

## Washington Uniform Law Commission (ULC)

February 9, 2011

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

*AR called the meeting to order at 4:05 p.m.*

### Uniform Acts

**Unsworn Foreign Declarations Act:** This bill, <http://dlr.leg.wa.gov/bills/summary/default.aspx?bill=1345&year=2011>, has WSBA support, no opposition so far, and appears to have a clear path to the governor. It has passed out of House Judiciary and is currently on the House suspension calendar.

**Interstate Family Support Act Amendments:** This bill, <http://dlr.leg.wa.gov/bills/summary/default.aspx?Bill=1253&year=2011>, has passed out of House Judiciary and is scheduled for a hearing on February 15 by the House Committee on Health & Human Services Appropriations & Oversight. DSHS requested an amendment to the bill regarding the effective date, which has been incorporated. The WSBA Family Law Section remains concerned about the bill because of the effective date.

**UCC Article 9 Amendments:** The WSBA wants this bill, <http://apps.leg.wa.gov/billinfo/summary.aspx?year=2011&bill=1492>, to incorporate the commentary and to be numbered according to the ULC system. The bill has no substantive opposition.

The current Article 9 uses the UCC numbering style and the commentary uses the UCC numbering style. KT has insisted that HB 1492 be drafted in the Washington numbering style, even though that will mean that some sections of Article 9 will be in each system if the bill goes into effect. KT notes that other UCC articles (a total of six) have sections numbered both ways; that, as long as the article has clear numbering within a section, one can cite to it correctly; and that that the bill amending the article would become much longer with a re-write to make the numbering uniform. A 1951 statute gives the code reviser authority to re-number, but KT would prefer to have direction from the legislature.

**Interstate Depositions and Discovery Act:** The WSBA Litigation Section is reviewing this act.

**Trust Code:** The WSBA favors Washington's act, which it regards as more progressive than the NCCUSL Trust Code.

**Insurable Interests Amendment to Uniform Trust Code:** The WSBA favors Washington's insurable interests amendment, which it regards as broader.

**Military and Overseas Voters Act:** The secretary of state's office would have opposed this act had it been introduced. However, on their own the secretary of state's office brought forward a bill, <http://apps.leg.wa.gov/billinfo/summary.aspx?year=2011&bill=1080>, that would move the primary election date forward by two weeks. If this bill should pass, then the rest of the Military and Overseas Voters Act should not be a heavy lift.

**Collateral Consequences of Conviction Act:** JC and DC attended a work session on this act organized by Representative Christopher Hurst in the House Public Safety and Emergency Preparedness Committee. The work session dealt mainly with guidelines. Representative Hurst

said he would work with Bob Boruchowitz at Seattle University School of Law to put together, by this spring, a list of the collateral consequences in Washington. In the fall DC will approach Senator James Hargrove about doing a work session to introduce the act to new members of the legislature. Collateral Consequences would go to Senator Hargrove's Human Services and Corrections Committee. JP recommends also sitting down with Senator Nick Harper, a lawyer who represents the 38<sup>th</sup> District, to get him up to speed on this act.

**Collaborative Law Act:** The WSBA Alternative Dispute Resolution Section is excited about moving forward on this act and plans to do an interim work session with the Judiciary Committee to prepare for next year. JP will put the work session on the committee's interim work plan. In addition to the WSBA section, the Collaborative Professionals of Washington (<http://www.collaborativepracticewashington.com/>), chaired by Holly Holbein, may have opinions about the Collaborative Law Act.

**Correction or Clarification of Defamation Act:** Senator Adam Kline and others introduced a bill to adopt this act, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5752&year=2011>, in the Senate today.

**Senate bill 5739 Regarding uniform laws on the interstate provision of governmental services,** <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5739&year=2011>, gives the Uniform Law Commission some duties. The bill attempts to generate efficiencies by having states cooperate with each other.

DC will lobby the legislature on behalf of uniform acts but he will need 24 hours' notice to get familiar with the bill.

#### ULC Finances

Nothing has changed since the last meeting of the ULC: the budget still includes payment of half the dues and half the travel budget. The statute law committee, whose budget includes that of the commission, will try to meet in late May or in June. The state may again put restrictions on travel that will necessitate exceptions to attend the annual meeting.

#### NCCUSL Annual Meeting

**NCCUSL Annual Meeting:** Registration forms for the meeting should appear soon. The conference begins earlier in the week and ends sooner: Thursday, July 7, through Wednesday, July 13, 2011, in Vail, CO. AR, MA, JC, DC, JP, and KT plan to attend all or part of the 2011 annual meeting.

**CLE Credit for NCCUSL Annual Meeting:** The WSBA granted DC 42.5 CLE credits for attending the 2010 annual meeting. Commissioners seeking CLE credit will need to supply an ID number.

*AR adjourned the meeting at 4:38 PM.*