
A BILL FOR AN ACT

RELATING TO UNIFORM STATE LAWS.

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

1 SECTION 1. In 1889, the New York Bar Association appointed
2 a special committee on uniformity of laws. In the next year,
3 the New York legislature authorized the appointment of
4 commissioners "to examine certain subjects of national
5 importance that seemed to show conflict among the laws of the
6 several commonwealths, to ascertain the best means to effect an
7 assimilation or uniformity in the laws of the states, and
8 especially whether it would be advisable for the State of New
9 York to invite the other states of the Union to send
10 representatives to a convention to draft uniform laws to be
11 submitted for approval and adoption by the several states." In
12 that same year, the American Bar Association passed a resolution
13 recommending that each state provide for commissioners to confer
14 with the commissioners of other states on the subject of
15 uniformity of legislation on certain subjects. In August 1892,
16 the first National Conference of Commissioners on Uniform State
17 Laws (commonly referred to as the "NCCUSL", the "Uniform Law
18 Commissioners") convened in Saratoga, New York, three days



1 preceding the annual meeting of the American Bar Association.
2 By 1912, every state was participating in the Conference. As it
3 has developed, the Conference is a confederation of state
4 interests. It arose out of the concerns of state governments
5 for the improvement of the law and for better interstate
6 relationships. Its sole purpose has been, and remains, service
7 to state governments and improvement of state law.

8 As a state service organization, the National Conference of
9 Commissioners on Uniform State Laws depends upon state
10 appropriations for its continued operation. All states, the
11 District of Columbia, Puerto Rico, and the U.S. Virgin Islands
12 are asked to contribute a specific amount, based on population,
13 for the maintenance of the Conference. In addition, each state
14 commission requests an amount to cover its travel to the
15 Conference's annual meeting.

16 The National Conference of Commissioners on Uniform State
17 Laws is a unique institution created to consider state law and
18 to determine in which areas of the law uniformity is important.
19 The work of the Conference has been a valuable addition over
20 time to the improvement of state law in a great many subject
21 areas. Included in that work have been acts such as the Uniform
22 Commercial Code, the Uniform Partnership Act, the Uniform



1 Limited Partnership Act, the Uniform Interstate Family Support
2 Act, the Uniform Child Custody Jurisdiction Act, the Uniform
3 Anatomical Gift Act, and the Model State Administrative
4 Procedure Act, acts which have been adopted uniformly by nearly
5 all the states or which have been heavily used by most state
6 legislatures. Even with acts that have not been uniformly
7 adopted, the texts consistently contribute to the improvement of
8 the law and have served as valuable references for the state
9 legislatures in their effort to improve the quality of state
10 law.

11 The procedures of the Conference ensure meticulous
12 consideration of each uniform or model act. The Conference
13 spends a minimum of two years on each draft. Sometimes, the
14 drafting work extends much longer. The drafting work for such
15 large-scale acts as the Uniform Commercial Code, the Uniform
16 Probate Code, and the Uniform Land Transactions Act each took
17 nearly a decade to complete. No single state has the resources
18 necessary to duplicate this meticulous, careful nonpartisan
19 effort. Without the National Conference of Commissioners on
20 Uniform State Laws, nothing like the existing body of uniform
21 state laws would ever be available to the states.



1 The Conference also permits the states to tap the skills
2 and resources of the legal profession for very little cost. No
3 uniform law commissioner is paid for the commissioner's
4 services, receiving only reimbursement for actual expenses
5 incurred. The Conference estimates that each commissioner
6 devotes approximately two hundred hours a year to Conference
7 work, including work on various drafting committees and
8 attendance at the annual meeting. These are hours mainly spent
9 in research and drafting work--solid, substantive hours. The
10 cumulative value of this donated time in the development of
11 uniform and model acts averages about \$6,000,000 per year, at a
12 conservative estimate. The total requested contribution of all
13 the states to the operation of the National Conference of
14 Commissioners on Uniform State Laws was \$1,769,800 in fiscal
15 year 2005-2006. The smallest contribution was \$12,600 (U.S.
16 Virgin Islands) and the largest was \$129,700 (California).
17 Hawaii's contribution is \$18,900 for fiscal year 2006-2007,
18 which represents an extraordinarily good, cost-effective
19 investment for the citizens of Hawaii. Even a modest use of the
20 work product of the Conference guarantees any state a
21 substantial return on each dollar invested. On the average,
22 each state has adopted eighty-five uniform and model acts.



1 Hawaii has had one hundred seventeen enactments of uniform acts,
2 amendments to uniform acts, and revised uniform acts. Every
3 dollar invested by each state has returned very substantial and
4 valuable services.

5 The National Conference of Commissioners on Uniform State
6 Laws works efficiently for all of the states because individual
7 lawyers are willing to donate time to the uniform law movement
8 and because it is a genuine cooperative effort of all the
9 states. The Conference seemed like a very good idea to its
10 founders in 1892. They saw nearly unsolvable problems resulting
11 from the rapid growth of the United States against confusing
12 patterns of inadequate state law. They were deeply concerned
13 about the evils of centralized government, fearing the unchecked
14 growth of the federal government.

15 The Conference continues to be a very good idea. The
16 states have chosen to maintain the Conference because it has
17 been useful and because it strengthens the states in a federal
18 system of government. Different laws in different states
19 continue to be a problem. Either the states solve the problem
20 or the issues are removed to Congress. Without a state-
21 sponsored national institution like the National Conference of
22 Commissioners on Uniform State Laws, more and more legislative



1 activity would shift from state capitols to Capitol Hill in
2 Washington, D.C.

3 The procedures for preparing an act are the result of long
4 experience with the creation of legislation. The Conference
5 maintains a standing committee called the scope and program
6 committee that considers new subject areas of state law as
7 potential for uniform or model acts. That committee studies
8 suggestions from many sources, including the organized bar,
9 state government, and private persons. If a subject area cannot
10 be adequately studied by the scope and program committee, it is
11 likely to be given to a special study committee. Study
12 committees report back to the scope and program committee.
13 Recommendations from the scope and program committee go to the
14 Conference's executive committee and to the entire Conference
15 for approval or disapproval.

16 Once a subject receives approval for drafting, a drafting
17 committee is selected and a budget is established for the
18 committee work. A reporter is usually engaged to provide
19 professional drafting assistance, although a few committees work
20 without professional assistance. Most often, the reporters are
21 law professors with specific expertise in the area of law



1 addressed in the act they draft, who work with the drafting
2 committees for very modest honorariums.

3 Advisors and participating observers are solicited to
4 assist every drafting committee. The American Bar Association
5 appoints official advisors for every committee. Participating
6 observers may come from state government, organizations with
7 interests and expertise in a subject, and from the ranks of
8 recognized experts in a subject. Advisors and participating
9 observers are invited to work with drafting committees and to
10 contribute comments. They do not make final decisions with
11 respect to the final contents of an act. Only Conference
12 members who compose the drafting committee may do this.

13 A drafting committee meets according to the needs of the
14 project. Meetings ordinarily begin on Friday morning and finish
15 by Sunday noon, so as to conflict the least with ordinary
16 working hours. A short act may require one or two committee
17 meetings. Major acts may require a meeting per month for a
18 considerable period of time--several years, in some instances.
19 A given committee may produce a number of successive drafts as
20 an act evolves.

21 The National Conference of Commissioners on Uniform State
22 Laws is convened as a body once a year. It meets for a period



1 of eight to twelve days, usually in July or August. At each
2 annual meeting, during its working life, each drafting committee
3 must present its latest working draft to the whole body of the
4 Conference. The entire text of each working draft is actually
5 read aloud--a reading of a proposed uniform law is not by title
6 only, but is considered section by section either by section
7 title or word for word--and debated during proceedings of the
8 committee of the whole. This scrutiny continues from annual
9 meeting to annual meeting until a final draft satisfies the
10 whole body of the commissioners. Typically, no proposed uniform
11 law becomes officially recognized as a uniform act without at
12 least two years' consideration, meaning every act receives at
13 least one interim reading at an annual meeting and a final
14 reading at a subsequent annual meeting. As noted previously,
15 there is often more than one interim reading and a drafting
16 process that exceeds two years in duration. A draft becomes an
17 official act by a majority vote of the states (one vote to each
18 state). The vote by states completes the drafting work and the
19 act is ready for consideration by the state legislatures.

20 The cost of this process to the states is in travel
21 expenses, paper and publication costs, and meeting costs.
22 Nearly all the professional services are donated, thereby



1 eliminating the single greatest cost factor. For the states,
2 with their necessary cost consciousness, the system has
3 extraordinary value.

4 The governing body of the National Conference of
5 Commissioners on Uniform State Laws is its executive committee,
6 which is composed of the officers, certain ex officio members,
7 and members appointed by the president of the Conference.
8 Certain activities are conducted by standing committees. As
9 mentioned above, the committee on scope and program considers
10 all new subject areas for possible uniform acts. The
11 legislative committee superintends the relationships of the
12 Conference to the state legislatures.

13 A small staff located in Chicago operates the national
14 office of the National Conference of Commissioners on Uniform
15 State Laws. The national office handles meeting arrangements,
16 publications, legislative liaison, and general administration
17 for the Conference. The Conference has limited its full-time
18 staff to nine to prevent accumulation of needless administrative
19 costs. Included are the legislative director and legal counsel,
20 the deputy legislative director and legal counsel, the
21 legislative counsel, the chief administrative officer, and the
22 communications officer, who are the only executive staff. The



1 executive director's position is part-time, and is traditionally
2 occupied by someone from the law school community. In addition,
3 the Conference contracts with professional, independent
4 contractors for part of its public information and educational
5 materials.

6 The Conference maintains relations with several sister
7 organizations. Official liaison is maintained with the American
8 Bar Association, which annually contributes to the operation of
9 the Conference. Liaison is also maintained with the American
10 Law Institute, the Council of State Governments, and the
11 National Conference of State Legislatures on an ongoing basis.
12 Liaison and activities may be conducted with other associations
13 as interests and activities necessitate.

14 In 1911, Hawaii created a commission to participate in the
15 National Conference of Commissioners on Uniform State Laws. The
16 Hawaii commission to promote uniform legislation is presently
17 within the state department of the attorney general and,
18 pursuant to section 26-7, Hawaii Revised Statutes, is advisory
19 to the attorney general and to the legislature on matters
20 relating to the promotion of uniform legislation. Pursuant to
21 sections 3-1 and 26-7, Hawaii Revised Statutes, the commission
22 consists of five members, who are appointed by the governor,



1 with the advice and consent of the senate, for staggered terms
 2 of four years and until their successors are appointed and
 3 qualified. The National Conference of Commissioners on Uniform
 4 State Laws Constitution requires that each commissioner be a
 5 lawyer. A deputy attorney general, assigned by the attorney
 6 general to coordinate the review and preparation of legislative
 7 bills, sits with the commission to provide technical assistance,
 8 as necessary, and is recognized as an associate member of
 9 Hawaii's delegation to the Conference.

10 The work of the Conference cannot be accomplished
 11 independently by a small state such as the State of Hawaii.
 12 Consequently, the continued support of and participation in the
 13 Conference by this State is essential to continue the work of
 14 drafting and revising uniform laws concerning matters of state
 15 interest.

16 The purpose of this Act is to provide the necessary funds
 17 for Hawaii's contribution to the costs of the National
 18 Conference of Commissioners on Uniform State Laws for fiscal
 19 year 2006-2007 and for the costs of sending Hawaii's delegation
 20 to the Conference's 2006 annual meeting.

21 SECTION 2. There is appropriated out of the general
 22 revenues of the State of Hawaii the sum of \$, or so much



1 thereof as may be necessary for fiscal year 2006-2007, for
2 Hawaii's contribution to the costs of the National Conference of
3 Commissioners on Uniform State Laws and for the registration and
4 travel expenses for the commission to promote uniform
5 legislation of the department of the attorney general, life
6 members of the Conference volunteering their services as part of
7 the Hawaii delegation, and the assigned deputy attorney general
8 to attend the 2006 annual meeting of the National Conference of
9 Commissioners on Uniform State Laws.

10 The sum appropriated shall be expended by the department of
11 the attorney general for the purposes of this Act.

12 SECTION 3. This Act shall take effect on July 1, 2006.



Report Title:

Uniform Laws; Appropriation

Description:

Appropriates funds for the State's dues to the National Conference of Commissioners on Uniform State Laws, and the expenses of the state commission to promote uniform legislation of the department of the attorney general. (SD2)

