

STAND. COM. REP. NO. 227

Honolulu, Hawaii
February 8, 2013

RE: H.B. No. 22

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 22 entitled:

"A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to adopt the Uniform Partition of Heirs Property Act, which establishes procedures and remedies for use in actions for partition of real property involving heirs property.

The Commission to Promote Uniform Legislation and one individual testified in support of the measure.

Your Committee finds that, generally, any cotenant of a tenancy-in-common may file an action with the appropriate court to partition the property. If the cotenants cannot agree on parcels of equal value, the court will often order a partition by sale, whereby the property is sold as a single parcel and the proceeds are distributed to the cotenants in equal shares. Your Committee further finds that in court actions involving heirs property, a type of tenancy-in-common in which relatives are cotenants, partitions by sale initiated by nonfamily cotenants often result in family members losing their assets for prices well below market value. This measure establishes a process designed to protect a family's property holdings, whereby all owners of heirs property are treated fairly when one or more cotenants wish to sell their share.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 22 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



HSCR 227

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 22	Committee Referral: CPC, JUD	Date: 02/04/13			
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members	Ayes	Ayes (WR)	Nays	Excused	
1. McKELVEY, Angus L.K. (C)	✓				
2. KAWAKAMI, Derek S.K. (VC)	✓				
3. BELATTI, Della Au	✓				
4. BROWER, Tom	✓				
5. CABANILLA, Rida T.R.	✓				
6. CACHOLA, Romy M.	✓				
7. CARROLL, Mele				✓	
8. EVANS, Cindy	✓				
9. HAR, Sharon E.				✓	
10. ITO, Ken	✓				
11. LEE, Chris	✓				
12. TSUJI, Clift	✓				
13. YAMANE, Ryan I.	✓				
14. MCDERMOTT, Bob	✓				
15. THIELEN, Cynthia	✓				
TOTAL (15)		13	0	0	2
The recommendation is:			<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)		
Vice Chair's or designee's signature: _____					
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