

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

COMMISSION TO PROMOTE UNIFORM LEGISLATION

**MINUTES OF MEETING
Held on June 24, 2025**

1. CALL TO ORDER.

Pursuant to written public notice posted on the State of Hawai'i Calendar of Events on June 17, 2025, the meeting of the Commission to Promote Uniform Legislation (Commission or CPUL) was called to order by Chair Lani L. Ewart at 12:39 p.m., on Tuesday, June 24, 2025, 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 Third Floor Conference Room, 425 Queen Street, Honolulu, Hawai'i 96813.

Commissioners Present: Lani L. Ewart, Chair
Peter Hamasaki
Blake Oshiro
Michael Tanoue

Also Present: Elizabeth Kent 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 and
Kotoba Kanazawa, Deputy Attorneys 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 place via Zoom. The rest of the participants joined the meeting via Zoom remotely.

There was also an unidentified member of the public who joined by telephone but did not participate.

2. APPROVAL OF MINUTES OF MEETING OF NOVEMBER 8, 2024.

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 Tanoue seconded the motion. There was no discussion, but Life Member Toyofuku complimented the minutes as being comprehensive and thanked the Legislative Division. The motion to approve the minutes was approved unanimously by voice vote of Chair Ewart and Commissioners Hamasaki, Oshiro, and Tanoue, and the motion was carried. The minutes of the meeting of November 8, 2024, were approved as written.

3. OLD BUSINESS.

- a. Recap of uniform acts that were introduced in the 2025 regular legislative session and other bills that affected uniform acts in the 2025 regular legislative session and how they fared.

- (1) Senate Bill No. 1231, Relating to Parentage, repeals the Uniform Parentage Act of 1973 and updates parentage laws based on the Uniform Parentage Act of 2017.

Life Member Kent and Commissioner Oshiro worked to support this bill. Life Member Kent was the subject matter expert and Commissioner Oshiro worked to assist her efforts. The final bill deleted a controversial section regarding sperm donors. The bill was enrolled to the Governor and is not on his intent-to-veto list, so it looks like it will be enacted no later than July 9, which is the Governor's signing deadline. Chair Ewart praised the team and the process they used to support this bill. Life Member Kent is thrilled it passed; it was six years in the making. She reported that it came about because of a presentation given by Arizona ULC Commissioner, Barbara Atwood, about the uniform act at a judges' conference. The result was that many judges said: "we need this." Life Member Kent's point is that we should reach out and push uniform acts to larger forums.

- (2) House Bill No. 648, Relating to Guardianship and Conservatorship Services, does **not** adopt the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, but rather establishes a pilot program.

Commissioner Tanoue worked on this with the assistance of Life Member Kent. The bill did not really touch on the substantive parts of the uniform law. It established a two-year pilot program, and it provided funds for the Judiciary to provide guardianship- and conservatorship-related resources in the First Circuit Probate Court and Family Court. Chair Ewart asked how the pilot program is related to the uniform act. Life Member Kent said it flowed out of the uniform act but was not directly related. She thinks the good thing is that the pilot program will collect data that will be good to establish the need for a permanent program. The committee will meet again in July. Chair Ewart thanked Commissioner Tanoue and Life Member Kent. The bill

was transmitted to the Governor and is not on his intent-to-veto list, so it should be enacted no later than July 9.

- (3) Senate Bill No. 31, Relating to Property, is based in part on the Uniform Restrictive Covenants in Deeds Act.

Commissioner Tanoue worked on this one. It deals with unlawful restrictions in property deeds. The ULC was involved from the outset, trying to get the legislature to substitute the uniform law instead of this bill. It was enrolled to the Governor but is on his intent-to-veto list. The Governor's press release relating to the bills on his list indicates the Governor's concern that the bill would provide an authorized means for a person unrelated to the property to record a statement that contains disinformation and negatively affects the marketability of the property, with no recourse. When questioned whether the uniform act would have the same problem, Commissioner Tanoue indicated that the uniform act is different, in that it does not give any single party the right to record a statement, and the owner of the property would be involved. He thinks there is an opportunity to introduce the uniform act next session instead of trying to revive a version of this bill.

- (4) Senate Bill No. 1323, Relating to Health Care, is based on the Uniform Health Care Decisions Act.

Commissioner Hamasaki worked on this bill. It stalled in conference. The Commission discussed that it is difficult to get a stalled bill out of conference even though it carries over to the second year of the biennium. It might be better to reintroduce the bill again. Commissioner Hamasaki said that, if a new bill is introduced, the starting place should probably be with the Hawaii Health Systems Corporation (HHSC), which had a large influence on this bill. Commissioner Hamasaki learned from the HHSC General Counsel that HHSC had concerns with specific provisions and got its desired changes added to the bill at one point, but then the bill stalled.

- (5) Senate Bill No. 348, Relating to the Uniform Antitrust Pre-Merger Notification Act, never got a hearing.

The Uniform Antitrust Pre-Merger Notification Act was discussed at the ULC legislative planning meeting on June 18. The Attorney General has some concerns about it and Life Member Toyofuku plans to reach out to Deputy Attorney General Rodney Kimura to discuss those concerns to see if the issues can be resolved. The ULC would be happy to have this enacted in Hawaii, and California ULC Commissioner Dan Robbins, who is the chair of the enactment committee for the act, would be available to help.

- (6) Various bills that would have amended the Uniform Information Practices Act died.

Chair Ewart indicated that there is usually no reason to monitor these bills because they do not tend to substantively impact the Uniform Information Practices Act. Deputy Attorney General Nagamine indicated that she tries to keep up with the changes made to the laws that impact how the Commission meetings are noticed and held, and expressed her relief that since the Commission does not use board packets, the notice process is less complicated. She has been concerned about making mistakes in notice requirements since someone complained to the Office of Information Practices that the notice and agenda were wrong for the December 2023 meeting, and she does not want to make further mistakes.

b. Commission membership.

- (1) Nominations and appointment of the Vice Chair. This discussion was tabled at the last meeting.

Chair Ewart asked if there were any volunteers, and there were none. Commissioner Hamasaki, supported by Life Member Kent, suggested that Commissioner Oshiro would be good as the Vice Chair based on his background and position. A discussion ensued about who would be good in the role. Ultimately, Commissioner Oshiro, who agreed to serve, was nominated and elected by unanimous acclamation of Chair Ewart and Commissioners Hamasaki, Oshiro, and Tanoue.

- (2) A new commissioner is needed to complete the term of retired Commissioner Elizabeth Kent.

Life Member Toyofuku thinks that Representative Della Au Belatti was interested at one point, and he believes that it would be helpful to have a legislator on the Commission. Chair Ewart said that they need to find someone who is willing to put in the work and the hours necessary, so full disclosure about the work needed should be provided, and she encouraged everyone to think about attorneys who might be good candidates. Life Member Kent indicated that she would like to bring more diversity to the ULC. Life Member Toyofuku asked whether there is any requirement for advertising the open positions. There is not, but the Governor's official website has a link to the Boards and Commissions page for those who want to "Get Involved."

- (3) Review of the commissioners' terms and those commissioners due for reappointment in the 2026 regular legislative session.

The terms of Commissioners Hamasaki and Tanoue have expired (June 30, 2024) and they are only allowed to continue as holdover members to the end of the 2026 regular legislative session, so they need to submit applications to be reappointed by the Governor. Chair Ewart will become a holdover member at the end of this month (June 30, 2025) and can hold over until the end of the 2027 regular legislative session, but she also ought to consider applying to be reappointed. The term of the position vacated by Life Member Kent expires on June 30, 2026. Commissioner Oshiro's term expires on June 30, 2027.

Commissioner Oshiro will find the links to apply for reappointment and send those to the others.

4. NEW BUSINESS.

- a. Discussion of the upcoming 2025 annual meeting of the Uniform Law Commission (ULC) to be held in Santa Fe, New Mexico, including who from the Hawaii Delegation will attend and how the uniform acts under consideration will be assigned for monitoring.

The ULC Annual Meeting will be held in Santa Fe, New Mexico, from July 18 to July 24. Chair Ewart and Life Member Toyofuku will attend the entire meeting, and Commissioner Oshiro will attend Monday through Wednesday. The meeting will be available online for those who want to listen remotely, so the Commissioners not in attendance will monitor some of the sessions. Because there will be no means for remote listeners to participate, any issues that a remote participant identifies can be relayed by email to the Commissioners who will be at the meeting in person.

Coverage of the uniform acts under consideration is as follows:

- Commissioner Tanoue will monitor the sessions considering the Assignment for Benefit of Creditors Act, the Judicial Interview of Children Act, and the Model State Uniform Law Commission Act on Friday and Saturday, July 18 and 19.
- Commissioner Hamasaki will monitor the sessions considering the Conflict of Laws in Trusts and Estates Act, the Occupational Licenses of Service Members and Military Spouses Act, and the Commercial Financing Disclosure Act on Monday and Tuesday, July 21 and 22.
- Commissioner Oshiro will attend the sessions considering the Child Digital Entertainers Act on Monday and Tuesday, July 21 and 22.
- Life Member Kent will monitor the session considering the Indian Child Welfare Act Issues on Wednesday, July 23. She has background on this because she attended the informal session in advance of the annual meeting.

- Chair Ewart will attend the session considering the Transfers to Minors Act on Monday, July 21.
- Life Member Toyofuku will attend the session considering the Judicial Interview of Children Act on Monday and Tuesday, July 21 and 22.
- In addition to those designated above, Chair Ewart and Life Member Toyofuku intend to follow each of the acts being considered during the meeting on a schedule that they work out between themselves.

Additionally, Chair Ewart, Commissioner Oshiro, and Life Member Toyofuku will participate in the legislative luncheon meetings and other events offered at the annual meeting.

Chair Ewart and Life Member Toyofuku thanked Romina Marquez for assisting them with their travel approvals.

- b. Review of ULC legislative planning meeting scheduled to occur on June 18, 2025, and preliminary planning for the 2026 regular legislative session, including ideas for uniform acts for possible introduction.

Kaitlyn Wolff, the Legislative Program Director of the ULC, conducted a meeting on June 18, attended by all the Commissioners, Life Members Kent and Toyofuku, and Deputy Attorney General Nagamine.

Acts for possible introduction in Hawaii were discussed. Chair Ewart and Life Member Toyofuku think there may be a better idea of what might work for Hawaii after the annual meeting. Deputy Attorney General Nagamine requested that if the group intends to seek drafting help from the Legislative Division, it needs to be sooner rather than later, to allow for the time needed. Life Member Toyofuku said he can let Deputy Attorney General Nagamine know by November. Life Member Kent said that she knows someone who might be willing to assist with research into the uniform acts on a volunteer basis, if the group is interested.

Life Member Kent suggested that the Civil Remedies for Unauthorized Disclosure of Intimate Images Act ("revenge porn") might be an act that would also be supported by other groups.

- c. Chair Ewart asked if there was any other new business. Life Member Toyofuku raised two points.
 - (1) Life Member Toyofuku reported that a couple years ago he offered a suggestion to the ULC Legislative Council of a way to encourage members to get more involved. He is aware that, unlike the Hawaii members, not all ULC members are located near their capital cities, or interested in going to legislative hearings, or meeting personally with legislators. Life member Toyofuku suggested that those who want to remain in the background in a

supportive role can write letters to or call legislators. The Legislative Council drafted a template letter that he thinks they may be planning to present at the Santa Fe meeting.

- (2) Life Member Toyofuku also pointed out that there are so many new legislators now that it would be a good idea to offer them a Zoom meeting about the CPUL and ULC. Even a half hour on Zoom would allow them to get to know about the CPUL and its function and about uniform laws. Life Member Kent agreed that it was a good idea and suggested going further to have such a meeting for Department heads and the Judiciary. Commissioner Hamasaki also suggested getting approval for a Continuing Legal Education credit, and then there could be a wider attendance with attorneys. Life Member Toyofuku said that he could probably get something set up in the fall, or even December for legislators and perhaps others.

5. ADJOURNMENT.

There being no other new business or announcement, Chair Ewart adjourned the meeting at 1:43 p.m.

Respectfully submitted,



Jill T. Nagamine
Deputy Attorney General
Legislative Division

Approved by the Commission:

_____ As Submitted

_____ With Corrections

Date Approved: _____