

Honolulu, Hawaii

APR 28 2016

RE: S.B. No. 2408
S.D. 1
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2408, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

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

Your Committee on Conference finds that in 2010, the Uniform Law Commission promulgated the Uniform Partition of Heirs Property Act to provide a fair solution to the risks posed to those who own heirs property, which is real property held in tenancy in common that meets certain requirements. This measure adopts language that closely mirrors the Uniform Partition of Heirs Property Act, which establishes a hierarchy of remedies designed to protect a family's



property holdings and real property wealth and is intended to provide cotenants with many of the protections and rights commonly found in private agreements governing the partition of tenancy in common property. Your Committee on Conference further finds that family members in a partition action may be unfamiliar with their rights under the partition action or may not be able to afford counsel. This measure addresses these concerns by requiring the court to determine, as a jurisdiction matter, whether the property in question is heirs property and also specifies that the court is responsible for appointing a special master to fulfill the notice requirements associated with an action for partition.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to January 1, 2017; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2408, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2408, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ANGUS L.K. MCKELVEY, Co-Chair



KARL RHOADS, Co-Chair



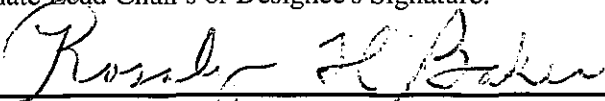
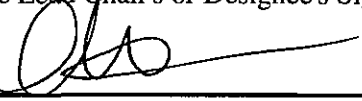
ROSALYN H. BAKER, Chair



GILBERT S.C. KEITH-AGARAN, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2408, SD 1, HD 2					Date/Time: 4-27-2016 2:50 P				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
SLOM, Sam				✓	SAN BUENAVENTURA, Joy A.	✓			
					FUKUMOTO CHANG, Beth	✓			
TOTAL	2	-	-	1	TOTAL	4	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution:		Original	Yellow	Pink			Goldenrod		
		File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office			Drafting Agency		