

TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FOURTH LEGISLATURE, 2008

ON THE FOLLOWING:

G.M. NO. 411, Submitting for Consideration and Confirmation to the Commission to Promote Uniform Legislation Gubernatorial Nominee KEVIN P.H. SUMIDA, for a Term to Expire 6-30-2012.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, March 7, 2008 **TIME:** 10:00 AM

LOCATION: State Capitol, Room 016
Deliver to: Committee Clerk, Room 219, 1 copy

TESTIFIER(S): Mark J. Bennett, Attorney General
or Maurice S. Kato, Deputy Attorney General

Chair Taniguchi and Members of the Committee:

The Attorney General strongly supports the reappointment of Kevin P.H. Sumida to the Commission to Promote Uniform Legislation of the Department of the Attorney General.

The Commission to Promote Uniform Legislation is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of the Commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws. The National Conference requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in its annual meeting.

Kevin P.H. Sumida is a lawyer licensed to practice law and has regularly attended and participated in the annual meetings of the National Conference and the National Conference's committee meetings. The National Conference's committee appointments are selectively made by the President of the National Conference -- not all members of the National Conference have the privilege of serving on a committee. Since his initial appointment in 2005, Commissioner Sumida has served as a member of the National Conference's Drafting Committee on a Uniform Limited Cooperative Association Act and the Standby Committee

on a Uniform Limited Cooperative Association Act. He has also served, and continues to serve, as a member of the National Conference's Drafting Committee on the Unsworn Foreign Declarations Act. He has diligently performed his duties as a uniform law commissioner. During the 2007 annual meeting, Commissioner Sumida participated in the drafting committee presentations of the Uniform Limited Cooperative Association Act on Saturday morning, July 28, and of the Unsworn Foreign Declarations Act on Sunday morning, July 29, and left Sunday afternoon to return to Honolulu for a court appearance on Monday in his private practice of law.

In addition to attending the meetings of the National Conference, Commissioner Sumida has regularly attended and participated in the meetings and activities of the Commission to Promote Uniform Legislation. In the promotion of uniform legislation, the members of the Commission provide information on uniform laws to interested officials of the Executive Branch and to interested legislators, including presenting testimony during hearings on bills to enact new or revised uniform laws. Commissioner Sumida provided information and testimony on a bill to enact the Uniform Environmental Covenants Act during the regular session of 2006, which uniform law was enacted and codified as chapter 508C, Hawaii Revised Statutes.

During his first term of appointment, Kevin P.H. Sumida has demonstrated his commitment to the promotion of uniform legislation. He has been and will continue to be a valuable member of the Commission to Promote Uniform Legislation and of the National Conference and his continued participation will be greatly beneficial to the State of Hawaii and the National Conference. Consequently, the Attorney General respectfully requests that this Committee recommend the immediate confirmation of the reappointment of Kevin P.H. Sumida to the Commission to Promote Uniform Legislation.

TO: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
And Members, Senate Committee on Judiciary and Labor

RE: Testimony in support of **GM 411**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEVIN P. H. SUMIDA, for a term to expire 6-30-2012

Hearing: Friday, March 7, 2008, 10:00 a.m., Conference Room 016

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

All of the commissioners on the CPUL serve as commissioners to the Uniform Law Commission ("ULC"), also known as the National Conference of Commissioners on Uniform State Laws, which is a body of attorneys from all States who spend countless hours to develop proposed laws to be enacted 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 include the Uniform Commercial Code, the Uniform Probate Code, the Uniform Transfers to Minors Act and the Uniform Partnership Act, all of which have been adopted in Hawaii; 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 laws, 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 laws enacted.


Being a fellow commissioner on the CPUL, I have observed how conscientiously Kevin has fulfilled those duties. He often contributes to the floor debate on the various acts that are considered at the annual summer meetings of ULC, and during his first term as a commissioner, he was appointed by the Executive Committee of ULC to serve on the drafting committees for the Uniform Limited Cooperative Association Act and

the Unsworn Foreign Declarations Act. Members of a drafting committee attend additional meetings during the year to discuss and draft new acts for presentation to all the commissioners at the annual summer meetings. Kevin has also been actively involved in preparing testimony for uniform acts which have been introduced in the Hawaii Legislature, and in testifying at hearings in support of the acts.

Like all ULC commissioners, Kevin volunteers the time he spends on ULC activities. This is a particularly significant commitment for a full time practitioner in a small law firm.

Kevin has been and will continue to be an outstanding commissioner on the CPUL. I have no reservation in supporting the nomination of Kevin P. H. Sumida for an additional term on the CPUL, and I urge you to recommend that the Senate confirm his nomination.

Respectfully submitted,



Lani L. Ewart
Member, Commission to Promote Uniform
Legislation

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

March 5, 2008

Honorable Brian T. Taniguchi, Chair
Honorable Clayton Hee, Vice-Chair
Committee on Judiciary and Labor
The Senate
State Capitol
415 South King Street
Honolulu, Hawaii 96813

Re: GM 411 submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
Kevin P. H. Sumida, for a term to expire 06-30-2012

Dear Chair Taniguchi, Vice-Chair Hee and Committee Members:

Thank you for this opportunity to submit testimony in support of GM 411, submitting the nomination of Kevin P.H. Sumida to serve on the Commission to Promote Uniform Legislation, which will be heard by your Committee on Judiciary and Labor on March 7, 2008.

Mr. Sumida was appointed to the Commission to Promote Uniform Legislation in 2005. I also was appointed to the Commission in 2005, and can attest to Mr. Sumida's effectiveness as a Commissioner. At the national meetings of uniform law commissioners from the various states, Mr. Sumida is a vigorous participant in the floor debates on various draft acts. He also has served and continues to serve on various drafting committees for uniform acts, and actively involved in the Commission's work with the Legislature. His service on the Commission is an asset for the State of Hawaii and I strongly support Mr. Sumida's reappointment to the Commission to Promote Uniform Legislation.

Thank you for your consideration.

Very truly yours,

MCCORRISTON MILLER MUKAI MACKINNON LLP



Peter J. Hamasaki

testimony

From: Elizabeth Kent [vested_interest_hi@yahoo.com]
Sent: Tuesday, March 04, 2008 6:51 PM
To: testimony
Subject: Testimony in support of the nomination of Kevin Sumida

**Testimony of Elizabeth Kent
Member, Commission to Promote Uniform Legislation
On GM 411, Confirmation of Kevin P. H. Sumida to
The Commission to Promote Uniform Legislation
Senate Committee on Judiciary and Labor
Friday, March 7, 2008 10:00 a.m.**

Chair Taniguchi and Members of the Committee,

Thank you very much for this opportunity to testify in **strong support** of the confirmation of Kevin P. H. Sumida to another term on the State Commission to Promote Uniform Legislation.

I have been impressed with Kevin's work and participation as a Commissioner and urge you to reappoint him to the Commission. His intelligence and work ethic are an asset.

Yours truly,

Elizabeth Kent

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Testimony of Ken H. Takayama
Member, Commission to Promote Uniform Legislation
On GM 411, Confirmation of Kevin P. H. Sumida to
The Commission to Promote Uniform Legislation
Senate Committee on Judiciary and Labor
Friday, March 7, 2008 10:00 a.m.

Chair Taniguchi and Members of the Committee,

Thank you very much for this opportunity to testify in **strong support** of the confirmation of Kevin P. H. Sumida to another term on the State Commission to Promote Uniform Legislation (CPUL).

It has been a genuine pleasure to serve with Kevin on the State Commission during the past three years. During the past three years since his appointment in 2005, Kevin has more than amply demonstrated his intelligence, and willingness to serve as an active participant in the work of the Commission.

The heart of the work of the CPUL commissioners is to participate in the workings of the National Conference of Commissioners on Uniform State Laws. Beyond participation in the proceedings at the annual meetings, members can also serve on drafting committees, study committees and standby committees. Since his appointment, Kevin has either served or is serving on the Drafting Committee on a Uniform Cooperative Association Act, the Drafting Committee on a Certification of Unsworn Foreign Declarations Act, the Drafting Committee on a Uniform Agricultural and Agricultural Related Cooperatives Act. He is also serving on the Standby Committee on a Uniform Limited Cooperative Association Act. This is a distinctly higher level of involvement than is usual for new commissioners.

Of no lesser import, Kevin has also been more than willing to take an active role in the CPUL's efforts to enact uniform law proposals through the state legislature. During the 2006 regular session, he took the lead roll for the CPUL in seeking the enactment of the Uniform Environmental Covenants Act—an effort that was ultimately successful.

In summary, Kevin P. H. Sumida has proven himself to be an excellent addition to the State Commission to Promote Uniform Legislation. For the foregoing reasons, I strongly support his confirmation to a new term.

TESTIMONY OF ROBERT TOYOFUKU
IN SUPPORT OF THE NOMINATION OF KEVIN P.H. SUMIDA
TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION

March 7, 2008

To: Chairman Brian Taniguchi and Members of the Senate Committee on Judiciary and Labor:

My name is Bob Toyofuku and this testimony is being submitted in support of the nomination of Kevin Sumida to the Commission to Promote Uniform Legislation.

I have been a Commission member for over 25 years and am currently a life member of the Uniform Law Commission (National Conference of Commissioners on Uniform State Laws). Mr. Sumida has served as a Hawaii Commissioner for the past three years and I can clearly state that he has been a valuable member of the Uniform Law Commission. Kevin has been an active member of the Commission. He currently serves on two drafting committees of the Commission, has participated in the discussions and deliberations at each annual meeting, and has represented the views of the Hawaii Commission on various uniform acts which are submitted each year at the state legislature. I am confident that he will continue to contribute to the Hawaii Commission and the Conference during his next term as a commissioner.

I strongly support his nomination. Thank you for the opportunity to testify.