

GM560

Testimony



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

G.M. NO. 560, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, KEN HIDESHI TAKAYAMA, FOR A TERM TO EXPIRE 6-30-2015.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, April 5, 2011 **TIME:** 8:55 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Russell A. Suzuki, First Deputy Attorney General, or
Maurice S. Kato, Deputy Attorney General

Chair Hee and Members of the Committee:

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

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

The Commission is advisory to the Attorney General and to the Legislature on matters relating to uniform legislation. Members of the Commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws. The National Conference requires that each appointed commissioner be

a lawyer and that each commissioner personally attend and participate in its annual meetings. During the annual meetings, the National Conference convenes as a committee of the whole and drafting committees present draft uniform acts for review. The draft uniform acts are actually read aloud section by section and discussed. The review can involve very detailed discussions.

Due to the nature of the work of the National Conference, representatives of legislative reference bureaus or similar legislative drafting agencies from many states are already participating in the activities of the National Conference. Ken Takayama has worked in the Legislative Reference Bureau since 1979 and has had a tremendous amount of experience in the preparation and review of legislation. He is currently volunteering his services at the Legislative Reference Bureau, after having retired in December 2010 as the Director and having previously served as the Assistant Director for Research and as a staff attorney. Since his initial appointment to the Commission in 1995, he has served on study and drafting committees of the National Conference and chaired committees of the whole reviewing proposed uniform acts. He is currently serving on six committees of the National Conference, the Legislative Committee as the Liaison Member for Hawaii, the Committee of Legislative Counsel, the Committee on Membership and Attendance, the Study Committee on Revisions to Residential Landlord-Tenant Act, the Standby Committee on Uniform Protections of Genetic Information in Employment Act, and the Study Committee on Protection of Genetic Information in Insurance. He has regularly attended meetings of the National Conference's committees, the National Conference's annual meetings, and the local meetings of the Commission to Promote

Uniform Legislation (he is currently the Vice Chairman of the Commission).

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

TO: Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
And Members, Senate Committee on Judiciary and Labor

RE: Testimony in support of **GM 560**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEN HIDESHI TAKAYAMA, for a term to expire 6-30-2015

Hearing: Tuesday, April 5, 2011, 8:55 a.m., Conference Room 016

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


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

A commissioner's duties are two-fold: First, the commissioner needs to participate in the drafting of uniform 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.

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

Like all ULC commissioners, Ken volunteers the time he spends on ULC activities, and because of the State's budget problems, he has even paid his own way to attend the summer meetings and represent Hawaii in the work of ULC. He is an outstanding member of our community, and he has been and will continue to be an outstanding commissioner on the CPUL. I support the nomination of Ken Hideshi Takayama for an additional term on the CPUL without hesitation and with no reservations. I urge you to recommend that the Senate confirm his nomination.

Respectfully submitted,



Lani L. Ewart
Commissioner
Commission to Promote Uniform Legislation

April 1, 2011

Honorable Clayton Hee, Chair
Honorable Maile S. L. Shimabukuro, Vice-Chair
Committee on Judiciary and Labor
The Senate
State Capitol
415 South King Street
Honolulu, Hawaii 96813

Re: GM 560 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
KEN HIDESHI TAKAYAMA, for a term to expire 6-30-2015.

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

I would like to express my strong support for the nomination of KEN HIDESHI TAKAYAMA, GM No. 560, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission").

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

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

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

Very truly yours,



Peter J. Hamasaki

P.O. Box 2800
Honolulu, Hawaii 96803-2800

April 1, 2011

Clayton Hee, Chair
Committee on Judiciary and Labor
Senate
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Honorable Chair Hee and Members of the Committee on Judiciary and Labor:

Re: Support for Ken Takayama – GM560 Commission to Promote Uniform Legislation

I am in support of Mr. Ken Takayama to sit on the Commission to Promote Uniform Legislation.

I am a personal friend of Mr. Takayama and have known him in his capacity as Director of the Legislative Reference Bureau. I can personally say that Mr. Takayama is a very competent and fair individual. He will take the time to look at everything thoroughly before making a decision. I believe that with his past experience he will be an asset to this commission.

I support Mr. Takayama for the Commission to Promote Uniform Legislation. Thank you for your time and consideration.

Sincerely,

Arnold Wong /s/

March 24, 2011

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The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

Re: Nomination of Ken Takayama to the Commission to Promote
Uniform Legislation

Dear Senator Hee:

I write this letter in enthusiastic support of Ken Takayama's nomination to the Commission to Promote Uniform Legislation ("CPUL"). As a member of the CPUL, Ken acts as a representative of the State of Hawaii to the Uniform Law Commission, the national organization responsible for drafting many of the uniform laws enacted by Hawaii and the other States.

Ken has been a member of the CPUL for several terms. As is the case with all other Commissioners, he receives no compensation for his time, and virtually no recognition for his service in what is (even in the legal community) a relatively obscure, but important, organization. Ken has freely and enthusiastically devoted many, many hours of his time in service to his position, including attendance at drafting committee meeting of the national organization, acting as a liaison between the national organization and local interest groups, and providing testimony to our Legislature on uniform laws which are being considered for enactment.

Ken serves a vital and extremely important function to the other Commissioners as well. Because of his prior experience at the Legislative Reference Bureau, he is able help the other commissioners track pending legislation so that they can prepare their testimonies and do what is required to assist in the passage of these bills. Without Ken's assistance, I can assure you that the process would not run so smoothly or consistently.

As a further sign of her commitment and sense of responsibility, Ken attended the 2010 annual meeting of the Uniform Law Commission in Chicago, Illinois. Because the State of Hawaii had no funds in its budget to pay for this expense, Ken utilized his own resources for his travel, accommodations, and conference fees for this week long conference, representing the State of Hawaii.

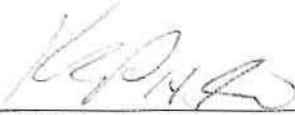
The Honorable Clayton Hee, Chair
Committee on Judiciary and Labor
March 24, 2011
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Please be assured that this conference is a working conference, and its attendees spend each day in plenary meetings or committee meetings, during which various uniform laws are considered, discussed, and worked on.

At the end of the conference, each State delegation is called upon to vote for or against the uniform or model acts then under consideration. Ken's presence at the conference ensured that our State was represented and its voice heard. The fact that he gave up his time and personal resources to represent our State at this important event is a tribute to both his dedication and his recognition of the importance of the work of the conference to our State.

Ken Takayama is clearly a great asset both to the State of Hawaii and to the Commission to Promote Uniform Legislation, and I hope you will not hesitate to confirm his appointment to a new term.

Very truly yours,



KEVIN P.H. SUMIDA