

Minutes
Meeting of the Executive Committee
Uniform Law Commission
July 13, 2015
Williamsburg, VA

Richard T. Cassidy, Chair of the Executive Committee, called the meeting to order on July 13, 2015, 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: Liza I. Karsai, Executive Director; J. Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Deputy Legislative Director / Communications Officer; and Commissioner Dale G. Higer, Chair of the Liaison with Other Organizations Committee. The following Commissioners attended a portion of the meeting: Commissioner Howard J. Swibel, Trustee, Uniform Law Foundation; Commissioner Jamie Pedersen, Chair of the Study Committee on Revisions to the Uniform Parentage Act; Commissioners Boris Auerbach, Fred Miller, Kathleen H. Patchel and Carlyle C. Ring representing the Ad Hoc Committee on the Creation of a State Court Registry; Commissioners Harry L. Tindall and Peter F. Langrock speaking on behalf of the proposal on a Uniform Equal Rights Act.

Subcommittee on Amicus Brief Policy Recommendation to the Executive Committee

Commissioner Berg summarized the changes made to the proposed policy recommendation. After discussion a motion was made and approved to adopt the Amicus Brief Policy as amended by the Committee. The Executive Committee indicated that the newly adopted policy would need to be published on the ULC website or in the ULC Reference Book. ULC staff was asked to develop an *Executive Policy Manual* prior to the midyear meeting for distribution to the Executive Committee.

Recommendation Concerning State Dues for 2016 – 17

Commissioner Cassidy reported on the recommended dues schedule for fiscal year 2016 -2017. The recommendation before the committee is for a 2% increase for states caught up to the tiered dues model implemented in 2007 and a 5% increase for states that have not caught up. The current recommendation for the reserve for uncollected dues in the proposed FY 2015 -16 budget is 15.65%.

After discussion, a motion was made and approved authorizing a dues increase for 2016 -17 of 2% for “caught up” states and 5% for those not yet caught up to the previously approved dues schedule.

Strategic Use of ULF Funding

A special committee will be appointed to consider strategic use of funds.

Report of the Executive Director

A. Report of Activities Since the 2015 Mid-Year Meeting

A written report submitted for the committee's consideration. The report was accepted by the Committee.

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

Nelson Mullins submitted a written report that was accepted by the Committee.

C. Grants Report

The Executive Committee received a written report on the grants that the ULC has received and is currently administering. The report was received by the Committee.

D. Wage Garnishment Act Drafting Committee – Discussion of outside funds for plain language review

Commissioners Henning and Willborn summarized the memorandum submitted for the Executive Committee's consideration. The Committee would like to work with a third-party to draft an employee rights notice that would be accessible to the average employee. The Committee collected multiple bids and recommends working with the Plain Language Group to draft the notice. The original bid received from the Plain-Language Group was in the amount of \$33,000, but it should be possible to reduce the estimate.

The Drafting Committee requested permission to seek third-party funding for this special project. Executive Director Karsai agreed to work with the Drafting Committee to identify potential funding sources. In addition, the Drafting Committee asked the Executive Committee to request a grant in the amount of \$7,500 from the Uniform Law Foundation to support this project.

After discussion, a motion was made and approved authorizing the Wage Garnishment Drafting Committee to fundraise up to \$35,000 from third-party sources, and that the Executive Committee seek a \$7,500 grant from the Uniform Law Foundation on the Drafting Committee's behalf to support this project.

Report of the Chief Administrative Officer

A. Report of Activities Since the 2015 Midyear Meeting

Chief Administrative Officer Cotton-Murphy submitted written report summarizing her activities since the 2015 Midyear Meeting. The report was received by the Committee.

B. End-of-Year Financial Report

Commissioner Swibel reported on year-end budget projections. It is anticipated that the ULC will end the year with a surplus based upon projected savings in meeting and salary line items. Chief Administrative Officer Cotton-Murphy submitted a written report on the end-of-year financials for the Executive Committee's consideration. The report was accepted by the committee.

C. FY 2015-15 Budget

The 2016 budget was submitted in writing for the Executive Committee's consideration. A motion was made and approved adopting the budget as proposed.

D. Programmatic Budget FY 2015-16

Chief Administrative Officer Cotton-Murphy submitted a written report for the Executive Committee's consideration. The report was received by the Committee.

E. Budget Projections for FY 2015-16, 2016-17 and 2017-18

Chief Administrative Officer Cotton-Murphy submitted a written report for the Executive Committee's consideration. The report was received by the Committee.

Report of the Chair of Legislative Committee

A. Report on Activities Since the January 2015 Midyear Meeting

Commissioner McGarvey summarized the written report on activities since the 2015 Midyear meeting. He indicated that he was very pleased with the excellent work of the legislative staff particularly given the many changes in legislative staff that have occurred in 2015. He recommends scheduling an early fall meeting of the Legislative Council and plans to schedule a second in-person meeting in January.

The Council also recommends that the President consider appointing someone from the Legislative Council to each Drafting Committee to advise the committee on enactment issues throughout the drafting process.

B. Results of 2015 Legislative Session

A written report submitted for the committee's consideration. The report was accepted by the Committee.

C. Legislative Council Members and Meeting Minutes

The minutes of the January 31, 2015, Legislative Council Meeting were received by the committee.

D. Target Changes

A written report on changes to the “Target” and “Target to Complete” lists was received by the committee.

E. Enactment Committees

A written report on Enactment Committees 2014-15 was received by the committee.

F. Legislative Staffing Assignments

The written report on current staffing assignments among the ULC legislative staff was received by the committee.

Consideration of Continuation or Discharge of Standby/Other Committees

After discussion a motion was made and approved to discharge the following committees: the Standby Committee on Uniform Commercial Code Article 9; the Standby Committee on Debt-Management Service Act; and the Standby Committee on Electronic Recordation of Custodial Interrogations.

Report on International Initiatives

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

Consideration of the Commissioner Profile Form

The Committee made comments on the proposed changes.

Discussion of Committee Numbers and Size

This agenda item was tabled and will be considered on Wednesday, July 15, 2015.

Report of the Uniform Law Foundation

A. Financials

Commissioner Swibel reported that the Foundation’s unrestricted assets now exceed \$7 million. A written report was submitted for the committee’s consideration. The report was received by the committee.

Commissioner Swibel reported that PNC Bank has deleted the covenant requiring maintenance of a debt service ratio, thus eliminating an impediment to grant-making.

B. Fundraising

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 received by the Committee.

Report of the Committee on State and Federal Relations

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

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. Recommendation to Draft Technical Amendments to ULC Acts

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 coordinating committee be formed to amend any relevant provisions of ULC Acts to comply with the U.S. Supreme Court decision *Obergefell v. Hodges* relating to same sex marriage. The committee should identify and report on any policy issues for further consideration by the Executive Committee. The membership of the Committee shall include, among others, members of the relevant Joint Editorial Boards.

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 to Revise the Uniform Principal and Income Act be formed.

After discussion, the Executive Committee approved the following resolution as amended to include "drafting" as recommended by the Committee on Scope and Program:

RESOLVED, that the Committee on Scope and Program recommends that the Executive Committee establish a drafting committee to develop a framework for a

uniform electronic registry for residential mortgage notes that will be national in its effect, taking into account *inter alia* the appropriate relationship between the registry and other law. The ULC is committed to this field.

C. 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 concerning the regulation of the use of drones, or unmanned aerial vehicles.

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 model state legislation on a comprehensive equal rights act.

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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 model state legislation on a comprehensive equal rights act.

D. Other Resolutions

Commissioner Ramasastry, Chair of the Committee on Scope and Program, reported on the presentation made by the Study Committee on Revisions to the Uniform Parentage Act at their most recent meeting and on the recommendation of the Scope and Program Committee that a drafting committee to revise the Uniform Parentage Act be formed. Commissioner Jamie Pedersen spoke in favor of the formation of a drafting committee. The Committee approved the following resolution:

RESOLVED, that the Study Committee on Revisions to the Uniform Parentage Act be continued and that the Committee be directed to develop a memorandum describing the issues and the scope of the draft that the committee recommends. The memorandum shall be reviewed by the Executive Committee to further clarify the scope of the committee's charge.

Other Business

A. Government Relations Clinic

Commissioner Trost reported on his efforts to create a pilot government relations clinic at

Belmont Law School, through which law students would promote the introduction and passage of uniform acts in the Tennessee General Assembly. The program requires a \$10,000 program development grant from the ULC with the expectation that the grant would be used to create course format and materials that could be exported and replicated by other law schools in or in reasonable proximity to other state capitols.

After discussion a motion was made and approved authorizing payment of a grant in the amount of \$10,000 to support the development of this pilot program and authorizing the President to determine how the ULC will fund the project. Executive Director Karsai will assist in seeking outside funding to support this project.

B. The Name of the Uniform Fiduciary Digital Assets Act

The Uniform Digital Assets Act revisions have been presented to the floor during the Annual Meeting, presenting the question of how the revisions, if approved, should be titled. After discussion, a motion was made and approved to title the act, as revised (if approved), the “Revised Uniform Fiduciary Access to Digital Assets Act (2015).”

The meeting was adjourned at 5:35 p.m.