

GM220

From: Vested Interest [vested_interest_hi@yahoo.com]
Sent: Friday, March 05, 2010 3:32 PM
To: JGO Testimony
Cc: vested_interest_hi@yahoo.com
Subject: GM 220, Confirmation of Elizabeth Kent, Tuesday, March 9, 2010, at 9:30 a.m.

Chair Taniguchi and Committee Members:

It has been an honor to be part of Hawaii's Uniform Law Commission team, and I hope the Committee will allow me to continue with this work. Hawaii's commissioners come from diverse backgrounds and experiences, and I have the utmost respect for each of them and the work that they do. Together, I think we are able to collaboratively and efficiently work on different bills that benefit the State of Hawaii.

Two bills I recently worked on stand out as particularly satisfying and are examples of the kind of work that I hope to continue if my nomination is confirmed. The Revised Uniform Anatomical Gifts Act was passed approximately two years ago. This Act offers the prospect of helping to save lives and improve the quality of life for transplant beneficiaries.

The Uniform Prudent Management of Institutional Funds Act (UPMIFA) was drafted to address fiscal matters for charitable institutions. UPMIFA was enacted last year, and the timing could not have been better given the current fiscal situation. I like to think that it has helped charities in Hawaii stay afloat by allowing more flexibility within an acceptable fiscal range of options.

One of the most interesting aspects of work on each of these bills was working with the different communities that would be affected by passage of the bills. I met with proponents and concerned parties for each act well before the session started so that we could work through differences prior to the opening of the session. It was rewarding to see the support for each bill.

Thank you for your consideration of my nomination.

Yours truly,

Elizabeth Kent



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

G.M. NO. 220, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, ELIZABETH KENT, FOR A TERM TO EXPIRE 6-30-2014.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

DATE: Tuesday, March 9, 2010 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

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

Chair Taniguchi and Members of the Committee:

The Attorney General supports the reappointment of Elizabeth Kent to the Commission to Promote Uniform Legislation ("Commission") of the Department of the Attorney General.

The Commission is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of the state 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.

Commissioner Kent is a lawyer licensed to practice law in Hawaii. She has served as the Deputy Director of Human Services in the Executive Branch and is currently the Director of the Center for Alternative Dispute Resolution in the Judiciary. Commissioner Kent is committed to promoting uniform legislation and has actively participated in the meetings of the Commission and of the National Conference. Since her last appointment in

2006, Commissioner Kent helped plan the forum "What Mediation Users Have to Say About Mediation and What Mediators Should Do About it" sponsored by the University of Hawaii Program for Conflict Resolution and the Mediation Center of the Pacific, Inc. She has also spent a significant amount of time working with parties who may be interested in various uniform laws, such as the Revised Uniform Anatomical Gifts Act enacted in Hawaii in 2008 and the Uniform Prudent Management of Institutional Funds Act enacted in Hawaii in 2009.

Commissioner Kent has served as a member of the National Conference's Drafting Committee on a Uniform Collaborative Law Act and attended drafting committee meetings on April 20-21, 2007, in Salt Lake City, Utah, on October 5-6, 2007, in Boise, Idaho, on January 19-20, 2008, in Chicago, Illinois, and on November 22-23, 2008, in Portland, Oregon. During the National Conference's annual meeting held in July 2009 in Santa Fe, New Mexico, Commissioner Kent participated in presentations of the Uniform Collaborative Law Act by the drafting committee on Thursday, July 9, on Saturday, July 11, and on Sunday, July 12, as well as in meetings of the drafting committee held during the annual meeting. Because the Governor did not approve the expenditure of state funds for Hawaii commissioners to attend the annual meeting, due to our State's poor fiscal condition, Commissioner Kent attended the National Conference's annual meeting at her own expense.

In view of her demonstrated commitment to the promotion of uniform legislation and her continuing participation in the activities of the National Conference and of the Commission, Elizabeth Kent's continued service as a member of the Commission and of the National Conference will be beneficial to the State of Hawaii and the National Conference. Consequently, the

Testimony of the Department of the Attorney General
Twenty-Fifth Legislature, 2010
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Attorney General respectfully requests that this Committee recommend the confirmation of the reappointment of Elizabeth Kent to the Commission.

March 3, 2010

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol
c/o Room 210
Honolulu, Hawaii 96813

Re: GM 220
Nomination of Elizabeth Kent to the Commission to Promote
Uniform Legislation

Dear Senator Taniguchi:

I write this letter in enthusiastic support of Elizabeth Kent's nomination to the Commission to Promote Uniform Legislation ("CPUL"). As a member of the CPUL, Elizabeth 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 throughout the country.

Elizabeth has been a member of the CPUL for several terms. As is the case with all other Commissioners, she receives no compensation for her time. Yet she freely and enthusiastically gives many, many hours of her time in service to her position. She attends drafting committee meeting of the national organization, acts as a liaison between the national organization and local interest groups, and provides testimony to our Legislature on uniform laws which are being considered for enactment.

As a further sign of her commitment and sense of responsibility, she recently attended the annual meeting of the Uniform Law Commission in Santa Fe. Because the State of Hawaii had no funds in its budget to pay for this expense, Elizabeth utilized her own resources for her travel, accommodations, and conference fees for this week long conference, representing the State of Hawaii. 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. Elizabeth's presence at the conference ensured that our State was represented and its

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
March 3, 2010
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voice heard. The fact that she gave up her time and personal resources to represent our State at this important event is a tribute to both her dedication and her recognition of the importance of the work of the conference to our State.

Elizabeth Kent is 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 her appointment to a new term.

Very truly yours,



KEVIN P.H. SUMIDA



**Hawaii Pacific
Engineers, Inc.**

1132 Bishop Street, Suite 1003
Honolulu, Hawaii 96813-2830
Phone: (808) 524-3771 Fax: (808) 538-0445

March 5, 2010

EMAILED TESTIMONY TO: JGOTestimony@Capitol.hawaii.gov

**Hearing Date: Tuesday, March 9, 9:30 a.m., Conference Room 016
(Committee on Judiciary and Government Operations)**

Honorable Senator, Chair, Brian T. Taniguchi, Vice Chair, Dwight Y. Takamine and Members of the Senate Committee on Judiciary and Government Operations

**Subject: GM 220, Confirmation to the Commission to Promote Uniform Legislation,
Gubernatorial Nominee, Elizabeth Kent**

Honorable Chair Taniguchi, Vice Chair Takamine, and Committee Members,

As a former member of the Senate Task Force on Tort Reform and the legislative chair for several professional engineering organizations, I would like to vouch for the strong work ethic and sense of fairness displayed by Gubernatorial Nominee Elizabeth Kent for the Commission to Promote Uniform Legislation. I feel that her experience in our legal system and dispute resolution makes her uniquely qualified to serve as a Commissioner.

**I highly recommend that you to support the Confirmation of Ms. Elizabeth Kent for the
Commission to Promote Uniform Legislation.** Thank you for this opportunity to provide input

Sincerely,
HDR|Hawaii Pacific Engineers

Lester H. Fukuda, P.E.

TO: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
And Members, Senate Committee on Judiciary and Government Operations

RE: Testimony in support of **GM 220**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 6-30-2014

HEARING: Tuesday, March 9, 2010, 9:30 a.m., Conference Room 016

It gives me great pleasure to submit this testimony in support of the nomination of ELIZABETH KENT 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, without pay, 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, and sometimes, word-by-word, 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, I have observed firsthand how well Elizabeth has fulfilled those duties. She studiously reviews the drafts of the various acts that are considered at the annual summer meetings of ULC and raises excellent questions

and suggestions for the drafting committees during the floor sessions. She is well known among the ULC commissioners for her thoughtful and helpful comments.

Elizabeth has also been appointed by the Executive Committee of ULC to serve on several drafting committees, including the committees which worked on the Uniform Mediation Act and the Uniform Collaborative Law 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.

Elizabeth has been a key member of CPUL for contacting groups and individuals who may be interested in new uniform acts in order to get their input, not only during the drafting process, but also prior to CPUL's decision to ask for the introduction of a uniform act in the Hawaii Legislature. She always makes herself available to provide background information to those interested parties. In addition, Elizabeth has prepared testimony in support of uniform acts and taken time off from her regular job in order to testify at hearings.

I have no reservation in supporting the nomination of Elizabeth Kent for an additional term on the CPUL. Elizabeth has been and will continue to be an outstanding commissioner on the CPUL and an outstanding representative of Hawaii to the ULC. I urge you to recommend that the Senate confirm her nomination.

Respectfully submitted,



Lani L. Ewart
Chair and Member,
Commission to Promote Uniform Legislation

Governor's Message 220

**Confirmation of ELIZABETH KENT to the
Commission to Promote Uniform Legislation**

**Presented to the Senate Committee on Judiciary and Government
Operations
Twenty-Fifth State Legislature, Regular Session of 2010**

Tuesday, March 9, 2010

Chair Taniguchi and Members of the Committee:

My name is Ken Takayama, and I am a member of the Commission to Promote Uniform Legislation. Thank you for this **opportunity to testify in strong support** of the confirmation of Elizabeth Kent to the Commission to Promote Uniform Legislation for a term to expire on June 30, 2014.

I have had the pleasure of serving with Elizabeth on the state commission for the past twelve years. I can say without reservation that she has been a hard working, conscientious, and dedicated member during that entire time. Her intellectual acumen and personable demeanor make her highly effective in accomplishing the goals of both the state commission as well as the National Conference of Commissioners on Uniform State Laws. This has been demonstrated through her participation in drafting committees, interaction with commissioners from other states and members of the local bar, as well as the commission's legislative efforts. In short, she is everything that we could want in a commissioner.

Thank you very much for this opportunity to testify.

Ken H. Takayama
Commissioner
Commission to Promote Uniform Legislation
5567 Pia Street
Honolulu, HI 96821

March 5, 2010

Honorable Brian T. Taniguchi, Chair
Honorable Dwight Y. Takamine, Vice-Chair
Committee on Judiciary and Government Operations
The Senate
State Capitol
415 South King Street
Honolulu, Hawaii 96813

Re: GM 220 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
ELIZABETH KENT, for a term to expire 6-30-2014.

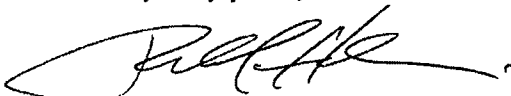
Dear Chair Taniguchi, Vice-Chair Takamine and Committee Members:

I would like to express my strong support for the nomination of ELIZABETH KENT, GM No. 220, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission").

During the past five years, I have served with Commissioner Kent on the Commission and have had the opportunity to observe her strong commitment to representing the State of Hawaii as a member of the Commission. Her background in the alternative dispute resolution area is especially valuable for considering measures such as the Uniform Arbitration Act and the Uniform Mediation Act. In addition, during these difficult economic times, Commissioner Kent has incurred significant out-of-pocket personal expenses to fulfill her duties as a commissioner, in addition to the many of hours that she has dedicated to the Commission's work.

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

Very truly yours,



Peter J. Hamasaki

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

TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION OF
ELIZABETH KENT TO THE COMMISSION TO PROMOTE UNIFORM
LEGISLATION

March 8, 2010

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

My name is Bob Toyofuku and I am a commissioner (life member) from Hawaii
to the National Conference of Commissioners on Uniform State Laws. I am testifying in
strong support of Elizabeth Kent for another term as a Hawaii Commissioner.

Beth has not only been a very active member here at home but is also a very
active commissioner at the national level. She has been a member of the National
Conference since 1998 and currently participates as a member of the Uniform
Collaborative Law drafting committee. She has also formed excellent relationships with
other commissioners in her twelve years with the national conference. She has clearly
represented Hawaii well.

Her background as an ADR expert has served her well in the Conference because
of the attention the National Conference has recently given to arbitration and mediation
issues.

I also am a member of the Legislative Council of the Legislative Committee at the
National Conference and can always depend upon Beth for meaningful input on
legislative issues. I wholeheartedly support her nomination to the Commission and urge
this committee and the Hawaii State Senate to confirm her.

Thank you for the opportunity to testify.