

Memorandum

TO: Uniform Law Enforcement Access to Entity Information Act
FROM: Harry Haynsworth
DATE: April 7, 2009
RE: **Exposure Draft**

Thank all of you who sent in comments and suggested changes following our last conference call. Bill Clark and I have received all of them. In addition to several changes in the Legislative Notes and Comments, the revised draft includes several changes in the sections. The most significant are:

(1) Changing “unregulated privately owned entity” to “conventional privately-held entity.” Leslie Reynolds’ email comment that a newspaper headline “State X has 300,000 unregulated private businesses” would not be something we would want to see convinced us we needed to find a word to replace “unregulated.” Bill and I reviewed about 100 other possibilities and “conventional” was the best alternative we could come up with.

(2) Two new definitions: “foreign entity” and “non-US entity” have been added.

(3) Section 4(f) dealing with the effective date of the “Entity Information Statement” is new.

(4) Section 4(a)(3) has been amended to require the records contact to produce the photo I.D. of a foreign responsible person upon an appropriate request; and Section 7(a)(4) has been amended to require the entity to have a copy of the foreign responsible person’s I.D. in its records.

A redlined and clean copy of the revised draft are attached. Subject to any non-substantive changes made by the NCCUSL Style Committee, this will become the Annual Meeting Draft. I encourage all of you to circulate this draft to various organizations and committees you know have an interest in the Act and the issues with which it deals. Bill Clark intends to have it reviewed by the Committee on Corporate Laws which meets in mid-April, and by IACA in mid-May. Assuming we can arrange a meeting with Sen. Levin and other government officials in the next few months, it will also be the draft we use for these purposes. Please communicate any feedback, positive or negative, to either Bill or me.

A meeting of the Drafting Committee is set for Wednesday, July 8, at 6:00-7:00 p.m. in the O’Keeffe Room located in the Santa Fe Convention Center, the day before we will be up for second reading (we cannot meet Thursday morning because of a conflict with a meeting of the Statutory Entity Trust Act Drafting Committee; and we cannot meet during the formal sessions Thursday). We can approve any last minute amendments we feel are appropriate at this meeting. For all those coming to the NCCUSL Annual Meeting, please plan to arrive in Santa Fe by Wednesday afternoon, if you can possibly do so. If you are unable to get to our Drafting Committee meeting, Bill or I will meet with you individually Thursday morning to review with you any last minute developments and to give you your section reading assignments.