.B. No. 1265 S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 1265, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTRACTS,"

beg leave to report as follows:

The purpose of this measure is to amend the regulation of owner's agreements with an attorney to locate, deliver, recover, or assist in the recovery of property that is presumed abandoned by:

- Exempting an owner's agreement with an attorney to file a claim as to identified property or contest the administrator's denial of a claim from the application of the entire section 523A-25, Hawaii Revised Statutes; and
- (2) Specifying that an owner's agreement with an attorney to file a claim or contest the denial of a claim and that provides for compensation shall not exceed twenty-five percent of the total value of the property.

The Collection Law Section of the Hawaii State Bar Association testified in support of this measure.



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Your Committees have amended this measure by:

- Increasing the amount of enforceable compensation allowed from ten to twenty-five percent of the total value of the property for all owner's agreements to locate, deliver, recover, or assist in the recovery of property that is presumed abandoned; and
- (2) Changing the effective date to July 1, 2112, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1265, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1265, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

> Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

KARL RHOADS, Chair

ANGUS L.K. MCKELVEY, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 1265 SD 1	Committee Referral: CPC/JUD, FIN		Date: 3/14/13				
The committee is reconsidering its previous decision on the measure.							
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)							
CPC Members	Ayes	Ayes (WR)	Nays	Excused			
1. McKELVEY, Angus L.K. (C)							
2. KAWAKAMI, Derek S.K. (VC)				AT			
3. BELATTI, Della Au				ANGK			
4. BROWER, Tom				ANDE			
5. CABANILLA, Rida T.R.							
6. CACHOLA, Romy M.	/			1			
7. CARROLL, Mele				,			
8. EVANS, Cindy							
9. HAR, Sharon E.							
10. ITO, Ken	•			1			
11. LEE, Chris							
12. TSUJI, Clift	V. / /			•			
13. YAMANE, Ryan I.	V. / /						
14. MCDERMOTT, Bob	· · ·						
15. THIELEN, Cynthia							
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TOTAL (15)	11			4			
The recommendation is: Adopted Not Adopted If joint referral,							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							

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State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1265, SD1	Committee Referral: CPC/JUD, FIN			Date: 3/14/13				
□ The committee is reconsidering its previous decision on the measure.								
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. RHOADS, Karl (C)		<u> </u>						
2. HAR, Sharon E. (VC)								
3. BELATTI, Della Au								
4. BROWER, Tom					\			
5. CABANILLA, Rida T.R.								
6. CARROLL, Mele								
7. ITO, Ken		# d			✓			
8. KAWAKAMI, Derek S.K.								
9. LEE, Chris		\checkmark						
10. TSUJI, Clift		∕						
11. WOOLEY, Jessica		✓						
12. MCDERMOTT, Bob		,						
13. THIELEN, Cynthia								
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TOTAL (13)		10	0	Ô	3			
The recommendation is: Adopted Not Adopted								
If joint referral, did not support recommendation. committee acronym(s)								
Vice Chair's or designee's signature:								
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO								