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December 24, 2025

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura
Speaker and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Report of the Commission to Promote Uniform Legislation. Pursuant to section 26-7, Hawaii Revised Statutes (HRS), the Commission to Promote Uniform Legislation is placed within the Department of the Attorney General. In accordance with section 93-16, HRS, the report may be viewed electronically at <https://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

Anne E. Lopez

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Seth S. Colby, Ph.D., Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
Wendy F. Hensel, President, University of Hawaii

Enclosure

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**2025 REPORT OF THE
COMMISSION TO PROMOTE
UNIFORM LEGISLATION**

*Submitted to
The Thirty-Third State Legislature
Regular Session of 2026*

TO THE HONORABLE MEMBERS OF THE THIRTY-THIRD LEGISLATURE:

The Hawaii Commission to Promote Uniform Legislation (CPUL), the members of which are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, respectfully submits this 2025 Report.

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I. OVERVIEW OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS (NOW REFERRED TO AS THE UNIFORM LAW COMMISSION)

The Uniform Law Commission (or ULC), more formally known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Commissioners are appointed by their states to draft and promote enactment of uniform laws that are designed to solve problems common to all the states. Each jurisdiction determines the number of commissioners appointed and their method of appointment. Most jurisdictions provide for their commission by statute. The statutory authority governing Hawaii's commission is found in chapter 3 and section 26-7, Hawaii Revised Statutes (HRS).

There is only one fundamental requirement for the more than 300 uniform law commissioners: that, when first appointed, they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners,

judges, or law professors. Uniform law commissioners receive no salaries for their work with the ULC.

Uniform law commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing statutes in areas of the law where uniformity between the states is desirable. After receiving the ULC's seal of approval, a uniform act is officially promulgated for consideration by the states, and legislatures are urged to adopt it. The ULC can only propose laws; no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than fifty jurisdictions – and has done so with significant success.

The work of the ULC has been a valuable addition over time to the improvement of state law in a great many subject areas. Included in that work have been acts such as the UCC, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Interstate Family Support Act, the Uniform Controlled Substances Act, the Uniform Anatomical Gift Act, the Uniform Unclaimed Property Act, the Uniform Probate Code, and the Model State Administrative Procedure Act, acts that have been adopted uniformly by nearly all the states or that have been heavily utilized by most state legislatures. Even with acts that have not been uniformly adopted, the texts consistently contribute to the improvement of the law and have served as valuable references for the legislatures in their effort to improve the quality of state law.

The ULC maintains relationships with many other organizations. The American Bar Association provides advisors to ULC drafting committees and ULC study committees. The ULC also maintains a liaison with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the National Association of Attorneys General, the Conference of Chief Justices, and the National Center for State Courts, and other organizations.

II. HISTORY OF THE ULC

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey, and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the ULC. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commissioner in 1988.

Very early on, the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. Woodrow Wilson became a

member before his service as President of the United States. Several Justices of the Supreme Court of the United States were previously members: former Justices Brandeis, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound, and Bogert. Many more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 300 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

Most significant was the 1940 ULC decision to attack major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to draft and another 14 years before it was enacted across the country. It remains the signature product of the ULC.

Today the ULC is recognized for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law, among other areas.

The ULC arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

Each member jurisdiction determines the number of uniform law commissioners it appoints to the ULC, the terms of uniform law commissioners, and the individuals who are appointed from the legal profession of that jurisdiction. The ULC encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissioners, including race, ethnicity, and gender, in making appointments. The ULC does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

III. OPERATION OF THE ULC

A. Financial Support of the ULC and Donated Time of Commissioners

The ULC, as a state service organization, depends upon state appropriations for its continued operation. All states, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands are asked to contribute a specific amount, based on population, for the maintenance of the ULC. In addition, each state commission requests an amount to cover its travel to the ULC annual meeting.

The total requested contribution of all the states to the operation of the ULC is \$3,575,490 in fiscal year 2025-2026. The smallest state contribution is \$23,275 (for the U.S. Virgin Islands), and the largest is \$207,035 (for California and New York). Hawaii's contribution for fiscal year 2025-2026 is \$43,925, which represents a cost-effective investment for the citizens of Hawaii. Even a modest use of the work product of the ULC guarantees any state a substantial return on each dollar invested. The list of enactments of uniform acts, amendments to uniform acts, and revised uniform acts in Hawaii is in the table attached to this report as Appendix 1. Hawaii has received substantial and valuable services for its investment.

The annual budget of the ULC comes to \$5,162,850 for the current fiscal year (July 1, 2025, to June 30, 2026). Approximately thirty-five percent of this budget will be used to study and draft acts, including holding the ULC annual meeting where the acts are presented to the commissioner body for approval. Another thirty percent is spent assisting state legislatures with bill enactment and public education regarding Uniform and Model Acts. The remainder of the budget pays for general administrative costs, governance costs, and occupancy expenses.

The UCC is a joint venture between the ULC and the American Law Institute (ALI). In the 1940s, the Falk Foundation supported the UCC's original development. Proceeds from copyright licensing of UCC materials replenish the original funds. Whenever work on the UCC commences, a percentage of ULC and ALI costs are paid from endowment income.

Grants from foundations, including the Uniform Law Foundation, and the federal government are occasionally sought for specific educational and drafting efforts. All money received from any source is accepted with the understanding that the ULC's drafting work is completely autonomous. No source may dictate the contents of any act because of a financial contribution. By seeking grants for specific projects, the ULC expands the value of every state dollar invested in its work.

The ULC works efficiently for all the states because individual lawyers are willing to donate time to the uniform law movement, and because it is a genuine cooperative effort of all the states. The ULC seemed like a very good idea to its founders in 1892. They saw nearly insoluble problems resulting from the rapid growth of the United States against confusing patterns of inadequate state law.

The ULC permits the states to tap the skills and resources of the legal profession for very little cost. No Uniform Law Commissioner is paid for his or her services. Commissioners receive compensation only for actual expenses incurred. The ULC estimates that, on average, commissioners devote between 100 and 150 hours a year to ULC work. This donated time represents tens of thousands of hours of legal expertise cumulatively, such that it would cost millions of dollars to replicate with non-volunteer efforts. States would find it difficult and expensive to replicate the work of the ULC on their own, especially regarding highly complex subjects such as commercial law or the law of probate and estates.

Hawaii's participation, both in terms of appointing uniform law commissioners and contributing funds, is essential. Hawaii benefits from the excellent body of law created for its consideration. The ULC, and all the states, benefit from having Hawaii's direct contribution to the work of the ULC. Hawaii's ideas and experience influence the whole, and the uniform law process is not complete without them. Value contributed returns value, and everybody in every state benefits.

The ULC continues to be a very good idea. The states have chosen to maintain the ULC because it has been useful to their citizens and because it strengthens the states in the federal system of government. Different law in different states continues to be a problem. Either the states solve the problem, or the issues are removed to Congress. Without a state-sponsored, national institution like the ULC, more and more legislative activity would shift from the state capitals to Capitol Hill in Washington, D.C.

B. Procedures of the ULC and Creation of Uniform and Model Acts

The ULC is usually convened as a body once a year at its annual meeting, for a period of six or seven days in July. In the interim period between these annual meetings, drafting committees composed of commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act is generally considered over a period of two years. No act becomes officially recognized as a uniform act until the ULC is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

The procedures of the ULC ensure meticulous consideration of each uniform or model act. The ULC spends a minimum of two years on each draft. Sometimes, the drafting work extends much longer. The drafting work for such large-scale acts as the UCC, the Uniform Probate Code, and the Uniform Land Transactions Act took nearly a decade to complete. No single state has the resources necessary to duplicate this meticulous, careful non-partisan effort. Working together with pooled resources through the ULC, the states can produce and have produced the impressive body of state laws called the Uniform State Laws. Without the ULC, nothing like the existing body of uniform state laws would ever be available to the states.

The procedures for preparing an act are the result of long experience with the creation of legislation. The ULC maintains a standing committee called the Scope and Program Committee, which considers new subject areas of state law for potential uniform or model acts. That committee studies suggestions from many sources, including the organized bar, state government, and private persons. If the Scope and Program Committee believes that an idea for an act is worthy of consideration, it usually will recommend that a study committee be appointed. Study committees consider the need for and feasibility of drafting and enacting uniform or model legislation in an area and report back to the Scope and Program Committee. Recommendations from the Scope and Program Committee go to the ULC Executive Committee, which makes the

final decisions as to whether to further study a proposal or undertake a drafting project.

Once a subject receives approval for drafting, a drafting committee is selected, and a budget is established for the committee work. Almost all drafting committees have a reporter, and some committees are assisted by two reporters.

Advisors and participating observers are solicited to assist every drafting committee. The American Bar Association appoints official advisors for every committee. Participating observers may come from state government, from organizations with interests and expertise in a subject, and from the ranks of recognized experts in a subject. Advisors and participating observers are invited to attend drafting committee meetings and to contribute comments throughout the drafting process. Advisors and observers do not make decisions with respect to the final contents of an act. Only ULC members who compose the drafting committee may participate in any necessary votes.

At each annual meeting during its working life, each drafting committee must present its work to the whole body of the ULC at the ULC's annual meeting. The most current draft is read and debated. The entire text of each working draft is read aloud -- a reading of a proposed uniform law is not by title only but is considered section by section either by section title or word for word -- and debated during proceedings of the committee of the whole. This scrutiny continues from annual meeting to annual meeting until a final draft satisfies the whole body of the commissioners. Except in extraordinary circumstances, no act is promulgated without at least two years' consideration, meaning every act receives at least one interim reading at an annual meeting and a final reading at a subsequent annual meeting. A draft becomes an official act by a majority vote of the states (one vote to each state). The vote by states completes the drafting work, and the act is ready for consideration by the state legislatures.

The cost of this process to the states is in travel expenses, paper and publication costs, and meeting costs. Nearly all the services are donated, thereby eliminating the single greatest cost factor. For the states, with their necessary cost consciousness, the system has extraordinary value.

The 2025 ULC annual meeting was held in Santa Fe, New Mexico in July 2025. The 2026 ULC annual meeting will be held in Chicago, Illinois. The ULC encourages all its commissioners to attend all meetings, but that is often subject to available funding.

C. Administration of the ULC

The governing body of the ULC is the ULC Executive Committee, which is composed of the officers, certain ex officio members, and members appointed by the President of the ULC. Certain activities are conducted by standing committees. As mentioned above, the Committee on Scope and Program considers all new subject areas for possible uniform acts. The Legislative Committee superintends the

relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office provides support for drafting and legislative efforts and handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC has consciously limited its staff to prevent accrual of needless administrative costs. The small staff provides support for drafting and legislative efforts. In addition, the ULC contracts for professional services to aid in the drafting effort. These professional reporters are engaged at very modest honoraria to work with drafting committees on specific acts. Most often they are law professors with specific expertise in the area of law addressed in the act they draft. The ULC has established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

The ULC works efficiently for all the states because individual lawyers are willing to donate time to the uniform law movement, and because it is a genuine cooperative effort of all the states. The ULC's founders in 1892 saw it as the solution to otherwise insoluble problems resulting from the rapid growth of the United States against confusing patterns of inadequate state law.

IV. THE HAWAII COMMISSIONERS

A. Membership of the Hawaii Commission to Promote Uniform Legislation

The Hawaii CPUL was originally created by law in 1911 (See, sections 3-1 and 3-2, HRS). The CPUL is placed within the State Department of the Attorney General and, pursuant to section 26-7, HRS, is advisory to the Attorney General and to the Legislature on matters relating to the promotion of uniform legislation. Pursuant to sections 3-1 and 26-7, HRS, the CPUL consists of five members, who are appointed by the Governor, with the advice and consent of the Senate, for staggered terms of four years and until their successors are appointed and qualified. The ULC Constitution requires that each commissioner be a member of the bar. A deputy attorney general is assigned by the Attorney General to provide technical assistance to the CPUL, as necessary, and is recognized by the ULC as a member of Hawaii's delegation to the ULC, although not an appointed member of the CPUL. Additionally, although they are no longer voting members of the CPUL, some former CPUL commissioners who have achieved Life Member status of the ULC continue to provide valuable assistance to the CPUL.

The CPUL commissioners meet regularly, at least twice a year, to discuss promoting uniform legislation in Hawaii. During each legislative session, the commissioners review all bills pertaining to uniform acts, prepare testimony and correspondence on those bills, testify in House and Senate committees, and make themselves available to legislators to answer any questions about uniform acts.

Those commissioners who attend the ULC annual meetings meet with other ULC commissioners for several days to consider proposed uniform laws and vote on final drafts of those laws.

The CPUL commissioners during 2024-2025 were as follows:

- (1) Lani L. Ewart;
- (2) Peter Hamasaki;
- (3) Blake Oshiro; and
- (4) Michael Tanoue.

The membership of the CPUL for 2024-2025 changed due to the retirement of Commissioner Elizabeth Kent. The remainder of her term, which expires on June 30, 2026, needs to be filled by an appointment of the Governor with the advice and consent of the Senate.

Former Commissioners Elizabeth Kent, Ken Takayama, and Robert S. Toyofuku continue to actively participate in ULC activities as ULC Life Members. Upon recommendation of the ULC Executive Committee and by the affirmative vote of two-thirds of the commissioners present at an annual meeting, they were elected as ULC Life Members with the privilege to participate in ULC activities. Deputy Attorney General Jill T. Nagamine of the Legislative Division was assigned in November 2020 by the Attorney General to provide staff support for the commissioners. Other members of the Legislative Division provide additional support.

In addition to the CPUL commissioners' participation in the ULC by reviewing and voting on proposed uniform acts, from time to time the CPUL commissioners serve on various ULC committees. The ULC President appoints committees to investigate, study, and, if desirable, draft and review proposed uniform and model acts on subjects designated by the Executive Committee. Committee appointments are selectively made -- not all members of the ULC have the privilege of serving on a committee. The commissioners are assigned committees and contribute to the work relating to various uniform act committees as follows:

B. Activities of the CPUL Commissioners

LANI L. EWART

In 2024-2025, Commissioner Ewart, who is also a Life Member of the ULC, served as the Chair of the CPUL. By means of interactive conference technology, she attended informal meetings of the drafting committees on uniform acts up for discussion and vote during the 2025 ULC annual meeting. She also represented the Hawaii commission at the 2025 ULC annual meeting in Santa Fe, New Mexico.

Chair Ewart reviewed the bills submitted during the 2025 legislative session with provisions relating to the Uniform Child Custody Jurisdiction and Enforcement Act,

Uniform Parentage Act, Uniform Health-Care Decisions Act, and Uniform Custodial Trust Act and the testimony of commissioners and life members in connection with those bills. In addition, she followed up with comments regarding various uniform laws and the questions raised during the legislative hearings by commissioners and from interested persons.

PETER J. HAMASAKI

During the 2025 Hawaii legislative session, Commissioner Hamasaki provided testimony to several legislative committees on ULC related matters, including House Bill No. 1004 and Senate Bill No. 1323, Relating to Health Care, companion bills based on the 2023 update of the Uniform Health Care Decisions Act.

Prior to the 2025 ULC annual meeting, Commissioner Hamasaki attended ULC Informal Listening Sessions on several ULC draft acts and remotely monitored annual meeting sessions on the draft Conflict of Law in Trusts and Estates Act, the draft Occupational Licenses of Servicemembers and Military Spouses Act, and the draft Commercial Financing Disclosure Act.

Commissioner Hamasaki also served as a member of the ULC Study Committee on Deed Fraud, and attended multiple meetings of the study committee during 2025.

BLAKE OSHIRO

Commissioner Oshiro serves as the Vice-Chair of the CPUL. In 2025, Commissioner Oshiro was appointed to the ULC's Child Digital Entertainers Act drafting committee which is tasked with drafting a proposed uniform law to address situations where minors who are compensated for social media and digital platform content will have a set amount of funds set aside in a trust that will be held for them until they reach the age of majority. The drafting committee has met several times and conducted its official first reading of the draft act at the ULC 2025 annual meeting. More meetings and drafting will continue so that the proposed uniform law will be up for final reading at the ULC 2026 annual meeting in Chicago.

While he previously served on the ULC's Stakeholder Outreach Committee, that work has subsided so that Commissioner Oshiro's primary focus has been on the Child Digital Entertainment Act drafting committee.

He attended by means of interactive conference technology a Hawaii Legislative Planning Session. He also helped testify and lobby for the bills identified by the CPUL as priority issues for the 2025 legislative session, including Senate Bill No. 1231, the Uniform Parentage Act, enacted as Act 298, Session Laws of Hawaii 2025, working in collaboration with Life Member Elizabeth Kent.

In 2026, he will continue to serve on the Child Digital Entertainers Act drafting committee and will continue to assist with lobbying efforts at the Hawaii State

Legislature on bills that have been identified as priorities by the CPUL, including the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, again in collaboration with Life Member Elizabeth Kent.

MICHAEL TANOUE

Commissioner Tanoue was unable to attend in person the ULC annual meeting in Santa Fe, New Mexico held in July 2025. However, he attended several sessions virtually, including the consideration of the Uniform Assignment for Benefit of Creditors Act, the Uniform Judicial Interview of Children Act, and the Model State Uniform Law Commission Act.

Commissioner Tanoue continues to serve on a Working Group organized by Rep. David Tarnas that is charged with reviewing the Guardianship, Conservatorship, and Other Protective Arrangements Act. He also reviewed and tracked the progress of several bills in the 2025 Regular Session of the Hawaii Legislature. Specifically, he worked with the Uniform Law Commission to monitor Senate Bill No. 31, dealing with discriminatory restrictive covenants in real property agreements, and attempted to convince the Hawaii Legislature to adopt the Uniform Restrictions in Land Records Act or provisions from that Uniform Law. Commissioner Tanoue also discussed the Uniform Consumer Debt Default Judgments Act with a stakeholder representative in Hawaii.

C. Activities of the Former CPUL Commissioners who are ULC Life Members

Elizabeth Kent, Ken H. Takayama, and Robert S. Toyofuku are former CPUL Commissioners, who each served sufficient time to be granted Life Member status by the ULC. While no longer voting members of the CPUL, each of them continues to support the mission of the CPUL, and each offers assistance in one form or another.

Life Member Kent worked diligently in 2025 in support of Senate Bill No. 1231, the Uniform Parentage Act, which passed and was signed into law as Act 298, Session Laws of Hawaii 2025. She participated in a working group on guardianship and worked on responses to bills that address mediation in paternity and divorce cases in which there is alleged domestic violence. She is also working on a bill that may be introduced in 2026 that would be based on the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

Life Member Takayama has downsized his activities but remains a strong supporter of the CPUL. He has developed strong relationships with some legislators and contributes by contacting legislators about bills relating to uniform laws. He continues to participate in meetings when he can, and he often has suggestions to improve the CPUL's advocacy.

Life Member Toyofuku continues to serve as a member of the ULC's Legislative Council, which is a standing committee to encourage the development of legislative programs in each state to accomplish the introduction and passage of bills to enact

uniform and model acts of the ULC. He participates in monthly Zoom calls as a member of the ULC Legislative Council. Life Member Toyofuku is responsible for overseeing the legislative activities in the states in Region 5 (California, Hawaii, Nevada, and Arizona) and for working with the liaisons from each of those states. In 2025, he attended two in-person meetings in Chicago, as well as the 2025 ULC annual meeting in Santa Fe, New Mexico, at which he moderated a legislative lunch. His activities help keep Hawaii actively involved in the work of the ULC. He also monitors legislation each year at the Hawaii Legislature.

V. UNIFORM ACTS ENACTED IN HAWAII

The State of Hawaii has supported the ULC not only by encouraging its commissioners to actively participate in the ULC but also by enacting some of the uniform acts adopted by the ULC. However, as with other statutes, the process of review and amendment of uniform acts is an ongoing, never-ending process that responds to changing circumstances and needs of our society.

Each year the CPUL has many bills to review and monitor. As with other bills, usually only a small percentage of introduced bills pass, but while they are progressing, the CPUL must keep track of them and provide testimony or other information as appropriate.

A. Uniform Acts Introduced for Enactment in 2025

During the regular session of 2025, there were many bills that had possible connections to uniform acts, and the CPUL had to review those bills for possible issues and monitor their activity to determine if action was necessary. The following bills were among those they reviewed:

House Bills introduced in 2025:

House Bill No. 130, Relating to Fees for Public Records under Chapter 92F (concerned the Uniform Information Practices Act)

House Bill No. 611, Relating to Assisted Reproduction (concerned issues related to surrogacy and the Uniform Parentage Act)

House Bill No. 615, Relating to Health Care (included jurisdiction issues under the Uniform Child-Custody Jurisdiction and Enforcement Act)

House Bill No. 648, Relating to Guardianship and Conservatorship Practices (related to the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act, and was a result of a working group of that name.

Enacted as Act 208, but only as a working group)

House Bill No. 1004, Relating to Health Care (concerned the Uniform Health Care Decisions Act)

House Bill No. 1132, Relating to Critical Infrastructure (included issues from the Uniform Information Practices Act)

House Bill No. 1193, Relating to Parentage (updated the Uniform Parentage Act)

House Bill No. 1283, Relating to Family (included issues related to mediation in paternity proceedings where there are allegations of domestic abuse)

Senate Bills introduced in 2025:

Senate Bill No. 348, Relating to the Uniform Antitrust Pre-Merger Notification Act

Senate Bill No. 786, Relating to Government Records (concerned the Uniform Information Practices Act)

Senate Bill No. 788, Relating to Guardianship and Conservatorship Practices (related to the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act, and was a result of a working group of that name)

Senate Bill No. 863, Relating to Fees for Public Records under Chapter 92F (concerned the Uniform Information Practices Act)

Senate Bill No. 1150, Relating to Health Care (included jurisdiction issues under the Uniform Child-Custody Jurisdiction and Enforcement Act)

Senate Bill No. 1151, Relating to Assisted Reproduction (concerned issues related to surrogacy and the Uniform Parentage Act)

Senate Bill No. 1231, Relating to Parentage (updated the Uniform Parentage Act; Enacted as Act 298)

Senate Bill No. 1255, Relating to Government Records (concerned the Uniform Information Practices Act)

Senate Bill No. 1323, Relating to Health Care (concerned the Uniform Health Care Decisions Act)

Senate Bill No. 1451, Relating to Critical Infrastructure (included issues from the Uniform Information Practices Act)

Senate Bill No. 1520, Relating to Family (included issues related to mediation in paternity proceedings where there are allegations of domestic abuse)

Additionally, there were many bills that would have amended the Uniform Controlled Substances Act, and while the CPUL reviews those bills each year, those bills tend to be housekeeping bills to update Hawaii's laws consistent with federal laws, so the CPUL does not typically take an active role in those.

Of the many bills that the CPUL monitored during the 2025 session, two were passed by the Legislature and enacted by the Governor: House Bill No. 648, Relating to Guardianship and Conservatorship Practices (Act 208), and Senate Bill No. 1231, Relating to Parentage (Act 298). CPUL actively supported both of these bills by providing testimony.

B. Uniform Acts Enacted in Hawaii

Attached as Appendix 1 to this report is a table listing the ninety-one original, amended, or revised uniform acts enacted in Hawaii, as a whole, in a substantially similar version, or in a modified version. The table also lists the references to the HRS where the uniform acts or their similar or modified versions may be found. Some of the listed uniform acts, such as the Uniform Criminal Extradition Act, have been superseded

by other uniform acts adopted by the ULC after enactment in Hawaii. A review of the superseding uniform acts should be done on an ongoing basis for the eventual updating of the HRS by enactment of the superseding uniform acts.

VI. A SUMMARY OF NEW UNIFORM ACTS

During the 2025 ULC annual meeting, the ULC considered and adopted three new uniform acts or amendments to existing acts. These acts are briefly described below, based on summaries prepared by the ULC. A longer, more detailed summary is attached to this report as Appendix 2.

A. Uniform Assignment for Benefit of Creditors Act

An assignment for benefit of creditors (ABC) is a voluntary, debtor-initiated state law alternative to the bankruptcy process, state receiverships and voluntary workouts. An assignment is a liquidation procedure in which the "assignor" voluntarily assigns all of its assets to an "assignee," a fiduciary, which liquidates the assets and distributes the proceeds to the assignor's creditors. The assignment operates through the creation of a fiduciary relationship with the assignor's creditors as the beneficiaries. The Uniform Assignment for Benefit of Creditors Act is intended to provide greater clarity and consistency to the assignment process. The Act provides for a streamlined assignment process, allowing states to modernize their assignment statutes and codify aspects of common law. It sets out a straightforward process for commencing and completing an assignment and provides a scheme for distributions to the assignor's creditors. It lays out the duties and powers of the assignor and assignee, a process for allowing and disputing claims, and limitations on liability for the assignor and assignee.

B. Uniform Judicial Interview of Children Act

Existing laws in many states permit judges in certain private civil proceedings to interview children outside of open court to ascertain the child's views. The laws in most states, however, do not provide a comprehensive framework for conducting judicial interviews of children. The Uniform Judicial Interview of Children Act provides procedures and standards relating to such interviews in proceedings regarding child custody, visitation, parenting time, relocation, other custodial rights, and some other ancillary private matters. The Act balances two compelling, but sometimes competing, interests: protecting a child when that child's views are solicited by a judicial officer and protecting the due process rights of the parties. Under the Act, when a court is conducting a judicial interview, the court must assess the child's maturity and ability to communicate and express views free of parental influence. This Act includes provisions that ensure that a party's due process rights are respected when a child communicates information that impacts a party's fundamental rights. Judicial interviews under this Act provide the child with an effective opportunity to be heard while protecting the due process rights of other parties. While this Act was drafted as a statute, a state may choose to pursue adoption of the Act as a court rule.

C. Model State Uniform Law Commission Act

In 1944, the ULC adopted a model act to help states establish commissions on uniform state laws and appoint commissioners. This 1944 Act was adopted in 17 states, with 48 states now having some statute for appointing commissioners. Since then, changes in state government structure, legislative drafting practices, and updates to the ULC Constitution have prompted the need for a modernized version. The new Model State Uniform Law Commission Act updates and expands on the 1944 Act while keeping its core structure, which includes: establishing a state commission; appointment of commissioners; outlining duties of the commission; funding and reimbursement provisions; and requiring reports on the commission's work. The Model Act is not intended for universal adoption. It is meant for states lacking such legislation or where existing laws are outdated. States with existing laws may also choose to only enact certain sections of the Act to modernize provisions in the existing appointment statute or to expand the size of the state delegation.

Further information on the ULC and copies of the approved final drafts of the uniform acts can be found at its website, <http://uniformlaws.org/>.

VII. RECOMMENDATIONS FOR ENACTMENT IN 2026

The Hawaii CPUL annually selects uniform acts that have not yet been enacted in Hawaii and recommends the enactment of those selected uniform acts. However, the CPUL's selection is based in part on practical and logistical considerations and the number of uniform acts recommended for enactment in any legislative session is not intended to imply that other uniform acts should not be considered. As it does every year, the CPUL stands ready to provide information and support on any uniform act that the Legislature may have before it for consideration.

At its November 2025 meeting, the CPUL discussed the possibility that the following may be introduced during the regular session of 2026, in whole or in part:

The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act;
The Uniform Restrictive Covenants in Deeds Act;
The Uniform Antitrust Pre-Merger Notification Act; and
The Uniform Health Care Decisions Act.

The CPUL is not planning the introduction of any other uniform acts in the 2026 regular session but will monitor any legislation that is based on uniform acts.

VIII. CONCLUSION

The Hawaii CPUL offers its assistance in obtaining information or advice regarding the uniform acts recommended for consideration, or any other uniform act adopted by the ULC. The CPUL wishes to express its appreciation for the interest in and support of the CPUL's efforts to promote uniform legislation that have been

received from the Governor, the Attorney General, and the Legislature.

Respectfully submitted,

COMMISSION TO PROMOTE UNIFORM
LEGISLATION

By: Lani L. Ewart
LANI L. EWART
Chair

APPENDIX 1

TABLE OF UNIFORM ACTS ENACTED IN HAWAII

<u>ACT (Date of ULC Adoption or Amendment)</u>	<u>HAWAII REVISED STATUTES</u>
1. Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	Chapter 551G
2. Uniform Anatomical Gift Act (1968)(1987)(2008)	Part I, Chapter 327
3. Uniform Arbitration Act (1956)(2000)	Chapter 658A
4. Uniform Athlete Agents Act (2000)	Chapter 481E (Repealed 2019)
5. Uniform Athlete Agents Act (Revised)	Chapter 481Z
6. Uniform Attendance of Out of State Witnesses Act (1931)(1936)	Chapter 836
7. Uniform Certificate of Title for Vessels Act	Chapter 200A
8. Uniform Child Custody Jurisdiction Act (1968)	Chapter 583 (Repealed 2002)
9. Uniform Child-Custody Jurisdiction and Enforcement Act (1997)	Chapter 583A
10. Uniform Collaborative Law Act	Chapter 658G
11. Uniform Commercial Code (1951)(1957) (1962)(1966) (and Revised Articles)	Chapter 490
12. Uniform Commercial Code Article 1 – General Provisions (2001)(2022)	Article 1, Chapter 490
13. Uniform Commercial Code Article 2A -- Leases (1987)(1990)(2022)	Article 2A, Chapter 490
14. Uniform Commercial Code Article 3 -- Negotiable Instruments (1990)(2022)	Article 3, Chapter 490

15.	Uniform Commercial Code Article 4 -- Bank Deposits and Collections (1990)	Article 4, Chapter 490
16.	Uniform Commercial Code Article 4A -- Funds Transfer (1989)(2012)(2022)	Article 4A, Chapter 490
17.	Uniform Commercial Code Article 5 -- Letters of Credit (1995)(2022)	Article 5, Chapter 490
18.	Uniform Commercial Code Article 6 -- Bulk Sales (1989)	Article 6, Chapter 490 (Repealed 1998)
19.	Uniform Commercial Code Article 7 -- Documents of Title (2003)(2022)	Article 7, Chapter 490
20.	Uniform Commercial Code Article 8 -- Investment Securities (1977)(1994)(2022)	Article 8, Chapter 490
21.	Uniform Commercial Code Article 9 -- Secured Transactions (1972)(1999) (2010)(2022)	Article 9, Chapter 490
22.	Uniform Commercial Code Article 12 -- Controllable Electronic Records (2022)	Article 12, Chapter 490
23.	Uniform Commercial Code Article 13 -- Transitional Provisions for Uniform Commercial Code Amendments (2022)	Article 13, Chapter 490
24.	Uniform Common Trust Fund Act (1938)(1952)	Chapter 406
25.	Uniform Controlled Substances Act (1970)(1973)	Chapter 329 (Substantially similar)
26.	Uniform Criminal Extradition Act (Superseded 1980)	Chapter 832
27.	Uniform Custodial Trust Act (1987)	Chapter 554B
28.	Uniform Deceptive Trade Practices Act (1964)(1966)	Chapter 481A
29.	Uniform Determination of Death Act (1978)(1980)	Section 327C-1 (Substantially similar definition)

30.	Uniform Disclaimer of Property Interests Act (1999)	Chapter 526
31.	Uniform Disposition of Community Property Rights at Death Act (1971)	Chapter 510
32.	Uniform Division of Income for Tax Purposes Act (1957)	Part II, Chapter 235
33.	Uniform Durable Power of Attorney Act (1979)(1987)	Chapter 551D
34.	Uniform Electronic Legal Material Act	Chapter 98
35.	Uniform Electronic Transactions Act (1999)	Chapter 489E
36.	Uniform Employee and Student Online Privacy Protection Act (2016)	Chapter 487G
37.	Uniform Enforcement of Foreign Judgments Act (1948)(1964)	Chapter 636C
38.	Uniform Environmental Covenants Act	Chapter 508C
39.	Uniform Rules of Evidence Act (1953)(1974)(1986)(1988)	Chapter 626
40.	Uniform Faithful Presidential Electors Act (2010)	Chapter 14
41.	Uniform Family Law Arbitration Act	Chapter 658J
42.	Uniform Fiduciaries Act (1922)	Chapter 556
43.	Uniform Fiduciary Access to Digital Assets Act	Chapter 556A
44.	Uniform Foreign-Country Money Judgments Recognition Act (2005)	Chapter 658F
45.	Uniform Foreign-Money Claims (1989)	Chapter 658B
46.	Uniform Foreign Money Judgments Recognition Act (1962)	Chapter 658C (Repealed 2009)

47.	Uniform Fraudulent Transfer Act (1984)	Chapter 651C
48.	Uniform Guardianship and Protective Proceedings Act (1997)	Parts 1-4, Article V, Chapter 560
49.	Uniform Health-Care Decisions Act (Modified)	Chapter 327E
50.	Uniform Information Practices Code (1980)	Chapter 92F (Substantially similar)
51.	Uniform Interstate Depositions and Discovery Act	Chapter 624D
52.	Uniform Interstate Family Support Act (1992)(1996)(2015)	Chapter 576B
53.	Uniform Jury Selection and Service Act (1970)(1971)	Part I, Chapter 612 (Substantially similar)
54.	Uniform Limited Liability Company Act (1995) (1996)	Chapter 428
55.	Uniform Limited Partnership Act (1976)(1983)(1985)	Chapter 425D (Repealed, effective July 1, 2004)
56.	Uniform Limited Partnership Act (2001)	Chapter 425E (Effective on July 1, 2004)
57.	Uniform Management of Institutional Funds Act (1972)	Chapter 517D
58.	Uniform Mediation Act (2013) (2014)	Chapter 658H
59.	Uniform Military and Overseas Voters Act	Chapter 15D
60.	Uniform Notarial Acts Act (2010)(2018)	Chapter 456
61.	Uniform Parentage Act (1973)	Chapter 584 (Repealed 2025)
62.	Uniform Parentage Act (2017)	Chapter 584A

63.	Uniform Partition of Heirs Property Act	Chapter 668A
64.	Uniform Partnership Act (1914)(1997)	Part IV, Chapter 425
65.	Uniform Photographic Copies as Evidence Act (1949)	Section 626-1, Rules 1001 to 1008
66.	Uniform Power of Attorney Act (2014)	Chapter 551E
67.	Uniform Premarital Agreement Act (1983)	Chapter 572D
68.	Uniform Principal and Income Act (1997)(2000)	Chapter 557A
69.	Uniform Probate Code (1969)(1975)(1982)(1989)(1990)(1991) (1997)(1998)(2003)(2008)(2010)(2019)	Chapter 560
70.	Model Protection of Charitable Assets Act (2014)	Chapter 28
71.	Uniform Prudent Investor Act (1994)	Chapter 554C
72.	Uniform Prudent Management of Institutional Funds Act (2006)	Chapter 517E
73.	Uniform Public Expression Protection Act (2020)	Chapter 634G
74.	Uniform Real Property Electronic Recording Act (2004) (2005)	Part XII, Chapter 502
75.	Uniform Real Property Transfer on Death Act (2009)	Chapter 527
76.	Uniform Reciprocal Enforcement of Support Act (1950)(1958)(1968)	Chapter 576 (Repealed 1997)
77.	Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act	Chapter 586C
78.	Model Registered Agents Act (2006)	Chapter 425R

79.	Uniform Rendition of Accused Persons (Superseded 1980)	Chapter 833
80.	Uniform Residential Landlord and Tenant Act (1972)	Chapter 521
81.	Uniform Securities Act (1956)(1958)(Superseded 1985)	Chapter 485
82.	Uniform Status of Convicted Persons Act (1964)	Chapter 831
83.	Uniform Statutory Rule Against Perpetuities Act (1986)(1990)	Chapter 525
84.	Uniform Testamentary Additions to Trusts Act (1960)(1961) (Uniform Probate Code § 2-511 (1991))	Chapter 560:2-511
85.	Uniform Trade Secrets Act (1979)(1985)	Chapter 482B
86.	Uniform Transfer-on-Death (TOD) Security Registration Act (1998)	Chapter 539
87.	Uniform Transfers to Minors Act (1983)(1986)	Chapter 553A
88.	Uniform Trustees' Powers Act (1964)	Chapter 554A
89.	Uniform Trust Code (2000)	Chapter 554D
90.	Uniform Unclaimed Property Act (1981)(1995)	Part I, Chapter 523A
91.	Uniform Unincorporated Nonprofit Association Act (1992)(1996)	Chapter 429

APPENDIX 2

UNIFORM LAW COMMISSION New Acts 2025: Summaries

UNIFORM ASSIGNMENT FOR BENEFIT OF CREDITORS ACT

The Uniform Assignment for Benefit of Creditors Act provides for the use of an assignment for benefit of creditors (an "ABC"), which is an efficient and flexible state law mechanism to wind up a distressed business.

Although the use of an ABC to liquidate the assets of a failing business is rooted in the common law, only a few states have additional and detailed laws outlining the procedures for carrying out an ABC. This inconsistency leads to significant variance throughout the country in the utility of ABCs and the frequency with which ABCs are used. The Act addresses this gap in the law by cementing the common law in statute and providing thoughtful updates that modernize the law and provide clarity to assignors, assignees, and creditors alike.

In an ABC, a financially distressed business, an assignor, transfers control of its assets to an assignee, who acts as a fiduciary for the business's creditors. The assignee sells the business's assets and distributes the proceeds to the business's creditors. These proceeds go towards payment of the creditors' claims against the assignor.

The Act creates a state law alternative to other procedures available to the assignor for winding up its business and provides benefits that are not available through a federal bankruptcy case or a state or federal law receivership. In many cases, an ABC will be more flexible, quicker, and less costly than the other alternatives. An ABC is an improvement upon these alternatives in five significant ways: (1) it is debtor-initiated; (2) the ABC does not require judicial supervision; (3) it provides assurances to creditors by imposing fiduciary duties upon the assignee; (4) it aims to maximize the value of the business's assets for the benefit of all creditors; and (5) it encourages cooperation between the distressed business and the creditors by aligning these parties' goals.

The Act's roadmap for ABCs clearly establishes:

- (1) The persons eligible to be assignors and the qualifications for assignees;
- (2) The relationship between an ABC under the Act and existing federal and state statutes, including the Bankruptcy Code;
- (3) The contents of the assignment agreement;
- (4) The effect of an ABC on the assignor's property interests and the procedure for conveying those assets to the assignee;
- (5) Procedures for notifying creditors of the ABC, procedures for a creditor to opt out, and the implications of the opt-out decision;

- (6) Duties and powers of the assignor and assignee, including limitations on liability;
- (7) A process for allowing and disputing claims;
- (8) The degree of court supervision, which is not mandatory under the Act;
- (9) A waterfall for the distribution of proceeds to secured and unsecured creditors and payment of expenses incurred by the assignee;
- (10) Procedures for winding up the assignment estate; and
- (11) The extent of recognition of out-of-state transactions and appointment of an ancillary assignee for administration of out-of-state assets.

The Act also provides for the enacting state to select the appropriate court in the state to hear disputes that arise out of an ABC under the Act.

The Act brings clarity, consistency, and uniformity to the ABC process, with the intent of making ABCs a robust tool for debtors throughout the country. It should be considered for enactment in all states and territories, including those that already have a statute addressing some aspects of an ABC.

UNIFORM JUDICIAL INTERVIEW OF CHILDREN ACT

Many states' laws allow judges in certain private civil proceedings to interview children outside of open court to ascertain the child's views on relevant matters. Very few of these state laws, however, provide meaningful guidance for how to conduct such judicial interviews. The Uniform Judicial Interview of Children Act (the "Act") fills this gap by establishing comprehensive procedures and standards relating to judicial interviews of children in proceedings regarding child custody, visitation, parenting time, relocation, other custodial rights, and some other ancillary private matters.

The Act balances two compelling but sometimes conflicting interests: protecting a child when that child's views are elicited by a judicial officer and protecting the due process rights of the parties. The relatively free-ranging conversation that may result from a judicial interview enhances the potential that contested factual information may surface during an interview. To protect parties' due process rights and the opportunity for meaningful review by appellate courts, the Act requires the court to make an interview record of all judicial interviews, which may be a verbatim recording or transcription of the interview. The Act presents two approaches to determine when the parties may access the interview record, both of which are structured to protect the due process rights of the parties. By offering two alternatives, the Act provides flexibility to an enacting state to choose the approach most appropriate for that state.

The Act defines "judicial interview" to make it clear that the purpose of the interview is to elicit the child's views. The definition also clarifies that the child's communication in the interview is not made under oath and does not constitute testimony. While some states blur the distinction between children's testimony and children's communications in a judicial interview, the Act clearly distinguishes between the two processes.

Under the Act, judicial officers retain discretion to use other means of eliciting a child's views in a covered proceeding. However, the Act applies only to judicial interviews conducted by judicial officers who are subject to judicial ethics rules and standards. It does not cover situations where a judicial officer refers a case to a third person, such as a mental health professional. It also does not cover those jurisdictions in which cases are routinely referred to an independent office or court-annexed office to conduct an interview.

Importantly, the Act does not prescribe the weight to be given to a child's communications during a judicial interview, leaving that question to other law. Rather than setting forth substantive guidelines, the Act establishes a procedural framework designed to protect children's well-being and the due process interests of parties.

The Act expressly excludes from its scope proceedings under a state's child welfare and juvenile delinquency statutes. While this Act may be a helpful resource for judges when conducting judicial interviews in those cases, it is not designed to accommodate the specialized legal framework applicable to the child welfare context. Similarly, proceedings within the juvenile justice system entail unique constitutional concerns and are governed by a separate legal structure.

The Uniform Judicial Interview of Children Act provides a comprehensive procedural framework for conducting judicial interviews of children. The Act was drafted for adoption by legislative enactment, but a state may choose to adopt the Act as a court rule if that approach is preferable.

MODEL STATE UNIFORM LAW COMMISSION ACT

In 1944, the Uniform Law Commission adopted an act titled "To Provide for the Creation of a Commission on Uniform State Laws, the Appointment of Commissioners Thereto, and Making an Appropriation for Same" ("1944 Act"). Internal ULC data indicates that the 1944 Model Act was adopted in 17 states, with many of these states amending their original enactment over time. Additionally, research indicates that 48 states have some statutory provision appointing commissioners to a state commission on uniform state laws.

Since 1944, there have been changes to the organization of state governments, including state legislatures, and to methods of legislative drafting, both in the states and the ULC. Additionally, the ULC's Constitution has undergone recent changes related to the status of certain commissioners. These changes, combined with the ULC's need for an act relating to the establishment of state uniform law commissions and the appointment of commissioners, have resulted in the creation of this updated model act, the [Model State] Uniform Law Commission Act ("the Act").

The Act is based largely on the structure of the 1944 Act, incorporating the basic framework of (1) establishing a state uniform law commission, (2) providing for

appointments to the state commission, (3) imposing certain duties on commissioners and the state commission, (4) providing for the payment of dues and reimbursement of expenses for commissioners, and (5) requiring a report on the state commission's work.

While the Act adopts the structure of the 1944 Act, the Act incorporates new concepts, including (1) updating the Act to be consistent with the ULC's Constitution, specifically the inclusion on the state commission of individuals from legislative drafting offices and individuals elected by the ULC to life membership, (2) borrowing concepts found in similar laws, such as providing for the selection of a specific government agency to provide administrative support for the state commission, including payment of dues and reimbursement for commissioner expenses, (3) including provisions for not only gubernatorial appointments but also provisions providing for commissioners appointed by the leader of each chamber of a state legislature, and (4) updating the language and structure of the Act to comply with the ULC's Drafting Rules and Style Manual.

The Act is intended to provide a modern statement from the ULC on how to establish and manage an efficient and effective state commission. However, the Act is not intended for universal adoption. It is meant for states lacking such legislation or where existing laws are outdated. States with existing laws may also choose to only enact certain sections of the Act to modernize provisions in the existing appointment statute or to expand the size of the state delegation.