

STAND. COM. REP. NO. 1600

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 1265
S.D. 1
H.D. 1

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 1265, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTRACTS,"

begs leave to report as follows:

The purpose of this measure is to amend the regulation of owner's agreements with an attorney to locate, deliver, recover, or assist in the recovery of property that is presumed abandoned by:

- (1) Repealing the exemption of an owner's agreement with an attorney to file a claim as to identified property or contest the administrator's denial of a claim from the application of agreements to locate property as outlined in section 523A-25, Hawaii Revised Statutes;
- (2) Specifying that an owner's agreement to locate, deliver, recover, or assist in the recovery of property that provides for compensation shall be unenforceable except by the owner if the compensation exceeds 25, rather than ten, percent of the total value of the property; and
- (3) Specifying that an owner, or an administrator on behalf of an owner, who has agreed to pay compensation that exceeds 25 percent of the value of the property in accordance with an agreement to locate, deliver,

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recover, or assist in the recovery of property may maintain an action to reduce the compensation to an amount not to exceed 25 percent.

A concerned individual testified in support of this measure.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1265, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

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



SYLVIA LUKE, Chair



HSCR1600

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Finance

Bill/Resolution No.: SB1265 SD1 HD1	Committee Referral: CPC/JUD, FIN	Date: 04/04/13		
<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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. LUKE, Sylvia (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. JOHANSON, Aaron Ling (VC)	/			
4. CULLEN, Ty J.K.	/			
5. HASHEM, Mark J.	/			
6. ING, Kaniela	/			
7. JORDAN, Jo	/			
8. KOBAYASHI, Bertrand	/	/		
9. LOWEN, Nicole E.	/			
10. MORIKAWA, Dee	/			
11. ONISHI, Richard H.K.	/			
12. TAKAYAMA, Gregg	/			
13. TOKIOKA, James Kunane	/			
14. WOODSON, Justin H.	/			
15. YAMASHITA, Kyle T.	/			
16. FUKUMOTO, Beth	/			
17. WARD, Gene	/			
TOTAL (17)	SYN 16/6	1		
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: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				