

Washington Uniform Law Commission (WULC)

February 13, 2013

Present: Anita Ramasastry (AR), chair; Marlin Appelwick (MA); John Cary (JC); Dennis Cooper (DC); Kyle Thiessen (KT); absent: Jamie Pedersen (JP)

AR called the meeting to order at 4:03 PM.

Legislative Report

JP sent the following legislative report in a February 11, 2013, 4:50 PM, email message:

Here is the brief rundown of the bills:

UIFSA – dead for this year. Senator Carrell opposes strongly (does not like the Hague Convention or international law). We can revive this when Congress makes the amendments required.

Defamation – difficult hearing, likely will not move out of committee. Rep. Goodman is working on it.

UCC Article 4A – in House Rules, likely to move quickly. We also amended Article 9 to change to Alternative A.

Real Property Transfer on Death Deeds – in House Rules, prospects look good.

Collaborative Law – in House Rules, prospects look good.

Debt Management Services – Marlin can report; it is in Business & Financial Services.

Let me know if you have any other questions. I think it is unlikely that I will be able to join the call, which is scheduled during House Appropriations Committee.

Debt-Management Services. MA stated that a legislative work session took place on November 30, 2012. Legislators then drafted a version, held a hearing, and set the draft for executive session. DC testified during the hearing. The draft is “working off” the uniform act, and, despite aggressive “stripping things out,” the draft survived major policy changes. However, two or three measures that take different approaches are also moving in the Senate, and the House is taking different approaches than the Senate, making the Debt Management Services outcome uncertain.

Collaborative Law. Collaborative Law appears to be moving ahead in the House. The WSBA has conceded that the act will pass and will be submitting, at the governor’s meeting in March, the portion of Collaborative Law that they would prefer to have done by rule. The rules might complement the Statute or might duplicate it.

Uniform Interstate Family Support Act (UIFSA). UIFSA encountered no opposition in the House but died in the Senate. After Congress acts, the WULC can re-introduce UIFSA.

Uniform Commercial Code, Article 4A. The amendment to Article 4A is proceeding through the legislature.

Uniform Commercial Code, Article 9. Following debate at the WSBA, “we are shifting from Alternative A to Alternative B.”

Real Property Transfer on Death. “This seems good as regards the House Rules Committee.”

Uniform Electronic Transactions Act (UETA). UETA has encountered opposition from the WSBA Business Law Section's cyberspace committee which believes that electronic transactions are working well without UETA. AR offered to write a one-page document on how UETA would help Washington courts and judges. It would also help to provide the testimony of practitioners from states that have adopted the Act and from Washington practitioners, such as real property attorneys, who use rules similar to UETA. In addition, the uniformity argument is very strong. JC will follow up with Ken Weill, a legislator who supports UETA.

Fundraising for the 2014 Uniform Law Commission (ULC) Annual Meeting in Seattle

Harriet Lansing and AR will speak by telephone on Thursday, February 21, regarding fundraising for the 2014 annual meeting at the Westin in Seattle. Afterward AR will send an update to the commissioners. AR will send out links to the Annual Meeting planning binder.

Code Reviser's Budget for the Next Two Years

The Statute Law Committee has proposed full funding of ULC dues and travel over the next biennium. In 2014 the commissioners will have much diminished travel expenses as the annual meeting will take place in Seattle.

Approval of Minutes

The commissioners voted to approve the minutes of the November 14, 2012, meeting.

Testifying on Behalf of Acts

The law requires agency paid staff to file as lobbyists. The uniform law commissioners do not meet this requirement, and, prior to testifying on behalf of a uniform act, they identify themselves as uniform law commissioners. AR would like to have a record of where each commissioner testified.

AR adjourned the meeting at 4:34 PM.

Action List?

AR will send links to the Annual Meeting Planning Binder

JC will reach out to Erin Letey, WSBA Business Section Chair

Commissioners will send AR a record of where they testified?

JC will talk to Ken regarding UETA.