

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

UNIFORM LAW COMMISSION

Saturday, July 9, 2016

Sunday, July 10, 2016

Monday, July 11, 2016

Stowe, Vermont

Minutes

The meeting of the Committee on Scope and Program was convened at 9:00 am on Saturday, July 9, 2016, at the Stowe Mountain Lodge, in Stowe, Vermont, by Chair Carl Lisman. Committee members Effie Cozart, Gail Hagerty, Thomas Hemmendinger, Ed Smith, Elisa White, Steve Wilborn, Steven Willborn and Ryan Leonard were present. Also present were Richard T. Cassidy, President; Anita Ramasastry, Chair of the Executive Committee; and Katie Robinson, ULC Legislative Program Director. Attending for a portion of the meeting were Commissioners Jamie Pedersen, Fred Stamp, Leonard Reese, Kathy Patchel, E.M. Miller, Tom Buiteweg, Dan Robbins, Paul Kurtz, Mark Glaser, Vince Cardi, Barry Hawkins, Fred Miller, Harry Tindall, Peter Langrock, Sandra Stern, Jim McKay, Craig Stowers, Lane Kneedler, Ted Kramer, Lyle Hillyard, Jack Davies, Anne McGihon, King Burnett, and Connie Ring, as well as Jay Adkisson and Art Guadio.

Chair Lisman welcomed the committee and discussed the agenda for the meeting. Upon a motion duly made, the minutes from the January 22, 2016, meeting of the Scope and Program Committee were unanimously approved.

Study Committee Reports

- Study Committee on **Harmonization of the Law of Canada, Caribbean Nations and the U.S. on Registration of Foreign Judgments**
(Kathy Patchel, Chair) – Scope Liaison Steve Wilborn

Commissioner Patchel reported on the progress of this study committee. Because there seems to be a better possibility for completing a project which concentrates only on the registration of foreign judgments between the U.S. and Canada, the committee will consider the question of whether to recommend a joint harmonization project between the U.S. and Canada on the registration of foreign judgments during Fall 2016, and make its final report to the Committee on Scope and Program by January 2017. The committee requests that it continue.

After discussion, the Committee on Scope and Program determined that the study committee be continued, with the expectation that a final report will be submitted by the January 2017 Midyear Meeting of Scope.

- Study Committee on **State Regulation of Driverless Cars**
(Pam Bertani, Chair) Scope Liaison Ryan Leonard

Commissioner E.M. Miller reported on the progress of this study committee. The committee has recently engaged Professor Bryant Walker Smith as the committee's reporter. Prof. Smith brings to the committee extensive expertise that was previously lacking. The committee requests that it be continued for at least six more months, until the January 2017 midyear meeting of Scope, so that the committee can build on this new expertise, and incorporate into the committee's final recommendations recent and anticipated developments in the field of automated driving, including new initiatives by the National Highway Transportation Safety Administration (NHTSA) and the American Association of Motor Vehicle Administrators (AAMVA).

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Transfer and Recording of Consumer Debt**
(Tom Buiteweg, Chair) Scope Liaison Ed Smith

Commissioner Buiteweg reported on the progress of this study committee. The committee has a Reporter, Katherine Porter, who has done extensive work for the committee, as shown in the June 20, 2016, memo to Scope. With the participation of advisors and observers, the committee had a number of conference calls. Over the course of those calls, the committee developed an issues list and then analyzed the issues. After thorough review, the committee has concluded that the ULC should not undertake drafting a uniform act on the topic of debt transfer. There was little support from members of the committee, and industry observers and consumer advocates did not favor proceeding to the drafting stage. This lack of support from relevant interest groups leads the committee to believe that a uniform act in this area would face significant opposition during the enactment process. Thus, the committee respectfully concludes that the ULC should not undertake such a project and recommends that the study committee be discharged.

After discussion, the Committee on Scope and Program accepted the report of the study committee and recommended that the study committee be discharged.

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Transfer and Recording of Consumer Debt be discharged with a letter of thanks to the committee.

On July 11, 2016, the Executive Committee approved this resolution.

- Study Committee on **Bad Faith Patent Demand Letters**
(Dan Robbins, Chair) Scope Liaison Tom Hemmendinger

Commissioner Robbins reported on the progress of this study committee. The committee has been monitoring a number of federal bills, as well as the development of state law. Most

significantly, the committee is awaiting the release of the FTC (Federal Trade Commission) Study on Patent Assertion Entities. The study was due this spring, but the release has been delayed. The study is a multi-year examination of patent assertion entities – the FTC intends to use this information to examine how PAEs do business, and to develop a better understanding of how they impact innovation and competition. This study should be highly pertinent to the work of the Study Committee. The committee plans to meet via conference call again in the fall of 2016, with the expectation that a final report will be submitted for Scope’s consideration at the January 2017 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Declarations of Quarantine**
(Elisa White, Chair) Scope Liaison Effie Cozart

Commissioner White reported on the progress of this study committee. The committee last met via conference call in January to review the initial research that had been completed. Since that time, the committee’s activities have been on hold pending the location and appointment of a reporter. As soon as a reporter is appointed, a comprehensive list of issues will be developed, and the committee will determine which of these issues warrant additional research prior to a stakeholders’ meeting. The committee is hopeful that research can be completed this fall and a stakeholders’ meeting can be held in spring 2017. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Involuntary Pornography Websites**
(Vince Cardi, Chair, Leonard Reese, Vice Chair) Scope Liaison Steve Willborn

Commissioner Cardi reported on the progress of this study committee. The committee has held five conference calls and has a long list of interested stakeholders who are actively participating. The committee was charged to examine the phenomenon of a person posting intimate pictures or videos of a private individual on the Internet without the individual’s permission (commonly called “revenge porn”), the injury caused by that conduct, the existing and possible legal remedies for the individual injured, and policies that states should consider to control this problem. Possible legal remedies for society and for victims of involuntary pornography include (1) criminalizing unauthorized posting of intimate pictures or videos, (2) making such conduct a civil wrong giving a victim a right to recover damages and injunctive relief from the person making the unauthorized posting, and (3) granting victims a civil right against the websites to have the postings removed or aid in identifying the poster. The committee earlier concluded that the scope of its work would exclude consideration of remedies against website providers. At its last meeting, by a vote of 6 to 4, the committee approved a motion to recommend the appointment of a drafting committee. Commissioner E.M. Miller reported that he had submitted a minority report recommending that a drafting committee not be appointed.

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 to create civil remedies and, to the extent feasible, criminal sanctions relating to Unauthorized Disclosure of Intimate Images be formed.

On July 11, 2016, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to create civil remedies relating to Unauthorized Disclosure of Intimate Images be formed, and that the drafting committee must return to Scope if the drafting committee wishes to draft provisions on criminal sanctions.

- Study Committee on **Regulation of Drones**
(Paul Kurtz, Chair, Mark Glaser, Vice Chair) Scope Liaison Tom Hemmendinger

Commissioner Kurtz reported on the progress of this study committee. The committee has met four times via conference call, and at its last meeting the committee approved the final report of the committee which recommends that a drafting committee be appointed to draft a uniform act to regulate a broad range of topics concerning the use of drones, including: use of drones by law enforcement; licensing of drones, intrastate commercial use of drones; tort issues, including invasion of privacy; and criminal statutes for misuse of drones. The committee requests that a drafting committee be approved.

After discussion, the Committee on Scope and Program requests that the study committee report back to Scope with a more specific proposal addressing only the tort issues that were identified in the committee's June 1, 2016, memo to Scope.

- Study Committee on **Model Equal Rights Act**
(Harry Tindall, Chair, Peter Langrock, Vice Chair) Scope Liaison Elisa White

Commissioner Tindall and Commissioner Langrock reported on the progress of this study committee. The committee has met twice by conference call and has reviewed current state and municipal anti-discrimination legislation or ordinances in the fields of employment, housing, public accommodations, and more. The committee recommends that a drafting committee be formed to draft model legislation on the topic of equal rights.

After discussion, the Committee on Scope and Program concluded that it did not have sufficient information to determine whether it is feasible to go to drafting, and therefore could not make an informed decision.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Model Equal Rights Act be discharged with a letter of thanks to the committee.

On July 11, 2016, the Executive Committee approved this resolution.

- Study Committee on **Identity Management in Electronic Commerce**
(Henry Gabriel, Chair, Pat Fry, Vice Chair) Scope Liaison Steve Willborn

There was no report from the study committee as the committee was only recently appointed and has not met; a report is expected for consideration at the January 2017 midyear meeting of Scope and Program.

- Study Committee on **Event Data Recorders in Cars**
(Paul Chaiken, Chair, Steve Wilborn, Vice Chair) Scope Liaison Steve Wilborn

There was no report from the study committee as the committee was only recently appointed and has not met; a report is expected for consideration at the January 2017 midyear meeting of Scope and Program.

- Study Committee on **Trust Management of Funds Raised through Crowdfunding**
(Terry Care, Chair) Scope Liaison Ryan Leonard

There was no report from the study committee as the committee was only recently appointed and has not met; a report is expected for consideration at the January 2017 midyear meeting of Scope and Program.

Joint Editorial Board Written Reports and Recommendations

- JEB – **Uniform Family Law**
(Barbara Atwood, Chair) – Scope Liaison Gail Hagerty

There was no proposal from the JEB, and no new report of the JEB to be considered.

- JEB – **Uniform Trust and Estate Acts**
(Tom Gallanis, Executive Director) – Scope Liaison Steven Willborn

There was no proposal from the JEB, and the report of the JEB was accepted. Katie Robinson reported on the JEB's recommendation that the standby committee for the Uniform

Anatomical Gift Act be re-activated to explore whether language should be added to the act to provide that consent to making an anatomical gift is presumed unless the individual has manifested the intent to not make a gift. Katie Robinson reported that she had consulted with the chair and reporter for the UAGA drafting committee, and they are both opposed to any such change in the act.

After discussion, the Committee on Scope and Program concluded to take no action on that recommendation.

- **JEB – Uniform Real Property Acts**
(Wilson Freyermuth, Executive Director) – Scope Liaison Carl Lisman.

Commissioner Barry Hawkins reported on the recommendation from the JEB to appoint a study committee to evaluate the advisability of a possible uniform or model act on installment land contracts, the nature of the rights and responsibilities held by a purchaser and a seller under an installment land contract, and the remedies available to the seller following purchaser default. Installment land contracts are effectively a form of mortgage substitute. In economic substance, the installment land contract is functionally comparable to a purchase money mortgage in which the seller provides financing of the purchase price. Currently these contracts are used for substandard housing, so that warranty and other tenant protections do not apply. The JEB believes that a uniform or model law on the characterization and enforcement of installment land contracts would provide much needed clarity in an area of law and practice with great practical significance for homebuyers who cannot qualify for institutional mortgage financing. The JEB recommends the appointment of a Study Committee.

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 be formed to study the need for and feasibility of state legislation on installment land contracts.

On July 11, 2016, the Executive Committee approved this resolution.

- **JEB – International Law**
(Michael Houghton, Co-Chair) – Scope Liaison Elisa White

There was no proposal from the JEB, and no new report of the JEB to be considered.

- **JEB – Unincorporated Organization Acts**
(Daniel Kleinberger, Director of Research) – Scope Liaison Tom Hemmendinger

There was no proposal from the JEB, and the report of the JEB was accepted.

- **PEB – Uniform Commercial Code**
(Neil Cohen, Director of Research) – Scope Liaison Ed Smith

There was no proposal from the PEB, and no new report of the PEB to be considered.

New or Pending Proposals

- **Proposal – Uniform Escheat Act**
(Commissioner Charlie Trost) Scope Liaison Effie Cozart

Commissioner Lisman reported on this proposal to appoint a study committee to review the status of state escheat laws to determine if there is a need to draft a uniform act on the subject, and if so, whether the Act be a stand-alone act or if it should be an addition to the Uniform Unclaimed Property Act. Escheat laws are not to be confused with unclaimed property laws, in which the state takes custody of abandoned property to hold for the benefit of the owner. In an escheat the state succeeds to legal ownership of the property.

At its 2015 annual meeting, the Scope and Program Committee had referred this proposal to the Drafting Committee to Revise the Uniform Unclaimed Property Act to consider possible inclusion of relevant escheat issues in the Revised Act. Commissioner Trost, who is also reporter for the Drafting Committee, recommends that Scope take no further action on this proposal.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Proposal – Financial Support of Young Adults in Foster Care**
(James Bristol, Esq.) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal to appoint a study committee to research the laws in the various states governing the provision of financial support for young adults in foster care who have attained majority age, as well as federal laws that provide funding. The purpose of the study committee would be to determine the efficacy of a uniform law to address the financial support that is funded by states for youth services and foster care.

At its 2015 annual meeting and its 2016 midyear meeting, the Scope and Program Committee had referred this proposal back to Mr. Bristol with request that Mr. Bristol provide further information on the current status of state law on the subject, and to reach out to relevant experts, and report back any findings. Mr. Bristol has not provided Scope with any further information.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- Proposal – **Peter Falk’s Law**
(Catherine Falk) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal to appoint a study committee to study the feasibility of a state law which would create a legal process for the adult children of parents to petition the courts for visitation in situations where no conservatorship exists and the caretaker of the parent is denying visitation. This proposal was originally considered by Scope at its 2015 annual meeting.

At its 2015 annual meeting, the Scope and Program Committee had referred this proposal to the drafting committee to Revise the Uniform Guardianship and Protective Proceedings Act to consider possible inclusion of this issue in the Revised Act, or whether there is a need to take a different approach. The drafting committee discussed the issue at its Fall 2015 meeting, and there was general support for creating a presumption in favor of visitation with friends and family members such that visitation could not be permanently prevented without court approval, but perhaps could be temporarily restricted by a guardian. Per this discussion, the reporter for the drafting committee has added language addressing this issue in the draft act. Because the issue of visitation rights also affects persons who are not subject to guardianship, the drafting committee also recommended that the proposal should be forwarded to both the JEB for Uniform Trust and Estate Acts and the JEB for Uniform Family Law Acts. The JEB for Uniform Trust and Estate Acts reviewed this at its May 2016 meeting, and notes that the current draft of the Uniform Guardianship and Protective Proceedings Act addresses this issue. Accordingly, the JEB does not recommend the appointment of a drafting committee.

After discussion, the Committee on Scope and Program accepted the recommendation from the JEB for Uniform Trust and Estate Acts, and concluded to take no action at this time.

- Proposal – **Anti-SLAPP Act**
(Jay D. Adkisson, Esq.) Scope Liaison Ryan Leonard

Mr. Adkisson reported on this proposal to draft a Uniform Anti-SLAPP Act. The acronym SLAPP stands for “Strategic Lawsuit Against Public Participation,” meaning a lawsuit of dubious merit brought for the purpose of silencing, intimidating, or retaliating against a defendant who has done nothing more than exercise his or her lawful rights to free speech and freedom to petition, etc. An Anti-SLAPP Act is legislation that seeks to protect such rights by allowing such a defendant to make a motion at the outset of litigation for an expedited review by the Court, with the burden shifted to the plaintiff to show that the lawsuit is meritorious and that the plaintiff will likely prevail at trial.

This proposal was originally considered by Scope at its 2016 midyear meeting. At that time, the Committee on Scope and Program requested that Mr. Adkisson, with the assistance of ULC staff, further research the current status of state law on the subject, and report back to this committee with updated information. Mr. Adkisson has provided Scope with the requested additional information.

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 be formed to study the need for and feasibility of drafting an Anti-SLAPP state law.

On July 11, 2016, the Executive Committee approved this resolution.

- **Proposal – Reciprocity and Recognition of Licensure of Private Investigators**
(Commissioner Clint Kesto) Scope Liaison Steve Willborn

Commissioner Willborn reported on this proposal to create a system of reciprocity and recognition of licensure between states for private investigators and professional investigation firms, to facilitate the already-regulated industry in conducting investigations across state lines that assist law enforcement in combatting crime, and reduce the burden on state and local resources by doing so.

This proposal was originally considered by Scope at its 2016 midyear meeting. At that time, the Committee on Scope and Program requested that Commissioner Klesto, with the assistance of ULC staff, further research the current status of state law on the subject, and report back to this committee with updated information. Commissioner Klesto has provided Scope with the requested additional information.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Forced Marriage**
(Commissioner Carl Lisman) Scope Liaison Effie Cozart

Commissioner Lisman reported on this proposal to address the issue of forced marriage. There are very few laws and policies in the U.S. that are specifically designed to help forced marriage victims, leaving individuals facing forced marriages with few resources and options. Although some states have statutes that criminalize forcing someone into marriage in certain circumstances, these laws seem designed for other purposes than to prevent parents from forcing their children into marriage.

This proposal was originally considered by Scope at its 2016 midyear meeting. At that time, the Committee on Scope and Program referred the proposal to the Joint Editorial Board for Uniform Family Law for further review, particularly in regard to the issue of recognition of marriage, with the request that the JEB report back its findings to Scope. The JEB is scheduled to meet in the fall of 2016, and a report is expected for consideration at the January 2017 meeting of Scope. The Committee on Scope and Program had also recommended that the proposal be referred to any Criminal Justice Reform Committee for further review on criminality of this conduct. The Criminal Justice Reform Committee has not yet met.

This proposal will remain on the agenda for the next meeting of Scope pending reports from the JEB for Uniform Family Law and the Criminal Justice Reform Committee.

- **Mobile Payments**
(Commissioner Fred Miller) Scope Liaison Ed Smith

Commissioner Miller reported on the growing use of mobile payments methods, and the potential state regulation of mobile payments. Mobile payments allow customers to make online and point-of-sale purchases, pay bills, and send or receive money by accessing a website via the browser on a smartphone, sending a text message from the phone, or using a downloaded app. It has become a viable option for consumers without bank accounts to make transactions and manage their funds. The technology could also offer a more convenient and sometimes cheaper way for all Americans to manage their money. According to research by the Pew Center on the States, use of mobile payments in the U.S. is projected to grow at a 22 percent compounded annual growth rate through 2019, potentially offering a more convenient and possibly cheaper way for all Americans to manage their money. Many mobile or alternative payments companies are currently being licensed and regulated differently in different jurisdictions. Commissioner Miller recommends that Scope review the material he has provided and take up the issue again at the next meeting of Scope in January 2017.

After discussion, the Committee on Scope and Program concluded to defer any further discussion of this until its January 2017 meeting.

- **Use of Blockchain Technology**
(Commissioner Fred Miller) Scope Liaison Tom Hemmendinger

Commissioner Miller reported on this proposal to address the use of blockchain technology. Blockchain is the technology behind bitcoin and other virtual currencies. It creates a so-called distributed ledger, which maintains a complete history of all participants' transactions – a history that is verified and recorded across a network of computers spread around the world. It is possible that all financial transactions would reside on a public distributed ledger, so that everyone, including regulators, would be in a better position to see dangerous exposures.

After discussion, the Committee on Scope and Program referred the proposal to the ULC Committee on Technology for further review, with the request that the Technology Committee report back its findings, or its preliminary findings, at the January 2017 meeting of the Scope and Program Committee.

- **Telehealth Regulation**
(Interstate Collaboration in Healthcare Group) Scope Liaison Elisa White

Commissioner White reported on this proposal to address the growing use of telehealth. Telehealth, or telemedicine, is the practice of using technology to practice medicine via electronic means. The Federation of State Medical Boards is currently working on this topic,

and has drafted an Interstate Medical Licensure Compact adopting new guidelines for the practice of telemedicine.

After discussion, the Committee on Scope and Program referred the proposal to the ULC Committee to Monitor Developments in Health Law for its review and consideration.

- **Regulation of and Licensing of Firearms Dealers**
(Commissioner Sandra Stern) Scope Liaison Carl Lisman

Commissioner Stern reported on this proposal to draft an Act that would be designed to cover a discrete gap in existing federal and/or state law regarding the licensing and regulation of firearms dealers. Such gaps might include a database to enable dealers to identify persons prohibited by the Act from purchasing guns and also covering “private sellers” (such as persons selling firearms at gun shows and those selling firearms over the internet). Any such act might be designed as a series of independent regulatory Articles, so that a jurisdiction could enact only one or more of the regulatory Articles covering specified activities.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Proposal – Firearms Information Reporting**
(Commissioners Jim McKay, Lane Kneedler, Fred Miller, Ted Kramer, David Biklen, and Battle Robinson) Scope Liaison Carl Lisman

Commissioner McKay reported on this proposal to appoint a committee to draft a uniform state law concerning the completeness, accuracy, and confidentiality of information concerning firearms that the states report to the federal government. The object of the proposal would be to protect the public by preventing the transfer of firearms to persons who are prohibited from having them, while at the same time, ensuring that responsible firearms owners are not unfairly denied the right to possess firearms, and that the confidentiality of the information is reasonably protected.

This proposal had been considered by Scope at its previous two annual meetings, and Scope each time declined to recommend further action. After discussion, the Committee on Scope and Program concluded to take no action at this time.

Potential Future Projects

The following topics were discussed and evaluated by Scope so as to determine if Scope should recommend further research or review on the particular topic.

- **GMO Food Labels**
(Forwarded by Commissioner David Biklen) Scope Liaison Carl Lisman

Commissioner Lisman reported on this proposal to consider state law on labeling of GMO (“genetically modified organisms”) ingredients in food products.

This proposal was originally considered by Scope at its 2016 midyear meeting. At that time, the Committee on Scope and Program requested that ULC staff continue to monitor the topic, and report back any findings to Scope at its July 2016 meeting. ULC staff has provided additional information to Scope as requested. Pending federal legislation, if enacted, will preempt state law.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Abuse of Sale of Structured Settlements**

(Forwarded by Commissioner Mike Cramer) Scope Liaison Gail Hagerty

Commissioner Hagerty reported on this proposal to study the need for regulating the sale of structured settlements. Traditional settlements are paid in one immediate lump sum. But structured agreements often deliver monthly payments across decades to protect vulnerable or other recipients from immediately spending the money. According to the Washington Post, since 1975 insurance companies have committed an estimated \$350 billion to structured settlements. This has given rise to a secondary market in which dozens of firms compete to purchase the rights to these payments for a fraction of their face value.

After discussion, the Committee on Scope and Program requests that ULC staff research the topic and report back to Scope at its January 2017 meeting.

- **Payday Loans**

(Forwarded by Commissioner Neal Ossen) Scope Liaison Ryan Leonard

Commissioner Leonard reported on this proposal to study the need for a state law to regulate payday loans.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Plastic Bag Bans**

(Forwarded by Commissioner Lyle Hillyard) Scope Liaison Gail Hagerty

Commissioner Hillyard reported on this proposal to study the need for state legislation to ban or restrict the use of plastic bags.

After discussion, the Committee on Scope and Program requests that ULC staff research the topic, including the broader topic of state regulation of disposables and recyclables, and report back to Scope at its January 2017 meeting.

- **Public Pension Plans Funding**
(Tom Lowman, American Academy of Actuaries) Scope Liaison Steve Willborn

Commissioner Willborn reported on this potential future proposal to study the need for a project designed to address funding issues in public pension plans. Such a project might research responsible governance standards, or the requirement of periodic risk assessments.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Definition of Death and Impact on Uniform Acts**
(Forwarded by Commissioner Connie Ring) Scope Liaison Effie Cozart

Commissioner Ring reported on this topic of modern methods of defining death, and whether these methods have any impact on Uniform Acts, particularly the Uniform Determination of Death Act.

After discussion, the Committee on Scope and Program referred the proposal to the Committee to Monitor Health Law for further review, and that it report back its findings to Scope at the appropriate time.

Other Business

- **Committee to Review ULC Acts**
(Frederick Stamp, Chair)

Commissioner Stamp reported on the recommendations from the Committee to Review ULC Acts.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the June 7, 2016, recommendations from the Committee to Review ULC Acts be approved with regard to the following:

- **Re-designate the Uniform Certificate of Title Act (2005) as a “Model” Act.**
- **Re-designate the Uniform Protection of Genetic Information in Employment Act (2010) as a “Model” Act.**
- **Re-designate the Uniform Unclaimed Property Act (1995) as “superseded” contingent upon approval of the Revised Uniform Unclaimed Property Act at 2016 Annual Meeting;**

On July 11, 2016, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the June 7, 2016, recommendations from the Committee to Review ULC Acts be approved with regard to the following:

- **Re-designate the Uniform Protection of Genetic Information in Employment Act (2010) as a “Model” Act.**
- **Re-designate the Uniform Unclaimed Property Act (1995) as “superseded” contingent upon approval of the Revised Uniform Unclaimed Property Act at 2016 Annual Meeting;**

After discussion, the Committee on Scope and Program approved the recommendations from the Committee to Review ULC Acts with respect to the following acts:

1. Uniform Conservation Easement Act: Scope requests that this Act be referred to the JEB/Uniform Real Property Act for its review and consideration.
 2. Model Adoption Act: Scope requests that this Act be referred to the JEB/Uniform Family Law for its review and consideration.
 3. Model Statute and Rule Construction Act: Scope requests that this Act be referred to the Committee of Legislative Attorneys for its review and consideration.
- **Drafting Committee to Amend the Uniform Parentage Act**
(Jamie Pedersen, Chair)

Commissioner Pedersen reported on this request on behalf of the Drafting Committee to Amend the Uniform Parentage Act that the committee be authorized to revise the act relating to those matters in the original charge to the drafting committee.

After discussion, the Committee on Scope and Program accepted the recommendation from the Drafting Committee, and approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the drafting committee to Amend the Uniform Parentage Act (addressing same sex couples, surrogacy, and the right of a child to genetic information) be charged to Revise the Act relating to those matters.

On July 11, 2016, the Executive Committee approved this resolution.

Discussion Items

- **Law on Privacy**

Chair Lisman discussed the growing number of current ULC projects that have related privacy issues. The committee then discussed whether there should be a way to track such issues in a more institutionalized manner.

After discussion, the Committee on Scope and Program deferred further discussion of this until the January 2017 midyear meeting of Scope, and requests that the ULF Fellow provide further information on the number of ULC acts that include privacy provisions, as well as information regarding the work of other organizations on privacy, including the ALI's privacy principles project.

- **Uniform and Model Acts: Amended vs. Revised**

Chair Lisman led a discussion of when a ULC act should be amended, and when it should be revised, and the substantive difference between the two, if any.

After discussion, the Committee on Scope and Program recommends that the Executive Committee consider a more structured way to consider this issue, including the appointment of an ad hoc committee on the subject.

- **Uniform Trade Secrets Acts**

Commissioner Reese reported on the recent consideration of the Uniform Trade Secrets Act by the Committee to Review ULC Acts, and its determination at that time that no amendments to the UTSA are necessary. Since then, the federal Defend Trade Secrets Act has been enacted, and the Committee discussed the interaction between the Uniform Act and the federal law.

After discussion, the Committee on Scope and Program accepted the report from the Committee to Review ULC Acts and concluded to take no action at this time.

New Business

- **Proposal to Amend the Revised Uniform Law on Notarial Acts**
(Commissioners Patricia Fry and Ray Pepe)

Art Gaudio, reporter for the drafting committee on the Revised Uniform Law on Notarial Acts, reported on this proposal to amend RULONA to authorize remote notarization within the United States (the current amendment limits its use to remote notarizations performed on behalf of those physically located outside the United States).

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 to Amend the Revised Uniform Law on Notarial Acts be formed.

On July 11, 2016, the Executive Committee approved this resolution.

- **Solicitation of Funds for Charities**
(Commissioner King Burnett)

Commissioner King Burnett, chair of the drafting committee on the Model Protection of Charitable Assets Act, reported on this potential proposal on the solicitation of funds by charities and reporting requirements. While the Model Act articulates and confirms the role of the state Attorney General in protecting charitable assets, it did not substantively address reporting requirements.

After discussion, the Committee on Scope and Program requests that Commissioner Burnett, with the assistance of ULC staff, gather more information on this topic and report back to Scope at its January 2017 meeting.

- **Bank Garnishment**
(Commissioners Jack Davies and Anne McGihon)

Commissioners Davies and McGihon, members of the drafting committee on the Wage Garnishment Act, reported on this proposal to appoint a drafting committee on a bank garnishment act.

After discussion, the Committee on Scope and Program requests that Commissioners Davies and McGihon report back to Scope at its January 2017 meeting with material, including information on potential support or opposition from affected groups, that would enable Scope to make a determination on this subject.

- **Police Review Boards**
(Commissioner Jack McAvoy)

Commissioner Lisman reported on this potential proposal to appoint a drafting committee to standardize and regulate police review boards.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

Having no further business, the Committee on Scope and Program was adjourned at 10:25 am on Monday, July 11, 2016.