

Minutes
Executive Committee Video Conference
Uniform Law Commission
Wednesday, April 3, 2019
Chicago

Carl Lisman, Chair, called the meeting to order on April 3, 2019, at 9:05 a.m. Central Time.

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

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

1. Approval of Minutes, March 7

A motion was made and approved accepting the minutes of the Executive Committee meeting held March 7, 2019.

2. Name Change Request—Highly Automated Vehicles

The Executive Committee considered but did not vote on the name change proposed by the Drafting Committee on Highly Automated Vehicles Act. The drafting committee was asked to consider a more refined title and to provide examples of the nomenclature currently in use in public policy.

3. Strategic Planning Session

President Ramasastry compiled the list of action items coming out of recommendations discussed at the midyear strategic planning session and submitted for the Executive Committee to review. We will move forward with specific ideas where there is a consensus that they should be implemented. Progress has already been made on several items: legislative staff is interviewing for an assistant to support the legislative program; Interim Executive Director Willborn has developed a proposal for a Scope Director; and a job ad has been drafted to hire a part time grant person.

4. Annual Meeting Survey

Commissioner Winkelman submitted a draft survey of questions for commissioners about shortening the annual meeting and requested members of the Executive Committee provide input on the survey by the end of day Friday, March 5.

Elizabeth Cotton-Murphy was asked to negotiate the insertion of a clause allowing the ULC to shorten the annual conference into future annual meeting contracts.

5. Nelson Mullins Contract

President Ramasastry summarized the new agreement with Nelson Mullins and plans to sign that agreement at the outset of the next budget cycle. In future, Katie Robinson was asked to notify Nelson Mullins as new drafting and study projects are approved.

6. Informational Reports

a. Amendment to the Uniform Probate Code

Ben Orzeske reported on plans to consider Amendments to the Uniform Probate Code on the floor at the 2019 annual meeting. Commissioner English has requested two hours of floor time. Mr. Orzeske was asked to explore potential line-by-line waivers to reduce the length of floor time.

b. 2018 RULONA Amendments

Chair Lisman reported on a request made by Commissioner Fry, Chair of the Standby Committee on Revised Uniform Law on Notarial Acts (2018) (RULONA (2018)). The American Bankers Association and the American Title Land Association created a free-standing statute that authorizes remote notarization, as does RULONA (2018). Commissioner Fry would like the ULC to treat the Banker's statute as substantially similar to RULONA (2018) for purposes of tracking enactment in the reference book charts.

Katie Robinson raised concerns about giving enactment credit to statutes not drafted by ULC. In the past the determination of whether a statute is substantially similar has been left to the chair of the drafting committee and has been interpreted differently by different chairs.

Legislative Council was asked to conduct a broader analysis and to make a recommendation on appropriate standards and criteria to use when assessing what constitutes substantially similar legislation, but without regard to any particular act. Legislative Council was also asked to make a recommendation about the RULNOA (2018) request including a recommendation on how the ULC treats competitor acts.

Katie Robinson and Commissioner Leonard will contact Commissioners Fry and Pepe and request that they draft a memorandum summarizing the rationale for treating the Banker's statute as substantially similar.

Katie Robinson will distribute the existing substantially similar criteria to the Executive Committee and members of the Legislative Council in advance of their meeting next week.

c. Legislative Assistant

Katie Robinson and Ben Orzeske reported on the interview process to hire a legislative assistant.

d. Executive Director

President Ramasastry reported on the interview process to hire an Executive Director and will circulate the finalist's resume to the Executive Committee.

7. Other Business

a. President Ramasastry reported on legislative activity in Wyoming related to the UCC and virtual currency. Leadership is considering hiring a communications firm to help us with these issues when they arise.

b. Interim Executive Director Willborn reported on the formation of an ALI/UCC Joint Study Committee on Emerging Technologies. The study committee plans to meet by teleconference as soon as possible, to widely distribute a survey seeking input, and will schedule an in-person meeting in the fall.

c. President Ramasastry reminded the Committee of the plan to identify and assign a devil's advocate member to each study committee. Mr. Willborn was asked to identify commissioners to serve in that capacity.

The meeting was adjourned at 9:43 a.m.