

**FALL MEETING
OF THE COMMITTEE ON SCOPE AND PROGRAM**

**UNIFORM LAW COMMISSION
Wednesday, November 3, 2021**

Minutes

The meeting of the Committee on Scope and Program was convened at 12:00 pm on Wednesday, November 3, 2021, via video-conference technology by Chair Lisa Jacobs. Committee members Pam Bertani, Jim Bopp, Bill Clark, Frank Perez, Sam Thumma, Suzy Walsh, Steve Willborn, and Steve Wilborn were present. Also present were Dan Robbins, ULC President, Tim Berg, Chair of the ULC Executive Committee, Tom Hemmendinger, Division Chair, and Jim McKay, Liaison Member. Tim Schnabel, ULC Executive Director, Katie Robinson, ULC Director for Strategy and Communications, and Gloria Korpas, Legislative Assistant, also attended. Attending for a portion of the meeting were Commissioners David Biklen, Jack McAvoy, and Elizabeth Kent, and guests Prof. Jim Smith, Reporter, Drafting Committee on Uniform Common Interest Ownership Act, Linda Elrod, Research Director, JEB/Uniform Family Laws, and Stacey Platt and Melissa Kucinski, members, JEB/Uniform Family Laws.

Chair Jacobs welcomed the committee and discussed the agenda for the meeting. A motion was made and approved accepting the minutes of the Scope and Program Committee meeting held June 30 and July 1, 2021.

- **JEB – Uniform Family Law**
(Barbara Atwood, Chair) – Scope Liaison Pam Bertani

Linda Elrod, Stacey Platt, and Melissa Kucinski reported on the recommendation from the JEB to appoint a study committee to consider drafting a uniform or model act on children’s participation in family court proceedings, particularly child custody proceedings. After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Child Participation in Family Court Proceedings be formed to study the need for and feasibility of a uniform or model act on the procedures through which a child can participate or not participate in family court proceedings when the child’s wishes are legally relevant.

On November 16, 2021, the Executive Committee approved this resolution.

- **Proposal on National Popular Vote**
(Commissioner David Biklen) – Scope Liaison Jim Bopp

David Biklen reported on this proposal regarding implementing legislation for the National Popular Vote Interstate Compact. After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Proposal on Occupational Licensing of Military Spouses**
(Commissioner David Biklen) – Scope Liaison Steve Willborn

David Biklen reported on this proposal on recognition and portability of occupational licensing of military spouses. Commissioner Willborn reported on the work of the ULC Study Committee on Recognition and Portability of Professional and Occupational Licenses of Military Spouse, which submitted its final report in 2014 recommending discharge of its committee.

After discussion, the Committee on Scope and Program deferred further consideration of the proposal until the January 2022 Midyear Meeting of Scope.

- **Proposal on Public Health Treatment of Drug Dependence**
(Commissioner David Biklen) – Scope Liaison Pam Bertani

David Biklen reported on this proposal on public health treatment of drug dependence. After discussion, the Committee on Scope and Program referred the proposal to the Criminal Justice Reform Committee and the JEB for Health Law.

- **Proposal on Civilian Oversight of Police Activities**
(Commissioner Jack McAvoy) – Scope Liaison Frank Perez

Jack McAvoy reported on this proposal on civilian oversight of police activities. After discussion, the Committee on Scope and Program referred the proposal to the Criminal Justice Reform Committee.

- **Proposal on Exceptions to Scope of Medical Practice During Emergencies**
(Commissioner Elizabeth Kent) – Scope Liaison Pam Bertani

Elizabeth Kent reported on this proposal on exceptions to scope of medical practice during emergencies. After discussion, the Committee on Scope and Program referred the proposal to the JEB for Health Law.

- **Proposal on ISO Standards and Business Entity Registration**
(Hayley Thompson, ECCMA) – Scope Liaison Bill Clark

Bill Clark reported on this proposal on ISO standards for business entity registrations. After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Proposal on State Antitrust Law**
(Commissioner Dan Robbins) – Scope Liaison Sam Thumma

Dan Robbins reported on this proposal on state antitrust laws but recused himself and was excused for the Committee’s deliberation and vote on the proposal. After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Antitrust be formed to study the need for and feasibility of a uniform or model act on competition law issues, focused on monopolization and a potential update of the Uniform State Antitrust Act.

On November 16, 2021, the Executive Committee approved this resolution.

- **Proposal on Solar Easement Statute**
(Prof. Jim Smith, UGA Law School) – Scope Liaison Frank Perez

Prof. Jim Smith reported on this proposal on solar easement laws. After discussion, the Committee on Scope and Program referred the proposal to the JEB for Uniform Real Property Acts.

- **Proposal on E-Signatures for Estate Planning Documents**
(Standby Committee on Uniform Electronic Wills Act) – Scope Liaison Suzy Walsh

Suzy Walsh reported on this proposal on electronic signatures for estate planning documents. After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Electronic Estate Planning Documents be formed to draft amendments to the Uniform Electronic Wills Act, the Uniform Trust Code, and the Uniform Power of Attorney Act to address remote execution of paper documents and the use of electronic estate planning documents other than wills. The committee will also consider whether to develop a stand-alone act for use in states that have not enacted the relevant uniform acts.

On November 16, 2021, the Executive Committee approved this resolution.

- **Proposal on U.S. Supreme Court Term Limits**
(ULC Executive Director Tim Schnabel, and Commissioners Bill Barrett, Steve Frost, Pat Fry, Tom Hemmendinger, Larry Klemin, Cam Ward, and Dave Zvenyach) – Scope Liaison Bill Clark

ULC Executive Director Tim Schnabel reported on this proposal on U.S. Supreme Court Term Limits but recused himself and was excused for the Committee’s deliberation and vote on the proposal. After discussion, the Committee on Scope and Program deferred further consideration of the proposal until the January 2022 Midyear Meeting.

Other Business

Chair Jacobs asked that all Scope members submit their Scope scorecards for the recommendations on study and drafting committees by the end of the week and invited comments on future use of the forms.

Having no further business, the Committee on Scope and Program was adjourned.