

**STATE OF HAWAI'I
DEPARTMENT OF THE ATTORNEY GENERAL**

COMMISSION TO PROMOTE UNIFORM LEGISLATION

**MINUTES OF MEETING
Held on June 25, 2024**

1. CALL TO ORDER.

Pursuant to written public notice posted on the State of Hawai'i Calendar of Events on June 18, 2024, the meeting of the Commission to Promote Uniform Legislation (CPUL) was called to order by Chair Lani L. Ewart at 10:00 a.m., on Tuesday, June 25, 2024, via Zoom conferencing facilitated by Brandon Salbedo of the Department of the Attorney General, who acted as the Zoom moderator. In compliance with section 92-3.7, Hawaii Revised Statutes, a physical meeting site was provided at Hale Auhau First 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: Robert S. Toyofuku,
Life Member 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,
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, except when Commissioner Kent was off the screen for a short period of time.

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

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

Motion: Commissioner Oshiro moved to approve the minutes as written and Commissioner Hamasaki seconded the motion. There was no discussion. The motion was approved by voice vote of Commissioners Ewart, Hamasaki, Oshiro, and Tanoue, with Commissioner Kent abstaining, and the motion was carried. The minutes of the meeting of December 5, 2023, were approved as written. Chair Ewart thanked the Legislative Division for preparing the minutes.

3. OLD BUSINESS.

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

Commissioner Tanoue reported that House Bill No. 1915, Relating to the Uniform Probate Code, is the only bill pertaining to a Uniform Act that passed the 2024 Regular Session. Commissioner Ewart started the session supporting it, and in her absence Commissioner Tanoue provided testimony. Commissioner Tanoue reported that the Governor signed it on April 18, and it was enacted as Act 7. It corrected a clerical error that was made in last year's Act 158, Session Laws of Hawaii 2023, pertaining to the number of notices required to creditors by updating the Uniform Probate Code to reduce the number of required publications of a notice to creditors by a trustee and making it consistent with other amendments made last year in Act 158.

Commissioner Kent reported that the Task Force to Recommend Amendments to Update Existing Parentage Laws that was established by Act 156, Session Laws of Hawaii 2023, continues to meet. While Commissioner Kent is not a member of the task force, she believes that the task force is still struggling with some issues, and she provided a copy of the ULC's amendments to article 9 of the Uniform Parentage Act to a task force member, Deputy Attorney General Lauren Chun, in the hope that it might resolve some of the remaining issues.

Commissioner Kent also reported that there is another group that meets regarding the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. That group meets about every six weeks and both Commissioner Kent and Commissioner Tanoue are in that group. It is going through a transition as to its direction. Commissioner Kent believes that the regularity of the meetings and the fact that some people have stuck with the project is a positive sign. Representative Tarnas has attended some meetings. The next meeting is Wednesday, July 17. Commissioner Kent stated that there are a lot of problems faced by this act that are due to insufficient resources. There are not enough positions in the state government to provide needed services. There are some structural issues too. Chair Ewart opined that it is good that the group is meeting now and trying to work through the issues instead of just passing something that cannot be implemented effectively.

Chair Ewart reported that Commissioner Oshiro was confirmed by the Senate for another term as a commissioner, to expire June 30, 2027.

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.

The ULC Annual Meeting is in Boston, Massachusetts on July 19-25, 2024. Chair Ewart and Life Member Toyofuku will attend in person. They will divide the agenda between the two of them.

The acts up for discussion are:

- The Uniform Unincorporated Organizations Acts (20__)
- The Uniform Mortgage Modification Act
- The Uniform Antitrust Pre-Merger Notification Act
- The Conflicts of Law in Trust and Estates Act
- The Virtual Currency Customer Protection Act
- The Judicial Interview of Children Act
- The Assignment for Benefit of Creditors Act

After attending the informal sessions on some of these acts, some commissioners have already sent Chair Ewart their comments and thoughts on the acts. Chair Ewart mentioned that the meeting agenda is on the ULC website and requested all commissioners to send questions or comments about the acts up for discussion to her or Life Member Toyofuku before the meeting, and they will try to follow up. Chair Ewart has already received comments from Commissioner Kent on the Judicial Interview of Children Act, and Commissioner Hamasaki also sent comments to Chair Ewart on a couple of acts. The commissioners did not see an informal session on the Virtual Currency Customer Protection Act.

Chair Ewart indicated that the Redaction of Personal Information from Public Records Act, which had been scheduled to be discussed at the Annual Meeting, might be withdrawn by the Executive Committee to re-evaluate the scope of the act and limit it to records relating to judges.

Commissioner Kent asked if anyone knew if the sessions could be watched on YouTube. Life Member Toyofuku does not think so, but says he will check with ULC staff in Chicago.

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

Life Member Toyofuku announced that the ULC is having a legislative summit on August 23-24, 2024, in Dallas, Texas, and he and Commissioner Tanoue plan to attend. He says they will get an idea then of what acts the ULC will be encouraging for introduction by the states. All the members of the ULC's Legislative Counsel, as many liaisons for each region as possible, and some invited guests will attend. ULC hopes to increase involvement with ULC legislation or the legislative process.

Maybe mid-November would be a good time for the next meeting. That would be after the General Election and early enough to allow time before the 2025 Regular Legislative Session to get bills introduced. The Legislative Division will poll members for their availability for various dates in mid-November.

Commissioner Tanoue asked when legislators usually want bills for introduction. Life Member Toyofuku opined that they generally like to get something by December so they can send it to a drafting agency to get it in the proper form.

Commissioner Kent asked Commissioner Oshiro if he thinks there is a chance that any of the uniform acts will be in the Executive or Judiciary bill package. If so, the CPUL can help by supporting the bills. Commissioner Oshiro indicated that normally the Governor's Office gets first drafts of legislative proposals by October, and departments work on drafts of the bills they would like introduced. He said it is just as easy to get bills introduced by the chairs of the Senate Committee on Judiciary or the House Committee on Judiciary and Hawaiian Affairs.

Commissioner Hamasaki asked if the Department of the Attorney General may be interested in proposing the Uniform Antitrust Pre-Merger Notification Act. Deputy Attorney General Nagamine said she could check with the Deputy Attorney General who specializes in antitrust law. Chair Ewart indicated that would be a good idea. This may or may not already be covered in Hawaii law (chapter 480, Hawaii Revised Statutes).

5. ADJOURNMENT.

There being no other new business or announcement, Chair Ewart adjourned the meeting at 10:34 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: 11/8/24 JIH