

Minutes
Web and Audio Conference of the Executive Committee
Uniform Law Commission

July 9, 2020

Chicago, IL

Daniel Robbins, Chair of the Executive Committee, called the meeting to order on July 9, 2020, at 2:02 p.m. Central Time.

The following members of the Committee were present: Carl H. Lisman, President; Timothy Berg, Committee on Scope and Program Chair; Bill Breetz, Vice President; Steve Wilborn, Legislative Committee Chair; Tom Buiteweg, Treasurer; Martha Starkey, Secretary; Anita Ramasastry, Immediate Past President; Paula Tackett; Ryan Leonard; and Jamie Pedersen.

Also present: Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Ben Orzeske, Chief Counsel; and Katie Robinson, Legislative Program Director. Joleen Dimond, Accounting and Finance Officer, attended a portion of the meeting.

Action Items

1. Minutes

A motion was made and approved accepting the minutes of the Executive Committee meeting held June 2, 2020, and ballot minutes from June 19, 2020.

2. Appointment of Advisory Members

A motion was made and approved granting advisory member status under Section 2.9 of the Constitution to Michael L. Buenger (National Center for State Courts), Robert M. Carlson (American Bar Association), Susan P. Frederick (National Conference of State Legislatures), John Lee (Uniform Law Conference of Canada), Peter Lown (Uniform Law Conference of Canada), Elaine Marshall (National Association of Secretaries of State), Stephanie Martin (Federal Reserve Board), Stephanie Middleton (American Law Institute), Jason C. Moseley (Council of State Governments), Richard L. Revesz (American Law Institute), Leslie Reynolds (National Association of Secretaries of State), Jorge Sanchez Cordero (Mexican Uniform Law Center), Shubha Sastry (U.S. Department of State), and Christopher Toth (National Association of Attorneys General).

3. Appointment of Nominating Committee

A motion was made and approved authorizing the appointment of a nominating committee consisting of Commissioners Gene N. Lebrun (South Dakota), Chair; Dale G. Higer (Idaho); Anne Hartnett (Delaware); Michele Timmons (Minnesota); and Nora Winkelman (Pennsylvania).

4. Requests for Technical Amendments

No requests for technical amendments were submitted for consideration during this meeting.

5. Requests for Life Membership

A motion was made and approved nominating Richard C. Hite (KS) for election to life member of the Conference.

6. Resolution Granting Approval to Signatories for ULC Recurring Expenses

A motion was made and adopted approving the signatories' resolution as amended.

Discussion Items

7. Report of the Legislative Committee

Steve Wilborn, Chair of Legislative Council, summarized his written report. For the 2020 legislative session, there were 271 planned introductions. This compared favorably to plans for 2018, the last even-year session, in which there were 261 planned introductions. In early March, there were 151 introductions and 6 enactments. But by mid-March, due to the pandemic, legislative activity came to an abrupt halt, as legislatures adjourned, or went into restricted sessions to deal only with budget issues or COVID-related issues. As of June 30, 2020, there were only 154 introductions and 30 enactments.

The approach to have individual state delegations meet by teleconference with ULC staff has proved successful. These meetings allow for broader delegation participation beyond members who attend the in-person breakfasts at the annual meeting. It was recommended that ULC consider continuing to have state delegations meet by teleconference into the future.

There has been discussion for many years about the enactment data collected by ULC and how to utilize this data to benefit the scope and program process and improve enactments. The legislative staff is undertaking a project to pull together this data and to format it in such a way that might inform ULC processes.

Legislative Program Director, Katie Robinson, was asked to revise future legislative reports to include data on the number of enactments by act.

8. Annual Meeting Location / November Annual Meeting Decision

Chair Robbins and President Lisman do not believe that the ULC can host an in-person meeting this fall due to the global pandemic. President Lisman reported on alternative meeting plans for virtual sessions to consider acts up for a first or interim reading in September.

The ULC will meet in Madison, Wisconsin, Friday, July 9 – Thursday, July 15, 2021; and the

ULC will meet in Philadelphia, Pennsylvania, Friday, July 8 – Thursday, July 14, 2022.

9. Finance and Budget

a. ULC Financial Statements – 5/31/2020

Commissioner Buiteweg summarized the written report on ULC financial statements ending May 31, 2020. The report was received by the committee.

b. ULC Investment Report

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

c. Dues Report

Commissioner Buiteweg summarized the written report submitted for the Committee's consideration. The report was received by the committee.

d. Write-off of Uncollectible Dues

Commissioner Buiteweg summarized the written report on the write-off of uncollectible items for FY2019. After discussion, a motion was made and approved authorizing the write-off of uncollectible state dues for FY2019 in the total amount of \$254,181.

e. Consideration and Approval of FY2020 Budget

Commissioner Buiteweg summarized the memorandum and proposed budget submitted to the Committee and led a discussion of the proposed fiscal year 2020 budget. A motion was made and approved adopting the budget as proposed.

f. Recommendation Concerning State Dues for 2021-2022

Commissioner Buiteweg reported on a recommended dues schedule for fiscal year 2021-2022. The recommendation is not to increase dues this fiscal year in response to the financial pressures resulting from the global pandemic. Commissioner Buiteweg also noted that all but one state has caught up with their peers in tier status based on current projections.

After discussion, a motion was made and approved authorizing freezing dues for 2021-2022 fiscal year.

2. Budget Projections for FY 2021-22, 2022-23, and 2023-24

A written report was submitted to the Executive Committee. The report was received by the committee.

The Executive Committee went into an executive session at 3:20 Central Time and the meeting was adjourned at 3:57 Central Time.

APPENDIX A

A. Officer Reports

1. Report of the Vice President (Division Chair Reports A-F)

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

2. Report of the Secretary

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

Commissioner Starkey is scheduled to present a report to the Conference during the First Session of the annual meeting.

3. Report of the Treasurer (*see* Agenda, Item 9, Finance and Budget)

Commissioner Buiteweg is scheduled to present a report to the Conference during the First Session of the annual meeting.

B. Committee Reports

1. Committee on State and Federal Relations and Liaisons with Other Organizations

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

2. Criminal Justice Reform, Committee to Monitor Developments in

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

3. Civil Litigation and Dispute Resolution, Committee to Monitor Developments in

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

4. Healthcare Law, Committee to Monitor Developments in

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

5. Technology, Committee to Monitor Developments in

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

6. Privacy Law, Committee to Monitor Developments in

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

7. American Bar Association, Committee on Liaison with

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

8. ULC History Committee

No report was received.

9. Public Information Committee

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

10. International Initiatives

a. International Legal Developments Committee

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

b. Joint Editorial Board for International Law

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

11. Tribal Law Activities

No report was received.

12. Committee on Academic Partnerships

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

13. Joint Editorial Board for Uniform Trust and Estate Acts

No report was received.

14. Joint Editorial Board for Uniform Real Property Acts

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

15. Joint Editorial Board on Uniform Unincorporated Organization Acts

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

16. Joint Editorial Board for Uniform Family Law Acts

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

17. Uniform Commercial Code

No report was received [see Division E Report].

C. Meeting Reports

1. Report on Committee Meetings

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

2. Report on Annual Meeting and Midyear Meeting Dates and Locations

A written report was submitted for the Executive Committee's consideration (see Appendix C.2). That report was received by the Committee. The ULC will meet in Madison, Wisconsin, Friday, July 9 – Thursday, July 15, 2021; and the ULC will meet in Philadelphia, Pennsylvania, Friday, July 8 – Thursday, July 14, 2022.

D. Office Reports

1. Grants Report

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

2. Activity Report of the Executive Director

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

3. Activity Report of the Chief Administrative Officer

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

4. ADA Document Conversion Progress Report

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

E. Reports of the Uniform Law Foundation

1. Fundraising

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

2. Trustee Minutes

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

3. ULF Financial Report, May 31 2020

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

F. Nelson Mullins Report

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