

**TESTIMONY OF THE
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

on H.B. No. 92

RELATING TO FIDUCIARY ACCESS TO DIGITAL ASSETS.

**BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION &
COMMERCE**

**DATE: Wednesday, February 13, 2019, at 2:00 p.m.
Conference Room 329, State Capitol**

**PERSON(S) TESTIFYING: LANI EWART
Commission to Promote Uniform Legislation**

Chair Takumi, and Members of the House Committee on Consumer Protection & Commerce:

My name is Lani Ewart, and I am a member of the State Commission to Promote Uniform Legislation. The members of our state commission are Hawaii's representatives on the national Uniform Law Commission, or ULC. The ULC is a nonprofit organization that is made up of volunteer attorneys appointed by their states, and its mission is to develop and draft model legislation for states in areas in which uniformity is practical and desirable. Thank you for this opportunity to submit testimony in opposition of H.B. No. 92, Relating to Fiduciary Access to Digital Assets.

After due consideration, Hawaii's legislature in 2016 passed the Uniform Fiduciary Access to Digital Assets Act (UFADA), a product of the ULC. UFADA, which addresses the matters raised by H.B. No. 92, is now Chapter 556A of the Hawaii Revised Statutes. It is not clear why another law is necessary at this time or how H.B. No. 92 will improve the existing statute. Therefore, we oppose H. B. No. 92.

Thank you very much for this opportunity to testify.

WRITTEN TESTIMONY RE: HB 92

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 13, 2019; 2:00 p.m.

My name is Frank T. Kanemitsu, Esq. I am an attorney licensed to practice in the State of Hawaii. An area of my practice is representing a fiduciary with their administrative and fiduciary duties. I am also a member of the Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii (the "Probate Committee"). The Probate Committee was organized pursuant to Resolution No. 91-25, adopted by the sixth annual Hawaii State Judicial Conference. The Probate Committee is comprised of three circuit court judges, each representing a Circuit Court of the Judiciary of the State of Hawaii and nine attorneys that practice estate planning and probate law, all of whom have been appointed by the Chief Justice of the Supreme Court of the State of Hawaii. These comments represent my views only.

I OPPOSE HB 92.

The intended purpose of HB 92 is unclear given the enactment of the Uniform Fiduciary Access To Digital Assets Act in 2016, Hawaii Revised Statutes Chapter 556A.

Respectfully submitted this 11th day of February, 2019.

By



Frank T. Kanemitsu, Esq.

WRITTEN TESTIMONY RE: HB 92

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

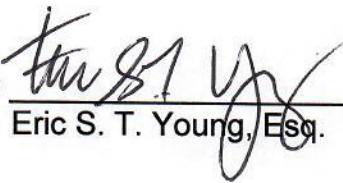
February 13, 2019; 2:00 p.m.

My name is Eric S. T. Young, Esq. I am an attorney licensed to practice in the State of Hawaii. An area of my practice is representing a fiduciary with their administrative and fiduciary duties. I am also a member of the Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii (the "Probate Committee") and a Fellow of the American College of Trust and Estate Counsel. These comments represent my views only.

I OPPOSE HB 92.

The intended purpose of HB 92 is unclear given the enactment of the Uniform Fiduciary Access To Digital Assets Act in 2016, Hawaii Revised Statutes Chapter 556A.

Respectfully submitted this 11th day of February, 2019.

By  _____
Eric S. T. Young, Esq.