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**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
*Ka 'Oihana O Ka Loio Kuhina*  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1500

**NOTICE OF MEETING  
OF  
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

DATE: June 25, 2024, (Tuesday) at 10:00 a.m.

PLACE: The meeting will be convened remotely via Zoom  
<https://us02web.zoom.us/j/85895397202>

In accordance with section 92-3.7, Hawaii Revised Statutes (HRS), the meeting of the Commission to Promote Uniform Legislation (CPUL) will be convened remotely via Zoom. The following options are available for the public to participate in the meeting.

**Participate Remotely via Zoom**

Please use the following link: <https://us02web.zoom.us/j/85895397202>

**Participate via Phone**

Dial (for higher quality, dial a number based on your current location):  
+1 346 248 7799 US (Houston) or +1 669 444 9171 US or +1 669 900 6833 US  
(San Jose) or +1 719 359 4580 US or +1 253 205 0468 US or +1 253 215 8782  
US (Tacoma) or +1 305 224 1968 US or +1 309 205 3325 US or +1 312 626  
6799 US (Chicago) or +1 360 209 5623 US or +1 386 347 5053 US or +1 507  
473 4847 US or +1 564 217 2000 US or +1 646 931 3860 US or +1 689 278  
1000 US or +1 929 205 6099 US (New York) or +1 301 715 8592 US  
(Washington DC)

International numbers available: <https://us02web.zoom.us/j/85895397202>

**Or One tap mobile**

+13462487799,,85895397202# US (Houston) or +16694449171,,85895397202#  
US

**Meeting ID:** 858 9539 7202

**Participate Remotely at the Following Physical Meeting Site**

Hale Auhau First Floor Conference Room  
425 Queen Street  
Honolulu, Hawaii 96813

**Further instructions are at page 3 of this notice, following the agenda.**

## A G E N D A

1. CALL TO ORDER.

Introduction of Members and Guests.

2. APPROVAL OF MINUTES OF MEETING of December 5, 2023.

3. OLD BUSINESS.

Recap of uniform acts that were introduced in the 2024 Legislative Regular Session and how they fared.

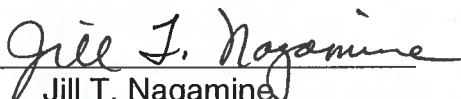
4. NEW BUSINESS.

a. Discussion of the upcoming 2024 Annual Meeting of the Uniform Law Commission (ULC) to be held in Boston, Massachusetts, including who from the Hawaii Delegation will attend and how the uniform acts under consideration will be assigned for monitoring.

b. Legislative planning for the 2025 Legislative Regular Session, including review of the ULC Legislative Planning meeting that occurred on May 6, 2024, and ideas for uniform acts for possible introduction.

5. ADJOURNMENT.

Lani L. Ewart, Chair

By:   
Jill T. Nagamine  
Deputy Attorney General

Meeting materials:

Minutes of 12-5-23 Meeting—Attached, and linked at:

<https://ag.hawaii.gov/wp-content/uploads/2023/12/Minutes-of-12-05-23-draft.pdf>

There is no board packet for this meeting.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Brenden Kinoshita, Administrative Services Manager, at 808-586-1289 or email [Brenden.B.Kinoshita@hawaii.gov](mailto:Brenden.B.Kinoshita@hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

### **Further Instructions for Participation in the Meeting**

In accordance with section 92-3.7(c), HRS, in the event that audiovisual communication cannot be maintained with all members participating in the meeting or with the public location identified in this notice, the meeting will be automatically recessed for up to thirty minutes, during which time, an attempt to restore audiovisual communication will be made. If only audio communication can be reestablished, the meeting will be reconvened and continue. To participate via audio communication, please refer to the "Participate Via Phone" information above. If the meeting cannot be reconvened because neither audiovisual communication nor audio communication can be re-established within thirty minutes, the meeting will be automatically terminated.

### **PUBLIC TESTIMONY**

**Oral Live Testimony:** Oral live testimony may be provided via either of the following options:

**Zoom:** Oral live testimony may be provided remotely via the Zoom link provided above at the top of this Notice. You will be asked to provide your name and an email address in the standard email format, e.g., \*\*\*\*@\*\*\*\*.com. If you choose not to provide your name, you will still be allowed to testify. Initially, all microphones will automatically be muted. You may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify on an item. The Chair will ask the Zoom moderator to enable each testifier to unmute the testifier's microphone. When recognized by the Chair, please unmute your microphone before speaking and mute your microphone after you finish speaking. If you are testifying on behalf of an organization, please indicate the name of the organization.

**Phone:** If you do not have a computer/Internet access, you may provide oral live testimony via the Participate via Phone option and attend this meeting with audio-only access by calling the phone number listed in the "Participate via Phone" option located at the top of this Notice. Upon dialing the number, you will be prompted to enter the Meeting ID listed at the first page of this Notice. After entering the Meeting ID, you will be asked to wait to be admitted into the meeting. Please wait until you are admitted into the meeting as no panelist numbers will be issued. If you wish to testify on an item, you may indicate that you want to testify by entering \* followed by 9 on your phone's keypad. A voice prompt will then let you know that the meeting host has been notified. When recognized by the Chair, please unmute yourself by entering \* and then 6 on your phone's keypad. A voice prompt will let you know that you are unmuted, and you may begin speaking. After you have finished speaking, please enter \* and then 6 to mute yourself.

**Instructions:** For both Internet and phone testifiers, testimony will be limited to a maximum of three minutes per person, per item. You will be given notice when 30 seconds remain. If you continue to testify beyond your allotted time, the Chair will kindly ask you to complete your testimony. If you have submitted written testimony and have also signed up to deliver it orally, the Chair will ask you to summarize your points. When you have finished

testifying, please wait to see if the CPUL Members have follow-up questions. If not, the Chair will return you to the audience side of the Zoom meeting. Staff will be monitoring people joining by video and will do their best to take each person in an orderly fashion. Please be patient.

**Written Testimony:**

To ensure that the public as well as the CPUL Members receive testimony in a timely manner, the CPUL requests that written testimony be submitted 24 hours prior to the scheduled Public Hearing date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by any one of the following methods:

Email to: [hawaiiag@hawaii.gov](mailto:hawaiiag@hawaii.gov)

Mail to: CPUL c/o Department of the Attorney General,  
Legislative Division  
425 Queen Street  
Honolulu, Hawaii 96813

Please note that written public testimony submitted to the CPUL will be treated as a public record and any contact information contained therein will be available for public inspection and copying.

**STATE OF HAWAI'I  
DEPARTMENT OF THE ATTORNEY GENERAL  
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

**MINUTES OF MEETING  
Held on December 5, 2023**

**1. CALL TO ORDER.**

Pursuant to written public notice posted on the State of Hawai'i Calendar of Events on November 15, 2023, with an updated notice posted on November 29, 2023, at 5:30 p.m., the meeting of the Commission to Promote Uniform Legislation (CPUL) was called to order by Chair Lani L. Ewart at 10:04 a.m. on Tuesday, December 5, 2023, via Zoom conferencing facilitated by Brandon Salbedo of the Department of the Attorney General, who also acted as the Zoom moderator. In compliance with section 92-3.7, Hawaii Revised Statutes, a physical meeting site was provided at Hale Auhau Third Floor Conference Room, 425 Queen Street, Honolulu, Hawai'i 96813.

Commissioners Present: Lani L. Ewart, Chair  
Elizabeth Kent, Vice-Chair  
Peter Hamasaki  
Blake Oshiro  
Michael Tanoue

Also Present: Ken Takayama and Robert S. Toyofuku,  
Life Members of the National Conference of  
Commissioners on Uniform State Laws, also referred to  
as the Uniform Law Commission (ULC),  
Jill T. Nagamine, Deputy Attorney General  
Maurice S. Kato, Deputy Attorney General  
Kotoba Kanazawa, Deputy Attorney General, and  
Romina Marquez, Legal Clerk, of the Legislative Division of  
the Department of the Attorney General

Jill T. Nagamine, Kotoba Kanazawa, and Romina Marquez participated from the physical meeting site via Zoom. The rest of the participants joined the meeting via Zoom remotely. All commissioners attending were visible via Zoom.

**2. APPROVAL OF MINUTES OF MEETING of June 27, 2023.**

Chair Ewart asked the commissioners if there were any changes or corrections to the minutes. No one recommended changes.

Motion: Commissioner Kent moved to approve the minutes as written, noting that they were well done, and Commissioner Tanoue seconded the motion. There was no

discussion. The motion was approved unanimously by voice vote, and the motion was carried. The minutes of the meeting of June 27, 2023, were approved as written.

### **3. OLD BUSINESS.**

Follow-up with the 2023 Annual Meeting of the National Conference of Commissioners on Uniform State Laws (NCCUSL) held in Honolulu, Hawai'i (at the Sheraton Waikiki).

The Commissioners and Ms. Nagamine provided comments, as follows:

Commissioner Tanoue noted that this was the second annual meeting that he attended. He observed that it ran smoothly. He felt that Commissioner Kent, Life Member Toyofuku, and others did a great job organizing and making it special in a way that was unique from what can be offered elsewhere in the country.

Commissioner Oshiro felt that it was really well-run. He heard a lot of compliments from attendees. He knows that out-of-state commissioners and their families enjoyed the activities that were put on by the host committee.

Commissioner Hamasaki felt a bit disconnected from the meeting this year and concluded it might have been because he went home every night instead of staying at the hotel.

Commissioner Kent agreed with the comments made by Commissioners Tanoue, Oshiro, and Hamasaki.

Life Member Takayama thought the meeting went well. Some out-of-state commissioners told him they ought to have the meeting in Hawai'i every year. Commissioner Takayama reminded the group that that was the last Annual Meeting he plans to attend.

Life Member Toyofuku heard a lot of positive comments from out-of-state commissioners who were glad to be back in Hawai'i, specifically in Honolulu. The weather was accommodating. He thought the sessions went well and were well attended.

Ms. Nagamine reported that she felt it was exhausting. She attended all but one of the sessions of the committee of the whole (Saturday afternoon) and found it to be intense. She was impressed with the process that so thoroughly reviews every uniform act and allows formal input from anyone who wishes to participate. She noted that many ULC commissioners were very well-prepared with relevant points on the acts being discussed. Life Member Toyofuku noted that the Hawai'i commissioners used to attend every session of the committee of the whole, but it was exhausting to keep track of each act, so years ago they decided to split up the responsibilities of attending the sessions.

Doing so allows them to participate in and focus on individual acts to which they are assigned and to serve on various other committees.

Chair Ewart was impressed with the many activities and things to do that the hard-working ULC staff arranged and coordinated. Commissioner Kent added her thanks to the spouses who played an active role in that coordination: Lynne Toyofuku, Diane Kishimoto, Carolyn Hamasaki, and Uson Ewart.

Chair Ewart added her thanks to all for their hard work at the Annual Meeting and noted that it was much appreciated by all the ULC commissioners.

There was no other old business to discuss.

#### **4. NEW BUSINESS.**

Discussion of Uniform Acts for Introduction or Support in the 2024 Regular Legislative Session, as follows:

(a) **New Uniform Acts that were approved at the 2023 Annual meeting.**

- (1) **Consumer Debt Default Judgments Act**—Commissioner Tanoue said he would talk to the people in the Collection Law Section of the Hawaii State Bar Association to see if they are interested in this act. He also noted that it is a complicated Act. Chair Ewart suggested that we look at this in the upcoming year to determine if there might be interest for the 2025 legislative session. Life Member Toyofuku suggested talking to attorney Marvin Dang because he does collections work. Commissioner Kent suggested talking to Hawai'i Appleseed, Legal Aid, and other consumer lawyers for their perspective.

Commissioner Kent added that there is a surprisingly significant number of civil cases in the circuit courts in Hawai'i that end in default judgments because the defendants fail to respond or attend hearings, and there may be data available from the Judiciary about that. She has co-written articles about it. (e.g., *Settling Civil Lawsuits in the Hawaii Circuit Courts*, Hawaii Bar Journal, Vol. 10, No. 13, 2007; *Let's Stop Spreading Rumors about Settlement and Litigation: A Comparative Study of Settlement and Litigation in Hawaii Courts*, Ohio State Journal on Dispute Resolution, Vol 29, pp. 85-160, 2014.)

- (2) **Special Deposits Act**—Chair Ewart was on the drafting committee. She is not sure whether Hawai'i lenders (banks) will be interested in this act just yet. Special deposits are those that banks hold in escrow until an event or circumstance occurs to trigger the money getting released to the beneficiary. It puts banks in the position of being the escrow holder. In

Hawai'i, most people would work with one of the established escrow companies. The commissioners will need to reach out to banking groups to see if they are interested in the protections and responsibilities afforded by this act. Life Member Takayama asked whether this act might be relevant for those people who are raising funds for West Maui, because if it would, then that might be some added leverage to get it passed in 2024. Chair Ewart thinks it might be possible, but setting up a special deposit account would require the consent of the beneficiary and agreement of all parties, and to the extent that the beneficiaries on Maui and the amounts that they get may not be known, it would make it difficult to apply this act to that situation. She said that while money coming in could be held in that kind of escrow account and upon the satisfaction of certain conditions, released to a beneficiary, the beneficiary would need to be identified. Life Member Takayama raised the issue because he wondered if it could be a mechanism to help Maui. Chair Ewart thinks that the applicability of this act to the situations in Maui is limited.

Speaking of uniform acts that might benefit the Maui situation, Commissioner Kent asked if anyone recalled an act from a few years ago called the Fundraising Through Public Appeals Act. She says it was about crowd funding. The proposed act never made it to the status of a Uniform Act, and the drafting committee was discharged in 2019 (at around that same time, the Tort Law Relating to Drones Act also did not make it). According to Chair Ewart there are many reasons for a drafting committee to be discharged, including the issues being too large, there being other laws that accomplish the purpose, and an act under consideration getting split into multiple acts. Having said that, in terms of an act that would apply to fundraising, many of the commissioners opined that the Legislature will likely introduce multiple bills in 2024 that address that issue.

Life Member Takayama noted that a version of a Uniform Act can pop up unexpectedly, both by being introduced and by being inserted into a bill by a committee after its introduction.

Motion: Commissioner Kent moved to authorize Chair Ewart to decide the CPUL's position and, if applicable, authorize work by another commissioner(s) on any legislation that relates to a uniform act and is introduced during the 2024 legislative session. Commissioner Hamasaki seconded the motion. There was no discussion. The motion was carried by a unanimous show of hands of all commissioners.

- (3) Health-Care Decisions Act—Life Member Takayama believes that this bill is not yet ready for introduction in Hawai'i for the 2024 session.



- (4) Public-Health Emergency Authority Act—Commissioners Kent and Oshiro followed this act. Commissioner Kent defers to Commissioner Oshiro, who believes the topic of emergency powers is politically charged right now, and this would not be the right time, politically, to introduce this act.
  - (5) Unlawful Restrictions in Land Records Act—Commissioner Hamasaki noted that it seemed to him as if this act doesn't do anything. Chair Ewart shares that opinion, and she also thinks that this act might create more uncertainties in our Land Court system. Ms. Nagamine noted that when she listened to the meetings about this act, she felt that it lacked specificity and would thus not accomplish anything.
- (b) Other Uniform Acts that have not been enacted in Hawai'i.
- (1) Chair Ewart asked about the status of the Uniform Parentage Act (2017). Commissioner Kent said that she is aware that there is a Task Force to Recommend Amendments to Update Existing Parentage Laws that was established by Act 156, Session Laws of Hawaii 2023. Act 156 had been introduced as a version of the Uniform Parentage Act but was amended to establish a task force. Commissioner Kent thinks that the executive committee of the task force may have approved new wording that included gamete donors. Life Member Toyofuku thinks that the Uniform Parentage Act may not be ready for introduction until 2025. Ms. Nagamine provided an update that she had learned from the draft task force report to the Legislature, that the task force is reviewing another draft provided by Judge Jessie Hall, and the task force thinks it may not be ready for introduction until 2025. It is unknown whether Judge Hall may try to have her draft introduced in 2024.  
  
Motion: Commissioner Hamasaki moved for approval for the Commission to respond to any bill that introduces a version of the Uniform Parentage Act during the 2024 regular legislative session. Commissioner Kent seconded the motion. The motion was carried by a unanimous show of hands of all commissioners.
  - (2) Chair Ewart asked if there are any other uniform acts that we ought to be introducing this session.  
  
Commissioner Kent indicated that she did not have any new acts that she wanted to introduce in 2024, but she is prepared to respond to whatever else might be introduced.  
  
Chair Ewart pointed out that if there are acts the commissioners would like to introduce, the timing might prevent anything from getting properly formatted and drafted. A short discussion ensued about the existence and

availability of bill drafting software and bill draft comparison software. Life Member Takayama is not aware of any software that puts bills in Ramseyer format--that must be done manually and is labor intensive. Microsoft Word can provide a comparison draft, but if there are significant changes between drafts, it may be difficult to follow and not very useful. Some comparisons need to be made with side-by-side manual review of drafts, with the possible assistance of a committee report that describes changes to a draft. Life Member Toyofuku says that in the past he has given straight text drafts to legislators, and they do the necessary formatting.

Chair Ewart mentioned that, in light of the timing constraints, we ought to have our meeting earlier in the year—maybe in the fall.

- (3) Life Member Toyofuku plans to meet with the Speaker of the House and will check with the speaker if he is interested in any uniform acts.

Commissioner Kent suggested that it might be useful to contact Senate Judiciary Chair Rhoads to gauge his interest in uniform acts. She also suggested reaching out to House Judiciary & Hawaiian Affairs Chair Tarnas to see if he is interested in the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Life Member Toyofuku will contact Senator Rhoads' staff, and Commissioner Oshiro will reach out to Chair Tarnas.

- (4) Commissioner Oshiro pointed out that there were acts that the ULC had asked the CPUL to look at for introduction that are mentioned at page 4 of the June 27, 2023, meeting minutes.

The Child Abduction Prevention Act was introduced in 2010 and never passed. Life Member Takayama recalls that a legislative committee was concerned about competing claims made by parents affecting the outcome. Chair Ewart thinks this is not worth pursuing unless it gets proposed by someone else.

The Community Property Disposition at Death Act is an update of an earlier act that was adopted in Hawai'i (chapter 510, part II, Hawaii Revised Statutes). Chair Ewart thinks this may be an act to introduce in a future legislative session.

The Civil Remedies for Unauthorized Disclosure of Intimate Images Act is a possibility but would need to go through the process of determining if it would have support. Commissioner Kent expressed interest but does not anticipate working on it in the 2024 legislative session.

Unregulated Child Custody Transfer Act—this was previously introduced and did not pass. But Life Member Takayama thinks there is a potential for someone other than CPUL to introduce it this year.

- (5) Commissioner Tanoue thinks that 2024 is too early to move the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Commissioner Kent indicated that House Judiciary & Hawaiian Affairs Chair Tarnas put together an informal working group to look at this issue, but she does not know whether that group is prepared to offer legislation on the issue in 2024. If so, House Bill No. 1440, is a carryover bill that will possibly be the vehicle for it.
- (6) No one is aware of other uniform acts that will be carried over from the 2023 session to the 2024 session.
- (c) Deliberation of which Uniform Acts to attempt to introduce.

As a recap, the Commission will be:

- (1) Following the progress of the Uniform Parentage Act;
- (2) Double checking with legislators about any uniform acts that they might be considering; and
- (3) Following up with some of the 2023 uniform acts for a future legislative session.

## 5. ADJOURNMENT.

Chair Ewart wished all attendees happy holidays and restated her appreciation for all the work commissioners and life members did to make the annual ULC meeting successful. Commissioner Kent asked if all commissioners plan to be available during the 2024 legislative session. Some commissioners, including Chair Ewart, have travel plans for various times during the session, so all commissioners need to keep Chair Ewart informed of their schedules so that coverage for all bills can be arranged without gaps. On that note, to allow for continuous coverage and continuous decision-making authority in the Chair's absence, the following motion was made:

Motion: Commissioner Tanoue moved to authorize Vice-Chair Kent, or a commissioner that Vice-Chair Kent delegates, to designate a commissioner to work on any legislation that relates to a uniform act and to approve actions by that commissioner when Chair Ewart is out-of-state during the 2024 regular legislative session. Commissioner Hamasaki seconded the motion. The motion was carried by a unanimous show of hands of all commissioners.

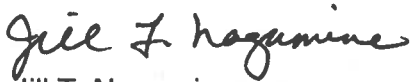
There being no other new business or announcement, Chair Ewart adjourned the meeting at 11:39 a.m.

Respectfully submitted,



Romina N. Marquez  
Legal Clerk  
Legislative Division

Approved for Submission:



Jill T. Nagamine  
Deputy Attorney General

Approved by the CPUL:

\_\_\_\_\_ As Submitted

\_\_\_\_\_ With Corrections

Date Approved: \_\_\_\_\_