

Minutes

Annual Meeting of the Executive Committee Uniform Law Commission

July 11, 2019, 9:00 a.m. – 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 11, 2019, at 8:11 a.m. Alaska Time.

The following members of the Committee were present: Anita Ramasastry, President; Steve Wilborn, Vice President; Rich Cassidy, Immediate Past President; Daniel Robbins, Committee on Scope and Program Chair; Ryan Leonard, Legislative Committee Chair; Nora Winkelman, Secretary; Tom Buiteweg, Treasurer; Diane F. Boyer-Vine; Gail Hagerty; and Barry Hawkins.

Also present: Tim Schnabel, Executive Director; Steven Willborn, Interim Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Legislative Program Director; and Ben Orzeske, Chief Counsel. Joleen Dimond, Accounting and Finance Office, attended a portion of the meeting.

Action Items

1. Minutes

A motion was made and approved accepting the minutes of the Executive Committee meeting held June 6, 2019, and ballot minutes from May 21, 2019.

2. Privileges of the Floor

A motion was made and approved granting privileges of the floor to reporters, ABA and ALI advisors or representatives, ULCC representatives, and selected observers to drafting committees as amended. The vote was 10 yes, one no. A list of individuals who were approved is included as Appendix B.

Commissioner Boyer-Vine recommended that the Executive Committee develop a standardized approach for consideration and approval of requests received for privileges of the floor.

3. Appointment of Advisory Members

A motion was made and approved granting advisory member status under Section 2.9 of the Constitution to Robert M. Carlson (American Bar Association), Michael Coffee (U.S. Department of State), vacant (National Center for State Courts), Susan P. Frederick (National Conference of State Legislatures), John Lee (Uniform Law Conference of Canada), Peter Lown (Uniform Law Conference of Canada), Elaine Marshall (National Association of Secretaries of State), Stephanie Martin (Federal Reserve Board), Stephanie Middleton (American Law Institute), Jason C. Moseley (Council of State Governments), Richard L. Revesz (American Law

Institute), Leslie Reynolds (National Association of Secretaries of State), Jorge Sanchez Cordero (Mexican Uniform Law Center), Christopher Toth (National Association of Attorneys General); and Sjeff van Erp (European Law Institute).

4. Appointment of Nominating Committee

A motion was made and approved authorizing the appointment of a nominating committee consisting of Commissioners Gene N. Lebrun (South Dakota), Chair; Dale G. Higer (Idaho); Anne Hartnett Reigle (Delaware); Paula Tackett (New Mexico); and Michele Timmons (Minnesota).

5. Name Changes

No requests for name changes were submitted for consideration during this meeting.

6. Requests for Uniform Designation

No requests for uniform designation of acts were submitted for consideration at this meeting.

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

A motion was made and approved granting the request for a waiver of line-by-line reading the Fundraising Through Public Appeals Act pursuant to ULC Bylaw 44A.4.

A motion was made and approved granting the revised request for waiver of line-by-line reading of certain sections of the Uniform Automated Operation of Vehicles Act pursuant to ULC Bylaw 44A.4.

8. Consideration of Excused Absences

A motion was made and approved excusing the absences of the following commissioners from the 2018 Annual Meeting in consideration of their written requests: Scott Biggs (OK); Matthew Chandler (NM); Jennifer Dettloff (MI); Elena J. Duarte (CA); Michael A. Ferry (MO); Marc Fine (IN); Aaron R. Gary (WI); Abbe R. Gluck (CT); Matt Hall (MI); Dayan Hochman-Virgil (NM); Brian Kelsey (TN); John F. Kennedy (GA); Theodore C. Kramer (VT); Peter J. Lucido (MI); David C. McBride (DE); John G. Mulroe (IL); Dave Nething (ND); Fred Patton (KS); Fred A. Risser (WI); Cassandra Burke Robertson (OH); Ann R. Robinson (ME); Patrick Rogers (NM); Thomas E. Rutledge (KY); Rosemary Sackett (IA); Robert Sitkoff (MA); Samuel J. Tenenbaum (IL); William T. Wilkins (MS); and Annette Kingsland Ziegler (WI).

9. Requests for Life Membership

No additional requests for election to life member of the Conference were received following the

meeting held June 7, 2019.

10. Request for Technical Amendments

- a. Revised Uniform Probate Code (2019) – Proposed amendments to comments

This report will be taken up on Tuesday, July 16, 2019.

11. Resolution Granting Approval to Signatories for ULC Recurring Expenses

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

12. Discharge of Standby Committees

This action item will be deferred until Tuesday, July 16, 2019.

Discussion Items

13. Final Reading Act – Updates

Commissioner Lisman reported on plans for acts up for final reading this summer.

14. Report of the Legislative Committee

Ryan Leonard, Chair of Legislative Council, summarized his written report. To date, there have been 173 introductions and 60 enactments, with more likely by the end of the year.

Commissioner Leonard reported on several new legislative initiatives. Legislative dashboards have been developed to provide a graphic overview of enactment activities specific to each state. A series of enactment infographics are also under development. These are graphic one-page act summaries intended for a non-lawyer audience. A Legislator and Lobbyist luncheon is planned for Tuesday, July 16. The purpose of the lunch is to more actively engage with commissioner legislators and lobbyists. Legislative Counsel has also provided input and comments on the July Scope agenda with a focus on increased enactments.

Katie Robinson, Legislative Program Director, reported on recent staff changes. Libby Snyder joined staff as a new legislative counsel in January and John Sturk was hired as legislative communications assistant in May.

15. Legislative Summit

The Committee discussed whether to host a legislative summit in the early fall. A summit would bring the legislative liaisons from each state to Chicago for a one-day meeting. The purpose of

the summit would be to improve communication between legislative liaisons, council members and staff; to formalize and to empower the role of legislative liaisons; and ultimately to increase the number of introductions and enactments. A set of metrics could be developed to assess the value of a legislative summit. This is not envisioned as an annual event.

Legislative and administrative staff will discuss scheduling logistics with Legislative Council on Friday and will recommend a timeline for planning the legislative summit on Tuesday, July 16.

16. ADA Document Conversion Progress Report

Elizabeth Cotton-Murphy, Chief Administrative Officer, reported recent staff-training led by Greg Young, Director of IT. Going forward all final acts and enactments materials are being created and posted in an ADA-accessible format. Odessa Glaza has been cross-trained and will assist Lucy Grelle to convert the backlog of final drafts and enactment materials posted to the drafting committee pages of the ULC website.

17. Monitoring Committees

President Ramasastry will draft a memorandum that memorializes the formation of monitoring committees and development to date. These committees are responsible for review and recommendations concerning entire areas of law. As currently structured, the monitoring committees do not function as JEBs.

Commissioners Buiteweg and Hagerty reported on the monitoring committees they each chair. Hiring research directors and scheduling in-person meetings has been critical to the success of these committees. Each monitoring committee is different. Some could easily transition to the JEB model while others cannot.

The Monitoring Committee on Technology may want to develop a survey to help leadership to identify a broader group of commissioners with expertise in this area. This committee is also developing a list of principles related to technology that could inform the drafting process more broadly.

The Monitoring Committee on Criminal Justice Reform invited a number of outside organizations to their in-person meeting and had excellent stakeholder representation and participation.

Interim Executive Director Willborn recommended that it might be helpful to collect data on how the various monitoring committees approach their work.

18. Guam and American Samoa Membership

President Ramasastry reported that the subject of Guam Membership has been a matter of discussion before the Executive Committee over the past years and that, if it were admitted, the ULC's constitution would need to be amended to change the definition of "state."

Letters were sent advising Guam that the ULC requires a formal expression from the Territory of its desire to become a member and its intention to pay dues on that basis. Such a statement would provide grounds necessary to seek an amendment to the constitution and bylaws to define Guam as a state. The ULC has not received any response. Interim Executive Director Willborn will email Elizabeth Barret Anderson to remind her that the ULC awaits a response.

American Samoa has made a similar membership request. The ULC will send a letter to advise American Samoa that the ULC requires a formal expression from the Territory of its desire to become a member and its intention to pay dues on that basis.

19. Annual Meeting

a. Scholarship

Commissioner Robbins summarized the memorandum submitted for the Committee's consideration. Commissioner Winkelman recommended that a survey about annual meeting attendance be distributed to provide data on why commissioners do not attend the annual meeting.

b. Outyear Subsidy

Commissioner Lisman reported on projected annual meeting expenses and the need to include annual meeting expenditures in the budget rather than rely on fundraising to cover cost overruns. Leadership will continue to explore ways of reducing annual meeting costs for commissioners while providing high-quality annual meetings.

c. Locations

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee. The ULC will meet in Madison, Wisconsin, Friday, July 10 – Thursday, July 16, 2020; and the ULC will meet in New York, NY, Thursday, July 1 – Wednesday, July 7, 2021. The Executive Committee will meet in Santa Fe, NM, January 16 – 19, 2020.

Commissioner Robbins reported on recent site visits conducted for outyears 2022 and 2023. He also reported that the ULC is negotiating for an early July meeting in Philadelphia in 2022.

20. Presidential Priorities

a. ULC Video Pilot Project Proposal

Commissioner Ramasastry reported on plans to preview five of the pilot videos throughout the conference. Two additional videos will be produced this fall. ULC staff is also looking into producing infographic videos.

b. Fundraising

Commissioner Ramasastry reported on the plan to hire a grant writer to join the ULC staff. The ULF Trustees approved funding this position for three years. Commissioner Buiteweg reminded the Committee that we need to consider fundraising guidelines.

c. Report of the Dues Committee

Commissioner Wilborn reported on committee activities. Hiring lobbyists to assist with dues collection has been helpful. President Ramasastry recommended that the Executive Committee pursue restoring dues in Puerto Rico and consider whether the ULC should increase dues to cover the cost of paying lobbyists in states where lobbyists are paid year after year to secure ULC dues.

d. Royalties

The ULC was able to successfully renegotiate the Lexis contract and has actively engaged in discussions with other publishers including working with ALI to renegotiate the UCC publishing contracts. Carolina Press has agreed to a modest royalty contract with a 5-year term. The ULC may need to hire outside counsel to negotiate a contract with Cengage. Computer Assisted Legal Instruction offers computer programs to law schools and the ULC may be able to negotiate for a royalty from this organization.

e. Update on Policy Revisions

Commissioner Ramasastry reported on plans for a policy-education session at 1:30 p.m. during the general session. Commissioners Henning, Jacobs and Winkelman will report on the several policies recently approved by the Executive Committee.

f. Strategic Planning/Report of the Committee on Innovation and Growth

Commissioner Winkelman, Co-Chair of the Committee on Innovation and Growth, reported on committee activities. The new leadership team will reference these recommendations as they make decisions about the future of the ULC.

A motion was made and approved to accept with great thanks the report from the Committee on Innovation and Growth.

21. Report of the Public Information Committee

Commissioner Cassidy reported on the activities of the Public Information Committee. There is an underlying tension between those who think that the ULC should not seek public attention, and those who do. The news cycle has changed. Social media is an important public relations tool and can be leveraged to reach an intended audience. The future role of the Public Information Committee is in an advisory and strategic role rather than implementation or work role. John Sturk, Legislative Communications Assistant, has developed a social media strategy that the Public Information Committee will consider when they meet later this week.

The Executive Committee agreed that the ULC must be proactive in creating an institutional narrative to generate positive public awareness. The ULC also needs to be ready to respond in a crisis. President Ramasastry suggested that ULC staff and members of the Public Information Committee may want to consult public relations professionals about how to respond when under attack.

Mr. Orzeske said that the staff needs a strong set of guidelines that authorizes them to respond within specific parameters. For example, if an obviously false statement is published, staff should be authorized to tweet out a correction. There will still need to be judgment calls made by committees or leadership.

President Ramasastry reported that John Sturk has a background in developing podcasts. This could be another tool that the ULC could leverage to create an organizational narrative or social media presence. The ULC may also want to engage the law school community via the Academic Partnership Committee.

22. Website Design Progress Report

This report will be taken up on Tuesday, July 16, 2019, at 1:30 p.m.

23. Finance and Budget

a. ULC Financial Statements – 5/31/2019

Commissioner Buiteweg summarized the written report on ULC financial statements ending May 31, 2019. The report was received by the committee.

b. ULC Investment Report

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

c. Dues Report

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

d. Write-off of Uncollectible Dues

Commissioner Buiteweg summarized the written report on the write-off of uncollectible items. After discussion, a motion was made and approved authorizing the write-off of uncollectible state dues in the total amount of \$372,681.

e. Consideration and Approval of FY2020 Budget

Commissioner Buiteweg summarized the memorandum and proposed budget submitted to the Committee and led a discussion of the proposed fiscal year 2020 budget. A motion was made and approved adopting the budget as proposed.

f. Health Care Renewal

A written report was submitted to the Executive Committee. The report was received by the committee.

g. FY 2020 Programmatic Budget

A written report was submitted to the Executive Committee. The report was received by the committee.

h. Recommendation Concerning State Dues for 2020-2021

Commissioner Buiteweg reported on a recommended dues schedule for fiscal year 2020-2021. The recommendation is for a two percent increase for states “caught up” to the tiered dues model implemented in 2007 and a five percent increase for the few states that have not yet “caught up.” Although the ULC would prefer not to raise dues, the ULC faces increased costs and expenses despite all efforts to do more with less. 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 an increase in state dues for 2020-2021 of two percent for “caught up” states and five percent for those not yet “caught up” to the previously approved dues schedule.

2. Budget Projections for FY 2020-21, 2021-22, and 2022-23

A written report was submitted to the Executive Committee. The report was received by the committee.

24. Discussion with Division Chairs

This report will be taken up on Tuesday, July 16, 2019.

25. Pipeline Review

This report will be taken up on Tuesday, July 16, 2019.

26. Report of the Committee on Scope and Program a. Recommendations Concerning

This report will be taken up on Tuesday, July 16, 2019.

27. Event Data Recorders in Cars Study Committee

This report will be taken up on Tuesday, July 16, 2019, following the website review.

The meeting was adjourned at 2:43 p.m. Alaska time.

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.

Commissioner Winkelman is scheduled to present a report to the Conference during the First Session of annual meeting.

3. Report of the Treasurer (*see* Agenda, Item 23, Finance and Budget)

Commissioner Berg is scheduled to present a report to the Conference during the First Session of annual meeting.

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. American Bar Association, Committee on Liaison with

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

3. ULC History Committee

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

4. International Initiatives

a. International Legal Developments Committee

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

b. Joint Editorial Board for International Law

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

5. Tribal Law Activities

No report was received.

6. Committee on Academic Partnerships

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Uniform Commercial Code

No report was received.

C. Meeting Reports

1. Report on Committee Meetings

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

2. 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 Madison, WI, Friday, July 10 – Thursday, July 16, 2020. The ULC will meet in New York, NY, Thursday, July 1 – Wednesday, July 7, 2021. The Executive Committee will meet in Santa Fe, NM, January 16 – 19, 2020.

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.

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.

2019 Privileges of the Floor

Act	Name	Role
Alternatives to Bail Act.....	Bowers, Josh	Reporter
	Mayson, Sandra G.....	Associate Reporter
	Cassidy, Margaret M.....	ABA Advisor
Amendments to Revised Athlete Agents Act (2015).....	Barnes, Michael P.	ABA Advisor
Automated Operation of Vehicles Act	Walker-Smith, Bryant.....	Reporter
	Tarver, Derek.	Associate Reporter
	Donohue, Kelly A.....	ABA Advisor
Easement Relocation Act	Lovett, John A.	Reporter
	Waldman, Ira J.	ABA Advisor
Electronic Wills Act.....	Gary, Susan N.....	Reporter
	Rogers, John T.....	ABA Advisor
Fundraising through Public Appeals Act	Boxx, Karen E.	Reporter
	Anderson, Mary E.	ABA Advisor
	Gordon, Danny.....	Observer
Revised Uniform Probate Code (2019)	Fellows, Mary Louise.....	Co-Reporter
	Gallanis, Thomas P.....	Co-Reporter
Public Participation Protection Act	Sherwin, Robert T.	Reporter
	Prather, Laura Lee.....	ABA Advisor
	Adkisson, Jay D.....	ABA Section Advisor
Registration of Canadian Money Judgments Act.....	Close, Arthur L.....	ULCC Member
	Dalton, Clark W.	ULCC Member
	Getz, Russell.....	ULCC Member
	Lown, Peter J.....	ULCC Member
	McGovern, Darcy	ULCC Member
	George, James P.....	Research Reporter
	Richman, Steven M.	ABA Advisor
	Adkisson, Jay D.....	ABA Section Advisor
	Curley, Stephen J.....	ABA Section Advisor

2019 Privileges of the Floor

Act	Name	Role
Tort Law Relating to Drones Act	Heverly, Robert	Reporter
	McNeal, Gregory S.	Reporter
	Ratnaswamy, John P.	ABA Advisor
	McGlynn, Daniel R.....	ABA Section Advisor
	Turner, Josh.....	Observer
Unregulated Transfers of Children Act.....	Gaudio, Arthur R.	Reporter
	Haralambie, Ann M.....	ABA Advisor
	Bruegel Cox, Heidi.....	Observer