

Minutes
Annual Meeting of the Executive Committee
Uniform Law Commission
July 13, 2017
San Diego, California

Anita Ramasastry, Chair of the Executive Committee, called the meeting to order on July 13, 2017, at 8:00 a.m. Pacific Time.

The following members of the Committee were present: Timothy Berg; Thomas J. Buiteweg, Treasurer; Richard T. Cassidy, President; William H. Henning; Melissa Hortman, Vice President; Harriet Lansing, Immediate Past President; Ryan Leonard, Chair of the Legislative Committee; Carl Lisman, Chair, Scope and Program Committee; Daniel Robbins, Secretary; and Rodney Satterwhite.

Also present: Liza Karsai, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Legislative Program Director; and Ben Orzeske, Chief Counsel.

A. Action Items

1. Minutes

A motion was made and approved accepting the minutes of the Executive Committee meetings held January 14 and April 10, 2017. A motion was made and approved accepting the minutes of the Committee's May 5, 2017 meeting, with minor amendments.

2. Privileges of the Floor

A motion was made and approved granting privileges of the floor to reporters, ABA and ALI advisors or representatives, and selected observers to drafting committees. A list of persons who were approved is included as Appendix B. The Committee noted that the chair of the Drafting Committee for the Civil Remedies for Unauthorized Disclosure of Intimate Images Act sought permission for Commissioner Steve Chow, who is an observer to the drafting project, to join the committee on the dais for the reading of the act. The Executive Committee granted this request.

3. Appointment of Advisory Members

A motion was made and approved granting advisory member status under Section 2.9 of the Constitution to Michael Coffee (U.S. Department of State), Manon Dostie (Uniform Law Conference of Canada), Kay Farley (National Center for State Courts), Susan P. Frederick (National Conference of State Legislatures), Peter Kilmartin (National Association of Attorneys General), John Kim (U. S. Department of State), Linda Klein (American Bar Association), Peter Lown (Uniform Law Conference of Canada), Elaine Marshall (National Association of Secretaries of State), Stephanie Martin (Federal Reserve Board), James E. McPherson (National Association of Attorneys General); Jason C. Moseley (Council of State Government), Richard L.

Revesz (American Law Institute), Leslie Reynolds (National Association of Secretaries of State), and Jorge Cordero Sanchez (Mexican Uniform Law Center).

4. Appointment of Nominating Committee

A motion was made and approved authorizing the appointment of a nominating committee consisting of Commissioners Boris Auerbach (Ohio), Chair; Gail Hagerty (North Dakota); Dale Higer (Idaho); Lisa Jacobs (Pennsylvania); and Michele Timmons (Minnesota).

5. Requests for Uniform Designation

No additional requests for uniform designation of acts were submitted for consideration, beyond those considered during the Executive Committee's May 5, 2017 meeting via teleconference.

6. Requests for Uniform Designation

The Executive Committee will consider a request relating to the Uniform Parentage Act on Monday July 17, after the Committee on Scope and Program has had a chance to discuss the request and to make a recommendation to the Executive Committee.

7. Requests for Waiver of Line-by-Line Reading

Commissioner Ramasastry reported that requests had been received for a waiver of line-by-line reading of certain sections Uniform Directed Trusts Act, Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, and Uniform Regulation of Virtual Currency Businesses Act pursuant to ULC Bylaw 44A.4. A motion was made and approved granting these requests.

8. Consideration of Excused Absences

A motion was made and approved excusing the absences of the following commissioners from the 2017 Annual Meeting based on their written requests: John D. Bowers (WY); Stephen C. Cawood (KY); David J. Champoux (ME); William H. Clark (PA); Paul J. DeMarco (AL); Robert J. Desiderio (NM); Jennifer Dettloff (MI); Ellen A. Efros (DC); Michael A. Ferry (MO); Abbe R. Gluck (CT); Vanessa Guerra (MI); Martin W. Healy (MA); Gerald L. Jackson (OK); Othni Lathram (AL); John P. Lenich (NE); Craig S. Long (IA); Antonio Maestas (NM); David C. McBride (DE); William S. Poole (AL); Suzanne Reynolds (NC); Raymond G. Sanchez (NM); Alexandra T. Schimmer (OH); William T. Wilkins (MS); and Annette Kingsland Zeigler (WI).

9. Requests for Life Membership

A motion was made and approved nominating for election David J. Hogue (ND) a life member of the Conference.

10. Requests for Technical Amendments

a. JEB URPA – Conforming Amendments to the Uniform Condominium Act (1980)

Chief Counsel Ben Orzeske reported on the request to update the Uniform Condominium Act to make it viable for enactment as a standalone act, separate from the Uniform Common Interest Ownership Act. After discussion, a motion was made and approved authorizing technical amendments to the Uniform Condominium Act (1980) under Section 4.3(b)(3) of the ULC Constitution.

b. JEB UTEA – Deletion of incorrect sentence in comment to Section 111 of Uniform Trust Code

Mr. Orzeske reported on the request to remove an erroneous comment in the Uniform Trust Act that referred to a list in another act that does not exist. After discussion, a motion was made and approved authorizing a technical amendment to the Uniform Trust Code under Section 4.3(b)(3) of the ULC Constitution.

11. JEB UTEA – Request for Permission to Draft Conforming Amendments to Uniform Probate Code with Regards to Revised Uniform Parentage Act

Mr. Orzeske reported on the request from the JEB UTEA to prepare conforming amendments to the Uniform Probate Code relating to anticipated revisions to the Uniform Parentage Act. The Executive Committee took note of the JEB's endeavor and appreciates that they are willing to undertake this work.

12. JEB URPA – Recommendation for Approval of Model Negotiated Alternative to Foreclosure Act (MNAFA)

Carl Lisman, Chair of the Committee on Scope and Program, reported on a recommendation received from the Joint Editorial Board on Uniform Real Property Acts that Article 5 of the Uniform Home Foreclosure Procedures Act be converted to a free-standing act to promote enactment.

After discussion, a motion was made and approved authorizing the re-designation of Article 5 of the Uniform Home Foreclosure Procedures Act as the Model Negotiated Alternative to Foreclosure Act.

13. Highly Automated Vehicles Project

Commissioner Tom Buiteweg, Chair of the Drafting Committee on Highly Automated Vehicles, reported on recommendations from his committee as to the proposed issues to be addressed in a draft statute. Based on the recommendations, a new charge to the committee will be considered at the Executive Committee meeting on Monday, July 17, 2017.

14. Status of Proposed Amendment to the Constitution and Bylaws

This report will be taken up on Monday, July 17, 2017.

15. Resolution Granting Approval to Signatories for ULC Recurring Expenses

A motion was made and adopted approving the signatories' resolution.

Discussion Items

16. Legislative Updates

Ryan Leonard, Chair of Legislative Council, summarized the written report submitted for the Committee's consideration. To date, there have been 192 introductions and 77 enactments, and projects a total of 90 enactments by the end of the year.

The breakfast format has changed. States will no longer meet by region to allow the members of Legislative Council more time to meet with the individual states in their regions.

17. Budget and Finance

a. Write-off Uncollectibles

Commissioner Buiteweg summarized the written report on the write-off of uncollectible items, submitted for the Executive Committee's consideration. After discussion, a motion was made and approved authorizing the write-off of uncollectible state dues in the total amount of \$477,280.00.

Rich Cassidy, President, reported on the creation of an ad hoc committee to assist delegations in resolving dues payment concerns, consisting of Commissioners Steve Wilborn (Kentucky), Dale Higer (Idaho) and Kieran Marion (Michigan).

b. Recommendation Concerning State Dues for 2018-2019

Commissioner Buiteweg reported on a recommended dues schedule for fiscal year 2018-2019. The recommendation was for a 3% increase for states "caught up" to the tiered dues model implemented in 2007 and a 5% increase for states that have not yet "caught up". The current recommendation for the reserve for uncollected dues in the proposed FY 2017-18 budget is \$500,000. Commissioner Buiteweg also noted that by 2020 nearly all states would be caught up with their peers in tier status based on current projections.

After discussion, a motion was made and approved authorizing a dues increase for 2018-2019 of 3% for "caught up" states and 5% for those not yet "caught up" to the previously approved dues schedule.

c. Consideration and Approval of FY 2018 Budget

Commissioner Buiteweg summarized the one-page revisions and the memorandum and proposed budget submitted for the Committee’s consideration and led a discussion of the proposed fiscal year 2018 budget. A motion was made and approved adopting the budget as proposed.

d. FY 2017-2018 Programmatic Budget

A written report was submitted for the Executive Committee’s consideration. The report was received by the committee.

e. Budget Projections for FY 2018-19, 2019-20 and 2020-21

A written report was submitted for the Executive Committee’s consideration. The report was received by the committee.

19. Nelson Mullins Contract Renewal

Commissioner Ramasastry reported that the ULC currently did not have an ongoing contract with Nelson Mullins, Riley & Scarborough LLP (“Nelson Mullins”), to assist it with government relations and state-federal relations work, but instead was paying an ongoing monthly retainer since the contract expired in 2016. Following discussion, a consensus was reached that leadership should contact Nelson Mullins to discuss potential contract renewal and to discuss different options and fee structures.

20. Presidential Priorities

a. Information Protocols and Policies

See agenda item 23.

b. Diversity and Inclusion

Commissioner Cassidy reported on the appointment of a committee to review our existing policy on diversity and inclusion. Commissioner Cassidy also reported on the creation of a special fund within Uniform Law Foundation endowment established to encourage the diversity in the drafting process by funding travel of consumer representatives to drafting committee meetings.

c. Collateral Consequences

Commissioner Cassidy reported on recent developments related to the Collateral Consequences of Conviction Act.

d. Website

Commissioner Cassidy reported on delays to the website resulting from functionality problems with the ULC’s existing association management system. Due to the shift to a new vendor and a

new association management system, the rollout of the redesigned ULC website will be slightly delayed to the first quarter of 2018.

21. Document Scanning Project

Executive Director Liza Karsai summarized a written request submitted by the ULC staff about a potential request for ULF funds for the Executive Committee's consideration. The request relates to the need to digitally scan critical ULC historical records of drafting committees and annual meetings that currently exist only in hard copy at the ULC offices. Ms. Karsai noted that should these documents ever be destroyed or damaged (e.g. due to a fire), the ULC would not have other copies of these important documents. After discussion, the following resolution was approved:

Resolved, to authorize the ULC President to request from the Uniform Law Foundation a grant not to exceed \$10,000 to fund the creation of an electronic back-up of hard copy historical records stored in the Chicago office.

22. Discussion with Division Chairs

Division chairs will meet with the Executive Committee on Monday July 17, 2017.

23. Policy Review

a. Review of Proposed Revised Policy Statement on Transparency and Official Records

Commissioner Henning reported on efforts to propose a policy statement on transparency of official records of drafting and study committees. Following discussion, a consensus was reached that the ad hoc committee should continue its work by refining the policy and proposing, as appropriate, any best practices supporting the policy.

b. Proposal for Review of Conflict of Interest Policy

Commissioner Ramasastry reported on plans to appoint a special committee to review the ULC's current Conflict of Interest Policy, the process used to disclose potential conflicts of interest, and to recommend necessary revisions to policy and processes.

24. Report of the Committee on Scope and Program

This report will be taken up on Monday, July 17, 2017.

25. Consideration of Continuation or Discharge of Standby/Other Committees

This report will be taken up on Monday, July 17, 2017.

26. Incoming President's Priorities

This report will be taken up on Monday, July 17, 2017.

27. Committee on Strengthening State Delegations

Commissioner Berg summarized the written request submitted for the Executive Committee's consideration. Commissioner Ryan will collect feedback from the Legislative Council on this recommendation. The committee will continue to consider this request on Monday, July 17, 2017.

The meeting was adjourned at 1:45 p.m. pacific.

APPENDIX A

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

a. State Dues Report

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

b. Report on ULC Investments

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

4. Report of the Chair of Legislative Committee

Written reports were submitted for the Executive Committee's consideration. Those reports were received by the Committee.

B. Committee Reports

1. Committee on State and Federal Relations and Liaisons with Other Organizations

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

2. Criminal Justice Reform Committee

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

No report was received.

4. Committee to Monitor Health Care Law

No report was received.

5. Committee on Technology

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

6. International Initiatives

Written reports were submitted for the Executive Committee's consideration. Those reports were received by the Committee.

7. Tribal Law Activities

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

8. Committee on Academic Partnerships

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

9. Coordinating Committee to Draft Technical Amendments to ULC Acts

No report was received.

10. Joint Editorial Board for Uniform Trust and Estate Acts

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

11. Joint Editorial Board for Uniform Real Property Acts

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

12. Joint Editorial Board on Uniform Unincorporated Organization Acts

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

13. Joint Editorial Board for Uniform Family Law Acts

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

C. Meeting Reports

1. Annual Meeting Schedule and Events

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

2. Report on Committee Meetings

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

3. 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 in Louisville, KY, Friday, July 20 – Thursday, July 26, 2018; and the ULC will meet in Anchorage, AK, Friday, July 12 – Thursday, July 18, 2019. The Executive Committee will meet in Miami Beach, Florida January 18 – 21, 2018.

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.

4. ULC May 31, 2017 Financial Report

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. Financials

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

2. Fundraising

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

3. Trustee Minutes

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

F. Miscellaneous Reports

1. Report on ULC Archive at University of Texas at Austin

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

2. Report on the Work of ULC's Federal Government Relations Representatives, Nelson Mullins Public Strategies, and other Federal Relations Matters

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

APPENDIX B

2017 Privileges of the Floor

Act	Name	Role
Civil Remedies for Unauthorized Disclosure of Intimate Images Act	Allen, Jeffrey M.	ABA Advisor
	Franks, Mary Ann.	Reporter
	Chow, Stephen.....	Observer
Criminal Records Accuracy Act.....	Aisenberg, Michael	ABA Section Advisor
	Chanenson, Steven	Reporter
	Domitrovich, Stephanie	ABA Section Advisor
	Hyatt, Jordan.....	Associate Reporter
	Saltzburg, Steve.....	ABA Advisor
UCC Articles 1, 3, and 9, Amendments to	Adams, Kristen.	ALI Member
	Boss, Amelia	ALI Member
	Cohen, Neil.....	ALI Member
	Ewing, Eileen	ABA Advisor
	Harmon, Teresa	ALI Member
	Harris, Steven L.	Reporter
	Mann, Ronald.....	ALI Member
	Powell, Norman	ALI Member
Weise, Steven O.....	ALI Member	
Direct Trust Act	Boxx, Karen E.	ABA Section Advisor
	Heller, Amy E.....	ABA Section Advisor
	Morley, John	Reporter
	Spica, James P.	ABA Advisor
Fiduciary Income and Principal Act	Aucutt, Ronald.	Reporter
	Cohen, Mark.....	Observer
	LaPiana, William.	ABA Advisor
	Lee, Paul.....	ABA Section Advisor
Guardianship, Conservatorship, and Other Protective Arrangements Act	Cesario, Cheryl D.....	ABA Advisor
	Glen, Kristen B.....	ABA Section Advisor
	Kalheim, Cory	ABA Section Advisor
	Kohn, Nina.....	Reporter
	Levy, Eddie Varon	ABA Section Advisor
	MacKenzie, Gregory.....	Observer
	Seal, Catherine A.....	ABA Advisor
	Tedford, Deborah.....	Observer

Act	Name	Role
Tribal Probate Code.....	Appleby, Nancy	ABA Advisor
	Guzman, Kathleen.	Reporter
Nonparental Child Custody and Visitation Act.....	Atkinson, Jeff J.	Reporter
	Levy, Eddie Varon	ABA Section Advisor
	Palmer, Allen G.	ABA Advisor
Parentage Act, Revised.....	Fellows, Mary L.	ABA Section Advisor
	Joslin, Courtney G.	Reporter
	Snyder, Steven H.....	ABA Advisor
	Vaughn, Richard B.....	Observer
Protected Series Act	Adkisson, Jay D.....	ABA Section Advisor
	Bardwell, Marjorie R.	ABA Section Advisor
	Bishop, Carter	ABA Section Advisor
	Donn, Allan G.	ABA Advisor
	Griffith, Leigh J.	ABA Section Advisor
	Kleinberger, Daniel	Reporter
	Ladner, Greg.....	ABA Section Advisor
	Lee, Kyung S.	ABA Section Advisor
	Miller, Sandra K.....	ABA Section Advisor
	Miller, Elizabeth S.	ABA Section Advisor
	Norton, Marla H.....	ABA Section Advisor
	Powell, Norman	ABA Section Advisor
	Sparkman, Allen	ABA Section Advisor
Wheaton, James J.	ABA Section Advisor	
Williams, John L.	ABA Section Advisor	
Regulation of Virtual Currency Businesses Act	Field, Richard	ALI Advisor
	Hughes, Sarah Jane	Reporter
	Middlebrook, Stephen	ABA Advisor
Veterans Treatment Court Act and Veterans Treatment Court Rules	Pietsch, James.....	ABA Advisor
	Simcox, Stacey-Rae.	Reporter