

Meeting of Washington Uniform Legislation Commission (WULC)
Meeting in room 417, William H. Gates Hall,
University of Washington Law School and by conference call
January 9, 2008

Commissioners in attendance: Kyle Thiessen (KT), Marlin Appelwick (MA), Dennis Cooper (DC), John Cary (JC); not present (unable to conference-call from Galway office): Anita Ramasastry (AR)

In AR's absence, MA chaired the meeting.

ULC Website (<http://ulc.wa.gov/>)

MA praised KT and the Code Reviser attorneys for drafting bills, particularly the acts pending stakeholder review; and John Shiflett, the webmaster, for posting information on the ULC website.

On December 13, MA emailed legislative highlights to the commissioners and also asked the commissioners to give him the names of NCCUSL committees on which they had served. MA requested the committee lists for posting on the website. He received a response from DC but still needs responses from JC and AR. KT serves on no NCCUSL committees.

The website link to meeting dates should work once the Register has processed the list. [The link, however, is not working as of January 31; Ruth B. will re-send the list of 2008 meetings to the Washington State Register.]

When AR has approved the minutes of previous meetings, John Shiflett will post them.

In order to get people into the habit of looking at the ULC website, the ULC will contact the "Third House" (lobbyist organization) and Public Disclosure Commission (PDC) (KT); WSBA committees (MA); and legislators and committee staff. (The Legislative Information Center might distribute a printed notice that would include the content of the website and the web address.)

Most bills need a contact commissioner to be listed on the website. The commissioner would answer questions; show up at meetings to pitch the bills, contact NCCUSL to identify stakeholders, and get legislators to embrace the bills without changing them.

Uniform Acts in the Legislature

Anatomical Gifts Act: This act is an amendment to last year's bill and will likely have the same sponsors. The act is being well-worked by donor and clearinghouse organizations and is in good shape to go forward. While there will likely be some input from people who want a don't-take-my-organs registry, this will be a minority voice.

Michelle Clayton of NCCUSL has looked at the draft for uniformity. The striking amendment contains changes, but MA is satisfied that the changes will not change the act's uniformity. DC will follow this act. MA will send DC a copy of the final document as well as the email addresses of Karen Waters and Vicki Austin who are working on the bill.

Real Property Electronic Recording Act. The bill appears this session as a new bill, HB 2459, with a new sponsor, and has moved up higher on the agenda. It has no opposition, it just needs attention.

Uniform Commercial Code – Article 1 and Uniform Commercial Code – Article 7. These articles have several problems. First, because NCCUSL sells the actual Uniform Commercial Code, no electronic drafts exist for the Code Reviser attorney's use. The WULC does not know what changes the WSBA wants (the bar supported one article but had policy issues with the other).

The acts also have no sponsors, do not appear on the legislature's schedule, and face time limitations. The House, for instance, has only three-and-a-half weeks of hearings, and, because of notice requirements, a bill has to be drafted by the second week in order to have it heard in the fourth week.

MA will contact the bar to see if they have a draft that they are marking up. If he gets one by the end of business on Friday, January 11, the Code Reviser attorneys could turn it around over the weekend. Otherwise, the ULC will defer Article 1 and Article 7 until 2009.

Uniform Securities Act. This act is still on the schedule, but it lacks the support of the securities division director. MA will leave this act alone until he hears something further.

Uniform Discovery of Electronically Stored Records Act and Uniform Interstate Depositions and Discovery Act. AR has forwarded these acts to the WSBA rules committee (chaired by Roger Wynne) and Supreme Court rules committee and has had several emails back and forth. However, these committees were already examining existing court rules in Washington.

Three Agency Bills: Debt Management Services Act, Model Registered Agent Act, Certificate of Title Act. The commissioners need to meet with the agencies to see if they are interested and then work through some of the options.

Uniform Limited Liability Company Act. This one can be ready soon. However, the legislators who went through it are probably fond of the current law. MA can't make a recommendation.

Uniform Prudent Management of Institutional Funds Act. MA reported that the December 7 UPMIFA presentation at the UW law school by Michelle Clayton and Susan Gary showed support for the act. In order to get the act ready to pass, the ULC needs to

get the stakeholders' contact information from Michelle Clayton and then plan a work session for this summer. This act has a natural constituency including higher education.

Commission Statute and Commission Membership

MA proposed repealing the present statute and writing a more modern one in 2009. The rewritten statute could stipulate that, when NCCUSL grants a life membership to a commissioner, the governor could expand the commission appointing a new commissioner while retaining the life member. MA will work with KT to prepare a draft and then ask the other commissioners to review it. MA will also further inquire of the legislative attorneys as to their plans to remain in office and become commissioners.

Action Items:

1. Two bills should pass this session: Anatomical Gifts Act and Real Property Electronic Recording Act.
2. MA will check with the WSBA about UCC articles 1 and 7; if he can't get it their draft by Friday, the articles will wait until 2009.
3. MA needs committee assignments from JC and AR
4. Commissioners need to look at the list of bills and identify which ones they're willing to be contacted on.
5. KT will check with the Third House and Public Disclosure Commission for contact information of parties who need to know about ULC website.
6. MA will get WSBA committee members' contact information and alert them to existence of ULC website.
7. KT will "put in a list of bills," get their status, and forward the information to the commissioners.