

Committee of Legislative Attorneys

Tuesday, July 14, 2015 – 12:00 to 1:30 p.m.

Meeting Minutes

Attendees

Legislative Attorneys

Joanne Pepperl – Nebraska
Tim Dawson – North Dakota
John Stieff – Indiana
Todd Everts – Montana
Louise Nadeau – Connecticut
Jess Hale – Tennessee
Vince DeLiberato – Pennsylvania
Kyle Thiessen – Washington
Bob McCurley – Alabama
Vince Henderson II – Arkansas
Jerry Guillot – Louisiana
John Cannel – New Jersey
Floyd Lewis – North Carolina
Ken Takayama – Hawaii
Raul Burciaga – New Mexico
Dennis Cooper – Washington
Tom Morris – Colorado
Aaron Gary – Wisconsin
Jescey French – Vice-chair, Virginia
Michele Timmons – Chair, Minnesota

ULC Staff

Ben Orzeske – Legislative Counsel
Greg Young – Information Systems and Website Manager
Garrett Heilman – ULC Fellow

Observer

Cindy Sletto – Thomson Reuters (West)

ULC Drafting Manual Project

Bryan Garner has been working with the Uniform Law Commission on a book titled *Guidelines for Drafting and Editing Legislation*. The structure of the manual is to express principles for good drafting, and then show examples of outdated drafting under a column labeled “Not This” next to a “But This” column that shows how the same content can be rewritten and improved. Several members of the Committee of Legislative Attorneys, as well as several members of the Committee on Style, reviewed 40-page segments of the first draft of the manual earlier this year. A number of next steps were discussed:

- A. Garrett Heilman reported that Bryan Garner now has a final draft of the drafting manual, including a preface written by Mr. Garner and a foreword by ULC President Harriet Lansing. Garrett distributed handouts of President Lansing’s foreword and a letter from Mr. Garner, thanking members of the Committee of

- Legislative Attorneys and Committee on Style for the review and comments of the earlier draft. The reverse side of Mr. Garner's letter also showed an example of the "before" and "after" format of the manual.
- B. Michele Timmons related that President Lansing had asked for a group of volunteers from the Committee of Legislative Attorneys to proofread the final draft, again in 40-page segments. President Lansing also asked for help from the group in creating an index for the publication. Ms. Timmons volunteered the Minnesota Master Indexer, Maryann Corbett, to prepare the index. John Stieff, Jescey French, Joanne Pepperl, Vince DeLiberato, Louise Nadeau, and Kyle Thiessen each volunteered to proofread a 40-page segment (different from the 40 pages reviewed earlier, if applicable). A 30-day timeline for the proofreading was discussed, and the volunteers agreed that was doable.
 - C. President Lansing also requested ideas for a "Model" act for Appendix B that will demonstrate all the principles in the *Guidelines*, approximately 7 pages in length. The group suggested using an older uniform act, in part because an act rewritten by Mr. Garner would likely show a bigger contrast with an act using older drafting conventions. Specific suggestions included the Uniform Machine Gun Act of 1932 and the Model Act on Statute and Rule Construction from 1995.

After the meeting, the Chair spoke with both President Lansing and Garrett Heilman. Garrett will take the lead on distributing 20-page segments to volunteers for proofreading - because 40 was not doable - and coordinate the process with committee volunteers, Chair Timmons, and Mr. Garner.

Update on ULC Website

- A. Greg Young, ULC Information Systems and Website Manager, reported on the progress of computer development at the ULC. When Mr. Young was hired, the website was based on a 2010 Microsoft/CRM system, which is now out of date. The decision was made to migrate to an updated, cloud-based CRM system, and that infrastructure change is scheduled to be complete by the end of July. Development of new web pages will begin in the fall, including search enhancements, which will be made a priority. The target for implementation of new web pages is the end of December, 2015.
- B. A problem with the listserv for updates to an act was reported; Mr. Young will check into it.
- C. A Legislative Attorneys webpage was discussed by the group. While there is a web page for the committee, there was discussion that more content could be added, and more use made of the page by committee members. Minutes of the meetings could be posted, for example. The web page could also be used for networking and online discussion of issues of common concern. *Following the meeting, the Chair received some specific suggestions for the web page from Jess Hale, including adding contact information for committee members, adding links to resources such as the Bryan Garner manual, and notices of CLE's or webinars on drafting or statutory interpretation topics.*

Networking/Other Issues

- A. Kyle Thiessen asked for information regarding implementation of authentication under the Uniform Electronic Legal Material Act. Michele Timmons stated that most states have been purchasing Adobe software for authentication, which results in a blue banner display when a user accesses authenticated material on the state's website. Minnesota has implemented an in-house-developed authentication method that required no hardware or software purchases, but does require the user to download a PDF of the material and then run it through a hash reader provided on the Minnesota website. Computer staff at the Minnesota Revisor's office are available to provide more detail to computer staff from Washington or any other interested state. California is a good state to contact about Adobe-type solutions to authentication.
- B. There was an inquiry from Floyd Lewis about whether or not any members in attendance had recent experience with bidding out publication contracts; nobody reported recent experience at this meeting.

Having completed the agenda, with no other business to discuss, the meeting adjourned.

Submitted by Michele L. Timmons, Chair