

## **Minutes**

### **Annual Meeting of the Executive Committee Uniform Law Commission**

July 23, 2018, 1:30 – 5:00 p.m.

Green Room, Seelbach Hotel

Louisville, Kentucky

Carl H. Lisman, Chair of the Executive Committee, called the meeting to order on July 23, 2018, at 1:30 p.m. Eastern Time. The following members of the Committee were present in person or by conference phone: Thomas J. Buiteweg, Treasurer; Richard T. Cassidy, Immediate Past President; Gail Hagerty; Barry C. Hawkins; Ryan Leonard, Chair of the Legislative Committee; Anita Ramasastry, President; Daniel Robbins; Steve Wilborn, Vice President; and Nora Winkelman, Secretary. Commissioner Diane Boyer-Vine was unable to attend.

Also present: Liza Karsai, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; and Katie Robinson, Legislative Program Director. The following commissioners were present for part of the meeting: Mary M. Ackerly; William W. Barrett; William H. Henning; Dale Higer; Mike Houghton; Lisa Jacobs; John T. McGarvey; Juliet M. Moringiello; Martha Lee Walters; Cam Ward; and Candace Zierdt.

#### **Requests for Life Membership**

A motion was made and approved nominating Mary P. Divine (VA) for election to life member of the Conference.

#### **Guarantee Bond Issue, Letter of Credit**

A motion was made and approved authorizing renewal of the guarantee of payment of principal and interest on the bonds issued to finance the condominium owned by the Uniform Law Foundation and authorizing the President to sign the renewal on behalf of the organization.

#### **Employment Practices Liability Insurance/Directors and Officers Insurance**

Discussion was deferred until the September video conference meeting of the Executive Committee.

#### **Report of the Diversity and Inclusion Committee**

Commissioner Lisa Jacobs, Chair of the Committee on Diversity and Inclusion summarized the written report submitted for the Committee's consideration. In addition to the proposals in the written report, the committee recommends consideration of implementing some form of anti-bias

training for commissioners appointed to leadership positions and possibly others in the Conference.

Fundamental questions arise about how to proceed with the recommendations. The Executive Committee believes that the Diversity & Inclusion Committee serves a positive function aimed at encouraging diversity and inclusion and helping to provide training.

Policy enforcement and establishing reporting protocols, such as those necessary to meet the ULC's obligation to its employees, are appropriate roles of the board. Accordingly, the committee recommendations on protocol and enforcement issues will be channeled to the ad hoc committee dealing with harassment policy.

The Diversity & Inclusion Committee was asked to review the new chair training packet and recommend how the packet might be modified to provide training opportunities to new chairs and reporters.

The Executive Committee will reserve time for further consideration of diversity and inclusion issues and recommendations at a fall Executive Committee video meeting.

### **Report of the Committee on Innovation and Growth**

Commissioners Houghton and Winkelman, Co-Chairs of the Committee on Innovation and Growth, reported on committee activities.

The original scope of work is broad and includes review of ULC finances, technology, human resources, standing and monitoring committees, and the ULC's relationship with the Uniform Law Foundation. A great deal of work remains to be done. The Committee will work closely with leadership on prioritization. The key areas of focus are improvements to the ULC legislative program and review of the scope and role of the Executive Director position. Additional members will be appointed to the committee in consideration of the amount of work remaining.

### **Report of the Ethics Working Group, Proposal for Review of Conflict of Interest Policy**

Commissioner Henning, Chair of the Ethics Working Group, reported on the success of the listening session where the definition of conflict of interest and the general statement of policy were well-received. The Working Group will submit a revised draft for the Committee's consideration this fall.

### **Review of Proposed Revised Policy Statement on Transparency and Open Records**

Discussion was deferred to a later meeting.

## **Report of the Public Information Committee**

Commissioner Lebrun, Chair of the Public Information Committee, summarized the written report submitted for the Committee's consideration. Committee members are not in complete agreement about the desired level of visibility of the organization. The Committee asked that the membership be reconstituted and recommended including appointment of commissioners who have experience with and are knowledgeable about the use social media.

The appropriate level of ULC's visibility may play a role in the success of legislative enactment and funding opportunities. The target audiences may be broader than legislators and should include interest groups, bar associations, governors and others interested in legislative activities at the state level.

Commissioner Lisman asked that the committee meet by telephone or video conference once more after reviewing the report of the Committee on State and Federal Relations and suggest how the ULC might raise its profile from an institutional advertising perspective.

## **Report of the Committee on State and Federal Relations**

Commissioners Higer and Walters, Co-Chairs of the Committee on State and Federal Relations, summarized the written report submitted for the Committee's consideration.

Relationships with other organizations are essential to the work of the Commission. Commissioner Walters recommended the creation of a video or brochure entitled "The States Can Do It!" to spread the word about ULC's many accomplishments and to appeal to the national resurgence of federalism principles.

Commissioner Walters reported on the success of the federal symposium and recommended that the Committees on Public Information, Legislative Council and the Committee on State and Federal Relations work with Nelson Mullins on a broader public relations effort.

Commissioner Winkelman suggested holding similar symposia in specific state capitols to market the value of the Commission.

## **Discussion with Division Chairs**

Commissioners Ackerly, Barrett, McGarvey, Moringiello, Ward, and Zierdt reported on the drafting and study committee activities of their respective divisions.

## **Report of the Committee on Scope and Program**

Commissioner Robbins presented the report of the Committee on Scope and Program (“Scope”).

### **A. Recommendations Concerning the Establishment of New Drafting Committees**

1. Scope approved the following resolution for consideration, recommending that a drafting committee on Vehicle Data Recorders be formed.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Vehicle Data Recorders be formed.**

A motion was made and approved to table discussion to the January meeting of the Executive Committee.

2. Scope approved the following resolution for consideration, recommending that a drafting committee on Unregulated Transfers of Adopted Children be formed.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Unregulated Transfers of Adopted Children be formed.**

The Executive Committee resolved to appoint a Drafting Committee on Unregulated Transfers of Adopted Children.

3. Scope approved the following resolution for consideration, recommending that a drafting committee on the Economic Rights of Unmarried Cohabitants be formed.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on the Economic Rights of Unmarried Cohabitants be formed.**

A motion was made and approved to appoint a Drafting Committee on the Economic Rights of Unmarried Cohabitants.

**B. Recommendations Concerning the Establishment of New Study Committees**

1. Scope approved the following resolution for consideration, recommending that a study committee to study the need and feasibility of revisions to the Uniform Common Interest Ownership Act 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 revisions to the Uniform Common Interest Ownership Act.**

A motion was made and approved to appoint a study committee to consider the need for and feasibility of revisions to the Uniform Common Interest Ownership Act.

2. Scope approved the following resolution for consideration, recommending that a study committee on Covenants not to Compete 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 state legislation on covenants not to compete.**

After discussion, a motion was made and approved to appoint a study committee on Covenants not to Compete.

3. Scope approved the following resolution for consideration, recommending that a study committee on Online Privacy Protection 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 state legislation regarding online privacy protection.**

A motion was made and approved to appoint a study committee on Online Privacy Protection.

4. Scope approved the following resolution for consideration, recommending that a study committee on Direct to Consumer Sales of Wine, Beer, and Distilled Spirits 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 state legislation on direct to consumer sales of wine, beer, and distilled spirits.**

A motion was made and approved to appoint a study committee on Direct to Consumer Sales of Wine, Beer and Distilled Spirits.

### **C. Recommendations Concerning Discharge of Committees**

Katie Robinson, Legislative Program Director, reported on recommendations for the discharge of committees.

1. Scope approved the following resolution for consideration, recommending that the Study Committee on Adverse Possession be discharged.

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

A motion was made and approved to discharge the Study Committee on Adverse Possession.

2. Scope approved the following resolution for consideration, recommending that the Study Committee on Right of Publicity be discharged.

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

A motion was made and approved to discharge the Study Committee on Right of Publicity.

#### **3. Recommendation Concerning the Report of the Committee on Review of Conference Acts**

A motion was made and approved to implement recommendations from the Committee to Review ULC Acts with regard to the following:

- Re-designate the Uniform Manufactured Housing Act (2012) as a “Model” Act.
- Withdraw the Model Planned Community Act (1980) as “obsolete.”
- Withdraw the Model Victims of Crime Act (1992) as “obsolete.”

#### **4. Proposed Naming Convention Policy**

The matter was not discussed.

The meeting was adjourned at 5:02 eastern.