

STAND. COM. REP. NO.

1217

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 293
H.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 293, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROTECTIVE PROCEEDINGS,"

begs leave to report as follows:

The purpose of this measure is to clarify the circumstances under which the appointment of a conservator is appropriate.

Specifically, this measure allows a court to appoint a conservator or make any other protective order in relation to the estate and affairs of an individual if the petition for a protective arrangement establishes, among other things that the individual is unable to manage property and business affairs effectively because of:

- (1) An impairment in the individual's ability to receive and evaluate information and make and communicate decisions;
or
- (2) Another physical, mental, or health impairment.

Your Committee received testimony in support of this measure from the Judiciary-Uniform Probate Code and Probate Court Practices Committee.

This measure enables the court to provide a protective arrangement to a physically challenged individual who may be able to receive and evaluate information and make and communicate



decisions but who, because of other impairments, would welcome and benefit from a protective arrangement.

Your Committee finds that this measure adds flexibility to the criteria for establishing the need for a protective arrangement, thus enhancing the court's ability to improve the conditions of those seeking and requiring protection, without impairing the rights of these individuals.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 293, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

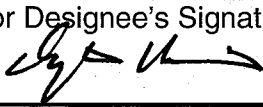


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 293, HD 1	JGO	3/23/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes