

Honolulu, Hawaii

March 1, 2012

RE: H.B. No. 2623
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2623 entitled:

"A BILL FOR AN ACT RELATING TO TRANSFER OF PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to allow spouses and reciprocal beneficiary partners to transfer property held in tenancy by the entirety to revocable or irrevocable trusts without losing the benefits of holding property as tenants by the entirety.

The Gay, Lesbian, Bisexual, and Transgendered Caucus of the Democratic Party of Hawaii; Honolulu Pride; and a concerned individual testified in support of the measure with amendments. The Hawaii Bankers Association opposed this measure. The Department of the Attorney General provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting the definition of "spouse";
- (2) Limiting the ability of spouses and reciprocal beneficiary partners to transfer property held in tenancy by the entirety to trusts without losing the benefits of holding property as tenants by the entirety to revocable trusts; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2623, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2623, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



