

Minutes
Executive Committee Video Conference
Uniform Law Commission
Thursday, September 13, 2018
Chicago

Steve Wilborn, Executive Committee Vice President, called the meeting to order on September 13, 2018, at 9:05 a.m. Central Time.

The following members of the Committee were present by video conference or telephone: Commissioners: Diane F. Boyer-Vine; Thomas J. Buiteweg, Treasurer; Richard T. Cassidy, Immediate Past President; Gail Hagerty; Barry Hawkins; Ryan Leonard, Legislative Committee Chair; Anita Ramasastry, President; Daniel Robbins, Committee on Scope and Program Chair; and Nora Winkelman, Secretary. Commissioner Carl Lisman, Chair of the Executive Committee, joined the call in-progress.

Also present by video conference: Commissioner Dale Higer; Liza Karsai, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Ben Orzeske, Chief Counsel; Katie Robinson, Legislative Program Director; and Greg Young, Director of Information Technology.

1. Committee on Diversity and Inclusion

Anita Ramasastry requested that all members of the committee review the revised Statement of Policy on Diversity and Inclusion and “Tips for Including Everyone in the Room in the Discussion.” The Committee plans to approve both documents at the October meeting. Commissioners were asked to send recommendations or edits to the committee chair prior to the next meeting.

2. Proposal to Scope and Program for a Red Flag Law

Commissioner Robbins presented the report of the Committee on Scope and Program (“Scope”). Scope approved the following resolution for consideration.

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 red flag laws.

A motion was made and approved unanimously to appoint a study committee to consider the need for and feasibility of state legislation on red flag laws contingent upon stakeholder support.

The benefits of producing a Model Act were discussed at length. It may be possible to meet with representatives from the national office of the NRA prior to the stakeholder meeting through Nelson Mullins. Anita Ramasastry asked the Committee to make appointment recommendations to help expedite the committee appointment process.

3. Appropriation of the Revised Uniform Unclaimed Property Act

Carl Lisman reported that the ABA Business Law Section recently published an article entitled “Building a Better Unclaimed Property Act” in the Business Law Journal. Ben Orzeske was asked to email to the Committee the redline comparison of the article to the Revised Uniform Unclaimed Property Act along with related documents.

In response to the article’s publication, the ULC will revise the scholarly article sent to the House of Delegates last February on the Revised Unclaimed Property Act and will submit a draft of the article for the Committee’s consideration.

The Committee on Liaison with the American Bar Association and Steve Willborn, Interim Executive Director, will be asked to consider the broader relationship with the American Bar Association and to recommend a course of action.

4. Probate Code

Ben Orzeske reported on draft amendments to Uniform Probate Code necessary to conform to the Uniform Parentage Act (2017). The amendments are substantive in nature and perhaps too extensive to be approved by the procedure in Article 4.3(b)(3) of the Constitution.

Anita Ramasastry will appoint a small working group comprised of ULC members of the Joint Editorial Board on Uniform Trust and Estate Acts to draft the amendments and will determine whether it is appropriate to seek a waiver of the two-reading rule.

5. Amendments to the Revised Uniform Athlete Agents Act (2015)

Commissioner Higer reported on a request to amend the Revised Uniform Athlete Agents Act to conform to new rules recently approved by the NCAA. Twelve states have the act on their enactment plans in 2019. Ideally these amendments could be completed and approved by 2020. The Standby Committee on the Revised Uniform Athlete Agent’s Act recommends amending the act.

After discussion, the Standby Committee was asked to draft amendments to the Revised Uniform Athlete Agents Act. Diane Boyer-Vine will forward style changes to the committee.

The Executive Committee will determine the procedure for consideration and approval under the Constitution when the amendments are completed. Katie Robinson was asked to research the process used for approval of similar conforming amendments previously considered by the Conference.

5. ADA website compliance report

Brightfind, the designer of the new ULC website, designed the site several years ago. It is unclear whether the design meets current interpretations of website compliance with the Americans with Disabilities Act. Greg Young, Director of Information Technology, reported on

progress toward obtaining a review of the website for ADA compliance. Mr. Young reported that ULC has received a bid from Brightfind to review the current website and identify any noncompliant areas for a fee of \$4,200. Staff was asked to request a reduction or waiver of the discovery fee and to collect alternative bids.

7. Missouri lobby renewal

Steve Wilborn, Vice President, reported that the lobbyist responsible for successfully restoring Missouri state dues has agreed to work at a reduced rate of \$15,000 next year. The ULC plans to use the money budgeted for this purpose.

8. Employment Practice/Directors and Officers Insurance

Anita Ramasastry reported that the new Interim Executive Director, Steve Willborn, had reviewed the Employment Practice/Directors and Officers Insurance proposals and had provided some general comments. He did not find anything glaring but is not an expert in the area. Richard Cassidy has experience in this area and volunteered to review the policies. Elizabeth Cotton-Murphy will resend the policies for review. Anita Ramasastry asked to have the review complete and the matter resolved by the end September.

The call was adjourned at 10:35 a.m.