

STAND. COM. REP. NO. 2558

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2298
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2298, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT,"

beg leave to report as follows:

The purpose and intent of this measure is to adopt a revised version of the Uniform Fiduciary Access to Digital Assets Act, which provides authority to plan for the management and disposition of digital assets.

Your Committees received testimony in support of this measure from the Commission to Promote Uniform Legislation and State Privacy and Security Coalition, Inc. Your Committees received comments on this measure from Google and Facebook, Inc.

Your Committees find that since last year, the Uniform Law Commission has worked to address concerns raised by internet service providers and privacy advocates over the original Uniform Fiduciary Access to Digital Assets Act, which the Uniform Law Commission first adopted in 2014. As a result of those efforts, the Uniform Law Commission has since adopted a revised version of the Uniform Fiduciary Access to Digital Assets Act.

Your Committees further find that the Revised Uniform Fiduciary Access to Digital Assets Act is intended to modernize fiduciary law for the Internet Age. Access to a person's digital property and electronic communications, also known as digital



assets, is usually governed by a terms-of-service agreement rather than by property law. Issues may arise when Internet users die or otherwise lose the ability to manage their own digital assets. Accordingly, the Revised Uniform Fiduciary Access to Digital Assets Act, which this measure proposes to adopt, provides Internet users with the ability and authority to plan for the management and disposition of their digital assets, in a manner similar to the process for management and disposition of tangible property.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2298, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

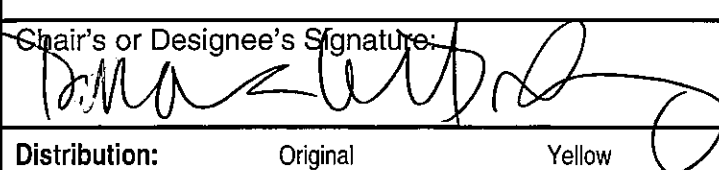


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2298, S01	Committee Referral: CPH, JDL/WAM	Date: 2/24/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene				/
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	10			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes