STAND. COM. REP. NO. 1359

Honolulu, Hawaii

MAR 21 , 2023

RE: S.B. No. 483

S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 483, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE,"

begs leave to report as follows:

The purpose of this measure is to update the Uniform Probate Code to reflect Hawaii law and practice.

Your Committee received testimony in support of this measure from the Judiciary and Commission to Promote Uniform Laws. Your Committee received comments on this measure from one individual.

Your Committee finds that the Uniform Probate Code is a national codification of law that provides clarity and uniformity in probate law and interpretation. Your Committee further finds that it has been nearly thirty years since the Uniform Probate Code was last updated in Hawaii. This measure would provide necessary updates to adjust for inflation, provide additional clarity, resolve issues that have arisen in probate practice, and address societal changes in familial relations.

Your Committee has amended this measure by:

- (1) Defining "probate proceeding" under the Uniform Probate Code;
- (2) Deleting language that would have allowed a supervised administration seeking an adjudication of intestacy to be commenced under certain conditions and circumstances if there had been a prior probate proceeding;
- (3) Clarifying that the authenticated copy of a will probated, filed, deposited, or lodged in another jurisdiction that may accompany an application for informal probate of a will must be an authenticated copy of an original will; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 483, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 483, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-second Legislature

HSCR 1359

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

	tee Referral:	Date		
SB483,5D1	HL	A, FIN	3/15/202	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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
			1 2 Th 12 1 Th	
2. TAKAYAMA, Gregg (VC)				
3. GANADEN, Sonny				-
4. HOLT, Daniel	1			
			264 TE	
5. HASHIMOTO, Troy N.			A MARKET CONTRACT	
6. ICHIYAMA, Linda				
7. ILAGAN, Greggor				
		A STATE OF S		
8. KONG, Sam Satoru		Estrator III		
9. MIZUNO, John M.				
10. SOUZA, Kanani	THE RELEASE OF			
10. SOULA, Kanam				
TOTAL (10)	1 8		_	2
The recommendation is: 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				