

Minutes

Web and Audio Conference of the Executive Committee Uniform Law Commission

April 13, 2021
Chicago, IL

Daniel Robbins, Chair of the Executive Committee, called the meeting to order on April 13, 2021, at 2:04 p.m. Chicago Time.

The following members of the Committee were present: Carl H. Lisman, President; Bill Breetz, Vice President; Steve Wilborn, Legislative Committee Chair; Tom Buiteweg, Treasurer; Martha Starkey, Secretary; Paula Tackett; Ryan Leonard; and Jamie Pedersen. Timothy Berg, Committee on Scope and Program Chair; and Anita Ramasastry, Immediate Past President, were not in attendance.

Also present: David M. English, Chair of the Standby Committee on Amendment to the Uniform Probate Code; Patricia Brumfield Fry, Chair of the Standby Committee on the Revised Law on Notarial Acts (2018); Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Ben Orzeske, Chief Counsel; Katie Robinson, Legislative Program Director; and Greg Young, Chief Information Officer.

1. Minutes

A motion was made and approved accepting the minutes of the Midyear Executive Committee Meetings held February 2, 2021.

2. Request for approval of technical amendments

a. Revised Uniform Law on Notarial Acts

Patricia Brumfield Fry, Chair of the Standby Committee on the Revised Law on Notarial Acts (2018), summarized the written request received from the Standby Committee for Revised Uniform Law on Notarial Acts that the Executive Committee adopt the amendments to the Revised Uniform Law on Notarial Acts (2018), using the procedure permitted by Section 4.3(b)(3) of the ULC Constitution.

A motion was made and approved under Section 4.3 of the ULC Constitution authorizing the proposed technical amendments to the Revised Uniform Law on Notarial Acts (2018).

b. Uniform Probate Code

David English, Chair of the Standby Committee on Amendment to the Uniform Probate Code, summarized the written request received from the Joint Editorial Board for Uniform Trust and Estate Acts that the Executive Committee adopt the amendments to the Uniform Probate Code statutory text and comments, using the procedure permitted by Section 4.3(b)(3) of the ULC Constitution.

A motion was made and approved under Section 4.3 of the ULC Constitution authorizing the proposed technical amendments to the Uniform Probate Code.

3. Request for name change

A motion was made and approved that the name of the Collection and Use of Personally Identifiable Data Act be changed to the *Personal Data Protection Act*.

4. Request for uniform designation

A motion was made and approved designating the Personal Data Protection Act as a uniform act.

5. Memo from PEB for UCC to ULC and ALI regarding Articles 10 and 11

Chair Robbins summarized the written recommendation received from the Permanent Editorial Board for the Uniform Commercial Code (PEB) that Articles 10 and 11 be removed from the Official Text of the Uniform Commercial Code (UCC). Both articles, which contain only transition rules from previous law, are archaic and have no impact on present-day transactions. The proposal is purely organizational, and, if adopted by the American Law Institute and the Uniform Law Commission, would do no more than tidy up the Official Text, increasingly held up as a model not only for domestic legislation (where it has been enacted in all states) but for foreign and international lawmaking as well, so that it contains the legal rules promulgated by the ALI and ULC but no longer contains transition rules from law that has been repealed for a half-century or more.

A motion was made and approved to remove Articles 10 and 11 from the Official Text of the Uniform Commercial Code (UCC).

6. Budget adjustment approval

Commissioner Buiteweg summarized the supplemental Pay Calculation submitted to the Committee and reminded the committee that bonus payments to ULC staff had been approved in December of 2020, but that formal budget approval was needed. A motion

was made and approved adopting the budget adjustment as proposed.

7. 2021 Annual Meeting discussion

President Lisman reported on plans to move forward with the hybrid meeting format in Madison this summer. All commissioners, both remote and in-person, will participate via Zoom. Those attending in Madison are expected to bring a digital device. Not all committee chairs, reporters, or ULC staff plan to attend in person; some will participate remotely. Participation of ABA Advisors and Observers will be limited to Zoom (for ABA Advisors) and a livestream (for Observers) due to capacity limitations.

a. Poll results

i. Chairs and Reporters Survey

The Chairs and Reporters Survey results were submitted in writing for the Committee's consideration. The results were received by the committee.

ii. Commissioners Survey

The Commissioners Survey results were submitted in writing for the Committee's consideration. The results were received by the committee.

c. Updates on Madison and Dane County Order of Public Health, Emergency Order 15

Elizabeth Cotton-Murphy, Chief Administrative Officer, summarized the memo summarizing the latest Public Health Madison & Dane County regulations. At this time, physical distancing of 6 feet and face masks are required indoors. A maximum of 150 people may gather indoors (space permitting) if food and beverages are served. A maximum of 350 people may gather indoors (space permitting) if food and beverage are not provided. Outdoor gatherings are unlimited based on venue capacity with 6 feet physical distancing observed.

The Public Health Madison & Dane County issues new guidance at the beginning of each month. The new order will go into effect May 5, 2021.

d. Revised Projected 2021 Annual Meeting Budget

President Lisman summarized the key elements of the Revised Projected 2021 Annual Meeting Budget submitted for the Committee's consideration. Audiovisual

expenses have increased dramatically to accommodate hybrid meeting participation. The registration fees have been reduced for in-person attendees and waived for remote participants.

The meeting was adjourned at 3:24 p.m. Central Time.