

Minutes

Annual Meeting of the Executive Committee Uniform Law Commission

July 16, 2019, 1:30 – 5:00 p.m.

K'enakatnu 6, Dena'ina Convention Center

Anchorage, Alaska

Carl H. Lisman, Chair of the Executive Committee, called the meeting to order on July 16, 2019, at 1:35 p.m. Alaska Time. The following members of the Committee were present in person or by conference phone: Anita Ramasastry, President; Steve Wilborn, Vice President; Daniel Robbins, Committee on Scope and Program Chair; Ryan Leonard, Legislative Committee Chair; Nora Winkelman, Secretary; Tom Buiteweg, Treasurer; and Barry Hawkins. Commissioner Diane F. Boyer-Vine attended a part of the meeting. Commissioner Rich Cassidy, Immediate Past President, was unable to attend.

Also present: Tim Schnabel, Executive Director; Steven Willborn, Interim Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; and Katie Robinson, Legislative Program Director. The following commissioner Division Chairs were present for part of the meeting: Mary M. Ackerly; William W. Barrett, Lead Division Chair; John T. McGarvey; Juliet M. Moringiello; and Candace Zierdt.

1. Discussion with Division Chairs

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

Commissioner Barrett, lead division chair, identified several global issues and recommended careful consideration of educating commissioners about technology when drafting in this area of the law, offering formal training to new chairs and reporters, and considering the impact of multiple absences on the drafting process.

Commissioner Buiteweg, Chair of the Monitoring Committee on Technology, reported on plans to survey commissioners to identify those with technical backgrounds. The monitoring committee is also in the process of developing a series of technology principles and plans to conduct general education relevant to technology-oriented statutes.

There was a discussion of how drafting committee members with dissenting opinions should best express those opinions on the floor of the Conference. The custom is that the dissenting member leave the dais and speak from a microphone on the floor.

2. Pipeline Review

Commissioner Lisman led a discussion of the proposed possible reading schedule for the 2020 Annual Meeting distributed for the Committee's consideration.

3. Report of the Committee on Scope and Program

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

A. Recommendations Concerning Establishment of New Drafting Committees

1. Scope approved the following resolution for consideration, recommending that a drafting committee to Amend or Revise Uniform Common Interest Ownership Act and the Uniform Condominium Act be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed to Revise or Amend the Uniform Common Interest Ownership Act and the Uniform Condominium Act.

A motion was made and approved to appoint a Drafting Committee to Amend or Revise the Uniform Common Interest Ownership Act and the Uniform Condominium Act by a unanimous vote of eight yes, zero no.

2. Scope approved the following resolution for consideration, recommending that a drafting committee on the Collection and Use of Personally Identifiable Data be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed on the collection and use of personally identifiable data, including the sharing, storage, security, and control of such data.

A motion was made to appoint a Drafting Committee on the Collection and Use of Personally Identifiable Data. The resolution was amended and approved by a unanimous vote of eight yes, zero no, as follows:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed on the non-governmental collection and use of personally identifiable data, including the sharing, storage, security, and control of such data.

3. Scope approved the following resolution for consideration, recommending that a drafting committee on the Registration and Licensing of the Direct Sale of Wine to Consumers and the Prevention of Illegal Sales be formed.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee be formed on the registration and licensing of the direct sale of wine to consumers and the prevention of illegal sales.

A motion was made and approved to appoint a Drafting Committee on the Registration and Licensing of the Direct Sale of Wine to Consumers and the Prevention of Illegal Sales by a vote of five yes, zero no, and three abstentions.

B. Recommendations Concerning the Establishment of New Study Committees

1. Scope approved the following resolution for consideration, recommending that a study committee be formed on Third-Party Funding of Litigation.

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 funding of litigation and arbitration, with special emphasis on ethical issues.

After discussion, a motion was made and approved to appoint a study committee on Third-Party Funding of Litigation. The motion passed by unanimous vote.

2. Scope approved the following resolution for consideration, recommending that a study committee on Special Deposits 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 special deposits, and to recommend whether there is a need to amend the Uniform Commercial Code or amend or enact other law.

A motion was made to appoint a Study Committee on Special Deposits. The resolution was amended and approved by a unanimous vote of eight yes, zero no, as follows:

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 special deposits.

3. Scope approved the following resolution for consideration, recommending that a study committee on Default Judgments in Debt Collection Cases 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 default judgments in debt collection cases, requiring plaintiffs in debt collection cases to file documentation demonstrating their legal entitlement to the amounts they seek before an entry of default.

A motion was made to appoint a Study Committee on Debt Collection Default Judgments. The resolution was amended and approved by a vote of seven yes, one no, as follows:

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 default judgments in debt collection cases brought by third party debt collectors and debt buyers.

4. Scope approved the following resolution for consideration, recommending that a study committee be formed on the Impact of Fines and Fees on the Impoverished.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the impact of fines and fees on people who are impoverished, with emphasis on: suspension of driving privileges as a result of unpaid fines and fees even when unrelated to public safety; fines and fees imposed on juveniles or their parents in the juvenile justice system; and fines and fees imposed as a result of adult criminal offenses without regard to ability to pay.

A motion was made to appoint a Study Committee on the Impact of Fines and Fees on People of Limited Means. The resolution was amended and approved by a vote of seven yes, one no, as follows:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the impact of fines and fees on people of limited means, with emphasis on: suspension of driving privileges as a result of unpaid fines and fees even when unrelated to public safety; fines and fees imposed on juveniles or their parents in the juvenile justice system; and fines and fees imposed as a result of adult criminal offenses without regard to ability to pay.

5. Scope approved the following resolution for consideration, recommending that a study committee be formed on the Prohibition of Female Genital Mutilation for Females Under the Age of 18.

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 the prohibition of female genital mutilation for females under the age of 18.

A motion was made to appoint a study committee on the Prohibition of Female Genital Mutilation for Females Under the Age of 18. The motion failed with a vote of one yes, six no, and one abstention.

6. Scope approved the following resolution for consideration, recommending that a study committee be formed on Service and Emotional Support Animals.

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 service and emotional support animals.

A motion was made to appoint a study committee on Service and Emotional Support Animals. The motion failed with a vote of zero yes and eight no.

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 Garnishment of Wages in Bank Accounts be discharged.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Garnishment of Wages in Bank Accounts be discharged with a letter of thanks to the committee.

A motion was made and approved to discharge the Study Committee on Garnishment of Wages in Bank Accounts with a unanimous vote of seven yes, zero no.

2. Event Data Recorders in Cars Study Committee

No action was taken at this meeting and this item will be considered at a future meeting of the Executive Committee.

3. Requests for Technical Amendments to Revised Uniform Probate Code

No action was taken at this meeting and this item will be considered at a future meeting of the Executive Committee.

4. Website Design Progress Report

No action was taken at this meeting and this item will be considered at a future meeting of the Executive Committee.

5. Budget Discussion

a. Legislative Summit

Chair Lisman reported that it would not be feasible to plan and host a legislative summit in the fall of 2019.

b. Document Scanning

Interim Executive Director Willborn reported on discussions with external

document scanning vendors.

6. Discharge of Standby Committees

A motion was made and approved to discharge, with thanks and appreciation, the Standby Committee on Uniform Manufactured Housing Act, the Standby Committee on Uniform Faithful Presidential Electors Act, the Standby Committee on Uniform Electronic Legal Materials Act, the Standby Committee on Uniform Real Property Transfer on Death Act, the Standby Committee on Child Custody Jurisdiction and Enforcement Act (2013 Amendments), and the Standby Committee on Amended Uniform Interstate Family Support Act (2008).

The meeting was adjourned at 5:12 Alaska Time.