STAND. COM. REP. NO. 30 -16

Honolulu, Hawaii

March 24, 2016

RE: S.B. No. 2408

S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2408, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," begs leave to report as follows:

The purpose of this measure is to adopt the Uniform Partition of Heirs Property Act, which establishes procedures and remedies applicable to actions for partition of real property held in tenancy in common and that is deemed heirs property.

The Commission to Promote Uniform Legislation provided comments on this measure.

Your Committee has amended this measure by:

- (1) Specifying that the Court, rather than the movant, shall send notice:
  - (A) Send notice to the parties of the fair market value of the property if the court determines the fair market value of the property, after an evidentiary hearing;
  - (B) To each party regarding the fair market value of the property as set forth in the appraisal and rights of appeal, if an appraisal is conducted;

- (C) To the parties of the fair market value of the property before considering the merits of an action for partition; and
- (D) To the parties that any cotenant except a cotenant that requested partition by sale may buy the interest of any cotenant that requested partition by sale, if any cotenant requested partition by sale;
- (2) Deleting the requirement that the appraiser shall notify the movant for determination that the property is heirs property and that the appraisal has been filed with the clerk of the court; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2408, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

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

ANGUS L.K. McKELVEY, Chair

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

HSCR 1301-16

## Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Committee Referral:	Date:		1.6
SB 2409 SD1	CPC, JU	D	<u>3-23.</u>	- 16.
☐ 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. WOODSON, Justin H. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HAR, Sharon E.				
7. HASHEM, Mark J.				
8. KAWAKAMI, Derek S.K.				
9. LEE, Chris				
10. NAKASHIMA, Mark M.				
11. OSHIRO, Marcus R.				
12. SAN BUENAVENTURA, Joy A.				
13. TAKAYAMA, Gregg				
14. YAMANE, Ryan I.				
15. FUKUMOTO CHANG, Beth				
16. McDERMOTT, Bob				
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TOTAL (16)	li	$\square$	$\bigcirc$	5
The recommendation is:  Adopted  If joint referral,  committee acronym(s)  Adopted  did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee V Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				