



To: Members of Uniformity Strategic Planning Work Group

From: Shirley Sicilian, General Counsel

Date: September 24, 2013

**Subject: Prioritizing Research on Adoption of MTC Models**

---

At our last meeting we directed staff to, among other things, list each of our adopted model laws and research how many states have enacted each. Research has been slow going and we may want to consider how to prioritize the work.

The research is difficult for several reasons, including: judgment calls on how similar a state law needs to be to count as an enactment of the model; determining which came first (the state law or the model); if the state law came first, determining whether it was nonetheless based on the work to create the model or whether the model was based on the existing state law. None of these issues are insurmountable, but the workgroup should be aware of them and we may want to direct staff more specifically on what can be ignored in order to produce timely research results.

If we want to prioritize models to research, we could chose some that we believe have a high rate of adoption and some we believe have a low rate of adoption to verify that belief and study why it may be the case. Or, if we don't have a sense of adoption rates, we could prioritize by looking for projects with different characteristics to help us understand how those characteristics might have contributed to a higher or lower enactment rate. Distinguishing characteristics might include: vintage (early models vs. more recent models); subject matter (apportionment vs. compliance, other); process (work group involved, drafting group involved, length of time the model was worked on, etc.); bylaw 7 survey results (how close, whether there were comments or not); and many other possibilities.