

**Minutes**  
**Web and Audio Conference of the Executive Committee**  
**Uniform Law Commission**

Thursday, January 15, 2022  
Chicago, IL

Timothy Berg, Chair of the Executive Committee, called the meeting to order on November 16, 2021, at 12:00 p.m. Central Time.

The following members of the Committee were present: Daniel Robbins, President; Diane Boyer-Vine, Vice President; Tom Buiteweg, Treasurer; Lisa Jacobs, Committee on Scope and Program Chair; Carl H. Lisman, Immediate Past President; Ryan Leonard, Secretary; Steve Wilborn, Legislative Committee Chair; Elena Duarte; Lani Ewart; and Melissa Hortman.

Also present: Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Legislative Program Director; Ben Orzeske, Chief Counsel; and Kaitlin Wolff, Legislative Program Director. Steven L. Willborn, Chair of the Review of Conference Acts Committee and James C. McKay, Jr., Chair of the Committee on Stakeholder Outreach attended part of the meeting. The following commissioner Division Chairs were present for part of the meeting: Barbara A. Attwood; Martin D. Carr; David J. Clark; Patricia Brunfield Fry; Thomas S. Hemmendinger; William H. Henning; Lane Shetterly, Lead Division Chair; and Nora Winkelman.

**1. Minutes**

A motion was made and approved accepting the webinar minutes of the Executive Committee Meeting held November 16, 2021.

**2. Committee to Review Conference Acts Report**

Commissioner Steven L. Willborn, Chair of the Review of Conference Acts Committee, reported on committee activities.

**3. Committee on Stakeholder Outreach Report**

Commissioner James C. McKay, Jr., Chair of the Committee on Stakeholder Outreach, reported on committee activities.

**4. Name Changes**

No requests for name changes were submitted for consideration during this meeting.

**5. Consideration of Excused Absences**

No requests for excused absences were submitted for consideration during this meeting.

## **6. Requests for Life Membership**

A motion was made and approved nominating John J. McAvoy (DC) for election to life member of the Conference.

## **7. Request for Uniformity**

No requests for uniformity were submitted for consideration during this meeting.

## **8. Approval of the Audit Report**

Treasurer Buiteweg reported on the audited financials. A motion was made and approved accepting the audit report.

## **9. Investment Committee**

President Robbins summarized the written report submitted for the Committee's consideration. The recommendation before the committee is that a small investment committee of three to five commissioners be established to ensure that knowledge of the ULC's investment positions and strategy is more broadly shared, to provide continuity and long-term stability. Placing responsibility in a small group of commissioners would also be consistent with best practices followed by other types of organizations, such as the "rule of three" under which public companies generally utilize groups of three or more to make decisions regarding investment portfolios.

If established, an investment committee could be tasked not only with implementing the existing investment policy, but also with proposing any updates to that policy for consideration by the Executive Committee. The investment committee could also consider whether UBS remains the best option for holding the ULC's investments.

After discussion, a motion was made and approved to create an investment committee and authorizing the president to appoint members to that committee.

## **10. Consideration of CAI Advisor – Uniform Common Interest Ownership Act (2021)**

Executive Director Schnabel summarized the memo submitted for the Committee's consideration. Revisions to the Uniform Common Interest Ownership Act were approved at the 2021 Annual Meeting. Commissioner William Breetz, who chaired the drafting committee, has requested that David Ramsey, who participated in the drafting committee as an observer from the Community Associations Institute, be listed on the committee page of the final act.

Commissioner Breetz believes that adding Mr. Ramsey to the committee page would be helpful for the act's enactment prospects, given the importance of CAI as a stakeholder on these issues.

After discussion, a motion was made and approved to add David Ramsey to the committee page for UCIOA and, going forward, to inform committee chairs that they should submit such

requests to the Executive Committee prior to the final act being publicly posted.

Executive Director Schnabel was asked to develop criteria for this approval process for consideration by the Executive Committee. Mr. Schnabel was also asked to consider criteria for approving requests for privilege of the floor.

## **11. Consideration of Continuation of Discharge of Standby/Other Committees**

No requests for uniformity were submitted for consideration during this meeting.

## **12. Report of the Legislative Committee**

Commissioner Wilborn, Legislative Committee Chair, summarized the written reports submitted for the Committee's consideration. The reports were accepted.

Legislative Program Director Wolff reported that enactments are still down due to Covid-19. ULC closed out the year with 148 introductions and 68 enactments. Going into the 2022 legislative session, 71 bills have been introduced so far. Based on current state legislative plans, there are 203 planned introductions. The following acts are generating the most legislative interest this legislative session: the College Athlete Name Image or Likeness Act; the Unregulated Child Custody Transfer Act; the Revised Law on Notarial Acts (2018); and Partition of Heirs Property Act.

## **13. Hybrid Meeting Strategy**

President Robbins summarized the report submitted for the Committee's consideration, explaining that over the course of the pandemic, we have discovered that our expanded use of Zoom has been a very effective tool that will help our work going forward. Using a hybrid format for our committee meetings, even after the pandemic, would let us preserve the increased stakeholder participation from which we have benefited during the pandemic while also enabling the benefits of in-person meetings.

The Executive Committee discussed the implications of various options for the budget and the ULC's working methods.

## **14. Budget and Finance**

### **a. Proposed Revisions to the FY 2021-2022 Budget**

Commissioner Buiteweg summarized the memorandum and proposed budget submitted to the Committee and led a discussion of the proposed fiscal year 2022 budget. A motion was made and approved adopting the budget as proposed. The motion passed by unanimous vote.

### **b. ULC Financial Report, November 30, 2021**

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

**c. State Dues Report**

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

**d. Report on ULC Investments**

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

**15. Plans for the 2022 Annual Meeting**

President Robbins reported on plans for the 2022 annual meeting in Philadelphia, Pennsylvania. The annual meeting is scheduled for the second week in July. It is unclear whether all commissioners, advisors, observers, and staff will feel comfortable attending the meeting in person. The city of Philadelphia currently requires proof of vaccination to enter any establishment that serves food and drink, this includes hotels and conference centers, and ULC may be obligated to collect proof of vaccination as part of the meeting registration process. The Committee discussed the possibility of holding another hybrid annual meeting using Zoom to facilitate remote participation depending on pandemic risk. The decision will be driven by a combination of covid case numbers and how willing commissioners are to travel to another city and attend an in-person meeting in a ballroom for an extended period.

**16. Discussion with Division Chairs**

Commissioners Attwood, Carr, Clark, Fry, Hemmendinger, Henning, Shetterly, and Winkelman reported on the committee activities of their respective divisions. Commissioner Hemmendinger reported on topics of discussion during the division chair meeting, including (1) how to ensure that the final comments to acts accurately reflect motions made on the floor and suggestions made throughout the drafting process, (2) how to ensure sufficient participation by stakeholders and ABA advisors, (3) the possibility of division chairs serving as talent scouts to identify potential among newer or less active commissioners, (4) the benefits of the increased use of vice chairs and co-chairs, and (5) the benefits of the number of divisions having been increased from six to eight.

**17. Pipeline Review**

Executive Director Schnabel led a discussion of the proposed possible reading schedule for the 2022 annual meeting distributed for the Committee's consideration.

**18. Report of the Committee on Scope and Program**

Commissioner Jacobs presented the report of the Committee on Scope and Program ("Scope").

a. Recommendations Concerning Discharge of Committees

No recommendations concerning discharge of committee were received for consideration during this meeting.

b. Recommendations Concerning Establishment of New Study Committees

Scope approved the following two resolutions for consideration, recommending study committees be formed with respect to the following issues:

1. Scope approved the following resolution for consideration, recommending that a study committee be formed to study the need for a feasibility of updating the Uniform Transfer to Minors Act:

**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 updating the Uniform Transfers to Minors Act.**

*A motion was made and approved to appoint a study committee on the need for and feasibility of updating the Uniform Transfers to Minors Act.*

2. Scope approved the following resolution for consideration, recommending that a study committee on assignment for benefit of creditors be formed:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Assignment for Benefit of Creditors be formed to study the need for and feasibility of a uniform or model act on the subject.**

*A motion was made and approved to appoint a study committee on assignment of benefit of creditors.*

3. Scope approved the following resolution for consideration, recommending that a study committee on occupational licensing of military spouses be formed:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Military Spouse Occupational Licensing be formed to study the need for and feasibility of a uniform or model act on the subject.**

*A motion was made and approved to appoint a study committee on military spouse occupational licensing.*

4. Scope approved the following resolution for consideration, recommending that

a study committee on mortal remains and choice of law be formed:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Mortal Remains and Choice of Law be formed to study the need for and feasibility of a uniform or model act, or amendments to an existing act, on the subject. The study committee should not address what methods of disposition are acceptable within a state.**

*A motion was made to appoint a study committee on this topic. The motion failed by a vote of 3 yes, 7 no, and one abstention.*

c. Recommendations Concerning the Establishment of New Drafting Committees

No recommendations concerning discharge of committee were received for consideration during this meeting.

**Other Business/Executive Session**

none

The committee went into executive session at 5:20 p.m. Central Time.

## Appendix

### A. Officer Reports

1. Report of the Vice President

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Report of the Secretary

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

3. Report of the Treasurer

These reports were discussed on January 22, 2021 under Agenda, Item 2.

### B. Committee Reports

1. Committee on State and Federal Relations and Other Organizations

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Committee to Monitor Development in Criminal Justice Reform

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

3. Committee to Monitor Developments in Civil Litigation and Dispute Resolution

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

4. Committee to Monitor Developments in Technology

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

5. Committee to Monitor Developments in Privacy Law

No report was received.

6. American Bar Association, Committee on Liaison with

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

7. History Committee

No report was received.

8. Public Information Committee

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

9. International Initiatives

1. International Legal Developments Committee

No report was received.

2. Joint Editorial Board for International Law

No report was received.

10. Tribal Law Activities

No report was received.

11. Committee on Academic Partnerships

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

12. Health Care Law, Joint Editorial Board for

No report was received.

13. Trust and Estates Acts, Joint Editorial Board for Uniform

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

14. Real Property Acts, Joint Editorial Board for Uniform

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

15. Unincorporated Organization Acts, Joint Editorial Board on Uniform

No report was received.

16. Family Law, Joint Editorial Board for Uniform

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

17. Uniform Commercial Code

No report was received.

18. Committee to Review ULC Acts

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

19. Stakeholder outreach Committee

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.



### C. Meeting Report

1. Report on Committee Meetings

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Report on Annual Meeting and Midyear Meeting Dates and Locations

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee. The ULC will meet in Philadelphia, PA, Friday, July 8 – Thursday, July 14, 2022; and in Honolulu, HI, Friday, July 21 – Thursday, July 27, 2023.

### D. Office Reports

1. Grants Report

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Activity Report of the Executive Director

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

3. Activity Report of the Chief Administrative Officer

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

### E. Reports of the Uniform Law Foundation

1. Trustee Minutes

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

2. ULF Financial Report, November 30, 2021

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

### F. Nelson Mullins Report

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.