



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

G.M. NO. 554, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, KEN TAKAYAMA, FOR A TERM TO EXPIRE 6-30-2019.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, April 15, 2015 **TIME:** 9:30 a.m.
LOCATION: State Capitol, Room 016
TESTIFIER(S): Douglas S. Chin, Attorney General, or
Russell A. Suzuki, First Deputy Attorney General, or
Maurice S. Kato, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Attorney General strongly supports the nomination of Ken Takayama for reappointment to the Commission to Promote Uniform Legislation ("Commission") of the Department of the Attorney General.

Ken Takayama has actively participated as a member of the Commission in the activities of the National Conference of Commissioners on Uniform State Laws and has demonstrated his strong commitment to the promotion of uniform state laws by his active participation, including his attendance at annual meetings of the National Conference even when budgetary limitations prevented full or even partial reimbursement for his travel expenses.

The Commission is advisory to the Attorney General and to the Legislature on matters relating to uniform legislation. Members of the Commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, also known as the "Uniform Law Commission." The National Conference requires that each appointed commissioner be a lawyer and that each commissioner personally attend and participate in its annual meetings. During the annual meetings, the National Conference convenes as a committee of the whole and drafting committees present draft uniform acts for review. The draft uniform acts are actually read aloud section by section and discussed. The review can involve very detailed discussions.

Due to the nature of the work of the National Conference, representatives of legislative reference bureaus or similar legislative drafting agencies from many states are already

participating in the activities of the National Conference. Ken Takayama has worked in the Legislative Reference Bureau since 1979 and has had a tremendous amount of experience in the preparation and review of legislation. He is currently volunteering his services at the Legislative Reference Bureau, after having retired in December 2010 as the Director and having previously served as the Assistant Director for Research and as a staff attorney. Since his initial appointment to the Commission in 1995, he has served on study and drafting committees of the National Conference and chaired committees of the whole reviewing proposed uniform acts. He is currently serving on four committees of the National Conference, the Legislative Committee as the Liaison Member for Hawaii, the Committee of Legislative Attorneys, the Committee on Membership and Attendance, and the Standby Committee on Uniform Deploye Parents Custody and Visitation Act. Upon recommendation of the National Conference's Executive Committee and the affirmative vote of two-thirds of the commissioners present and voting during the 2014 annual meeting, the National Conference elected Ken Takayama as a Life Member in recognition of his years of service. He has regularly attended meetings of the National Conference's committees, the National Conference's annual meetings, and the local meetings of the Commission to Promote Uniform Legislation (he is currently the Vice Chairman of the Commission).

The Attorney General believes that Ken Takayama has been and will continue to be a valuable member of the Commission to Promote Uniform Legislation and the National Conference of Commissioners on Uniform State Laws. Consequently, the Attorney General respectfully urges this Committee to recommend confirmation of the appointment of Ken Hideshi Takayama to the Commission to Promote Uniform Legislation.

TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION OF KEN
HIDESHI TAKAYAMA TO THE COMMISSION TO PROMOTE UNIFORM
LEGISLATION

April 15, 2015

To: Chairman Gilbert Keith-Agaran and Members of the Senate Committee on Judiciary and
Labor:

My name is Bob Toyofuku and I am a commissioner (life member) from Hawaii to the National Conference of Commissioners on Uniform State Laws. I am testifying in strong support of Ken Takayama for another term as a Hawaii Commissioner.

Ken has not only been a very active member here at home but is also a very active commissioner at the national level. He has been a member of the National Conference since 1995 and currently participates as a member of drafting committee for the Deployed Parents Custody and Visitation Act and also serves as the Legislative Liaison for Hawaii. He has formed excellent relationships with other commissioners in his twenty years with the national conference and has clearly represented Hawaii well.

His background as the former director of the Legislative Reference Bureau has served him well in the Conference because the drafting of potential uniform acts is a primary function of the National Conference.

I also am a member of the Legislative Council of the Legislative Committee at the National Conference and can always depend upon Ken for meaningful input on legislative issues. I wholeheartedly support his nomination to the Commission and urge this committee and the Hawaii State Senate to confirm him.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for GM554 on Apr 15, 2015 09:30AM
Date: Friday, April 10, 2015 7:15:31 PM

GM554

Submitted on: 4/10/2015

Testimony for JDL on Apr 15, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kent	Individual	Support	No

Comments: Aloha, It is my pleasure to submit testimony in strongest support of the nomination of Ken Takayama. I have served with Ken as a Uniform Law Commissioner so I speak from experience when I say that Ken is hard working, well regarded by the other commissioners, incredibly dedicated, and represents Hawaii well. In short, I urge you to vote in favor of this nomination and wholeheartedly support this nominee. Thank you for the opportunity to testify in strongest support of Ken's nomination. Yours truly, Elizabeth Kent

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senator Gilbert S. C. Keith-Agaran, Chairman
Senator Maile S. L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

RE: Testimony on G.M. 554, Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEN TAKAYAMA, for a term to expire 6-30-2019
HEARING DATE: Wednesday, April 15, 2015, 9:30 am, Conf. Room 016

Senators Keith-Agaran, Shimabukuro, and Members of the Committee:

Thank you very much for scheduling this confirmation hearing. Thank you also to Governor David Ige for nominating me to serve another term on the state Commission to Promote Uniform Legislation.

It is hard to believe that I was first appointed to the state commission twenty years ago. I know a great deal more about the Uniform Law Commission and its workings than I did then. But I still feel the same level of anticipation, knowing that I'm getting involved in something much greater than myself.

Members of the Hawaii CPUL, along with their counterparts in all of the other states, participate in the activities and deliberations of the national Uniform Law Commission (ULC) (previously known as the National Conference of Commissioners on Uniform State Laws (NCCUSL)). The national ULC is dedicated to developing proposed legislation on subjects where uniformity (to as great a degree that it can be achieved) among states is desirable—and preferable to congressional action. Consequently some of the best known "products" of the ULC include the Uniform Commercial Code, the Uniform Probate Code, the Uniform Interstate Family Support Act, and the Model Administrative Procedure Act. The nature of this work is nonpartisan, and ultimately, advisory, as any decision as to whether any of these measures becomes law in any state is made by the legislature of that state.

In both professional and personal terms, my involvement with the Hawaii CPUL and the NCCUSL has been extremely rewarding. State delegations in the ULC include attorneys in private and government practice, law professors, as well as a reasonable number of legislative staff and revisors of statutes. Simply being exposed to the debates and discussions on a wide range of topics at the ULC meetings is itself a valuable learning experience. Participation in the work of the ULC study and drafting committees that develop the proposed uniform laws provides even greater depth. It is normal for a ULC product to be developed over a period of several years.

It has been a privilege to be able to serve with my fellow commissioners from Hawaii and those from other states. The benefits range from opportunities to serve in different ways, exposure to divergent points of view, and lifelong friendships. In recent years, the national ULC has placed a greater emphasis upon getting proposed uniform and model laws enacted. After all, the best developed proposal for a law accomplishes

little if it is not enacted. As our state commission's legislative liaison, I have had a greater level of responsibility than before—and more reason to stay active in Hawaii's legislative process.

In short, I respectfully request that this Committee recommend that the Senate advise and consent to my nomination to another term as a commissioner on the state Commission to Promote Uniform Legislation because:

- (1) I have experience in the position and knowledge of the functions, duties, and responsibilities of the state commission as well as the national ULC;
- (2) There is much more to be done that can benefit the people of Hawaii and this nation;
- (3) There are many ways to contribute to this;
- (4) In spite of the passage of time, this job hasn't gotten "old".

I hope that you will allow me to continue to serve. Thank you very much for your consideration and for this opportunity to testify.

TO: Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair
And Members, Senate Committee on Judiciary and Labor

FROM: Lani L. Ewart, Commissioner, Commission to Promote Uniform Legislation

RE: Testimony in support of **GM 554**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEN TAKAYAMA, for a term to expire June 30, 2019

Hearing: Wednesday, April 15, 2015, 9:30 a.m., Conference Room 016

It is with great pleasure that I submit this testimony in support of the nomination of KEN TAKAYAMA to serve another term on Hawaii's Commission to Promote Uniform Legislation ("CPUL").

All of the commissioners on the CPUL represent the State of Hawaii in the Uniform Law Commission ("ULC"), also known as the National Conference of Commissioners on Uniform State Laws, which is an organization founded in 1892, made up of attorneys from every State to develop proposed laws for enactment in all States. ULC's goal is to provide uniformity in the laws among the States without sacrificing control to the federal government. The best known products of ULC which have been enacted in Hawaii include the Uniform Commercial Code, the Uniform Probate Code, and the Uniform Transfers to Minors Act; these and other uniform laws affect the lives of residents of Hawaii and other States every single day.

A commissioner's duties are two-fold: First, the commissioner needs to participate in the drafting of uniform acts, including the careful review and consideration of

their provisions on a line by line basis. Secondly, the commissioner needs to work with the legislature of his or her State to get uniform acts enacted.

As a fellow commissioner on the CPUL with Ken Takayama, I have observed how enthusiastically and conscientiously he has fulfilled those duties. Ken provides insightful contributions to the floor debate on the various acts that are considered at the annual summer meetings of ULC and has been appointed by the Executive Committee of ULC to serve on study and drafting committees for ULC, which meet several times during the year to discuss and draft new acts for presentation to all the commissioners at those summer meetings. Ken serves as Hawaii's legislative liaison to ULC and works tirelessly to get uniform acts introduced in and moved through the Hawaii State Legislature by preparing testimony, testifying at hearings, keeping other commissioners on the CPUL informed and working to address the concerns of all interested parties. Furthermore, like all ULC commissioners, Ken volunteers the many hours he spends on ULC activities.

I support the nomination of Ken Takayama for an additional term on the CPUL without hesitation and with no reservations. Ken is an outstanding member of our community, and he has been and will continue to be an outstanding commissioner on the CPUL. I urge you to recommend that the Senate confirm his nomination. Thank you for the opportunity to submit this testimony.

April 13, 2015

Honorable Gilbert S.C. Keith-Agaran, Chair
Honorable Maile S. L. Shimabukuro, Vice-Chair
Committee on Judiciary and Labor
The Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM 554 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
KEN TAKAYAMA, for a term to expire 6-30-2019.

Dear Chair Keith-Agaran, Vice-Chair Shimabukuro and Committee Members:

I would like to express my strong support for the nomination of KEN TAKAYAMA, GM No. 554, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission").

During the past ten years, I have served with Commissioner Takayama on the Commission and have had the opportunity to observe his strong commitment to representing the State of Hawai'i as a member of the Commission. Commissioner Takayama currently serves as the Vice-Chair of the Commission, and his legislative experience as the Director *Emeritus* of the Legislative Reference Bureau is invaluable to the Commission, as is reflected in his membership on the ULC's legislative counsel committee.

In addition, during prior times of fiscal stringency, Commissioner Takayama incurred significant out-of-pocket personal expenses to fulfill his duties as a Commissioner, in addition to the many of hours that he has dedicated to the Commission's work.

For the foregoing reasons, I hope that you will favorably consider Commissioner Takayama's nomination for reappointment to the Commission.

Very truly yours,



Peter J. Hamasaki