



Uniform Law Commission



# Annual Report 2008-2009

More than a century of service to the states.



Uniform Law Commission

## ABOUT THE UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), now in its 118th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

- ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.
- ULC statutes are representative of state experience, because the organization is made up of representatives from each state, appointed by state government.
- ULC keeps state law up-to-date by addressing important and timely legal issues.
- ULC's efforts reduce the need for individuals and businesses to deal with different laws as they move and do business in different states.
- ULC's work facilitates economic development and provides a legal platform for foreign entities to deal with U.S. citizens and businesses.
- ULC Commissioners donate thousands of hours of their time and legal and drafting expertise every year as a public service, and receive no salary or compensation for their work.
- ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners, but also utilizes input from legal experts, and advisors and observers representing the views of other legal organizations or interests that will be subject to the proposed laws.
- ULC is a state-supported organization that represents true value for the states, providing services that most states could not otherwise afford or duplicate.

# 2009

- During the 2009 legislative year, there were 272 introductions of uniform acts and 130 enactments.
- The Uniform Prudent Management of Institutional Funds Act topped the list of legislative enactments with 19 adoptions in 2009, bringing its total to 44 enactments.
- Massachusetts led all states with 10 enactments in 2009.
- The Uniform Real Property Transfer on Death Act and the Uniform Collateral Consequences of Conviction Act were among five new acts approved at the 2009 Annual Meeting.
- There are 15 drafting committees working on projects that include drafting new state regulations that will help enfranchise all overseas voters to the issue of electronic recording of custodial interrogations.
- There are 9 study committees considering specific areas of law for possible future drafting, including a new committee studying the issue of how best to regulate marital and premarital agreements.

## OFFICERS AND EXECUTIVE COMMITTEE

### Officers 2008-2009

Martha Lee Walters, *President*

Harriet Lansing, *Vice President*

H. Lane Kneedler, *Secretary*

Charles A. Trost, *Treasurer*

Howard J. Swibel, *Immediate Past President*

Robert A. Stein, *Chair, Executive Committee*

Michael Houghton, *Chair, Scope and Program Committee*

Robert J. Tennessen, *Chair, Legislative Committee*

### Appointed Members of Executive Committee

Richard T. Cassidy

Lani Liu Ewart

Michael B. Getty

### Executive Director

John A. Sebert

# PRESIDENT'S MESSAGE

## Martha Lee Walters, *President*



Last year I spoke about change. Little did I know just how great the changes would be over the course of one year. The recession which the country entered in 2008 has led to great fiscal crises in the states, which directly impact the Uniform Law Commission. Though the recession has meant that the states are facing difficult problems, it is also true that the Uniform Law Commission is uniquely poised to be of assistance to the states during these challenging times.

The process of drafting laws necessary for states to confront the challenges that face them remains immensely cost-effective. The ULC permits states to tap the skills and resources of the legal profession to aid in that effort for very little cost. No uniform law commissioner is paid for his or her services. Commissioners receive compensation only for actual expenses incurred.

At the ULC, we have faced our own fiscal challenges by slowing down some of the drafting projects that we had approved, and deferring some meetings that we might otherwise have held. We froze planned hiring, reduced travel budgets and asked staff and Commissioners to hold down expenses as they could. We are being very conservative in our budgeting for the coming year, but we anticipate being able to continue our important work in the next year without significant cutbacks.

One of the most important things that we need to do going forward is to improve our relationships with other state-sponsored organizations. Our citizens and businesses need laws that are uniform throughout the country. The greater the need for uniformity, the easier it may seem to many to turn to the federal government for legislation. The ULC cannot promise, as the federal government can, that the law that we write and that we approve will necessarily become the law of the states.

On the other side of the equation, however, the downsides of leaving the law to Capitol Hill alone are now more apparent than ever. People recognize that the state legislatures are closer to the people who use and abide by the law; the ULC can respond to their needs better than the U.S. Congress can.

The ULC is in a perfect position to meet both the interests of the states in preserving state law and in giving them the flexibility that they need to recognize their own particular

interests and procedures while at the same time recognizing the interests of the nation in achieving uniformity of law.

In addition, the ULC offers state and federal governments our unique law-making process and the excellent products that it produces. Our openness and the time we invest in drafting and crafting and revising and perfecting our acts results in a superior product. We are positioned to use those processes to improve the law that governs the citizens of our state, whether we are crafting or implementing international, national, or state law. But if we are going to persuade others of those benefits, then we need to enlist others in making that case. We need to communicate with and create relationships with others that will allow us to preserve the role of state law.

There is lots to do in the future, but for today, here is my report. The ULC is in great shape. We have commissioners with expertise and energy. We have a staff with talent and experience. We have a tested process that produces an excellent product, and there is a great need for uniformity of law in our nation and in our world.

The past two years have been extraordinary in so many ways. When faced with challenges, we overcame them. When confronted with adversity, we pulled together and pulled through. I would not trade this experience for anything. It has been an honor and a privilege to serve as President of this great organization for the past two years.

A handwritten signature in black ink, appearing to read 'M. Lee Walters'. The signature is fluid and cursive, with a long horizontal line extending to the right.

Martha Lee Walters  
President, Uniform Law Commission  
2007-2009

# 2009

## A Record Year in the Legislatures

The Uniform Law Commission promotes the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable and practicable. However, the ULC can only propose – no uniform law is effective until a state legislature adopts it. To that end, uniform law commissioners work toward enactment of ULC acts in their home jurisdiction.

The 2009 legislative year was a very successful year, with 130 enactments of uniform acts and 272 introductions. As a matter of fact, 2009 tied the mark for most enactments in a single year.

### **Uniform Prudent Management of Institutional Funds Act**

The Uniform Prudent Management of Institutional Funds Act (UPMIFA) was enacted in 19 states this year, bringing its enactment total to 44. UPMIFA is a revision of the Uniform Management of Institutional Funds Act (UMIFA) of 1972. UMIFA, adopted in 48 states, provided statutory guidelines for management, investment, and expenditures of endowment funds of charitable institutions – institutions such as colleges, universities and hospitals. The new UPMIFA, incorporating the provisions of modern portfolio theory from the Uniform Prudent Investor Act and the Uniform Principal and Income Act (both widely adopted), permits more efficient management of funds for charitable purposes.

UPMIFA expressly addresses the needs of charities by providing for diversification of assets, pooling of assets, total return investment, and whole portfolio management. It does so in a comprehensive manner that is consistent with modern practices in trust and not-for-profit corporation law. The goal of UPMIFA remains the same as UMIFA's goal was in 1972: to give charities the freedom to make more effective use of endowment and other investment funds and encourage more productive management of such funds.

### **Uniform Principal and Income Act**

The 2008 Amendments to the Uniform Principal and Income Act (UPIA), just approved in 2008, have already been enacted in 17 states. The 2008 UPIA Amendments update the act to reflect current policy of the Internal Revenue Service (IRS) and clarify technical language regarding withholdings. Section 409 of the Act has been changed to satisfy a 2006 IRS ruling regarding marital deductions. The new language comports with the ruling and the underlying tax policies of the IRS. Further, the 2008 amendments include a change to Section 505, which addresses the amount of money which must be withheld from a distribution to pay the tax on the undistributed income. The amendment clarifies the section and removes any ambiguity that could lead to litigation.

### **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) was enacted in nine states this year, bringing its total number of enactments to 13. The UAGPPJA was promulgated by the ULC in 2007, and addresses the issue of jurisdiction over adult guardianships, conservatorships, and other protective proceedings. Under the act, a “guardian” is appointed to make decisions regarding the person of an incapacitated adult, and a “conservator” is appointed to manage the property.

The objective of the new uniform act is simple: to ensure that only one state has jurisdiction at any one time. To that end, the act contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The act does this by prioritizing the states which might claim jurisdiction. The state with primary jurisdiction is the “home state,” defined as the state in which the adult has lived for at least six consecutive months immediately before the beginning of the adult guardianship or protective proceeding. The second is the “significant-connection state,” which is broadly defined to include the location of the individual’s family, a state where the individual might have lived for many years, or the state where the individual’s property is located. The act provides that once a court has jurisdiction, this jurisdiction continues until the proceeding is terminated or transferred; it also avoids the existing functional requirement of having to restart the guardianship process anew whenever the protected party crosses state lines. The act also provides transfer procedures from one state to another. In this and other respects, the new act accomplishes for adult guardianship determinations the same certainty that has occurred in child custody law with the promulgation of the 1997 Uniform Child Custody Jurisdiction and Enforcement Act, now the law in 50 states.

## **Uniform Anatomical Gift Act**

The Uniform Anatomical Gift Act (UAGA) was enacted in five states in 2009, bringing its total number of enactments to 38. UAGA, a comprehensive revision of previous acts, is designed to increase the number of organs available for transplant and improve the system for allocating organs to recipients.

The ULC promulgated the UAGA in 2006 to address serious national discrepancies and shortages surrounding anatomical gifts. UAGA makes it easier to document the desire to donate, particularly as provided on drivers’ licenses; specifies an expanded list of persons who may make an anatomical gift on behalf of the deceased, such as agents with health-care power-of-attorney, adult grandchildren or close friends; more clearly provides for a document of refusal if an individual does not wish to donate; allows for registering gifts on existing donor registries; and encourages the creation of donor registries, whether by states or by other entities.

## **Uniform Commercial Code**

UCC Article 1 and UCC Article 7 continue to do well in the legislatures. UCC1 was enacted in three states this year, bringing its total to 38 enactments. UCC1, the general provisions section of the UCC, was updated and amended to harmonize with recent revisions of the UCC.

UCC7, the article dealing with documents of title, was enacted in five states this year, bringing its enactment total to 35. Documents of title – either bills of lading or warehouse receipts – are commonly used in the shipment and storage of goods. The purpose of the revised UCC7 is twofold: to provide a framework for the further development of electronic documents of title and to update the article for modern times. To the extent possible, the rules for electronic documents of title are the same or as similar as possible to the rules for tangible documents of title.

The Uniform Commercial Code is a joint project of the ULC and the American Law Institute.



## New Uniform Acts Approved

The culmination of the work of the Uniform Law Commission takes place at its annual meeting each summer, when the Commission convenes as a Committee of the Whole. At its 118th Annual Meeting in Santa Fe, New Mexico, July 9-16, 2009, five new uniform acts were approved. After receiving the ULC's seal of approval, a uniform act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

### Uniform Collaborative Law Act

The Uniform Collaborative Law Act standardizes the most important features of collaborative law practice, mindful of ethical concerns as well as questions of evidentiary privilege. In recent years, the use of collaborative law as a form of alternative dispute resolution has expanded from its origin in family law to other areas of law, including insurance and business disputes. As the practice has grown it has come to be governed by a variety of statutes, court rules, formal, and informal standards. A comprehensive statutory framework is necessary in order to guarantee the benefits of the process and to further regulate its use. The Act encourages the development and growth of collaborative law as an option for parties that wish to use it as a form of alternative dispute resolution.

The Act mandates the essential elements of disclosure and discussion between prospective parties in order to guarantee that all parties enter into the collaborative agreement with informed consent. The need for attorneys to provide clear and impartial descriptions of the options available to the party prior to deciding upon a course of action is stressed throughout the Act. Additionally, the Act mandates that the collaborative agreement contains the disqualification provisions that are essential to the collaborative process. The disqualification requirements create incentives for cooperation and settlement. By standardizing the collaborative process, the Act secures the benefits of collaborative law for the parties involved while providing ethical safeguards for the lawyers involved.

### Uniform Collateral Consequences of Conviction Act

The Uniform Collateral Consequences of Conviction Act improves the understanding of penalties that attach when an individual is convicted of an offense, and in appropriate circumstances, offers a mechanism to provide partial relief from the disabilities. The Act facilitates notification of collateral consequences before, during, and after sentencing. Under the provisions of the Act, states are to create a collection of all collateral consequences, with citations and descriptions of the relevant statutes. At or before arraignment, individuals will be advised of the particular collateral consequences associated with the offense for which they are charged. Notice is also to be given at the time of sentencing, and if an individual is sentenced to prison, at the time of release. Formal advisement promotes fairness and compliance with the law.

The Act provides mechanisms for relieving collateral sanctions imposed by law. The Act creates an Order of Limited Relief, designed to relieve an individual from one or more collateral consequence based on a showing of fitness for reentry. The Order does not automatically remove the consequence, but does remove the automatic disqualification imposed by law. A state agency remains able to disqualify an individual on a case by case basis. The Act also creates a Certificate of Restoration of Rights. The Certificate is granted to individuals who demonstrate a substantial period of law-abiding behavior consistent with successful reentry and desistance from crime. Issuance of a Certificate facilitates reintegration of those individuals who have demonstrated an ability to live a lawful life.

# NEW UNIFORM ACTS

## **Uniform Law Enforcement Access to Entity Information Act**

The Uniform Law Enforcement Access to Entity Information Act (ULEAIEA) addresses the need for law enforcement to have ready access to information regarding the owners and managers of entities established under state law. ULEAIEA is designed to be a substitute for the Incorporation Transparency and Law Enforcement Assistance Act (S. 569), co-sponsored by Senators Levin, Grassley and McCaskill. ULEAIEA will help address some national security concerns relating to companies operating for the purpose of organized crime, terrorist financing, securities fraud, tax evasion and other misconduct, while at the same time balancing important privacy concerns. The Act is intended to provide a viable state law alternative to pending federal legislation. Rather than filing and updating “beneficial ownership” information, ULEAIEA provides that LLC’s, partnerships, trusts, and other entities must designate a “records contact”, which is responsible for producing information upon an appropriate request. ULEAIEA is intended to be more comprehensive and less invasive than S. 569. Because of uncertainty concerning the status of federal legislation, states are not being encouraged to adopt ULEAIEA in 2010, and the Act is not being presented to the ABA House of Delegates for approval in February 2010.

## **Uniform Statutory Trust Entity Act**

The Uniform Statutory Trust Entity Act (USTEA) addresses the need for a uniform law to regulate statutory business trusts. This need arises from the increasing popularity of statutory trust entities, chiefly in the structured finance and mutual fund industries. Practitioners, entrepreneurs, and scholars struggle to understand the law governing statutory trusts. The case law on statutory trusts is sparse. USTEA validates the statutory trust as a permissible form of business organization and brings the disparate and often inadequate existing state laws into uniformity.

USTEA more closely resembles a generic corporate code or unincorporated entity law than it does the Uniform Trust Code (UTC). However, nothing in this Act displaces the common law of trusts, or the UTC, with respect to such trusts. The USTEA uses Delaware Statutory Trust Act as a starting point for the Act but adds several innovations. The USTEA will be used primarily as a business organization tool and will clarify this area of law.

## **Uniform Real Property Transfer on Death Act**

Asset-specific mechanisms for the non-probate transfer of property and funds are now common – the proceeds of life insurance policies and pension plans, securities registered in transfer on death (TOD) form, and funds held in pay on death (POD) bank accounts, are good examples of property that have benefitted from this trend in modern property law. However, a straightforward, inexpensive, and reliable means of passing real property, which may be a decedent’s major asset, directly to a beneficiary is not generally available. The Uniform Real Property Transfer on Death Act (URPTODA) enables an owner of real property to pass it to a beneficiary upon the owner’s death by a similar mechanism – simply, directly, and without probate. Under URPTODA, the property passes by means of a recorded transfer on death (TOD) deed. URPTODA sets forth the requirements for the creation and revocation of a TOD deed, and clarifies the effect of the TOD deed for all parties while the transferor is living and after they pass away. A TOD deed is effective without consideration, and without notice or delivery to the beneficiary. Beneficiaries take the property subject to allowed claims against the transferor’s estate. If the intended beneficiary wishes, they may disclaim all or part of their beneficiary interest in the property. Finally, URPTODA provides optional language for forms to create and revoke TOD deeds.

## **The Uniform Law Commission Welcomes Ideas for Uniform or Model Acts**

Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from the organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party wishing to suggest an idea for a uniform or model act may contact the ULC headquarters office in Chicago, which will forward the suggestion to the Committee on Scope and Program.





A CLOSER  
LOOK AT THE

# Uniform Real Property Transfer on Death Act

Nonprobate transfers for all types of property are widely accepted today. Asset-specific mechanisms for the non-probate transfer of personal property and funds at death are now common; they are known informally as “will substitutes.” The proceeds of life insurance policies and pension plans, securities registered in transfer on death form, and funds held in pay on death bank accounts, are examples of personal property that have benefitted from this trend in modern law to recognize and support the use of will substitutes. However there is no generally available straightforward, inexpensive, and reliable means of passing real property, which may be a decedent’s major asset, directly to a beneficiary at death. The Uniform Real Property Transfer on Death Act (URPTODA), promulgated by the Uniform Law Commission in 2009, enables an owner of real property to pass the property to a beneficiary on the owner’s death simply, directly, and without probate.

The new Uniform Act allows an owner of real property to pass the property simply and directly to a beneficiary on the owner’s death without probate. The property passes to the beneficiary by means of a recorded transfer on death (“TOD”) deed. During the owner’s lifetime, the beneficiary of a TOD deed has no interest in the property and the owner retains full power to transfer the property or to revoke the deed. On the owner’s death, the property passes to the beneficiary, much like the survivorship feature of joint tenancy.

The TOD deed offers many advantages over joint tenancy, however. Because the TOD deed does not convey immediate ownership to the beneficiary, the property is not subject to partition or to the beneficiary’s creditors. The TOD deed remains revocable, allowing the owner to make a different disposition of the property if he or she chooses.

Key elements of URPTODA include:

- The TOD deed is not subject to the statute of wills and passes title directly to the named beneficiary without probate.
- The TOD deed must contain all of the essential elements and formalities of a properly recordable inter vivos deed. The TOD deed must state that the transfer to the beneficiary occurs on the transferor’s death and must be properly recorded during the transferor’s lifetime in the office of the recorder of deeds where the property is located.
- The capacity required to create a TOD deed is the same as the capacity to make a will.
- A TOD deed does not operate until the transferor’s death and remains revocable until then. The transferor may revoke the deed by recording a revocatory instrument such as a direct revocation of the TOD deed or a subsequent TOD deed that names a different beneficiary. If the transferor disposes of the property during lifetime, the TOD deed is ineffective.
- Until the transferor’s death, a recorded TOD deed has no effect — it does not affect any right or interest of the transferor or any other person in the property. The TOD deed creates no legal or equitable interest in the designated beneficiary; it does not affect the designated beneficiary’s eligibility for public assistance; it does not subject the property to the designated beneficiary’s creditors.
- Assuming the transferor dies owning the property and has not revoked the TOD deed and assuming that the designated beneficiary survives the transferor, the TOD deed passes the property to the designated beneficiary on the transferor’s death.
- Liability of the beneficiary and property for claims against the transferor’s estate is limited to cases where the estate is insolvent.
- A designated beneficiary may disclaim all or part of the transferred interest.
- Before promulgation of URPTODA some states enacted legislation to enable a TOD deed of real property. URPTODA builds on these statutes. It provides an uncomplicated, effective, and affordable option to pass this important type of asset at death.

This Act will help many people, especially those whose major asset is real property. This Act provides a straightforward, inexpensive, and reliable means of passing real property directly to a beneficiary.

Further information on the Uniform Real Property Transfer on Death Act can be found at the ULC’s website at [www.nccusl.org](http://www.nccusl.org).

## Financing the ULC

The ULC receives the predominant portion of its financial support from state appropriations. Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount for the maintenance of the Commission. In return, the ULC provides the states with two related services: drafting uniform state laws on subjects where uniformity is desirable and practical, and then supporting the effort to enact completed acts.

The Commission also receives limited funds from the American Bar Association and the American Law Institute. Grants from foundations and the federal government are occasionally sought for specific drafting efforts. All money received from any source is accepted with the understanding that the Commission's drafting work is completely autonomous. By seeking grants for specific drafting projects, the Commission expands the value of every state dollar invested in its work. In addition, the Uniform Law Foundation makes grants to the Commission to support specific projects. Beyond these traditional sources of funding, the Commission has also established royalty agreements with major legal publishers who reprint the ULC's uniform and model acts in their publications.

Funding for the Uniform Law Commission has led directly to improvements at the earliest stages of the development of a uniform act. The Commission now has the resources to gather more information about existing law at the study committee stage of a uniform act's development, rather than waiting for the drafting committee stage. The Commission also has the resources to hold more "stakeholder" meetings, where the opinions of all groups concerned with a particular area can be heard. These extra tools should lead directly to more thorough study committee reports and to well-informed decisions as to whether to commence a drafting project, all of which will lead to more effective drafting projects, and to well-drafted new acts that will have improved prospects of enactment.

Total ULC expenditures for the fiscal year ending June 30, 2009, were \$2,849,947. Expenses were broken down as follows: \$572,667 (20.1%) went toward the drafting and study committee effort, including travel expenses for committee meetings; \$644,219.52 (22.6%) was spent assisting state legislatures with enactments of uniform and model acts; \$400,086.20 (14.0%) was spent on the annual meeting; and \$225,150.05 (7.9%) was spent on

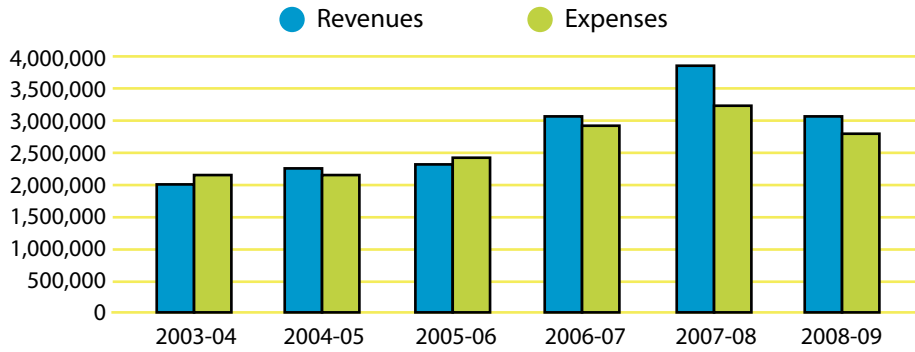
public education for uniform and model acts. Administrative expenses, which support all of the specific efforts just mentioned and which include facilities occupancy costs, totaled \$1,007,824.20, or 35.4% of annual expenditures. Total revenues for the year were \$3,020,411, producing a surplus of \$170,464.

No state can duplicate the benefits it receives from participation in the ULC for the money it spends. The ULC gets maximum results from its budget because its major asset, drafting expertise, is donated. Uniform law commissioners devote hundreds, and in some cases, thousands of hours to the uniform law effort. The ULC estimates that each commissioner devotes an average 150 hours a year, including work on various drafting committees and attendance at the annual meeting. The cumulative value of this donated time in the development of uniform and model acts comes to literally thousands of hours. The value of this donated time averages over \$10 million annually. Moreover, because ULC drafting projects are national in scope, the ULC is able to attract a broad range of advisors and observers to participate in the various projects, resulting in a drafting process that has the benefit of a greater range and depth of expertise than could be brought to bear upon any individual state's legislative effort.

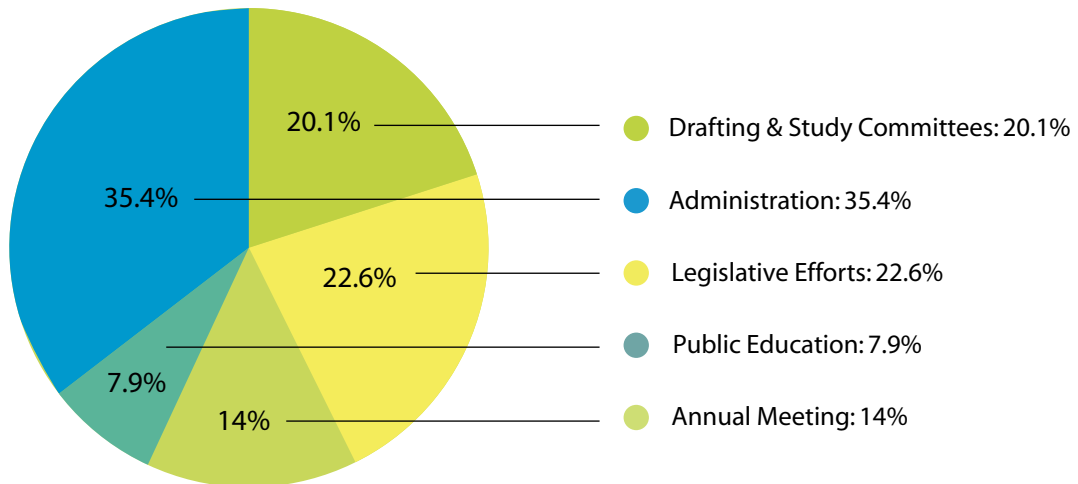
Even in today's economic climate, with states across the country continuing to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

“Funding for the Uniform Law Commission has led directly to improvements at the earliest stages of the development of a uniform act.”

## Revenues and Expenses



## Budget for Fiscal Year 2008-2009



## Current Drafting and Study Committee Projects

Drafting committees composed of commissioners from the various states, with participation from advisors, observers, and expert reporter-drafters, meet throughout the year. All drafting committees are open to the public, and everyone is encouraged to participate fully in the discussion. All drafts are available online on the Commission's website at [www.nccusl.org](http://www.nccusl.org). Tentative drafts are not submitted to the entire Commission until they have received extensive committee consideration.

There are currently 15 drafting committees working on new and revised uniform and model acts. There are also three other committees assisting in the U.S. implementation of various international treaties related to ULC acts that will not result in uniform state legislation. Proposed acts are subject to rigorous examination and debate at Commission annual meetings before they become eligible for designation as Uniform Law Commission products. The final decision on whether an act is ready for promulgation to the states is made near the close of an annual meeting, on a vote-by-states basis, with an affirmative vote of 20 or more states necessary for final approval.

### DRAFTING COMMITTEES

Uniform Law Commission (ULC) drafting committees consist of a chair, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). Every ULC drafting committee is also assigned an ABA advisor, who represents the ABA as a whole, and frequently one or more ABA section advisors, who represent particular ABA entities. Other interested groups are also invited to send representatives, known as observers. ULC drafting committees typically meet three times a year (two substantive drafting committee meetings and a presentation of the draft for line-by-line reading and debate at the ULC Annual Meeting) for at least two years.

#### Drafting Committee on Authentication and Preservation of State Electronic Legal Materials

This committee will prepare an act that provides guidance to states on authenticating and preserving state electronic legal materials. The committee will present a draft for initial consideration at the July 2010 Annual Meeting and is expected to present its act for final approval in July 2011.

#### Drafting Committee on a Certificate of Title Act for Boats

This committee will draft an act establishing a certificate of title system for boats. Many states do not have certificate of title laws governing watercraft, and those that do have considerable differences in terms. The committee will coordinate its work with the United States Coast Guard and developments concerning the Coast Guard's vessel identification and documentation systems. The committee will present a draft for initial consideration at the July 2010 Annual Meeting and is expected to present its act for final approval in July 2011.

#### Drafting Committee on Electronic Recordation of Custodial Interrogations

This committee will draft an act addressing the issue of the use of audio and/or video electronic devices to record law enforcement officers' interviews of criminal suspects who are in custody. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

#### Drafting Committee on a Faithful Presidential Electors Act

This committee will draft an act providing a state statutory remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

#### Drafting Committee on the Hague Convention on Choice of Court Agreements

This drafting committee, at the request of the U.S. State Department, will draft uniform state legislation and

appropriate declarations and understandings to assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

## [Drafting Committee on Harmonization of Unincorporated Business Entity Acts](#)

This Committee will work to harmonize provisions of the various unincorporated business entity acts already promulgated by the ULC, such as the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Limited Liability Company Act, the Uniform Limited Cooperative Association Act, the Uniform Unincorporated Nonprofit Association Act, and the recently promulgated Uniform Statutory Trust Entity Act. The committee will present a draft for initial consideration at the July 2010 Annual Meeting and is expected to present its act for final approval in July 2011.

## [Drafting Committee on a Uniform Insurable Interests Relating to Trusts Act](#)

This committee will draft an act to address concerns regarding the purchase of life insurance trusts by trustees as it relates to insurable interest law. Life insurance trusts are a standard estate planning tool because proceeds of an irrevocable life insurance trust are not subject to estate taxes. Recent case law has raised the possible need for uniform law on insurable interests. The scope of the project is narrow and might be drafted within the Uniform Trust Code or as a free-standing act. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

## [Drafting Committee on a Military Services and Overseas Civilian Absentee Voters Act](#)

This committee will draft uniform state legislation that will simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

## [Drafting Committee to Revise the Model State Administrative Procedure Act](#)

This committee is revising the 1980 Model State Administrative Procedures Act, which provided procedures

for promulgating administrative regulations and for adjudicating disputes before administrative bodies. A revision is necessary to update the act to recognize electronic communications and other state procedural innovations since the act was originally promulgated. Drafts on this topic have been considered at previous Annual Meetings and it is expected that the committee will present a draft for final approval in July 2010.

## [Drafting Committee to Revise the Uniform Law on Notarial Acts](#)

The purpose of this drafting committee is to revise the 1982 Uniform Law on Notarial Acts. The charge is limited to drafting revisions with respect to notary responsibilities, electronic recording, interstate recognition, and remedies. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

## [Drafting Committee on an Oversight of Charitable Assets Act](#)

This committee will draft an act to address state oversight of charitable assets. The committee will focus on state attorneys general authority with regard to the protection of charitable assets, notice requirements, remedies, and principles to guide attorneys general in interstate and multi-state cases. The committee will present a draft for initial consideration at the July 2010 Annual Meeting and is expected to present its act for final approval in July 2011.

## [Drafting Committee on a Partition of Inherited Real Property Act](#)

The purpose of this committee is to draft a uniform act that will address the issue of tenancy-in-common land ownership. Tenancy in common is a type of joint ownership without right of survivorship. When there is no right of survivorship, the death of a tenant in common can trigger an action to partition the land to satisfy the deceased tenant's heirs. In a partition, the land is sold to satisfy tenant in common interests, often in a sale that does not meet market value. This committee will draft a new law to protect vulnerable landowners by providing a buy-out option; balancing factors for judges on partition of real property; sale price minimums if dispossession occurs; and a waiting period of up to three years for strangers to title. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

# CURRENT COMMITTEES

## Drafting Committee on a Protection of Genetic Information in Employment and Insurance Act

This committee will draft uniform or model legislation on the misuse of genetic information in the context of employment and life, disability and long-term care insurance. The employment portion of the draft will focus in part on state law implementation of provisions similar to those in the federal Genetic Information Nondiscrimination Act. The insurance portions of the draft will focus on the establishment of regulatory controls and will not include any private rights of action. Drafts on this topic have been considered at previous Annual Meetings and it is expected that the committee will present a draft for final approval in July 2010.

## Joint Review Committee for UCC Article 9

This joint ALI/ULC committee will draft specific revisions of UCC Article 9 to address specific issues that a study committee has already identified as needing statutory revision. The issues that the committee will address are those as to which ambiguities have been discovered

in existing statutory language, where there have been substantial problems in practice in applying current statutory provisions, or as to which there have been significant judicial decisions or non-uniform amendments that suggest the need to consider statutory revisions. The committee presented a draft for initial consideration at the July 2009 Annual Meeting and is expected to present its act for final approval in July 2010.

## Drafting Committee on Visitation and Custody Issues Affecting Military Personnel and Their Families

This committee will prepare an act that provides standards and procedures for resolving visitation and custody issues affecting military personnel and their families, which may include resolution of matters in intrastate, interstate, and international contexts. The committee will present a draft for initial consideration at the July 2011 Annual Meeting and is expected to present its act for final approval in July 2012.

## OTHER PROJECTS

### Committee to Implement the UN E-Commerce Convention

The E-Commerce Convention impacts the Uniform Electronic Transactions Act and the federal E-Sign legislation. This committee will recommend the most appropriate methods for implementing the Convention, including whether any federal or uniform state legislation is necessary, and then will work with the United States Departments of State and Commerce, and other interested entities, in preparing any necessary uniform state or federal legislation and in seeking to obtain United States Senate advice and consent to the Convention. This committee presented an interim report at the July 2009 Annual Meeting.

### Joint Drafting Committee for Implementation of the UN Convention on Independent Guarantees and Stand-by Letters of Credit

This committee will work with the American Law Institute, the Uniform Law Conference of Canada and the Mexican Center for Uniform Laws to draft language to implement the UN Convention on Independent Guarantees and Stand-by Letters of Credit, and to assist Canada in developing letter-of-credit law consistent with UCC Article 5. The Convention is designed to facilitate the use of independent guarantees and stand-by letters of credit, in particular where only one or the other of these instruments may be traditionally in use. This committee presented a report at the July 2009 Annual Meeting and is expected to complete its work during 2009.

### Committee on the Hague Securities Convention

This committee will work with the U.S. Department of State to assist in the implementation and ratification of the Hague Convention on Securities Held by Intermediaries and to ensure proper interface between the provisions of the Convention and of Articles 8 and 9 of the Uniform Commercial Code.

## STUDY COMMITTEES

ULC Study Committees review an assigned area of law in light of defined criteria and recommend whether the ULC should proceed with a draft on that subject. Study Committees typically do not meet in-person, but when appropriate Study Committees hold meetings with those interested in the area that the committee is exploring in order to assist in gauging the need for uniform state legislation in an area, the likely scope of any drafting project, and the potential support for a project.

- [Study Committee on Environmental Controls and Hazards Notice Systems](#)
- [Study Committee on the 1996 Hague Convention on the Protection of Children](#)
- [Study Committee on an Act on “Mareva Injunctions”](#)
- [Study Committee on Marital and Premarital Agreements](#)
- [Study Committee on Mental Health Advance Directives](#)
- [Study Committee on Model Tribal Legislation on Collateralization and Probate Transfer of Interests in Real Property](#)
- [Study Committee on Model Tribal Legislation Concerning Child Custody and Domestic Violence](#)
- [Study Committee on a Mortgage Subrogation Act](#)
- [Study Committee on Payment Issues](#)

## EDITORIAL BOARDS

There are six Editorial Boards which have been appointed with respect to uniform Acts in various subject areas. These Boards are responsible for monitoring new developments which may have an impact on the Acts and for making recommendations for revising existing Acts or drafting new Acts in their subject areas.

- [Permanent Editorial Board for Uniform Commercial Code](#)
- [Joint Editorial Board on Uniform Family Law](#)
- [Joint Editorial Board on International Law](#)
- [Joint Editorial Board for Uniform Real Property Acts](#)
- [Joint Editorial Board for Uniform Trust and Estate Acts](#)
- [Joint Editorial Board on Uniform Unincorporated Organization Acts](#)



# COMMISSIONERS & LIFE MEMBERS

## ALABAMA

Jerry L. Bassett  
Joseph Colquitt  
William H. Henning  
Gorman Houston, Jr.  
Thomas L. Jones  
Ted Little  
Robert L. McCurley, Jr.  
Bruce J. McKee  
Cam Ward

## ALASKA

Deborah E. Behr  
W. Grant Callow  
Walter L. Carpeneti  
Tamara B. Cook  
Michael C. Geraghty  
Lynn E. Levensgood  
Arthur H. Peterson  
Terry L. Thurbon

## ARIZONA

Barbara Ann Atwood  
Timothy Berg  
James M. Bush  
Roger C. Henderson  
L. Gene Lemon  
Edward F. Lowry, Jr.

## ARKANSAS

Phillip Carroll  
John C. Deacon  
Lynn Foster  
Vincent Henderson, II  
John F. Stroud, Jr.  
Elisa White

## CALIFORNIA

Pamela Winston Bertani  
Robert G. Beverly  
Diane F. Boyer-Vine  
David J. Clark  
Ellen Corbett  
Robert H. Cornell  
Elihu M. Harris  
Brian Hebert  
Justin Houterman

C. Robert Jameson  
Matthew S. Rae, Jr.  
Daniel Robbins  
Byron D. Sher  
Nathaniel Sterling

## COLORADO

Morgan Carroll  
Thomas T. Grimshaw  
Stanley C. Kent  
Claire Levy  
Anne L. McGihon  
Donald E. Mielke  
Charles W. Pike  
Brandon C. Shaffer

## CONNECTICUT

David D. Biklen  
William R. Breetz, Jr.  
Barry C. Hawkins  
James Heckman  
John H. Langbein  
Roger P. Morgan  
Neal Ossen  
Francis J. Pavetti  
Suzanne Brown Walsh

## DELAWARE

Michael Houghton  
David C. McBride  
Anne Hartnett Reigle  
Battle R. Robinson  
Thomas A. Shiels

## DISTRICT OF COLUMBIA

Brian K. Flowers  
Benny L. Kass  
John J. McAvoy  
James C. McKay, Jr.  
Stephen C. Taylor  
Joan Zeldon

## FLORIDA

Scott L. Baena  
Henry M. Kittleson  
Clinton R. Losego

Christiana T. Moore  
Joshua M. Morse, III  
Nicholas W. Romanello

## GEORGIA

Sewell R. Brumby  
Paul M. Kurtz  
Edward H. Lindsey, Jr.  
Morris W. Macey  
Roger G. Martin  
Matthew H. Patton

## HAWAII

Lani Liu Ewart  
Peter J. Hamasaki  
Maurice S. Kato  
Elizabeth Kent  
Hiroshi Sakai  
Kevin P.H. Sumida  
Ken H. Takayama  
Robert S. Toyofuku

## IDAHO

Rex Blackburn  
John Michael Brassey  
Bart M. Davis  
Dale G. Higer  
Paige Parker

## ILLINOIS

Richard C. Edwards  
Steven G. Frost  
Michael B. Getty  
Patrick D. Hughes  
Dimitri G. Karcazes  
Harry D. Leinenweber  
Thomas J. McCracken, Jr.  
William J. Quinlan  
Howard J. Swibel  
J. Samuel Tenenbaum  
A.J. Wilhelmi

## INDIANA

William W. Barrett  
Gerald L. Bepko  
James Bopp, Jr.

Donald K. Densborn  
Ralph M. Foley  
John L. Kellam  
Luke Messer  
Merrill Moores  
H. Kathleen Patchel  
Vi S. Simpson  
Martha T. Starkey  
John J. Stieff

## IOWA

Sheldon F. Kurtz  
Linda K. Neuman  
David S. Walker

## KANSAS

James M. Concannon  
John F. Hayes  
Richard C. Hite  
Lance Kinzer  
Thomas C. Owens  
Janice L. Pauls  
Elwaine F. Pomeroy  
Glee S. Smith

## KENTUCKY

Turney P. Berry  
Stephen C. Cawood  
Cynthia Galvin  
John S. Gillig  
Norvie L. Lay  
John T. McGarvey  
Marcia Milby Ridings  
Steve Wilborn

## LOUISIANA

Thomas A. Casey  
Jerry J. Guillot  
Kerry Triche

## MAINE

Paul W. Chaiken  
Bruce A. Coggeshall  
Robert C. Robinson



# COMMISSIONERS & LIFE MEMBERS

## MARYLAND

Albert D. Brault  
K. King Burnett  
M. Michael Cramer  
M. King Hill, Jr.  
Steven N. Leitess

## MASSACHUSETTS

Stephen Y. Chow  
Robert H. Sitkoff  
Edwin E. Smith

## MICHIGAN

Justin Amash  
Thomas J. Buiteweg  
Andy Coulouris  
Charles W. Joiner  
Bruce Patterson  
John Strand  
Robert B. Webster  
James J. White  
Gretchen Whitmer

## MINNESOTA

Jack Davies  
Harry J. Haynsworth, IV  
Gene H. Hennig  
Harriet Lansing  
Robert A. Stein  
Michael P. Sullivan  
Robert J. Tennesen  
Michele L. Timmons  
Harry M. Walsh

## MISSISSIPPI

Robert Davidson  
Joey Fillingane  
Selby A. Ireland  
H. Colby Lane  
Robert Warren Moak  
William A. Neely, Jr.  
C.J. Richardson  
Teresa Ann Tiller  
William T. Wilkins

## MISSOURI

John Fox Arnold  
Robert G. Bailey  
Patty Buxton  
Kenneth D. Dean  
David M. English  
Michael A. Ferry  
Patricia Brumfield Fry  
Lowell Pearson  
Patrick A. Randolph, Jr.

## MONTANA

E. Edwin Eck, II  
Joseph P. Mazurek  
Gregory J. Petesch  
Karen E. Powell  
Michael E. Wheat

## NEBRASKA

C. Arlen Beam  
Norman Krivosha  
Amy L. Longo  
Joanne M. Pepperl  
Harvey S. Perlman  
Larry L. Ruth  
Steven L. Willborn

## NEVADA

Mark Amodei  
Robert R. Barengo  
Terry J. Care  
Frank W. Daykin  
Brenda J. Erdoes  
William C. Horne  
Kay P. Kindred  
Francis J. Mootz, III  
Genie Ohrenschall  
Kevin C. Powers  
Richard Tick Segerblom  
Bradley Wilkinson

## NEW HAMPSHIRE

Michael Delaney  
W. Michael Dunn  
Michael D. Ruedig

## NEW JERSEY

Joseph M. Donegan  
Barry H. Evenchick  
Stephen M. Orlofsky  
Howard T. Rosen

## NEW MEXICO

John P. Burton  
Joseph Cervantes  
Zachary J. Cook  
Robert J. Desiderio  
Thomas P. Foy, Sr.  
Daniel A. Ivey-Soto  
Philip P. Larragoite  
Cisco McSorely  
William H. Payne  
Raymond G. Sanchez  
Paula Tackett

## NEW YORK

Norman L. Greene  
Richard B. Long  
Sandra S. Stern  
Justin L. Vigdor

## NORTH CAROLINA

Marion W. Benfield, Jr.  
Rhoda B. Billings  
Sidney S. Eagles, Jr.  
Henry Deeb Gabriel, Jr.  
Floyd M. Lewis  
Richard A. Lord  
Susan Kelly Nichols  
Russell G. Walker, Jr.  
James A. Wynn, Jr.

## NORTH DAKOTA

Owen L. Anderson  
Jay E. Buringrud  
Gail H. Hagerty  
David J. Hogue  
Frank F. Jestrab  
Lawrence R. Klemin  
William E. Kretschmar  
Bradley Myers  
Dave Nething

Michael B. Unhjem  
Candace Zierdt

## OHIO

Boris Auerbach  
Michael Burns  
Jeffrey T. Ferriell  
Stanley M. Fisher  
Larry T. Garvin  
Leon M. McCorkle, Jr.  
Alexandra T. Schimmer

## OKLAHOMA

Loyd Benson  
Robert Butkin  
Glenn Coffee  
Sue Ann Derr  
Robert H. Henry  
Don Holladay  
Ryan Leonard  
Fred H. Miller  
Fred Morgan  
Marian P. Opala  
Mark H. Ramsey  
R. Stratton Taylor  
Ralph G. Thompson  
John Trebilcock

## OREGON

Carl S. Bjerre  
Lane Shetterly  
Martha Lee Walters  
D. Joe Willis

## PENNSYLVANIA

Christine Biancheria  
Roger H. Caffier  
William H. Clark, Jr.  
Ann E. Conaway  
Vincent C. DeLiberato, Jr.  
Mary Jo Howard Dively  
John L. Gedid  
Raymond P. Pepe  
Curtis R. Reitz  
Nora Winkelman

# COMMISSIONERS & LIFE MEMBERS

## PUERTO RICO

Francisco L. Acevedo  
Eduardo Arosemena-Munoz  
Alberto Ferrer  
Guillermo San Antonio-Acha

## RHODE ISLAND

Fausto C. Anguilla  
George C. Berk  
Ronald W. Del Sesto  
Thomas S. Hemmendinger  
William C. Hillman  
John P. O'Connor  
John M. Roney

## SOUTH CAROLINA

Stephen T. Draffin  
Thomas S. Linton  
Peden B. McLeod

## SOUTH DAKOTA

Nancy Turbak Berry  
Thomas J. Deadrick  
Michael B. DeMersseman  
Thomas Earl Geu  
Richard O. Gregerson  
Gene N. Lebrun  
David Lust

## TENNESSEE

George H. Buxton, III  
Effie V. Bean Cozart  
Jess O. Hale, Jr.  
Charles A. Trost

## TEXAS

Rita Arneil  
Levi J. Benton  
Cullen M. Godfrey  
Patrick C. Guillot  
Debra H. Lehrmann  
Peter K. Munson  
Marilyn E. Phelan  
Stanley Plettman  
Leonard J. Reese

Rodney W. Satterwhite  
Harry L. Tindall  
Karen Roberts Washington  
Lee Yeakel

## U.S. VIRGIN ISLANDS

Tom Bolt  
Lisa Harris-Moorhead  
Queen E. Terry  
Yvonne L. Tharpes

## UTAH

John L. Fellows  
Lorie Fowlke  
Lyle W. Hillyard  
Reed L. Martineau  
M. Gay Taylor-Jones  
Michael J. Wilkins

## VERMONT

Emily Bergquist  
Richard T. Cassidy  
David A. Gibson  
Theodore C. Kramer  
Peter F. Langrock  
Carl H. Lisman  
Stephanie J. Wilbanks

## VIRGINIA

Ellen F. Dyke  
Thomas A. Edmonds  
Jessica French  
H. Lane Kneedler  
Brockenbrough Lamb, Jr.  
Esson McKenzie Miller, Jr.  
Carlyle C. Ring, Jr.

## WASHINGTON

Marlin J. Appelwick  
John M. Cary  
Dennis W. Cooper  
Anita Ramasastry  
K. Kyle Thiessen

## WEST VIRGINIA

Vincent P. Cardi  
Richard E. Ford  
Frederick P. Stamp, Jr.

## WISCONSIN

Terry Anderson  
Ann Walsh Bradley  
Lawrence J. Bugge  
William G. Callow  
Richard A. Champagne  
David Cullen  
Peter J. Dykman  
Mark D. Gundrum  
Shaun P. Haas  
Joanne B. Huelsman  
Orlan L. Prestegard  
Fred A. Risser  
Michael S. Weiden

## WYOMING

Vicci Colgan  
Harvey Gelb  
Keith Kautz  
Charles G. Kepler  
Richard J. Macy



UNIFORM LAW COMMISSION  
111 N. Wabash Ave., Suite 1010  
Chicago, IL 60602  
[www.nccusl.org](http://www.nccusl.org)