

ACT 14

S.B. NO. 2741

A Bill for an Act Relating to the Commission to Promote Uniform Legislation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii commission to promote uniform legislation was created by law in 1911 and is Hawaii's delegation to the National Conference of Commissioners on Uniform State Laws (now commonly referred to as the "Uniform Law Commission").

The legislature finds that one of the primary duties of the Hawaii commission to promote uniform legislation is the duty to represent the State during the annual meeting of the Uniform Law Commission, as required by section 3-2, Hawaii Revised Statutes. The Hawaii commission works on an annual basis with the Uniform Law Commission to select, draft, consider, and amend various legislation to be adopted by the Uniform Law Commission as uniform laws. Uniform laws enacted in Hawaii include the Uniform Commercial Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Interstate Family Support Act, the Uniform Anatomical Gift Act, and the Uniform Probate Code, which have been adopted uniformly or have been used extensively by most state legislatures. To perform their duties as the Hawaii delegation to the Uniform Law Commission, all members of the commission should be permitted to attend and fully participate in meetings, often held outside the State, that are hosted by the Uniform Law Commission, including sessions to draft, consider, and vote on the Uniform Law Commission's adoption of proposed uniform acts.

The purpose of this Act is to provide a limited exemption for the members of the commission to promote uniform legislation from certain requirements of the sunshine law, part I of chapter 92, Hawaii Revised Statutes, to permit any number of members of the commission to attend and fully participate in the meetings hosted by the Uniform Law Commission, in furtherance of their goal of representing and promoting uniformity of legislation for the State of Hawaii.

The legislature recognizes that, under section 26-7, Hawaii Revised Statutes, the Hawaii commission to promote uniform legislation also sits in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. One of the duties under this capacity is the duty to determine the uniform legislation drafted and adopted by the Uniform Law Commission that should be proposed or recommended for enactment in Hawaii. The legislature notes that the sunshine law exemption provided under this Act does not extend to any meeting in which the commissioners discuss and vote on which uniform legislation may be recommended or proposed to the legislature.

SECTION 2. Section 3-1, Hawaii Revised Statutes, is amended to read as follows:

"§3-1 Commission. There shall be established a commission [~~for the State,~~] to promote uniform legislation, placed within the department of the attorney general for administrative purposes, to promote uniformity of legislation in the United States, to be composed of five commissioners, who shall be appointed by the governor in the manner prescribed in section 26-34. The commissioners shall serve without pay but shall be entitled to such technical, clerical, and stenographic assistance, to be furnished by the department of the attorney general, as may be necessary or proper to carry out their duties."

SECTION 3. Section 3-2, Hawaii Revised Statutes, is amended to read as follows:

“§3-2 Duties. (a) The commissioners shall examine all subjects upon which uniformity of legislation in the several states and territories is desirable; ascertain and recommend the best means to effectuate such uniformity and represent the State in conventions of like commissioners of the several states and territories for the consideration and recommendation of uniform laws to be submitted to the several state and territorial legislatures for action; and, generally, devise and recommend such other course of action as may tend to accomplish such purposes.

(b) The members of the commission to promote uniform legislation shall be exempt from any limit on the number of members who may attend meetings and other presentations under section 92-2.5(e) for the purpose of attending and participating in meetings hosted by the National Conference of Commissioners on Uniform State Laws, also known as the “Uniform Law Commission”, regardless of whether the meetings are held specifically and exclusively for or directed toward members of the commission to promote uniform legislation. The meetings hosted by the Uniform Law Commission and attended by the commissioners shall not be considered to be meetings of the commission and shall be exempt from the requirements of sections 92-3, 92-7, and 92-9; provided that the commissioners may not vote on which uniform legislation should be proposed or recommended to the legislature for enactment in Hawaii at the meetings hosted by the Uniform Law Commission; provided further that commissioners who attend the meetings hosted by the Uniform Law Commission shall report at the next duly noticed meeting of the commission their attendance and the matters presented or discussed during the hosted meetings that related to official commission business. This exemption shall be in addition to the permitted interactions of members listed in section 92-2.5.”¹

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

Note

1. So in original.