

**Minutes**  
**Mid-Year Meeting of the Executive Committee**  
**Uniform Law Commission**

**January 24 – 25, 2015**

Richard T. Cassidy, Chair of the Executive Committee, called the meeting to order on January 24, 2015, at 9:03 a.m. The meeting adjourned at 11:00 a.m. on January 25, 2015. 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; Anita Ramasastry, Chair, Scope and Program Committee; Charles A. Trost, Treasurer; and David S. Walker. Also present were Commissioner Dale G. Higer, Chair of the Liaison with Other Organizations Committee; John A. Sebert, Executive Director; Liza Karsai, Executive Director Designate; Terry Morrow, Legislative Director/Legal Counsel; J. Elizabeth Cotton-Murphy, Chief Administrative Officer; and Katie Robinson, Deputy Legislative Director / Communications Officer. Commissioner Robert Stein, Chair of the International Legal Developments Committee, Commissioner McKay, Chair of the Study Committee on Firearms Information, and Mr. Brian Garner, author of the Guidelines for Drafting and Editing Legislation, also attended portions of the meeting. Commissioner Susan Kelly Nichols was unable to attend.

1. Approve Minutes

A motion was made and approved accepting the minutes of the Executive Committee meetings held July 10, July 14, August 27, and October 15, 2014.

2. Report of the President

A. Name Changes

A motion was made and approved that the Recognition and Enforcement of Canadian Domestic-Violence Protection Order act be designated a Uniform Act.

A motion was made and approved that the Model Commercial Real Estate Receiverships Act be Designated a Uniform Act.

B. Report on Plans for the ABA Mid-Year Meeting, February 2015

President Lansing reported that Uniform Fiduciary Access to Digital Assets Act, the Uniform Recognition of Substitute Decision-Making Documents Act, and the Amendments to the Uniform Voidable Transactions Act have been submitted for approval by the ABA House of Delegates in February and that all three have tentatively been placed on the consent agenda.

Commissioner Bolt reported on the opportunity for non-members to join the ABA, including membership in specific ABA sections, at no charge. This opportunity would allow for broader Commissioner ABA involvement. Commissioner Bolt will develop a notice and Chief Administrative Officer Cotton-Murphy will assist with distribution.

President Lansing reported that ULC leadership will meet with leaders of various ABA sections – Litigation, Business Law and Science & Technology.

C. Annual Meeting Schedule and Plans

President Lansing reported on the agenda for and the events at the 2015 Annual Meeting.

D. Report on ULC Archives

President Lansing and Deputy Legislative Director Robinson reported on progress being made at the Tarlton Library; 95% of the archive has been cataloged and the library anticipates that cataloging will be complete soon. Electronic scanning of the archive will begin once the cataloging process is complete. The ULC will soon have a scanned and digital archive available. It is unclear at this time how and where the archived material will be hosted.

Commissioner Cassidy suggested that the ULC should look to standardize how committee materials are received and cataloged and how those materials integrate with the archive. The ULC should also be concerned with data security, cementing an ongoing partnership with the University of Texas, and how archived materials might impact royalty publishing contracts.

President Lansing reported on the upcoming program at University of Texas, Monday, January 26, 2015. The purpose of the event is to commemorate the importance of the archives and the tremendous archival work that has been accomplished by the Tarlton library staff, and also to celebrate the ULC's role in law reform.

E. Report of the Committee on Liaisons with Other Organizations

Commissioner Higer summarized his written report. The Committee hosted a successful luncheon in Seattle with advisory members in attendance. The Committee also met with the State and Federal Relations Committee in November. A function is being planned for the Williamsburg Annual Meeting and efforts will be made to have as many advisory members as possible attend, given the meeting's proximity to D.C.

Commissioner Higer summarized the memorandum prepared by Bob Tennesen and Katie Robinson submitted for the Executive Committee's consideration. The National Association of Secretaries of State is examining several issues including the SENTRI Act, overseas voting, bogus lien filing, beneficial ownership and federal lien registration.

Commissioner Higer reported that Commissioner Bassett and Legislative Director Morrow are working with CSG as it reconsiders/redesigns its Suggested State Legislation process and that CSG's Justice Project may be interested in the Collateral Consequences Act. Legislative Director Morrow has also been working with individual Attorneys General on UAPRHT and through his efforts NAAG participation has improved.

F. Report of the Committee on State and Federal Relations

Legislative Director Morrow reported on plans for ULC leadership to meet with staff of the Senate Foreign Relations Committee, the Senate Armed Services Committee, and the House Armed Services Committee this spring. ULC leadership may meet with select senators to attempt to secure a reference to the Human Trafficking Act regarding the safe harbor for minor's provision. While in D.C., leadership is also trying to schedule a meeting with Google to discuss topics of potential interest to that company, such as driverless cars, social media privacy, human trafficking, fiduciary access of digital assets and other. The goal would be to encourage Google's involvement in ULC projects and to discuss potential funding opportunities.

G. Report of the Committee on Strengthening State Delegations

President Lansing reported that the Committee on Strengthening State Delegations had an effective meeting in Tucson in December. The Committee is working to identify qualities of fully functioning state delegations. A survey was sent to all commissioners. Thus far 41 states have responded. Deputy Legislative Director Robinson is in the process of compiling the responses. A report will be made available to commissioners.

Legislative Director Morrow has been traveling to individual states to strengthen ULC activity at the state level. Plans for a joint delegation meeting of states in the Northeast are underway.

H. Report on the Legislative Drafting Guidelines Project

President Lansing introduced Bryan Garner, who is drafting the Guidelines for Drafting and Editing Legislation. Mr. Garner reported that the booklet is on schedule for approval at the 2015 Annual Meeting. The publication will include general conventions and the structure of statutes, such as how to express a condition and exception, and how to avoid hidden conditions.

The idea is to provide a public service under the auspices of the ULC that will be freely available to legislative drafters throughout the world. Mr. Garner envisions that the publication will mostly be downloaded but also available in hard copy on Amazon. A working draft will be available by the end of March for review by a group of about 25 "readers," whose comments will be due by the end of April.

I. Report on Work of the ULF Fellows

President Lansing praised the work of the ULF Fellows. The written reports submitted by the Fellows were received by the Committee. Garrett Heilman will temporarily fill the legislative counsel position recently vacated by Casey Gillece. A search for a new legislative counsel is planned for the spring.

J. Report of the Committee to Monitor Developments in Civil Litigation and Dispute Resolution and the Report of the Committee to Monitor Healthcare Law

President Lansing and Deputy Legislative Director Robinson reported on the activities of these two new committees recommended by the Committee to Review the Scope and Program Process. The Committee to Monitor Developments in Civil Litigation and Dispute Resolution has focused on review of existing ULC acts. The Committee to Monitor Healthcare Law is looking for potential new drafting projects, as the ULC has done little drafting in the health law area.

K. Report on ULC/ULCC Joint Strategic Planning Meeting

President Lansing reported on the ULC's strong working relationship with the ULCC. A joint planning meeting is scheduled this Sunday, January 25, 2015.

L. Report on ULC Leadership Strategic Planning Meeting

President Lansing reported that the strategic planning session was useful and announced the following projects coming out of that meeting:

- A committee to review the ULC Human Resources Manual was appointed. Commissioners Blackburn and Ramasastry will work with Executive Director Designate Karsai, Legislative Director / Legal Counsel Morrow, and Chief Administrative Officer Cotton-Murphy. President Lansing hopes that Commissioner Nichols will also be willing to participate in revising the manual.
- President Lansing reported on increasing the budget line to cover leadership administrative expenses. Expenses arise such as computers, printing, paper, and the expectation of spouse travel that can be burdensome to ULC leadership. The goal would be to reduce the out-of-pocket expenses borne by ULC leadership. The specific expenses to be covered by this line item require further definition; and potential tax implications will also need to be investigated. Commissioners Berg, Houghton and Trost will review the type of expenses contemplated to be included in this line item. Commissioner Bolt offered to forward the ABA's policy on these type of expenditures.

M. Requests to the Uniform Law Foundation for Support for ULF Fellows and for a ULF Expert-in-Residence

President Lansing announced the formation of a committee to consider developing an Expert in Residence Program. Commissioners Houghton and Ramasastry will begin to develop a plan for such a program.

Executive Director Sebert raised the question of whether there is interest in continuing the ULF Fellows and recommended that the Executive Committee take action concerning the continuation of that program.

After discussion a motion was made and approved authorizing the President to make a request to the Uniform Law Foundation for continued funding of two ULF Fellows to cover a period of September 2015 – August 2016.

President Lansing reported that continuation of the existing Fellows will be made at the discretion of leadership. The positions would need to be advertised in March of 2015 if the existing Fellows are not offered or do not accept a year extension.

N. Discussion of Recent Disagreements Between Drafting Committees and the Style Committee

Executive Director Sebert summarized the written report submitted for Executive Committee consideration. Mr. Sebert and Commissioner Walker praised Commissioner Yeakel, Style Committee Chair, for his leadership and credited him with a significant reduction in the number of disputes between drafting committees and the Style Committee in recent years.

Commissioner Cassidy emphasized the importance of being respectful of drafting committee members and their right to decide in substantive matter concerning their acts.

O. Strategic Use of ULF Funds

President Lansing reported that the Foundation has agreed to fund the development of a mobile meeting application for the 2015 Annual Meeting.

There was a discussion of ULC reserves. Commissioner Houghton expressed the view that the current level of reserves were easily justified considering the size of the current ULC budget and the potential risks of a downturn in the economy and loss of royalties. Commissioners Walker and Berg agreed.

There was a discussion of recent staff turnover. Commissioner Houghton recommended that leadership consider adding an additional legislative counsel position to provide

redundancy that would make it easier to cope with the staff turnover that seems to be common with the ULC and many other employers.

Commissioner Walker raised the importance of looking ahead and having a game plan for how to maintain the ULC in difficult times and credited the Foundation with providing funding for this purpose. Commissioner Berg stressed the importance of maintaining a sufficient reserve and that Foundation funds be used wisely.

### 3. Report of the Chair of the Executive Committee

#### A. Report on Committee Meetings

Commissioner Cassidy reported on committee meetings already held and to be held during the 2014 – 2015 fiscal year.

#### B. Report on Annual and Midyear Meeting Dates and Locations

Commissioner Cassidy reported on the dates and meeting locations of the 2015, 2016, and 2017 Annual Meetings. The ULC will meet in Williamsburg, VA, Friday, July 10 – Thursday, July 16, 2015; the ULC will meet in Stowe, VT, Friday, July 8 - Thursday, July 14, 2016; and the ULC will meet in San Diego, CA, Friday, July 14 – Thursday, July 20, 2017.

Commissioner Cassidy reported on plans for upcoming midyear committee meetings in Amelia Island, Florida, January 21 – 24, 2016, and in Point Clear, Alabama, January 12 – 15, 2017 (tentative).

#### C. Proposed Request to the ABA Criminal Justice Section to Release Restrictions it has Imposed on Data in the National Inventory of the Collateral Consequences of Conviction that the Section has Developed

Commissioner Cassidy ask President Lansing to preside for this item.

Commissioner Cassidy summarized the written report submitted for the Executive Committee's consideration. There are concerns that restrictions imposed by the ABA Criminal Justice Section on the National Inventory of the Collateral Consequences of Conviction (NICCC) will discourage enactment of the Uniform Collateral Consequences of Conviction Act (UCCCA). Data restrictions may make it difficult for states to compile the inventories required by Section 4 of the UCCCA.

Commissioner Cassidy expressed the opinion that these restrictions are inconsistent with the terms and intent of the law that authorized creation of the NICCC, and inconsistent with the grant from the National Institute of Justice (NIJ) to the Section, and that there is a substantial question whether the Section is legally entitled to maintain them. The Section has justified its restrictions by claiming that the NICCC's quality can be maintained only by strictly controlling third party

access to and use of its data. Commissioner Cassidy, however, said that states need to be able to add to and update each state's data in the NICCC.

Commissioner Cassidy reported that the grantor, NIJ, will allow grantee control of data while the grant is ongoing and once the grant is concluded, the study should be released to the states. It was originally contemplated that the grant would be concluded several years ago; grant funding was just extended by NIJ for another year for continued work on NICCC development.

After discussion, a motion was made and approved authorizing President Lansing to write a letter to the President of the ABA to request that the ABA Criminal Justice Section release the restrictions imposed on data in the National Inventory of the Collateral Consequences of Conviction (NICCC). The President will use her discretion to determine how best resolve this issue and will consult, as appropriate, with others, including Commissioner Stein and Chris Cushing of Nelson Mullins Public Strategies.

#### D. Overview of Plans for 2015 - 17

Commissioner Cassidy reported on plans for his presidency. His goal is to respect and maintain the traditions of the Conference that result in quality legislative products while also trying to leverage technology to expand the internal transparency of ULC activities. A primary goal will be to engage commissioners by providing broader opportunities for members to participate in the drafting process, as well as a more effective systems to facilitate that participation. Technology will also be used to keep members and stakeholders informed, and to increase visibility of the ULC. He will also enhance outreach to key audiences including state legislators and their staff, local bar associations, and local lawyers. He expressed the opinion that if the ULC is able to achieve effective outreach to these key audiences, legislative enactments should increase.

### 4. Report of the Vice President

#### A. Division Chair Reports

Commissioner Blackburn summarized the written report of the Vice President, collected from Division Chairs, on the progress of all committees.

Commissioner Blackburn reported that the Home Foreclosure Procedures Act is facing strong opposition from the American Bankers Association and other stakeholders that may pose enactment challenges. There may be a way to develop a new type of mortgage registry that could be incorporated into the act to help with enactment. The mediation component of the act may be more appealing to states.

Commissioner Blackburn reported that the Joint Editorial Board on Real Property Acts considered filing an amicus brief at the trial court level in a case dealing with Uniform Common Interest Ownership Act lien priority issues. Instead, the JEB plans to follow the litigation closely and may want to file an amicus brief if the matter gets to an appellate court. There was a

discussion of developing a ULC Policy on filing amicus briefs. Commissioner Berg and Executive Director Designate Karsai will work together on this policy, and President Lansing said she would ask Commissioner Lane Shetterly to join this group. Commissioner Bolt will provide ABA policy as an example.

Commissioner Blackburn reported that the Joint Editorial Board on Unincorporated Organizations Acts plans to seek authority from the Executive Committee to undertake periodic and continual review of the various unincorporated business organization acts and judicial interpretation of those acts with an eye toward immediately responding with language to amend existing statutes and to address errant interpretations of the act. The JEB plans to work closely with the Executive Committee to develop an evergreen function for these acts. A proposal may be submitted for the Executive Committee's consideration in July.

#### B. Federal Relations

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

#### C. Report of the PEB's and JEB's

The Committee received reports from the Permanent Editorial Board for the Uniform Commercial Code, the Uniform Commercial Code Committee, the Joint Editorial Board for Uniform Real Property Acts, the Joint Editorial Board for Uniform Family Law, the Joint Editorial Board on International Law, the Joint Editorial Board for Unincorporated Organization Acts, and the Joint Editorial Board for Uniform Trust and Estate Acts. The reports were accepted.

#### D. Report of the International Legal Developments Committee

Commissioner Stein summarized the written report submitted for the Committee's consideration, and highlighted a series of action items contained in the report:

##### Family Maintenance Convention and UIFSA 2008

There was discussion about implementing legislation for the Family Maintenance Convention. In September of 2014, Congress passed federal implementing legislation for the Convention: H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act. The President signed the bill in October. The new measure requires that all states enact UIFSA 2008 in order to retain federal child support funding. States will need to enact these amendments by the end of their 2015 legislative session or face possible funding loss. The ULC plans to seek enactment of UIFSA 2008 by the remaining 42 states during the 2015 legislative sessions.



#### Implementing Commercial Law Conventions

There was a discussion of implementing commercial law conventions on which ULC has worked: UN Convention on Receivables in International Trade; Hague Intermediated Securities Convention; UN Convention on Independent Guarantees and Standby Letters of Credit; UN E-Commerce Convention; and the Rotterdam Rules. State Department Assistant Legal Advisor John Kim has reiterated that implementing these conventions is a high priority. Transmittal packages are being reviewed by the White House and there are plans to develop a package of the commercial law conventions to put before the Foreign Relations Committee during this Congress. There is strong industry support for Letters of Credit, Intermediated Securities and Receivables Conventions.

#### Standby Committee to Implement the Hague Convention on Protection of Children

The work of the Standby Committee to Implement the Hague Convention on Protection of Children has been delayed by disagreements between the Drafting and Style Committees. Those disagreements have now been resolved, and Drafting Committee reporter Bob Spector is revising the act to implement that agreement.

#### Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act

The Drafting Committee on Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act will go before the Conference for final approval in July of 2015. The Hague Conference on Private International Law is studying the feasibility of drafting an international convention concerning the recognition and enforcement of protection orders. Executive Director Sebert reported that The Hague's consideration is very preliminary, and that drafting such a convention would be a complex undertaking.

#### Study Committees on Harmonization of Law in the Caribbean

The ULC has two study committee on the Harmonization of law in the Caribbean. Invitations to participate were distributed in mid-September. As of November, the ULC had received commitments from 9 people for the Registration of Foreign Judgments Project and 12 from the Enforcement of Child Custody and Support Orders Project. The ILDC would like conference calls to be held early in 2015 with a meeting of stakeholders in the spring so that both study committees could report back to the Scope and Program Committee in July. Commissioner Bolt cautioned that more advance work will need to be done. Some of those who have made commitments may no longer be in office. Despite a number of attempts by email to ask for expressions of interest very few Attorney Generals or government agencies have agreed to be involved.

#### State Department Proposal to UNCITRAL

President Lansing reported that there is a State Department proposal to UNCITRAL to develop a convention on the enforcement of agreements resulting from international commercial arbitration. There is a meeting in New York in February and ULC has been invited to have representatives accompany the State Department. Commissioners Patchel and Getty plan to attend that meeting.

### Implementing the Hague Choice of Court Agreements Convention

Commissioner Houghton reported that there has been no progress on resolving the impasse that exists. The European Union will soon ratify the Convention and that will make it effective internationally, since Mexico has already adopted the Convention. IT is possible that this fact may provide an incentive to resume discussions in the U.S.

### Trust and Wills Conventions

Commissioner Stein said that Assistant Legal Adviser Kim is considering whether the U.S. should sign and seek to implement the Hague Convention on Trusts. The JEBUTEA supports implementing the Convention. There was a recent State Department conference call on the Convention in which some commissioner participated.

Commissioner Stein said that Advisor Kim suggested that the ULC take another look at the UNIDROIT Wills Convention. The International Wills Act, which implements the Convention. The act has been adopted by 18 states and provides that if a will meets certain requirements that it will be recognized as valid in other adopting states. The ILDC recommends that the term “international” be removed from the title of the act in order to avoid unnecessary opposition.

After discussion a motion was made and approved adopting the ILDC recommendation that the name of the Uniform International Wills Act be changed to the Uniform Wills Recognition Act. ULC staff will communicate this information to the legislative liaisons to increase enactment interest.

### Notarization Abroad

There was a discussion of the difficulty of getting documents needed for U.S. transactions notarized outside the United States. A ULC working group chaired by Commissioner Ray Pepe has been formed to investigate this issue and propose solutions. The working group requests that the Standby Committee on notarial Acts be reconstituted as a Study Committee to explore amending that act or whether to draft a free standing act to deal with this particular problem and that a stakeholder meeting in the spring be undertaken. Executive Director Sebert recommend allowing a subset of the Standby Committee to hold a stakeholder meeting to collect feedback from interested entities, including the notarial associations, the National Association of Secretaries of State, and the ABA International Law Section.

A motion was made and approved authorizing the Standby Committee on Uniform Notarial Acts hold a stakeholder meeting in the spring concerning notarization abroad. The President may add someone to the standby committee who has international expertise. The Standby Committee is directed to report back to the Scope and Program Committee in July.

## 5. Report of the Secretary

### A. Membership Changes

Secretary Timothy Berg reported on changes in membership since the 2014 Annual Meeting. Commissioner Berg reported that there are currently 318 Commissioners, 33 Associate Members, 40 Life Members, and 16 Advisory Members, making a total of 407 Members of the ULC.

### B. Consideration of Excused Absences

A motion was made and approved granting excused absences to commissioners who have requested an excused absence and given reasons for their absence from the 2014 Annual Meeting: Tom Ivester (OK); Gerald L. Jackson (OK); Rusty N. LaForge (OK); Stephen M. Orlofsky (NJ); Janice L. Pauls (KS); and Raymond G. Sanchez (NM).

### C. Consideration of Requests for Life Membership

A motion was made and adopted appointing John H. Langbein (CT), and Larry L. Ruth (NE), as life members of the ULC.

## 6. Report of the Treasurer

### A. Audit Report

Treasurer Trost, reported on the audited financials. There was a minimal misstatement that was corrected. The fiscal year 2013-14 audit shows that the ULC's finances are sound. A motion was made and approved accepting the audit report.

### B. State Dues Report

Treasurer Trost reported on the collection of state dues for the 2014-15 fiscal year. The ULC has received full dues payments from 35 states and has received partial dues payments from seven states. The ULC may receive no payments from the following states: Maine, North Carolina, and Puerto Rico. The anticipated dues collection for 2014 is \$2,393,475, or 89.3% of total dues assessed, with a remaining uncollectible amount of \$288,425 or 10.7%.

Legislative Director Morrow reported on progress made to reinstate dues in New Hampshire.

### C. Report on ULC Investments

Treasurer Trost summarized the written report submitted for the Executive Committee's consideration. The ULC is making excellent returns on safe investments. He reported on recent discussions with Commissioner Swibel regarding the portfolio and ways to increase investment returns. If the combined investible assets of the two entities are viewed as a whole, the relatively

aggressive investment strategy of the ULF is balanced by the conservative ULC investment approach.

D. Report of Committee to Review 401 (k)/ABRA Retirement Plan

Treasurer Trost reported on the status of the rollover of ULC retirement funds from the American Bar Association's Retirement program to a program managed by Vanguard.

E. Report on 401(k) Compliance

Treasurer Trost reported on the recent clarification made to the ABRA retirement plan to clarify the definition of eligible employee under the plan and summarized the impact this clarification had on a current staff member. A motion was made and approved authorizing a specific payment to the affected staff member in exchange for a release from further obligation.

7. Report of the Uniform Law Foundation

A. Financials

The report was submitted for the Executive Committee's consideration. The report was received by the Executive Committee.

B. Fundraising

The report was submitted for the Executive Committee's consideration. The report was received by the Executive Committee.

C. Trustee Minutes

Minutes from the recent Trustee meeting were received by the Committee.

8. Report of the Committee on Scope and Program

A. Firearms Information Reporting Proposal

Commissioner McKay, Chair of the former Study Committee on Firearms Information, summarized the written report submitted for the Executive Committee's consideration. The report recommended establishing a drafting committee to draft an act on specific issues concerning firearms information reporting. Commissioner Cassidy provided context on the ULC's communications with the National Rifle Association (NRA). The NRA has expressed a willingness to appoint observers to a project of this nature.

The Scope and Program Committee recorded a tie vote on the decision to recommend that a drafting committee be formed, and thus has no recommendation to make. No action was taken by

the Executive Committee. Commissioner McKay was commended for his dedication and extensive effort.

#### B. Scope and Program Operational Report

Commissioner Ramasastry reported progress made to implement the recommendations of the Committee to Review the Scope and Program Process. The Committee on Scope and Program now operates with more members. Studies in areas like social media privacy, driverless cars, and mobile payment systems are all new topics of interest being investigated by the ULC that have come out of increased efforts in this area.

#### C. Action Items

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:

##### 1. Recommendations Concerning Establishment of New Study Committees

- a. Harry Tindall, JEB/Uniform Family Law Acts, Proposal to Amend the Uniform Parentage Act: Scope recommends that a study committee be formed. See 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 Amending the Uniform Parentage Act, as well as other ULC Acts that would be affected by Supreme Court decisions relating to same sex marriage.**

The resolution was adopted without dissent.

- b. Prof. Mark Rothstein, University of Louisville, Proposal on Income Protection during Quarantine: Scope recommends that a study committee be formed. See 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 concerning declarations of quarantine, as well as procedures for income replacement and job protection to incentivize compliance with quarantines.**

The resolution was adopted without dissent.

- c. Proposal on Bad Faith Patent Litigation: Scope recommends that a study committee be formed. See 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 concerning bad faith patent litigation.**

The resolution was adopted without dissent.

## 2. Recommendations Concerning Establishment of New Drafting Committees

Recommendation from Committee on Liaison with Native American Tribes and Nations to form drafting committee to Amend the Model Tribal Secured Transactions Act: Scope recommends that a drafting committee be formed. See resolution.

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee to Amend the Model Tribal Secured Transactions Act be formed to align, where appropriate, the MTSTA with the 2010 Amendments to UCC Article 9 and make other appropriate revisions.**

The resolution was adopted without dissent.

## 9. Report of the Executive Director

### A. Report of Activities Since the 2013 Annual Meeting

Executive Director Sebert submitted a written report for the committee's consideration. The report was received by the committee.

### B. Tribal Law Activities

Commissioner Tim Berg, Chair of the Model Tribal Probate Code Drafting Committee, reported on plans for an April meeting of the committee. Excellent progress is being made.

### C. Grants Report

The report was submitted for the Executive Committee's consideration. The report was received by the Executive Committee.

## 10. Report of the Chief Administrative Officer

### A. Report of Activities Since the 2013 Annual Meeting

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

### B. Financial Report Year-To-Date

Chief Administrative Officer Elizabeth Cotton-Murphy submitted a written report on the year-to-date financials for the committee's consideration. The report was received by the committee.

C. Proposed Revisions to the FY 2014-15 Budget

Executive Director Sebert led a discussion of recommended changes to the fiscal year 2015 budget. A motion was made and adopted approving the revised budget.

D. Proposed Revisions to the ULC's Human Resources Manual

A motion was made and approved adopting the proposed changes to the vacation payout accrual provision subject further revision and review by counsel. See Appendix A.

A motion was made and approved adopting changes to the Definitions and the Disability Coverage as submitted. See Appendix B.

E. Changes to Flexible Benefit Plan, Plan Document

A motion was made and approved adopting changes to the Flexible Benefit Plan, Plan Document, to update benefit management according to changes in IRS regulations. See Appendix C.

11. Report of the Chair of Legislative Committee

A. Report of Legislative Activity since the July 2014 Annual Meeting

Commissioner McGarvey, Chair of Legislative Council, reported that there were 166 introductions and 63 enactments in 2014. The 166 introductions (out of 287 planned introductions) represented a lower-than-normal percentage of actual introductions (compared to plans) based on historical trends. President Lansing commended commissioners and the legislative staff for the enactment success.

B. Minutes from October 25, 2014 Legislative Council Meeting

Commissioner McGarvey summarized the minutes of the Legislative Council meeting.

a. Target Changes

Commissioner McGarvey summarized the written report submitted on changes to the "Target" and "Targets to Complete" lists; the report was accepted.

b. Enactment Committees

Commissioner McGarvey summarized activities of the various Enactment Committees.

#### C. 2015 Legislative Plans and Preview of Activity

Commissioner McGarvey reported that planned introductions for 2015 stand at 281. It is anticipated that the Interstate Family Support Act Amendments (2008) will lead acts in numbers of introductions; thirty-seven states currently have Interstate Family Support Act Amendments (2008) on their 2015 legislative plans.

Commissioner McGarvey reported on the scheduling of a second in-person meeting of the Legislative Council, January 31, in Chicago. Meeting twice a year, rather than once a year, should benefit enactment efforts.

#### D. Legislative Staff Issues Areas Update

Commissioner McGarvey summarized the legislative staff and the assigned areas of responsibilities.

#### 12. Other Business

An Executive Session began at 4:00 pm Saturday, January 24, 2015. The regular meeting of the Executive Committee resumed at 8:30 a.m. on Sunday, January 25, 2015, and was adjourned at 11:00 a.m.