

JAN 21 2022

A BILL FOR AN ACT

RELATING TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii commission to promote uniform
2 legislation was created by law in 1911 and is Hawaii's
3 delegation to the National Conference of Commissioners on
4 Uniform State Laws (now commonly referred to as the "Uniform Law
5 Commission").

6 The legislature finds that one of the primary duties of the
7 Hawaii commission to promote uniform legislation is the duty to
8 represent the State during the annual meeting of the Uniform Law
9 Commission, as required by section 3-2, Hawaii Revised Statutes.
10 The Hawaii commission works on an annual basis with the Uniform
11 Law Commission to select, draft, consider, and amend various
12 legislation to be adopted by the Uniform Law Commission as
13 uniform laws. Uniform laws enacted in Hawaii include the
14 Uniform Commercial Code, the Uniform Partnership Act, the
15 Uniform Limited Partnership Act, the Uniform Interstate Family
16 Support Act, the Uniform Anatomical Gift Act, and the Uniform
17 Probate Code, which have been adopted uniformly or have been



1 used extensively by most state legislatures. To perform their
2 duties as the Hawaii delegation to the Uniform Law Commission,
3 all members of the commission should be permitted to attend and
4 fully participate in meetings, often held outside the State,
5 that are hosted by the Uniform Law Commission, including
6 sessions to draft, consider, and vote on the Uniform Law
7 Commission's adoption of proposed uniform acts.

8 The purpose of this Act is to provide a limited exemption
9 for the members of the commission to promote uniform legislation
10 from certain requirements of the sunshine law, part I of
11 chapter 92, Hawaii Revised Statutes, to permit any number of
12 members of the commission to attend and fully participate in the
13 meetings hosted by the Uniform Law Commission, in furtherance of
14 their goal of representing and promoting uniformity of
15 legislation for the State of Hawaii.

16 The legislature recognizes that, under section 26-7, Hawaii
17 Revised Statutes, the Hawaii commission to promote uniform
18 legislation also sits in an advisory capacity to the attorney
19 general and to the legislature on matters relating to the
20 promotion of uniform legislation. One of the duties under this
21 capacity is the duty to determine the uniform legislation



1 drafted and adopted by the Uniform Law Commission that should be
2 proposed or recommended for enactment in Hawaii. The
3 legislature notes that the sunshine law exemption provided under
4 this Act does not extend to any meeting in which the
5 commissioners discuss and vote on which uniform legislation may
6 be recommended or proposed to the legislature.

7 SECTION 2. Section 3-1, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§3-1 Commission. There shall be established a commission
10 [~~for the State,~~] to promote uniform legislation, placed within
11 the department of the attorney general for administrative
12 purposes, to promote uniformity of legislation in the United
13 States, to be composed of five commissioners, who shall be
14 appointed by the governor in the manner prescribed in section
15 26-34. The commissioners shall serve without pay but shall be
16 entitled to such technical, clerical, and stenographic
17 assistance, to be furnished by the department of the attorney
18 general, as may be necessary or proper to carry out their
19 duties."

20 SECTION 3. Section 3-2, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§3-2 Duties.** (a) The commissioners shall examine all
2 subjects upon which uniformity of legislation in the several
3 states and territories is desirable; ascertain and recommend the
4 best means to effectuate such uniformity and represent the State
5 in conventions of like commissioners of the several states and
6 territories for the consideration and recommendation of uniform
7 laws to be submitted to the several state and territorial
8 legislatures for action; and, generally, devise and recommend
9 such other course of action as may tend to accomplish such
10 purposes.

11 (b) The members of the commission to promote uniform
12 legislation shall be exempt from any limit on the number of
13 members who may attend meetings and other presentations under
14 section 92-2.5(e) for the purpose of attending and participating
15 in meetings hosted by the National Conference of Commissioners
16 on Uniform State Laws, also known as the "Uniform Law
17 Commission", regardless of whether the meetings are held
18 specifically and exclusively for or directed toward members of
19 the commission to promote uniform legislation. The meetings
20 hosted by the Uniform Law Commission and attended by the
21 commissioners shall not be considered to be meetings of the



1 commission and shall be exempt from the requirements of sections
2 92-3, 92-7, and 92-9; provided that the commissioners may not
3 vote on which uniform legislation should be proposed or
4 recommended to the legislature for enactment in Hawaii at the
5 meetings hosted by the Uniform Law Commission; provided further
6 that commissioners who attend the meetings hosted by the Uniform
7 Law Commission shall report at the next duly noticed meeting of
8 the commission their attendance and the matters presented or
9 discussed during the hosted meetings that related to official
10 commission business. This exemption shall be in addition to the
11 permitted interactions of members listed in section 92-2.5."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15
INTRODUCED BY: Karl N. N. N.



S.B. NO. 2741

Report Title:

Commission to Promote Uniform Legislation; Meetings

Description:

Provides a limited exemption for the Hawaii Commission to Promote Uniform Legislation from certain requirements of part I of chapter 92, HRS, for the purpose of allowing commissioners of the Commission to Promote Uniform Legislation to attend and participate in a full capacity in meetings hosted by the Uniform Law Commission, without any limitation on the number of participating commissioners, in furtherance of its goal of representing and promoting uniformity of legislation for the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

