

**STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL**

COMMISSION TO PROMOTE UNIFORM LEGISLATION

**MINUTES OF MEETING
Held on June 25, 2019**

1. CALL TO ORDER.

Pursuant to written public notice posted on the State of Hawaii Calendar of Events on June 3, 2019 at 12:21 p.m., and filed in the Office of the Lieutenant Governor on May 29, 2019, at 11:01 a.m., the meeting of the Commission to Promote Uniform Legislation (CPUL) was called to order by Chairman Lani Ewart at 10:07 a.m. on Monday, June 25, 2019, in the First Floor Conference Room of the Department of the Attorney General, Hale Auhau, 425 Queen Street, Honolulu, Hawaii.

Commissioners Present: Lani L. Ewart, Peter J. Hamasaki,
Elizabeth Kent, and Ken H. Takayama
(arrived at 10:24 a.m.)

Commissioners Absent: Kevin Sumida

Also Present: Blake Oshiro, Commissioner (term begins
July 1, 2019), Maurice S. Kato, Deputy
Attorney General, Lynda Tobita,
Legal Clerk, of the Legislative Division of
the Department of the Attorney General,
and Observer Kiyohide Noguchi

2. APPROVAL OF MINUTES OF MEETING OF OCTOBER 25, 2018.

Chairman Lani Ewart asked the commissioners to review the minutes of the meeting held on October 25, 2018. Commissioner Kent moved and Commissioner Hamasaki seconded the motion to approve the minutes of October 25, 2018. The motion carried with Commissioners Ewart, Kent, and Hamasaki voting in favor of the motion.

3. OLD BUSINESS.

- a. Targeted Uniform Acts for the 2019 Legislative Regular Session
(discussion on the status of bills to enact uniform acts).

Chairman Lani Ewart noted that she and Commissioner Kent were reappointed and that Blake Oshiro was appointed a new Commissioner during the session. She

thanked everyone for their support and for submitting testimony in support of the reappointments.

The commissioners discussed the various bills that were introduced in the 2019 Legislative Regular Session.

REVISED UNIFORM LAW ON NOTARIAL ACTS (2010) and 2016 AMENDMENT TO THE REVISED UNIFORM LAW ON NOTARIAL ACTS.

The commissioners discussed whether the Uniform Law on Notarial Acts should be handled by enacting legislation or by regulation of notaries public through rulemaking. Mr. Kato noted that the Department of the Attorney General regulates notaries public. He felt that legislation may be necessary, because the remote or electronic aspects of the notary law are not presently in existing law so the department may not be able to implement those kinds of new things by rule.

Commissioner Hamasaki stated that First American Title Company introduced a bill that would allow electronic or remote notarization. Blake Oshiro stated that Senator Karl Rhoads, Chairman of the Senate Committee on Judiciary, noted that the introduced bill had many differences between it and the Uniform Law Commission (ULC) product. There were also concerns brought up by the bankers and financial institutions, so the bill faded away and died.

Blake Oshiro noted that First American Title Company will probably submit the bill again next year. Commissioner Hamasaki noted that representatives of the First American Title Company were observers at the drafting level of the ULC act and they probably have some issues with the uniform act. Chairman Ewart suggested that Commissioner Hamasaki talk with the enactment committee and get the background on what the national title company is pushing and why they think there is a problem with the uniform act.

The commissioners agreed that these acts relating to notarial acts should be listed on the 2020 legislative plan to be submitted at the 2019 annual meeting.

UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT (UESOPPA).

Commissioner Takayama noted that the CPUL submitted this bill during the 2019 regular session. There are two main problems in enacting UESOPPA. ACLU opposes the uniform act and has submitted its own version of UESOPPA and UESOPPA has not been enacted by any state yet, so Hawaii would be the first. Commissioner Hamasaki reported that he and Commissioner Takayama were in constant contact with the ULC drafting committee and reporter of the committee.

The ULC, with some hesitancy, signed off on some amendments to UESOPPA and reached a tentative verbal agreement with the ACLU representative.

Some of the changes made include expanding the scope from college only to kindergarten through twelfth grade. The Department of Education seemed fine with that. The ACLU model includes landlord and tenants, in addition to employers, employees, students, and schools. At the end of the day, the ULC Enactment Committee on UESOPPA was okay with those additions.

The bill stalled in conference committee, but there was some interest in having further discussion between the sessions.

THE UNIFORM REGULATION OF VIRTUAL CURRENCY BUSINESSES ACT (URVCBA).

The commissioners discussed that several virtual currency bills were introduced, but noted that nothing came of them.

Mr. Oshiro recalled that two years ago, the Department of Commerce and Consumer Affairs (DCCA) was very interested in virtual currency because Hawaii was one of two states that were being targeted as not allowing retail virtual currency transactions but the issue died down and no one has been criticizing DCCA.

REVISED UNIFORM ATHLETE AGENTS ACT (2015).

Although last year, this act did not even get a hearing, the act moved very smoothly through the Legislature this year. Since the bill did not appear on the list of bills that the Governor is considering for possible veto, it will become law.

4. NEW BUSINESS.

- a. 2019 Annual Meeting of the National Conference of Commissioners on Uniform State Laws to Be Held in Anchorage, Alaska, from July 12-18, 2019.

Everyone is going to attend the 2019 annual meeting in Anchorage, Alaska, except Commissioner Takayama and Associate Member Kato. Mr. Oshiro will be attending for only two days since he had a prior trip already scheduled.

ANNUAL MEETING ASSIGNMENTS.

Chairman Ewart went through the 2019 annual meeting agenda and stated the need to determine which commissioner is following which uniform act. The commissioners discussed the annual meeting agenda and assignments to the draft uniform laws on the agenda. The commissioners explained to Mr. Oshiro how the commission designates certain commissioners to be responsible for going to the different uniform act sessions and then following the act through its enactment in the Hawaii Legislature. They explained how the readings are literal line-by-line readings and that the commissioners usually choose areas of their expertise or subject that is of interest to them.

Chairman Ewart noted that, during the first day of the meeting, there is going to be an introduction of new members. Life Member Toyofuku will be doing Blake Oshiro's introduction.

Chairman Ewart said that there was an email by Connecticut Commissioner William Breetz where he says that the Joint Editorial Board for Real Property is opposing the Uniform Tort Law Relating to Drones Act so there may be activity during that meeting session.

Chairman Ewart noted that Life Member Robert Toyofuku's email states that there is a legislator and lobbyist lunch meeting scheduled for Tuesday, and that Commissioner Hamasaki is listed in that group. Commissioner Takayama, whose CPUL term expires on July 1, 2019, but whose Life Membership status allows him to continue to participate in the ULC activities, stated that he will continue to volunteer as the legislative liaison. He checked with Katie Robinson, the ULC Legislative Director, who said it was okay.

The commissioners volunteered to serve as the primary and secondary persons responsible for monitoring the various proposed uniform acts as follows:

FRIDAY, JULY 12, 2019

9:00 a.m. – 12:00 p.m. (First Session)

9:00 a.m. – 11:00 a.m.

Introduction of New Members (Blake Oshiro)
and Election of Life Members

Blake Oshiro
Robert Toyofuku

11:00 a.m. – 12:00 p.m.

Consideration of the Uniform Electronic Wills Act

Peter Hamasaki
Lani Ewart

1:30 p.m. – 5:30 p.m. (Second Session)

1:30 p.m. – 2:30 p.m.

Further Consideration of the Uniform Electronic
Wills Act

Peter Hamasaki
Lani Ewart

2:30 p.m. – 5:30 p.m.

Consideration of the Uniform Automated Operation
of Vehicles Act

Blake Oshiro
Peter Hamasaki
Kevin Sumida

SATURDAY, JULY 13, 2019

8:00 a.m. – 12:00 p.m. (Third Session)

8:15 a.m. – 10:30 a.m.

Further Consideration of the Uniform Automated
Operation of Vehicles Act

Blake Oshiro
Peter Hamasaki
Kevin Sumida

10:30 a.m. – 12:00 pm

Consideration of the Revised Uniform Probate
Code (2019)

Lani Ewart
Peter Hamasaki

1:30 p.m. – 6:00 p.m. (Fourth Session)

1:30 p.m. – 5:00 p.m.

Consideration of the Uniform Tort Law Relating
to Drones Act

Blake Oshiro
Elizabeth Kent

MONDAY, JULY 15, 2019

8:00 a.m. – 12:00 p.m. (Fifth Session)

8:30 a.m. – 9:30 a.m.

Consideration of the Amendments to the Revised
Uniform Athlete Agents Act

Kevin Sumida

9:30 a.m. – 10:30 a.m.

Consideration of the Uniform Registration of
Canadian Money Judgments Act

Lani Ewart
Kevin Sumida

1:30 p.m. - 5:00 p.m. (Sixth Session)

1:30 p.m. – 2:30 p.m.
Updates on Ethics and Other Policies

Elizabeth Kent
Lani Ewart

TUESDAY, JULY 16, 2019

7:30 a.m. – 9:00 a.m. Legislative Breakfast

All Commissioners

9:00 a.m. – 12:00 p.m. (Seventh Session)

9:00 a.m. – 11:00 a.m.
Consideration of the Fundraising through Public
Appeals Act

Elizabeth Kent
Peter Hamasaki

11:00 a.m. – 12:00 p.m.
Consideration of the Public Participation Protection
Act

Kevin Sumida
Robert Toyofuku

1:30 p.m. – 5:00 p.m. (Eighth Session)

1:30 p.m. – 2:30 p.m.
Further Consideration of the Public Participation
Protection Act

Kevin Sumida
Robert Toyofuku

2:30 p.m. – 5:00 p.m.
Consideration of the Alternatives to Bail Act

Elizabeth Kent
Kevin Sumida

WEDNESDAY, JULY 17, 2019

9:00 a.m. – 12:00 p.m. (Ninth Session)

9:00 a.m. – 11:00 a.m.
Consideration of the Unregulated Transfers of
Adopted Children Act

Elizabeth Kent
Lani Ewart

11:00 a.m. – 12:00 p.m.
Consideration of the Easement Relocation Act

Peter Hamasaki
Lani Ewart

1:30 p.m. – 5:00 p.m. (Tenth Session)

1:30 p.m. – 2:30 p.m.

Further Consideration of the Easement
Relocation Act

Peter Hamasaki
Lani Ewart

LEGISLATIVE BREAKFAST.

Chairman Ewart reported that the Legislative Breakfast is scheduled for July 16 at 7:30 a.m. She explained that at the legislative breakfasts the commissioners discuss targeted acts. Commissioner Takayama added that they also get updates on recent acts and give progress reports on acts hoping to get them on the targeted list, which is a list of acts that have priority for states to try to enact. The commissioners also discuss their state's legislative plan during the legislative breakfast.

Chairman Ewart read from an email from Life Member Robert Toyofuku. He said that at the legislative council meeting in April 2019, they discussed the progress of enactment throughout the country and what things they might be able to do to help with enactments. Suggestions included modifying the legislative calendar, increased use of social media, spotlighting acts for each state, and the legislative summit for all liaisons, legislative staff, legislative council, and leadership. A note at the bottom said "Leadership is concerned about the acts being adopted by the states, there needs to be greater effort to get state legislatures to adopt acts." The Legislative Council is concerned that the introductions of all acts, not just targeted acts, have gone down because it seems like commissioners are not as active with the legislatures as they had been in the past and one-half of ULC's mission is to get acts enacted after they are drafted.

LEGISLATIVE INTRODUCTION PLAN FOR 2020.

Commissioner Takayama is working on Hawaii's legislative plan for 2020. The commissioners discussed acts on the target list and others and made decisions on which acts should be added to the legislative plan.

UNIFORM PARENTAGE ACT (2017).

Commissioner Kent said that she recently got a call from the Judiciary that they would like the 2017 amendments to the Uniform Parentage Act introduced without any changes. She noted that it is always nice when a stakeholder wants a uniform act to be introduced. Commissioner Takayama said he thought it would be better if the Judiciary arranged for the introduction of the bill. The commissioners agreed that this Act should be on the legislative plan for 2020.

UNIFORM TRUST CODE.

Chairman Ewart stated that she would contact the state planning group and find out if they are on track with supporting introduction of the Trust Code in 2020, as was the plan as of the end of last year. It is on the target list as targets to complete. The Trust Code should be added to the legislative plan.

UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT (UDPCVA).

Commissioner Takayama noted that when he checked with the Family Court on UDPCVA, they were adamant that they did not need it. In addition, the military did not seem interested in taking it on, although initially the Staff Judge Advocates seemed so happy to be consulted when Commissioner Takayama put them in touch with the reporter for the ULC drafting committee.

UNIFORM ACT ON THE PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING (UAPRHT).

Commissioner Kent conveyed that there was no interest in submitting legislation to enact UAPRHT because the State of Hawaii has its own statutes and the Department of the Attorney General is happy with the existing statutes.

REVISED UNIFORM UNCLAIMED PROPERTY ACT (RUUPA).

Commissioner Takayama noted that we do not have the most current (revised) version of RUUPA. He understands that there is not much interest from the states to pass this act. Chairman Ewart noted that there are only three enactments.

UNIFORM UNSWORN DECLARATIONS ACT (UUDA).

Commissioner Kent reminded the commissioners that the Judiciary looked at this act and said it did not need it.

UNIFORM VOIDABLE TRANSACTIONS ACT (UVTA).

Chairman Ewart said this act used to be known as the Fraudulent Transfers Act. She said that early on she asked one of the partners in her firm who is in the bankruptcy section, who said at the time that they were not interested. She noted that there are now twenty enactments so there may be some movement now and that maybe practitioners would be willing to look at it again. She will check on it.

After discussion, it was agreed that the acts to be listed on Hawaii's legislative plan are the Uniform Parentage Act, the Revised Uniform Law on Notarial Acts and amendments, UESOPPA, and the Uniform Trust Code.

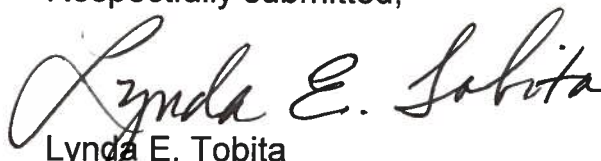
b. Other New Business.

There was no other new business.

5. ADJOURNMENT.

There being no further business, Commissioner Kent moved, and Commissioner Takayama seconded, that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned at 11:13 a.m.

Respectfully submitted,



Lynda E. Tobita
Legal Clerk
Legislative Division

Approved for Submission:



Maurice S. Kato
Deputy Attorney General

Approved by the Commission:

As Submitted

With Corrections

Date Approved: 11/26/2019