

**Minutes**  
**Mid-Year Meeting of the Executive Committee**  
**Uniform Law Commission**

January 12, 2013  
St. Thomas, USVI

Harriet Lansing, Chair of the Executive Committee, called the meeting to order on January 12, 2013, at 8:30 a.m. The meeting adjourned at 4:45 p.m. on January 12. The following members of the Committee were present: Thomas J. Buiteweg; Steve Frost; Dale G. Higer; Michael Houghton, President; Anita Ramasastry, Secretary; Richard T. Cassidy, Chair, Scope and Program Committee; Terry J. Care, Chair, Legislative Committee; Robert A. Stein, Immediate Past President; and Gene N. Lebrun, Chair, Public Information Committee. Rex Blackburn, Vice President, participated by conference call. Also present were John A. Sebert, Executive Director; J. Elizabeth Cotton-Murphy, Chief Administrative Officer; and Katie Robinson, Deputy Legislative Director / Communications Officer. Commissioner Howard Swibel, Chair of the ULC History Committee, and Commissioner Martha Walters, Chair of the Committee to Review the Scope and Program Process, attended a portion of the meeting. Charles A. Trost, Treasurer, was unable to attend the meeting.

**1. Approve Minutes**

A motion was made and approved accepting the minutes of the Annual meetings held July 12 and July 17, 2012.

**2. Report of the President**

*A. Annual Meeting Schedule*

President Houghton reported on the agenda for and the events at the 2013 Annual Meeting.

*B. Name Changes*

There were no requests for name changes of any committees.

*C. Report on Plans for the ABA Mid-Year Meeting, February 2013*

President Houghton reported that the following acts are included on the House of Delegates February agenda: Uniform Deployed Parents Custody and Visitation Act, Uniform Asset Freezing Orders Act, and Uniform Premarital and Marital Agreements Act. At this point, none of the ULC acts are on the consent agenda.

*D. Report on ULC History Project*

President Houghton reported on the recent activity of the ULC History Committee. The video was completed prior to the 2012 Annual Meeting. It has been useful to share with legislators, state bar meetings, and CLE programs, and has been very well received. President Houghton thanked Commissioner Swibel and Deputy Legislative Director/Communications Officer Robinson for their excellent work.

Commissioner Stein reported on progress made on ULC written history that he is authoring. The book will be organized into chapters that cover the chronological development of the ULC, as well as chapters dedicated to important ULC products, such as the Uniform Commercial Code. It is anticipated that the written history will be ready for distribution at the July 2013 annual meeting. President Houghton is negotiating with LexisNexis to publish the book.

E. *Report of the Committee to Review the Scope and Program*

Commissioner Walters presented an oral report. The committee hosted input sessions at the 2012 Annual Meeting that generated substantial amounts of feedback on the Scope and Program process. The committee met in the fall and reviewed all the comments and recommendation, and plans to prioritize these in the spring of 2013, in order to generate a final report for the Executive Committee's consideration at their July meeting.

Commissioner Walters reported that the committee will have its last in-person meeting February 1 - 2 and thereafter will prepare a final report for consideration by the Executive Committee in July 2013. She said that a consensus was emerging on the committee to include in its final report recommendations such as the following:

- That the membership of the Scope and Program Committee be expanded with staggered terms longer than two years;
- That the process for obtaining proposals might be improved in various ways:
  - By having the Chair of Scope report each year to the Committee of the Whole at the Annual Meeting, to inform commissioners more fully of the work of Scope and encourage more commissioners to submit proposals;
  - By asking staff to review media and other sources to identify topics that might be considered for study by the ULC;
  - By establishing a process to review existing ULC acts to develop recommendations as to when an existing act should be amended or revised
- That the Scope and Program Criteria be revised to place greater emphasis on enactability concerns, and also recommend separate criteria to evaluate different proposals (i.e. international projects; revisions of existing acts; model acts);
- That the committee will make recommendations that seek to improve the working of study committees.

Commissioner Walters also reported that the Committee has found that acts are most successful when there is at least one outside entity (such as AARP) that is a strong proponent of the act.

President Houghton raised the importance of tracking project development information for historical purposes to help the ULC collect data on the success of a project and to identify areas where the drafting process might be improved. The Committee will also compile data on lessons learned in the past.

F. *Report on International Initiatives (including implementation of treaties and conventions, and harmonization efforts)*

Commissioner Stein reported on the success of the recent Caribbean Harmonization meeting. There was broad participation by a number of Caribbean nations and several joint project ideas were generated at the meeting. Topics of interest include enforcement of child custody and support orders, issues related to timeshares and vacation rentals, and the enforcement of judgments.

A process was developed where a working group will be established with one ULC member and a representative from another country to look at each of these subject areas. The working groups will report to the full group in May, and proposals may be developed and submitted for Scope and Program's consideration at the July meeting.

President Houghton and Commissioner Blackburn summarized the recent activity regarding the discussions with the Departments of State and Justice, and other interested parties, concerning the implementation of the Hague Convention on Choice of Court Agreements.

Commissioner Blackburn reported that most recently, the State Department has circulated a draft of federal implementing legislation that would abandon a cooperative federalism approach to implementation and implement the Convention exclusively through federal legislation. The ULC does not support this proposal. A conference with State Department officials, and other interested stakeholders, was scheduled for January 4, 2013, to address the most recent proposal of the State Department. At the conclusion of that conference call the Legal Adviser notified the group that before his impending resignation he intended to present to Secretary Clinton his recommendation that the Convention be implemented through purely federal legislation rather than through a cooperative federalism approach. He indicated that he seeks to influence the incoming Secretary of State to follow this approach and stated that the State Department was actively involved in meeting with Senate Foreign Relations Committee members and staff to urge a purely federal implementation method.

The ULC will continue to track what the Department of State is doing on this issue.

Commissioner Stein and the Executive Committee commended Commissioner Blackburn on his work on behalf of the Choice of Court Agreements committee and noted that he deserves enormous thanks for his perseverance throughout this frustrating project.

G. *Report of the Committee on Federalism and State Law and on the April 2013 Federalism Symposium*

Executive Director Sebert reported on plans for the upcoming Federalism Symposium in Washington D.C. The symposium is scheduled for Thursday, April 18, 2013, at the Georgetown University Law Center in Washington, D.C.

The symposium will include the following panel discussions: the impact of Dodd Frank on federalism; preemption and regulatory agencies, specifically what agencies have done in response to recommendations that they take particular steps when proposing to regulate in areas in which state law operates; a broad discussion among representatives of our partner organizations and the executive branch and Congress concerning how to make the present process concerning potential federal preemption work better; the

Federalism Principles and how to draw attention to these principles; and a concluding panel discussion with representatives from the prior panels.

Jack Markell, the Governor of Delaware, who also is Chair of the National Governors Association, has been invited to be the luncheon speaker, and the committee working on the symposium is in the process of inviting a prominent keynote speaker for the symposium.

H. *Report on Move of the Archives to the Law Library at the University of Texas, Austin*

President Houghton reported on relocating the archives from the University of Pennsylvania to the University of Texas Tarlton Law Library. The agreement with Tarlton includes assurances that all of the archive materials the ULC wants digitized will be digitized by June 2015. The goal is to work towards a fully integrated archive with all electronic materials being searchable. President Houghton said that he could benefit from a discussion with an archivist about what electronic records should be filed and saved. Tarlton Library Director Bintliff and Deputy Legislative Director Robinson are working together to develop a protocol for archiving email correspondence.

1. Electronic Digitization of ULC transcripts

Deputy Legislative Director Katie Robinson reported that Professor Bintliff has agreed that Tarlton will digitize the ULC's annual meeting transcript records. It will take some time for the Law Library to complete this project, but it will be done at no cost to ULC other than the cost of shipping materials to and from the library.

I. *Discussion of Legislative Director Search*

President Houghton reported that Terry Morrow will be the ULC's new Legislative Director. He will begin work January 16, 2013.

J. *Report on Liaisons with Other Organizations*

Commissioner Higer summarized the written report submitted for the Committee's consideration. ULC Commissioner and Staff Liaisons have been appointed to the following other organizations: CCJ & NCSC, CSG, NCSL, NAAG and NASS.

K. *Discussion of Possible Increase in Annual Meeting Registration Fees*

President Houghton reported on potential increase of registration increases for the 2013 annual meeting. CAO Cotton-Murphy and Accounting Officer Cunneen provided a memorandum recommending specific possible registration fee increases. Annual meeting registration fees were last increased for the 2008 Annual Meeting. The current registration fee for commissioners is \$575, for advisors it is \$300, for observers it is \$575 for those attending the full meeting and \$300 for those attending only for the consideration of one act, and for guests it is \$200.

Staff was asked to research what states cover registration fees, what states do not, and what states have reimbursement caps. Staff was also asked to survey commissioners who have not attended recent annual meetings to determine, from a list of possible reasons (family obligations, business obligations, costs), the reasons for non-attendance.

A motion was made and approved authorizing the following registration fee increases for the 2014 annual meeting: a \$25 increase in Commissioner and full Observer fees, from

\$575 to \$600 per person. The motion passed with one dissent. No changes were approved for Spouses or Guest registration fees at this time.

L. *Report on ULC/ULCC Joint Planning Meeting*

President Houghton summarized the written report submitted for the Committee's consideration. He noted that ULC has an exceptional relationship with the ULCC, that this joint planning meeting was very successful, and that annual planning meetings of the leadership of the ULC and ULCC will be scheduled in the future.

Commissioner Stein reported that, at this meeting, it was decided that henceforth the ULCC representatives to a ULC drafting committee would be designated "ULCC Liaison," and asked if there was any objection to this designation. There was no objection.

M. *Discussion of Proposed ABA/ULC Protocol for the Continuing Development of the Business Organization Code*

President Houghton reported on the proposed protocol to address issues that have arisen as a result of the development of the Model Entity Transactions Act and the Business Organizations Code. The Protocol addresses (i) the on-going questions of the jurisdiction of the ULC and the ABA over the uniform unincorporated entity laws and the model corporation laws, (ii) the relationship between the model corporation laws and the Code, and (iii) the copyright issues involved in the various intended publications by the ULC and the ABA.

Executive Director Sebert reported that the protocol is designed to summarize the current understanding of the division of activities between the ULC and ABA. He observed that one of the things that makes a written protocol particularly useful at this time is that it will facilitate the publication, in Uniform Laws Annotated, of a combined Business Organizations Code that will include both the ULC unincorporated organization acts and the ABA corporate acts. One of the purposes of this agreement was to make it clear that a combined document could be published, but that neither the ABA nor the ULC was trying to take over any right to those materials that is not normally within each organization's jurisdiction. Section E of the draft protocol carries forward the current understandings of how specific products are developed.

Commissioner Frost recommended supporting the protocol because of the importance of having something in writing when drafting joint products in the future with the ABA.

Executive Director Sebert reported that this version of the proposal has been reviewed and approved by the Corporate Law Committee and by ABA General Counsel. He does not know whether the Business Law Section Council or the Section's Partnership/LLC Committee has reviewed the Protocol.

Commissioner Higer spoke in support of the protocol because it would help to facilitate development and integration of future products and agreed that having an agreement in writing was better than not.

After discussion, President Houghton recommended that he, Commissioners Lansing and Frost, and Executive Director Sebert, gather additional information and report back to the Executive Committee at a later time.

### 3. Report of the Chair of the Executive Committee

#### A. *Report on Committee Meetings*

Commissioner Lansing reported on committee meetings already held and to be held during the remainder of the 2012-2013 fiscal year.

#### B. *Report on Annual and Midyear Meeting Dates and Locations*

Commissioner Lansing reported that the 2014 Midyear Meeting will be held January 17-19, 2014, at the Arizona Biltmore Waldorf Astoria in Phoenix, Arizona.

Commissioner Lansing reported on the dates and meeting locations of the 2013, 2014 and 2015 Annual Meetings. The ULC will meet in Boston, MA, Saturday, July 6 – Friday, July 12, 2013; the ULC will meet in Seattle, WA, Friday, July 11 – Thursday, July 17, 2014; and the ULC will meet in Williamsburg, VA, Friday, July 10 – Thursday, July 16, 2015.

#### C. *Report of the ULC Technology Sub-committee of the Committee to Review the Drafting Process*

Commissioner Frost summarized the written report received by the committee. The question before the subcommittee is how we can use technology to enhance the study and drafting committee processes. Executive Director Sebert reported on the use of scheduling software. Commissioner Frost reported on his use of Google Docs to facilitate drafting for the Drafting Committee on Series of Unincorporated Business Entities. President Houghton asked that staff research whether ScheduleOnce could be used to notify commissioners of breakout committee meetings while at the Annual Meeting in Boston. If so, this would be an improvement to posting committee meetings on a white board. When the committee submits its final report, part of it will be a tutorial document for Chairs and Reporters of drafting and study committees as to what technological assistance is available to them to use.

#### D. *Plans and Priorities for 2013-15*

Commissioner Lansing reported on her priorities for the incoming presidency. These ideas were presented as preliminary concepts that will continue to crystallize as the ULC moves toward the annual meeting in Boston in July. They configure into five sets of initiatives.

1. A primary initiative will be continuing, completing, or expanding on a series of excellent initiatives that previous presidents have brought on line during their presidencies: particularly President Houghton's initiatives in the development of ULC history and the proper archiving of our records; strengthening and expanding efforts on harmonization of law in the ULC's work with Canada, Mexico, the Caribbean nations, and Ireland; President Stein's initiatives in these same areas and also his initiatives on Federalism and the biennial Federalism Symposium; their initiatives on improving the drafting process and reviewing the scope and program committee process to generate and analyze legislative proposals; President Walter's initiatives on outreach to other organizations; her work on coordinating communication among division chairs and providing training sessions for committee chairs and reporters.

2. A second area of focus will be overseeing the stability of our administrative staff with the integration of a new legislative director and the transition in the Executive Director position and a continued focus on the structure, clarity, and transparency of our administrative processes together with scheduled periodic reviews and current job descriptions and reporting structures.
3. Third, maintaining financial stability of the ULC by appointing and working with a financial committee that will make recommendations on how to integrate the fund-raising function or support into the administrative work of the ULC and providing responsible stewardship in the area of finances.
4. Fourth, to undertake an internal and external evaluation of our ultimate product—our treasured ULC acts themselves to see if we can make them even better. To devise a method of getting external feedback to see if there are ways that could make our acts more concise, more readily readable, and consequently more easily enactable.
5. To appoint a special committee that will work on an initiative to strengthen our state delegations through coordinated efforts to examine current processes and structures among our delegations, to develop ideas that can be implemented to support and strengthen our state delegations and expand the diversity of our Conference membership. Important work was accomplished on this issue during President Walter’s term and we now need to build on this work to increase our enactments and assure dues payments.

Commissioner Buiteweg and commissioner Ramasastry expressed interest in working on the fifth initiative to strengthen our state delegations. They recommended developing a tool kit for new commissioners as a way to get new members interested and active and also looking at the effect of legislative term limitations on the composition of state delegations.

#### **4. Report of the Vice President**

##### *A. Division Chair Reports*

Commissioner Blackburn summarized the written report of the Vice President, collected from Division Chairs, on the progress of all committees. Reports from all Division Chairs were received.

Commissioner Blackburn brought attention to the report submitted by the Drafting Committee on Uniform Residential Real Estate Mortgage Foreclosure Process and Protections Act. The report requested Executive Committee guidance regarding whether the Act should address the issues of Holder in Due Course and a possible Electronic Recording system and, if so, how. Commissioner Lansing and Executive Director Sebert reported on recent discussions with members of the drafting committee, observers, and ALI Director Lance Liebman concerning these matters.

##### *B. Federal Relations*

The discussion of international initiatives under the Report of the President covered the primary federal relations matters that the Conference has dealt with since the annual meeting.

C. *Report of the PEB's and JEB's*

The Committee received reports from the Permanent Editorial Board for the Uniform Commercial Code, the Joint Editorial Board for Uniform Real Property Acts, the Joint Editorial Board for Uniform Family Law, the Joint Editorial Board on International Law, the Joint Editorial Board for Unincorporated Organization Acts, and the Joint Editorial Board for Uniform Trust and Estate Acts. The reports were accepted.

D. *Report of the Uniform Commercial Code Committee*

No written report was received by the committee.

E. *Report of the International Legal Developments Committee*

Commissioner Stein summarized the written report submitted for the Committee's consideration, highlighting a series of action items contained in the report as follows:

The ILDC unanimously adopted a motion endorsing the Study Committee on an act to Implement the Consular Notification Requirements of Article 36 of the Vienna Consular Convention, and urging the Scope and Program Committee to recommend that a drafting committee on this project. The work of this study committee will continue and the Scope and Program Committee should expect a final report in July.

Commissioner Stein reported that the ILDC recommends to the Executive Committee and the Legislative Council that the International Wills Act be a targeted act, and that an enactment plan be developed for this act. Commissioner Care said he will discuss this request with the Legislative Council.

Commissioner Stein led a discussion regarding a possible UNCITRAL project on Global Contract Law. The Swiss have recommended that UNCITRAL initiate a project to prepare a binding international agreement that would essentially be a restatement of contracts on an international scale. The ILDC recommends that the Executive Committee adopt a resolution opposing this project. After discussion, a motion was made and approved without dissent that the Executive Committee is opposed to the Swiss proposal for an UNCITRAL Project on Global Contract on the ground that it is very unlikely to be successful and that any attempt to develop such a document would be a waste of resources.

Commissioner Stein reported that Americans abroad are finding it difficult to have documents notarized. He believes that making a slight adjustment to the Uniform Law on Notarial Acts might solve the problem. The ILDC recommends that a group within the Conference be asked to examine the problem of obtaining notarization outside the US of documents that only would be used in the US and to determine whether there is a solution that could be proposed. After discussion, Commissioner Houghton asked that the Standby Committee on the Uniform Law on Notarial Acts be asked to consider this issue, and that the staff liaison to that Committee also research this issue.



## **5. Report of the Secretary**

### *A. Membership Changes*

Commissioner Anita Ramasastry, Secretary, reported on changes in membership since the 2012 Annual Meeting. Commissioner Ramasastry reported that there are currently 315 Commissioners, 26 Associate Members, 38 Life Members, and 14 Advisory Members, making a total of 393 Members of the Conference.

A correction was made to the report. Since the report was prepared, Commissioner Patchel has been reappointed to the commission.

### *B. Consideration of Excused Absences*

A motion was made and approved granting excused absences to commissioners who have requested an excused absence and given reasons for their absence from the 2012 Annual Meeting: Levi Benton (TX); Vicci Colgan (WY); Monica Howard (USVI); and Robert Sitkoff (MA).

### *C. Consideration of Requests for Life Membership*

A motion was made and adopted appointing the following commissioners as life members of the Conference: Jack Burton (NM); Bill Henning (AL); Dale Higer (ID); and Nathaniel Sterling (CA).

## **6. Report of the Treasurer**

### *A. Audit Report*

Chief Administrative Officer Cotton-Murphy reported on the audited financials. The ULC received a clean audit report for Fiscal Year 2011-12; it was noted that this was the fourth year in a row that the ULC has received a clean audit.

A motion was made and approved accepting the audit report.

### *B. State Dues Report*

Executive Director Sebert reported on the collection of state dues for the 2012-13 fiscal year. The ULC has received full dues payments from 29 states and has received partial dues payments from eight states. The ULC may receive no payments from the following seven states: Alabama, Arizona, Maine, Massachusetts, Missouri, New Hampshire, and Puerto Rico, although there remains the possibility that ULC may receive at least partial dues payments this year from as many as four of the seven listed states. The anticipated dues collection for 2013 is \$2,089,507, or 82.31% of total dues assessed, with a remaining uncollectible amount of \$449,093, or 17.69%.

### *C. Report on ULC Investments*

Chief Administrative Officer Cotton-Murphy reported on ULC investments.

### *D. Retirement Plan Review*

Chief Administrative Officer Cotton-Murphy summarized the written report submitted for the Committee's consideration.

After discussion a motion was made and approved granting the President, the Chair of the Executive Committee, and the Treasurer discretion to have the plan document amended

to eliminate annuity forms of payment so that distributions are limited to cash or IRA. President Houghton also said that he will appoint a committee to review the performance of investment funds that are held for the Plan and to compare the ABA Retirement Fund's performance with that of other available programs. Commissioner Ramasastry suggested that it might be good to include a ULC employee as a member of any such committee.

## 7. Report of the Uniform Law Foundation

### A. *Financials*

Chief Administrative Officer Cotton-Murphy summarized the written report submitted for the Executive Committee's consideration. The financial situation of the Foundation is excellent; in December they surpassed the goal of a \$5 million endowment.

### B. *Fundraising*

Chief Administrative Officer Cotton-Murphy summarized the written report submitted for the Executive Committee's consideration. As of December 31, 2012, annual contributions to the ULF totaled \$67,205.50. This includes all donations received for the Annual Campaign and the net proceeds from the ULF Gala. This represents a 1% decrease from 2011 contributions.

### C. *Trustee Minutes*

Minutes from the recent Trustee meeting were received by the Committee.

## 8. Report of the Committee on Scope and Program – Action Items

Commissioner Cassidy, Chair of the Committee on Scope and Program, presented the action items contained in the report of the committee. The Executive Committee approved the following resolutions after considering and discussing the recommendations of the Committee on Scope and Program:

### A. *Recommendations Concerning Establishment of New Study Committees*

1. Proposal to Amend or Revise the Uniform Unclaimed Property Act: Scope recommends that a study committee be formed.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of amending or revising the Uniform Unclaimed Property Act.**

The resolution was adopted without dissent.

2. JEB/Uniform Family Law Acts, Proposal to form study committee on third party child custody and visitation: Scope recommends that a study committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on third party child custody and visitation.**

The resolution was adopted with one dissenting vote.

3. Proposal on state firearms law: Scope recommends that a study committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state firearms legislation regarding the information that the States should furnish to the Federal Government.**

The resolution was adopted with two dissenting votes.

*B. Recommendations Concerning Establishment of New Drafting Committees*

1. Recommendation from Study Committee to Amend the Uniform Athlete Agents Act to form drafting committee: Scope recommends that a drafting committee be formed.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Amend or Revise the Uniform Athlete Agents Act be formed.**

The resolution was adopted without dissent.

2. Recommendation to form drafting committee on Recognition of Canadian Domestic Violence Protection Orders: Scope recommends that a drafting committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Recognition of Canadian Domestic Violence Protection Orders be formed.**

The resolution was adopted without dissent.

3. Recommendation from Study Committee on Trust Decanting to form drafting committee: Scope recommends that a drafting committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Trust Decanting be formed.**

The resolution was adopted without dissent.

4. Recommendation from Study Committee on Family Law Arbitration to form drafting committee: Scope recommends that a drafting committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Family Law Arbitration be formed.**

The resolution was adopted without dissent.

*C. Recommendations Concerning Discharge of Committees*

Study Committee on Eyewitness Identification Procedures: Scope recommends that committee be discharged. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Eyewitness Identification Procedures be discharged with a letter of thanks to the committee.**

A motion was made and approved that action on this resolution be deferred until the Annual Meeting.

#### D. *Other Resolutions*

Drafting Committee on Implementation of the Hague Convention on Protection of Children: Scope recommends that committee's charge be expanded. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the charge of the Drafting Committee on Implementation of the Hague Convention on Protection of Children be expanded to allow consideration of amendments to existing provisions of the Uniform Child Custody Jurisdiction and Enforcement Act which deal with the recognition and enforcement of non-convention countries so the grounds for non-recognition will conform to those applicable to orders from convention countries.**

This resolution was approved without dissent.

Commissioner Cassidy concluded by reporting on projects as to which the committee had decided to take no action.

### 9. **Report of the Executive Director**

#### A. *Report of Activities Since the 2012 Annual Meeting*

Executive Director Sebert summarized his written report submitted for the committee's consideration.

#### B. *Tribal Law Activities*

Executive Director Sebert reported that the major activity in this area has been the continuing effort by the Study Committee on a Model Tribal Probate Law to garner support for this project from Indian tribal governments and to secure commitments of financial support from the Department of the Interior. There has been significant success on the former, as the Intertribal Monitoring Association (which represents about 60 tribes) has expressed support for the project. Unfortunately, repeated approaches to entities within the Department of the Interior concerning funding for the project have always resulted in the response that funds for the project are not available.

Executive Director Sebert also noted the significant success that the Model Tribal Secured Transactions Act has achieved, with adoptions by many tribes, agreements between some tribes and Secretary of States offices for the offices to maintain a secured transaction registry for the tribe, and continuing support by the Department of the Interior for training programs for implementation of this act.

#### C. *Grants Report*

Executive Director Sebert reported on the grants that the ULC has received and is currently administering.

### 10. **Report of the Chief Administrative Officer**

#### A. *Report of Activities Since the 2012 Annual Meeting*

Chief Administrative Officer Elizabeth Cotton-Murphy summarized her written report submitted for the committee's consideration.

B. *Financial Report Year-To-Date*

Chief Administrative Officer Elizabeth Cotton-Murphy summarized the written report on the end-of-year financials submitted for the committee's consideration.

C. *Proposed Revisions to the FY 2012-13 Budget*

President Houghton and Executive Director Sebert led a discussion of recommended changes to the fiscal year 2013 budget.

A motion was made and adopted approving the revised budget as proposed.

Executive Director Sebert acknowledged the value and expertise that Senior Accounting and Finance Officer Liz Cunneen brings to the financial management of the Conference and thanked her for her work.

D. *Air Conditioning the Server Room*

Chief Administrative Officer Elizabeth Cotton-Murphy reported on plans to add a small air conditioning unit to cool the server room in order to protect the equipment housed in that room. At the same time, additional duct work will be added to the copy room to add additional cooling to protect equipment in that room. The work is scheduled to begin at the end of January and should be complete by the end of February.

## **11. Report of the Chair of Legislative Committee**

A. *Report of Legislative Activity since July 2012 Annual Meeting*

Commissioner Care reported that there were 191 introductions and 82 enactments in 2012, which made it an extremely successful year. This is only the fifth time that we have surpassed 80 enactments in an even numbered year. President Houghton commended commissioners and the legislative staff for the enactment success.

B. *Minutes from October 27, 2012 Legislative Council Meeting*

Commissioner Care summarized the minutes of the Legislative Council meeting, and the minutes were accepted.

Commissioner Care reported that there have been recent changes to the membership of the Legislative Council.

Target Changes: Commissioner Care summarized the written report submitted on changes to the "Target" and "Targets to Complete" lists; the report was accepted.

Enactment Committees: Commissioner Care summarized activities of the various Enactment Committees.

C. *2013 Legislative Plans and Preview of Activity*

Commissioner Care reported that planned introductions for 2013 stand at 282. It is anticipated that the 2010 Amendments to UCC Article 9 and the UCC4A 2012 Amendments will lead all acts in numbers of introductions; 35 states currently have UCC4A on their 2013 legislative plans.

D. *Legislative Staff Issues Areas Update*

Commissioner Care summarized the legislative staff and the assigned areas of responsibilities. Commissioner Care commended the legislative staff on the excellent work that has been done this year.

**12. Report of the Committee on Public Information**

A. *Committee Report*

Commissioner Lebrun, Chair of the Public Information Committee, reported on the recent activity of the committee. The report was accepted.

B. *Meeting Minutes*

Commissioner Lebrun summarized the minutes that were submitted for consideration; the minutes were accepted.

C. *Memo Regarding Mobile Applications and Uniform Acts*

Commissioner Lebrun reported work that ULC Legal Counsel and Senior Legislative Council Eric Fish has undertaken to identify a potential vendor that would develop and market mobile applications that contain some ULC acts.

A motion was made and approved authorizing entering into a contract with Lawyer-Apps.com to develop and market mobile applications that contain ULC acts. The motion passed unanimously.

**13. Designation of Acts as Uniform or Model**

No acts were submitted for consideration.

**14. Consideration of Continuation or Discharge of Standby/ Other Committees**

A. *Committee to Review the Drafting Process*

A motion was made and approved that the Committee to Review the Drafting Process be discharged with thanks.

**15. Other Business**

Commissioner Cassidy recommended that the ULC develop a social media strategy. Commissioner Lansing recommended extending the work of the Subcommittee on Technology to develop a policy that would govern developments in this area. Commissioner Frost will meet with appropriate ULC staff on this issue.