

STAND. COM. REP. NO. 2158

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2368
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2368 entitled:

"A BILL FOR AN ACT RELATING TO THE PROTECTION OF CHARITABLE ASSETS,"

begs leave to report as follows:

The purpose and intent of this measure is to grant the Attorney General oversight over charitable assets, regardless of the form in which they are held.

Your Committee received written comments in support of this measure from the Department of the Attorney General and the Commission to Promote Uniform Legislation.

Your Committee finds that this measure codifies section 3 of the Model Protection of Charitable Assets Act (Act), which was adopted by the National Conference of Commissioners on Uniform State Laws. Section 3 of the Act makes clear that the Attorney General represents the public interest in the protection of charitable assets, regardless of the form in which the charitable assets are held. Section 3 also authorizes the Attorney General to enforce the proper application and use of charitable assets and to prevent the waste, diversion, or misuse of charitable assets through legal process, such as investigative subpoenas and civil actions to enjoin or to redress the misuse or misapplication of charitable assets. Your Committee also finds that most of the Act is already codified in chapters 28 and 467B, Hawaii Revised Statutes, and other sections of the Hawaii Revised Statutes.

SB2368 SD1 SSCR LRB 14-1747.doc

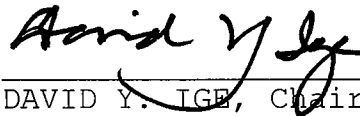


Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of consistency, clarity, and 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. 2368, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2368, S.D. 1.

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



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
9B 2368	JOL, WAM	2-25-14		
<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	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.				✓
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	10	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes