Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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0511

May 1, 2019

35GL-19-0511
Speaker Tina Rose Muña Barnes

MAY 09 2019
Time 1:30 ( )AM (X)PM
Received By: Matt

Honorable Tina Muña Barnes
Speaker, 35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Honorable Leevin T. Camacho
Attorney General of Guam
Office of the Attorney General Guam
590 S. Marine Corps Dr., Suite 901
Tamuning, Guam 96913

Honorable Katherine A. Maramon
Chief Justice of the Guam Supreme Court
Suite 300, Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910-5174

2019 MAY 10 PM 3:32

Re: Membership in the Uniform Law Commission

Dear Speaker Muña Barnes, Attorney General Camacho, and Chief Justice Maramon:

Last year, the Uniform Law Commission contacted then-Attorney General Elizabeth Barrett-Anderson to discuss the potential for Guam to become a member of the Uniform Law Commission (see Feb. 1, 2018, letter to Attorney General Barrett Anderson, attached). Because Attorney General Barrett-Anderson is now retired, she suggested that we continue our dialogue with the three of you, concerning Guam's possible membership.

The ULC, organized in 1892, is a nonprofit entity comprised of Uniform Law Commissioners appointed by each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Our purpose is to research, draft, and enact sound, nonpartisan uniform laws that assist states and preserve the vitality of state law and governance. The ULC is primarily supported by dues from the states. Dues support the expenses associated with researching and drafting uniform state laws. Uniform Law Commissioners receive no compensation for their service to the ULC and donate extensive amounts of time and expertise to the ULC's mission on behalf of their states.

As you consider whether or not membership in the ULC is appropriate for Guam, please refer to the Feb. 1, 2018, letter to Attorney General Barrett-Anderson for detailed information about what membership in the ULC would mean for Guam, and the commitments from Guam that would be anticipated.

Please be assured that the ULC has continued interest in considering Guam for membership. So that you may have a better understanding of the work that we do, I would like to invite you to attend the upcoming ULC Annual Meeting in Anchorage, Alaska, July 12-18. If you are able to attend, we could extend to you privileges of the floor should you wish to participate in the proceedings.

As President of the ULC, I appreciate Guam's support of the work of the ULC through the adoption of numerous ULC uniform and model acts, and we are grateful for the interest of Guam membership in the ULC.

I look forward to hearing from you. I sincerely hope that at least one representative from Guam will be able to attend the Annual Meeting in Anchorage. I have enclosed the agenda for the annual meeting so that you can see the variety of topics that will be debated.

Thank you for your kind attention to this matter. If you would like any further information on the ULC, or on the upcoming Annual Meeting, please don't hesitate to contact me.

Sincerely,

Anita Ramasastry
President

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February 1, 2018

Via Email to ebanderson@guamag.org
and U.S. Mail

General Elizabeth Barrett Anderson
Office of the Attorney General Office of Guam
Administrative Division
590 S. Marine Corps Dr., Suite 901
Tamuning, GU 96913

Re: Membership in the Uniform Law Commission

Dear General Barrett Anderson,

This letter follows our previous email exchanges discussing the potential for Guam to become a member of the Uniform Law Commission ("ULC", also known as the National Conference of Commissioners on Uniform State Laws). As you are aware, the ULC has worked for the uniformity of state laws since 1892. It is a non-profit unincorporated association, comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

I have presented your expression of interest to the ULC's governing body, its Executive Committee, during our recent Mid-Year Meeting in Miami, Florida. The Executive Committee is prepared to recommend that the members of the Conference recognize Guam as a member of the ULC, and welcome Guam to participation in the ULC as a full member, provided that Guam desires to become a member and following receipt of an expression from an appropriate governing authority of Guam's acceptance of and present ability and intention to satisfy the requirements of membership, as explained in more detail below.

I enclose a copy of the ULC Constitution, Bylaws, and Rules of Procedure. Before Guam can be admitted to the ULC, the state membership of the ULC must vote to amend Article 9 of the Constitution and Bylaws of the ULC to include Guam in the definition of "state." Section 11.1 of the ULC Constitution and Bylaws provides that constitutional amendments must be presented to the members in writing by the Executive Committee for consideration during the ULC Annual Meeting. Section 11.1 also provides that an amendment must be supported by two-thirds vote of the States present and at least 30 of the 53 states currently constituting the members of the ULC. The 2018 ULC Annual Meeting will be held from July 20-26, 2018 in Louisville, Kentucky.

As noted above, the Executive Committee is prepared to propose the required amendment of the ULC Constitution and Bylaws to its members for their consideration and vote if Guam first provides written confirmation by a relevant entity of Guam's government (1) is committed to undertake the responsibilities of membership by appointing qualified commissioners who are admitted to the Guam bar and prepared to satisfy the duties and obligations explained in the ULC Constitution and Bylaws and (2) agrees to and has the required funding available to pay annual dues to the ULC, including an initial dues payment of approximately U.S. $18,000.00 for the fiscal year ending June 30, 2019. Dues are calculated based on the population of each member state.

As with most dues-supported organizations, dues may be increased from year to year in response to inflation or other factors. Dues increases are applied on a non-discriminatory basis to all member jurisdictions as a percentage of prior year dues, and typically range between two percent and five percent. If the ULC members approve amendment of the ULC Constitution

and Bylaws during the 2018 Annual Meeting, Guam will receive an invoice for $18,000.00 for the fiscal year ending June 30, 2019. In March 2018, Guam will receive an invoice for the fiscal year ending June 30, 2020. Dues for the fiscal year ending June 30, 2020 have not yet been determined by the Executive Committee. Dues are entirely used to support the work of ULC researching, studying, and drafting uniform laws and model acts for use by the states and territories, and to support the meetings of the conference where much of the work is performed.

Besides paying annual dues, Guam must be prepared to create and support participation by qualified commissioners appointed by Guam and associate commissioners. Each jurisdiction determines the method of appointment and the number of commissioners appointed, but every appointed commissioner must be a member of the bar. Commissioners are often state legislators, practitioners in private or public practice, judges and law professors who serve for specific terms. No commissioner may receive a salary or fee for his or her work with the ULC or by virtue of his or her status as a ULC commissioner.

Under the ULC Constitution and Bylaws, the principal administrative officer of each state legislative reference bureau or other agency charged by law with the duty of drafting legislation at the request of the legislative or executive officers of the State, or an alternate named from within the bureau or agency by its principal administrative officer, is an Associate Member of the ULC. Associate members have the privileges explained in Section 2.3 of the Constitution and Bylaws.

The vast majority of jurisdictions provide for the creation of their commission by statute setting forth the criteria for appointing commissioners and designating the relevant appointing authority. I have enclosed ULC's uniform law, "To Provide for the Creation of a Commission on Uniform State Laws, the Appointment of Commissioners Thereto, and Making an Appropriation for the Same", which Guam may wish to adopt to accomplish creation of a commission in the event that the current ULC membership amends the ULC Constitution and Bylaws to accept Guam as a new member.

The ULC is a working organization that depends upon its commissioners to fulfill the duties of Commissioners from each State set forth in Section 6.1 of the Constitution and Bylaws. The uniform law commissioners come together to study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. It must be emphasized that the ULC can only propose—no uniform law is effective until a state legislature adopts it. Commissioners participate in drafting specific acts; and work toward enactment of ULC acts in their home jurisdictions. Attendance at annual meetings of the ULC is required under Section 26.1 of the Constitution and Bylaws.

The annual meeting is held in a different state each year, over approximately eight full days. Because travel to the annual meeting requires a substantial commitment of time and travel resources, member jurisdictions should, but are not required to, reimburse their appointed commissioners for registration fees, travel, and other expenses associated with annual meeting attendance.

As President of the ULC, I appreciate Guam's support of the ULC through adoption of a number of ULC uniform laws and model acts, and I look forward to receiving a written expression of interest from Guam to join the ULC, which contains commitments regarding payment of dues and participation in the work of the ULC as outlined above. Please let me know if I or the Executive Director and other members of the staff may answer any questions or provide additional information that would assist you in moving forward.

Sincerely,

Anita Ramasastry

Anita Ramasastry
President

Cc: Carl Lisman, Chair, Executive Committee
Steve Wilborn, Vice President, Executive Committee
Liza Karsai, Executive Director

Uniform Law Commission
2019 ANNUAL MEETING AGENDA

FRIDAY, JULY 12, 2019

9:00 a.m. – 12:00 p.m. (First Session)

9:00 a.m. – 11:00 a.m. ..... Roll Call of the States
Introduction of Host Committee
Welcoming Address, Alaska Attorney General Kevin G. Clarkson
State of Alaska Legislative Citation, Representative Matt Claman
Announcement of Appointment of Nominating Committee
Address of President
Report of Treasurer
Report of Secretary
Report of Uniform Law Foundation
Report of the Chair of the Committee on Scope and Program
Introduction of New Members and Election of Life Members

11:00 a.m. – 12:00 p.m. ..... Consideration of the Electronic Wills Act

1:30 p.m. – 5:30 p.m. (Second Session)

1:30 p.m. – 2:30 p.m. ..... Further Consideration of the Electronic Wills Act

2:30 p.m. – 5:30 p.m. ..... Consideration of the Highly Automated Vehicles Act

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SATURDAY, JULY 13, 2019

8:00 a.m. – 12:00 p.m. (Third Session)

8:00 a.m. – 8:15 a.m. ..... Report on Tribal Projects

8:15 a.m. – 10:30 a.m. ..... Further Consideration of the Highly Automated Vehicles Act

10:30 a.m. – 12:00 p.m. ..... Consideration of Amendments to the Uniform Probate Code

1:30 p.m. – 6:00 p.m. (Fourth Session)

1:30 p.m. – 5:00 p.m. ..... Consideration of the Tort Law Relating to Drones Act

5:00 p.m. – 6:00 p.m. ..... *Time reserved for acts returning to the floor*

MONDAY, JULY 15, 2019

8:00 a.m. – 12:00 p.m. (Fifth Session)

8:00 a.m. – 8:30 a.m. ..... Presentation by President, Uniform Law Conference of Canada
Presentation by Representative of European Law Institute
Presentation by U. S. State Department
Report of the Committee on International Legal Developments

8:30 a.m. – 9:30 a.m. ..... Consideration of the Amendments to the Revised Uniform Athlete Agents Act

9:30 a.m. – 10:30 a.m. ..... Consideration of the Registration of Canadian Money Judgments Act

10:30 a.m. – 12:00 p.m. ..... *Time reserved for acts returning to the floor*

Uniform Law Commission
2019 ANNUAL MEETING AGENDA

MONDAY, JULY 15, 2019 ***continued***

1:30 p.m. – 5:30 p.m. (Sixth Session)

1:30 p.m. – 2:30 p.m. ..... Updates on Ethics and Other Policies

2:30 p.m. – 5:30 p.m. ..... *Time reserved for acts returning to the floor*

TUESDAY, JULY 16, 2019

9:00 a.m. – 12:00 p.m. (Seventh Session)

9:00 a.m. – 11:00 a.m. ..... Consideration of the Fundraising through Public Appeals Act

11:00 a.m. – 12:00 p.m. ..... Consideration of the Anti-SLAPP Act

1:30 p.m. – 5:00 p.m. (Eighth Session)

1:30 p.m. – 2:30 p.m. ..... Further Consideration of the Anti-SLAPP Act

2:30 p.m. – 5:00 p.m. ..... Consideration of the Alternatives to Bail Act

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WEDNESDAY, JULY 17, 2019

9:00 a.m. – 12:00 p.m. (Ninth Session)

9:00 a.m. – 11:00 a.m. ..... Consideration of the Unregulated Transfers of Adopted Children Act

11:00 a.m. – 12:00 p.m. ..... Consideration of the Easement Relocation Act

1:30 p.m. – 5:00 p.m. (Tenth Session)

1:30 p.m. – 2:30 p.m. ..... Further Consideration of the Easement Relocation Act

3:00 p.m. – 5:00 p.m. ..... Life Member Presentations

Memorials

Vote by State

THURSDAY, JULY 18, 2019

8:00 a.m. – 9:00 a.m. (Eleventh Session)

Time reserved for acts returning to the floor

**Agenda time subject to change.*