

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2748
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2748 entitled:

"A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require holders of unclaimed property to remit all unclaimed property under their control with their November 1 report; and
- (2) Specify that compensation to professional locators that exceeds ten per cent shall be unenforceable except by the owner of the property.

Written comments in support of this measure were submitted by the Department of Budget and Finance.

Your Committee finds that this measure streamlines operations and establishes a maximum ten per cent fee structure for professional unclaimed property locators, as opposed to the current prohibition against "unconscionable" fees.

Your Committee further finds that section 523A-9, Hawaii Revised Statutes, currently requires reporters of unclaimed property to report all property by November 1 of each year and to remit the property by the following May 1. This measure would conform Hawaii's law to all other states by requiring the



reporting and remittance of all unclaimed property by November 1 of each year.

Your Committee has amended this measure by:

- (1) Changing the effective date of the measure to July 1, 2050, to facilitate the further discussion of the measure;
- (2) Specifying that the compensation to professional locators be limited to no more than ten per cent of the value of the property; and
- (3) Making a technical nonsubstantive amendment for the purpose of style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2748, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2748, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

| | | | | |
|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* <i>SB 2748</i> | Committee Referral: <i>CPN/JDL, WAM</i> | Date: <i>2-24-12</i> | | |
| <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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| IGE, David Y. (C) | ✓ | | | |
| KIDANI, Michelle N. (VC) | ✓ | | | |
| CHUN OAKLAND, Suzanne | ✓ | | | |
| DELA CRUZ, Donovan M. | ✓ | | | |
| ENGLISH, J. Kalani | ✓ | | | |
| ESPERO, Will | ✓ | | | |
| FUKUNAGA, Carol | ✓ | | | |
| KIM, Donna Mercado | ✓ | | | |
| KAHELE, Gilbert | ✓ | | | |
| KOUCHI, Ronald D. | ✓ | | | |
| RYAN, Pohai | ✓ | | | |
| TOKUDA, Jill N. | ✓ | | | |
| WAKAI, Glenn | ✓ | | | |
| SLOM, Sam | ✓ | | | |
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| TOTAL | <i>14</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes