

Minutes
Executive Committee Conference Call
Uniform Law Commission
Monday, May 23, 2016

Anita Ramasastry, Chair of the Executive Committee, called the meeting to order on May 23, 2016, at 9:00 a.m. Eastern Time.

The following members of the Committee were present: Timothy Berg; Richard T. Cassidy, President; William H. Henning; Melissa Hortman, Vice President; Harriet Lansing, Immediate Past President; Ryan Leonard, Chair of the Legislative Committee; Carl Lisman, Chair, Scope and Program Committee; Daniel Robbins, Secretary; and Rodney Satterwhite.

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

Commissioner Thomas J. Buiteweg, Treasurer, was unable to attend.

1. Drafting Committee Name Changes

- a. A motion was made and approved to change the name of the “Non-Parental Rights to Child Custody and Visitation Act” to “Non-Parental Child Custody and Visitation Act”
- b. A motion was made and approved to change the name of the Divided Trusteeship Act to “Directed Trust Act”

2. Designation of Acts as Uniform

- a. A motion was made and approved to designate the Unsworn Domestic Declarations Act as a Uniform Act.
- b. A motion was made and approved to designate the Family Law Arbitration Act as a Uniform Act.
- c. A motion was made and approved to designate the Wage Garnishment Act as a Uniform Act.
- d. A motion was made and approved to designate the Employee and Student Online Privacy Protection Act as a Uniform Act.

3. Requests for Privileges of the Floor

A motion was made and approved granting privileges of the floor to the following selected observers to drafting committees:

- a. Bill Anderson, Uniform Unsworn Domestic Declarations Act
- b. Richard Field, Regulation of Virtual Currency Businesses Act
- c. Kay Farley, Uniform Family Law Arbitration Act

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

Commissioner Ramasastry reported that requests had been received for a waiver of line-by-line reading of certain sections Uniform Unsworn Domestic Declarations Act, Regulation of Virtual Currency Businesses Act, and Uniform Wage Garnishment Act pursuant to By-Law 44A.4. A motion was made and approved granting these requests.

5. Request for Waiver of Two Reading Requirement

- a. Unsworn Domestic Declarations Act

After discussion, the Executive Committee deferred action until the act is read at the Annual Meeting. At that time, the Executive Committee will entertain a request, if any, from the floor, for a waiver of the two reading requirement pursuant to Section 8.1(e).

6. Request for Technical Amendments¹

- a. Revised Uniform Residential Landlord and Tenant Act, Sec.1001(i)

A motion was made and approved authorizing the proposed technical amendments to Revised Uniform Residential Landlord and Tenant Act, Sec.1001(i).

- b. Conforming UPC Sec. 2-213 and UPMAA Sec. 9; and Conforming Uniform Power of Attorney Act Sec. 201 and Uniform Probate Code Sec. 3-711 to the Revised Uniform Fiduciary Access to Digital Assets Act

After discussion, the Executive Committee deferred decision on this agenda item to the July 8, 2016, Executive Committee Meeting.

- c. Comment Changes to Voidable Transactions

The Joint Editorial Board has recommended that the Executive Committee ask the Standby Committee on Voidable Transactions to review a part of the comments for possible revision.

After discussion, the Executive Committee concluded that Executive Committee approval is not required for the Standby Committee on Voidable Transactions to

¹ A copy of the proposed technical amendments are contained in Appendix A.

review the comments and make recommendations to the Executive Committee, as such action falls within the purposes for which standby committees were created.

7. Requests for Life Membership

A motion was made and approved nominating for election James J. White (MI) a life member of the Conference.

8. Accounting Adjustment for Insurance

At the ULF Trustees' meeting on February 15, Howard Swibel reported on the discovery of an error related to the payment of the condominium insurance premiums. The condominium lease between the ULF and ULC obligates the ULC to pay ULF insurance premiums. Since the inception of the lease in 2007, the ULF has inadvertently paid these premiums rather than the ULC. The total premiums paid from 2007 – 2015 was \$31,767, an amount that the ULC now owes the Foundation.

Executive Director Karzai reported that our auditors have approved making a prior period adjustment to both ULC and ULF books to avoid an impact to the ULC's 2016 income statement. On the ULC's books the adjustment would result in: (i) an increase of \$4,088.42 to expenses for fiscal year 2016, (ii) a prepaid balance of \$340.50, and (iii) an adjustment to beginning unrestricted net assets (retained earnings/equity) of \$27,338.08. The alternative would be to absorb the entire \$31,767 in fiscal year 2016's income statement.

The ULF will address this as a prior period adjustment to their December 31, 2015, financial statements that are currently being audited.

The Executive Committee asked Ms. Joleen Dimond to provide a summary spreadsheet showing the proposed prior period adjustment to the audited financial statement. President Cassidy was authorized to move forward with repayment.

Commissioner Ramasastry announced that the Executive Committee Agenda will be significantly revised for the July 8, 2016, meeting. Commissioner Ramasastry asked Executive Committee members to review all written reports before the Executive Committee meeting so that the Committee need not take time for review of informational items during the meeting.

The meeting was adjourned at 9:53 a.m. Eastern Time.