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Honolulu, Hawaii

APR 25 2019

RE: S.B. No. 1342
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
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. 1342, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PROBATE CODE,"

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 establish restrictions on donative transfers to protect transferors from coercive, exploitative, or otherwise improper transfers benefitting persons involved with drafting the transfer instrument or persons who have a significant influence over the transferor.

Your Committee on Conference finds that donative transfers to others with whom the drafter of the transferring instrument is in a special relationship, due to blood, marriage, business, or a legal relationship, run the risk of the donative transfer being subject to undue influence. This measure enacts safeguards to ensure that a donative transfer represents the intention of the transferor and is not compromised by an act of the transferee.



Your Committee on Conference has amended this measure by:

- (1) Requiring the Chief Justice of the Hawaii Supreme Court to study and analyze the national landscape of donative transfer statutes and suggest revisions to Hawaii's law;
- (2) Making the measure effective upon its approval; provided that the restriction on donative transfers shall take effect on July 1, 2020; and
- (3) Making technical, nonsubstantive amendments 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. 1342, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1342, H.D. 1, C.D. 1.

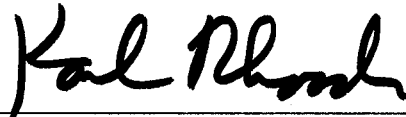
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



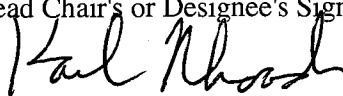

CHRIS LEE
Chair



KARL RHOADS
Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1342, HD 1					Date/Time: 4/25/19 5:31 pm						
<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
RHOADS, Karl, Chr.		✓				LEE, Chris, Chr.		✓			
KIM, Donna Mercado		✓				MORIKAWA, Dee			✓		
WAKAI, Glenn		✓				SAN BUENAVENTURA, Joy A.					✓
FEVELLA, Kurt					✓	THIELEN, Cynthia			✓		
TOTAL		3	0	0	1	TOTAL		1	2	0	1
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused			
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<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			