

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2799  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2799, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow title to real property to, upon the owner's death, pass directly to a beneficiary by means of a transfer on death deed.

Written comments presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the availability of the transfer on death deed may greatly assist in estate planning and avoid costly mistakes that can be made by a property owner when attempting to transfer property without fully understanding creditor and revocability issues. Your Committee notes, however, that the measure as received does not adequately address the transfer process for property registered in the Land Court.

Your Committee has amended this measure by:

- (1) Clarifying when the transfer of the property will occur for property of which any portion is registered in the Land Court pursuant to chapter 501, Hawaii Revised Statutes;



- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive changes for purposes of consistency, style, and clarity.

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 S.B. No. 2799, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2799, S.D. 2.

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

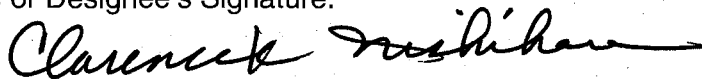


BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

|   |   |                                       |                                  |         |
|---|---|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:   | Date:                                 |                                  |         |
| SB 2799, SD 1   | CPN, JGO  | 2/19/10                               |                                  |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                                  |         |
| The Recommendation is:  |   |                                       |                                  |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                                  |         |
| Members   | Aye   | Aye (WR)                              | Nay                              | Excused |
| TANIGUCHI, Brian T. (C)   | ✓   |                                       |                                  |         |
| TAKAMINE, Dwight Y. (VC)  |   |                                       |                                  | ✓       |
| BUNDA, Robert   | ✓   |                                       |                                  |         |
| GABBARD, Mike   | ✓   |                                       |                                  |         |
| NISHIHARA, Clarence K.  | ✓   |                                       |                                  |         |
| SLOM, Sam   | ✓   |                                       |                                  |         |
|   |   |                                       |                                  |         |
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|   |   |                                       |                                  |         |
| <b>TOTAL</b>  | 5   | -                                     | -                                | 1       |
| Recommendation:   |   |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |   |                                       |                                  |         |
| Chair's or Designee's Signature:  |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
| Distribution:   |   |                                       |                                  |         |
| Original<br>File with Committee Report  | Yellow<br>Clerk's Office  | Pink<br>Drafting Agency               | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes