

**Minutes**  
**Meeting of the Executive Committee**  
**Uniform Law Commission**  
**July 14, 2014**  
**Seattle, WA**

Richard T. Cassidy, Chair of the Executive Committee, called the meeting to order on July 14, 2014, at 1:30 p.m. The following members of the Committee were present: Timothy Berg, Secretary; Rex Blackburn, Vice President; Tom Bolt; Michael Houghton, Immediate Past President; Harriet Lansing, President; John T. McGarvey, Chair, Legislative Committee; Susan Kelly Nichols; Anita Ramasastry, Chair, Scope and Program Committee; Charles A. Trost, Treasurer; and David S. Walker. Also present were: John A. Sebert, Executive Director; Terry Morrow, Legislative Director/Legal Counsel; J. Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Deputy Legislative Director / Communications Officer; Commissioner Dale G. Higer, Chair of the Liaison with Other Organizations Committee; and Commissioner Gene N. Lebrun, Chair of the Committee on Public Information. The following Commissioners attended a portion of the meeting: Commissioner Carl Lisman, Chair of the Uniform Law Foundation Trustees; Commissioner James McKay, Chair of the Study Committee on Firearms Information; Commissioner Fred Miller, Member of the Study Committee on Firearms Information; Commissioner Frederick Stamp, Chair of the Study Committee on Social Media Privacy; Commissioner Harry Tindall, Chair of the Study Committee on a Model Veterans' Court; and Commissioner Martha Walters, Chair of the Committee to Review the Scope and Program Process and the Committee on Federalism and State Law.

**Report of the Uniform Law Foundation**

**A. Financials**

Commissioner Lisman, Chair of the Uniform Law Foundation Trustees, summarized the written report submitted for the committee's consideration. The Foundation's unrestricted assets now exceed \$7.5 million. The Trustees plan to have an in-person meeting in the fall to discuss the strategic future use of Foundation funds.

**B. Fundraising**

Commissioner Lisman reported that the Boston UCC event hosted and chaired by Commissioner Smith was a resounding success. The Trustees are continuing to consider ways to replicate that event in other areas of the country.

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

**C. Trustee Minutes**

Minutes from the recent Trustee meeting were submitted for the Committee's consideration and these minutes were received by the Committee.

## **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.

Commissioner Lebrun reported that, under an agreement with Lawyer Apps, many of ULC's trust and estates acts are now available on an app, and that we are working with Lawyer Apps to develop an app containing family law acts. A problem, however, is that the apps are available only on an Apple platform. Legislative Director Morrow reported that ULC has a two-year exclusive contract with Lawyer Apps, which only works on an Apple platform. After the exclusive period expires, ULC will be able to explore developing apps on droid or other platforms with other vendors.

Director Morrow also reported that the Fiduciary Access to Digital Assets Act has helped increase the ULC's social media presence. The ULC now has over 100 followers on Facebook and a growing number of followers on Twitter.

Legislative Director / Communications Officer Robinson reported on an ongoing project at MIT to study patterns of enactment specific to ULC products. The study asks questions such as: how long does it take to get acts enacted; does enactment in one state influence enactment in another state; and population data in specific states. The results of the study will be shared with the ULC when the project is complete.

Commissioner Lebrun reported that he has received many supportive comments about the annual meeting application.

Commissioner Trost recommended that the Committee consider employing a public relations firm again. President Lansing would like to have a small group assess whether this would be appropriate. Commissioner Lebrun said that the Public Information Committee would discuss the recommendation at their upcoming meeting.

### **B. Meeting Minutes**

Minutes from May 8, 2014, Public Information Committee Conference Call were submitted for the Committee's consideration and the minutes were received by the Committee.

### **C. Website Analytics**

Commissioner Cassidy and Deputy Legislative Director / Communications Officer Robinson summarized the website analytics submitted for the committee's consideration. Commissioner Cassidy said he was impressed at how high the monthly usage of the ULC website was.

## **Report on the Committee to Review the ULC Scope and Program Process**

Commissioner Walters presented an oral report summarizing the written report submitted for consideration. The report provided an update on final decisions made at midyear, as well as remaining recommendations. Commissioner Walter's summary highlighted the several recommendations where no formal action regarding implementation has been taken:

### **A. Research**

The ULC should develop a methodology to proactively review case law, law review articles, and the media for indications of a need for uniform state laws. The methodology should include assigning specific staff members to conduct the review and requiring a report from staff at each Scope meeting.

Commissioner Bill Henning has written a memo with recommendations on how this might be implemented. Chair Walters recommends that the Executive Committee review these and take appropriate action, including, if appropriate, referring them to the Scope and Program Committee or other staff members or committees.

Following the November 2013 meeting of the committee and at the request of the committee, Jack McAvoy and Katie Robinson prepared a memo with recommendations regarding study committee and division chair report forms. Chair Walters recommends that the Executive Committee review them and take appropriate action, including, if appropriate, referring them to the Scope and Program Committee or other staff members or committees.

### **B. Recommendations B.8 (a) and B.8 (c): The need for continuing evaluation of Scope's work and process.**

The Scope and Program Review Committee discussed the value that it sees in continuing to collect information about Scope's work and process in continuing to analyze the extent to which the ULC is attaining its goals to increase the likelihood that the ULC will receive and generate proposals for acts and authorize drafting projects that result in the approval of acts that successfully serve the ULC mission and the States. To that end, the Committee makes the following recommendations:

1. After a uniform or model act is approved by the Conference as a whole, the ULC should continue to monitor whether it achieves its defined objectives or is otherwise successful. The purpose of this effort is two-fold: (1) to focus efforts to obtain enactment or otherwise achieve success; and (2) to learn from experience.
2. The ULC should interview study and drafting committee chairs after completion of their work and again five years after an act has been approved and report to the Executive Committee as follows:
  - a. Whether the committee successfully identified supporters of enactment and whether those supporters remain committed to enactment;

b. Whether the committee achieved its objectives or was otherwise successful and what factors the chairs think affected the results;

c. Lessons learned and any suggestions going forward.

A committee (perhaps the Committee on the Review of Conference Acts) should evaluate the success of each uniform and model act five years after its approval and thereafter as appropriate. The committee should determine how many enactments have been obtained and document any other ways in which the act has contributed to State law or otherwise advanced the mission of the ULC or benefitted the States.

At the January 2014 Midyear Meeting, the Executive Committee approved a motion to authorize the President to appoint a committee to interview drafting committee chairs immediately after completion of the committee's work and again five years after final approval of the act, and to evaluate the success of each uniform and model act five years after approval.

Since then, John Sebert, Katie Robinson, Fred Stamp, Chair of the Committee to Review ULC Acts, and John McGarvey, Chair of the Legislative Committee, have informally discussed the best ways to implement this recommendation. They plan to have further discussions in Seattle. Chair Walters recommends that the Executive Committee consider how best to proceed and take appropriate action.

President Lansing reported that the Review of Conference Acts Committee has agreed to approve several new additional responsibilities related to the recommendations made by the Committee to Review the Scope and Program Process, and thanked that committee for their flexibility.

Executive Director Sebert reported that the Review of Conference Acts Committee and Legislative Council will share the responsibilities for reviewing the success of completed project with drafting committee chairs and reporters at the conclusion of projects and on a regular cycle thereafter.

Commissioner Walters reported that the work of the Committee to Review the Scope and Program Process was now complete and recommended that the committee be discharged.

A motion was made and approved to discharge the Committee on Review of the Scope and Program Process with great thanks for their efforts. Commissioner Houghton praised excellent leadership by Commissioner Walters of the Committee.

### **Report of the Committee on Federalism and State Law**

Commissioner Walters summarized the written memorandum submitted for the Executive Committee's consideration. Commissioner Walters recommended that the Committee find a joint project that might focus on a specific project that this committee could undertake in conjunction

with one or more of the national organizations with which the Federalism Committee and the Liaison with Other Organizations Committee are working closely. Legislative Director Morrow reported that Brookings and CSG have approached the ULC regarding infrastructure funding issues and that the committee was continuing to attempt to identify a specific joint project worth undertaking.

In January the Executive Committee asked the Federalism Committee to consider different names for the committee. After discussion a motion was made and approved that the name of the Committee on Federalism and State Law be changed to the Committee on State and Federal Relations. The motion passed unanimously.

### **Report of the Vice President**

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

The Committee received reports from all Division Chairs.

#### **B. Report of the PEB's and JEB's**

The Committee received written reports from the Joint Editorial Board for Uniform Real Property Acts, and the Joint Editorial Board for Uniform Trust and Estate Acts.

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

Commissioner Ramasastry, 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 to Establish New Study Committees**

The Executive Committee approved the following resolution recommended by the Committee on Scope and Program:

**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 transfer and recording of consumer debt and the viability of a registration system to record such transfers.**

The Executive Committee approved the following resolution recommended by the Committee on Scope and Program:

**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 concerning the regulation of driverless cars.**

#### **B. Recommendations to Establish New Drafting Committees**

After discussion, the Executive Committee approved the following resolution as recommended by the Committee on Scope and Program:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee on Divided Trusteeship be formed.**

After discussion, the Executive Committee approved the following resolution as recommended by the Committee on Scope and Program:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee on Social Media Privacy be formed, and that the scope of the act be limited to issues related to employer's access to employees' or prospective employees' social media accounts and educational institutions' access to students' or prospective students' social media accounts.**

After discussion, the Executive Committee approved the following resolution as recommended by the Committee on Scope and Program:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee on a Model Veterans' Court Act be formed.**

#### C. Recommendations for Discharge of Committees

The Executive Committee approved the following resolution recommended by the Committee on Scope and Program:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Portability and Recognition of Professional and Occupational Licenses of Military Spouses be discharged with a letter of thanks to the committee.**

#### D. Other Resolutions

Commissioner Ramasastry, Chair of the Committee on Scope and Program, reported on the presentation made by the Study Committee on Firearms Information to Scope and Program at their most recent meeting and on the recommendation of the Scope and Program Committee that the Firearms Information Study Committee be continued and that it be asked to seek a commitment from the National Rifle Association to participate as observers in any drafting project on this topic.

Commissioner McKay spoke in favor of continuing the Firearms project. The committee has had active participation by and the endorsement of many significant organizations, including the International Association of Chiefs of Police, many other law enforcement agencies, and the

National Alliance on Mental Illness. He acknowledged that the NRA has not formally expressed support for or a willingness to participate in the project proposed by the study committee. Some members of the Executive Committee expressed concern that the ULC's undertaking a drafting project, or even continuing the study committee on this matter, could result in serious but unpredictable damage to the ULC.

**After discussion a motion was made to discharge the Study Committee on Firearms Information with a letter of thanks to the committee. The motion carried 6 to 5 and the committee is discharged.**

E. Recommendation on the Report of the Committee to Review Conference Acts

The Executive Committee approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the *May 24, 2013*, recommendations from the Committee to Review ULC Acts be approved with regard to the following:**

- **Re-designate the Uniform Computer Information Transactions Act as a "Model" Act.**
- **Re-designate the Model Motor Vehicle Accident Reparations Act as an "Other" Act.**
- **Re-designate the Model Surface Use and Mineral Development Accommodation Act as an "Other" Act.**
- **Withdraw as "Obsolete" the Model Exemptions Act.**
- **Withdraw as "Obsolete" the Model Extradition and Rendition Act.**
- **Withdraw as "Obsolete" the Model Insanity Defense and Post-Trial Disposition Act.**
- **Withdraw as "Obsolete" the Model Post-Conviction Procedure Act.**

The committee went into Executive Session at 4:45 p.m.