

Uniform Law Commission



Annual Report

2022-2023

Better Laws. Stronger States.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 132 years old, promotes uniformity of law among the several states on subjects for which uniformity is desirable and practicable. The ULC improves the law by providing states with non-partisan, carefully considered, and well-drafted legislation that brings clarity and stability to critical areas of the law. The ULC's work supports the federal system, seeks to maintain an appropriate balance between federal and state law, and facilitates social and economic relations with rules that are consistent from state to state.

Uniform Law Commissioners must be lawyers. Commissioners are lawyer-legislators, attorneys in private practice, state and federal judges, law professors, and legislative staff attorneys, 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 where uniformity is desirable and practical.

Officers and Executive Committee

Officers 2022-2023

Dan Robbins, President
Diane F. Boyer-Vine, Vice President
Ryan Leonard, Secretary
Thomas J. Buiteweg, Treasurer
Carl H. Lisman, Immediate Past President
Timothy J. Berg, Chair, Executive Committee
Lisa R. Jacobs, Chair, Scope and Program Committee
Steve Wilborn, Chair, Legislative Committee

Appointed Members of Executive Committee

Timothy J. Berg, Chair
Elena J. Duarte
Lani L. Ewart
Melissa A. Hortman

Executive Director

Tim Schnabel

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PRESIDENT'S MESSAGE



Dan Robbins
ULC President
2021-2023

Since its establishment in 1892, the Uniform Law Commission (ULC) has remained dedicated to its founding mission of improving the law by bringing consistency, clarity and stability to state statutory law. Businesses and individuals benefit from the consistency and certainty that ULC acts bring across the nation. Uniform state laws are crucial in promoting legal consistency, simplifying legal processes, and fostering cooperation among states. I am pleased to report that this year – the 132nd year of the ULC – our organization remains strong, and our work maintains our traditional high quality.

I am honored to have served you as President of this great organization for the past two years. It has been a privilege, and I am immensely grateful for the trust and support you have extended to me during this time.

Just a few of the highlights from FY2023 include:

Five new acts were approved at the ULC Annual Meeting in 2023: Uniform Consumer Debt Default Judgments Act; Uniform Health-Care Decisions Act (2023); Model Public Health Emergency Authority Act; Uniform Special Deposits Act; and Uniform Unlawful Restrictions in Land Records Act.

There are currently 14 study committees working on issues ranging from the use of artificial intelligence by state governments to recognition of occupational licenses of military spouses. This number includes the seven new study committees that have been established since the 2022 annual meeting.

There are currently 10 drafting committees working on acts addressing issues such as antitrust pre-merger notification, cybercrime, judicial interview procedures for children, and redaction of the personal information of select public officials from public records. This number includes the five new drafting committees that have been established since the 2022 annual meeting.

The ULC held its 132nd annual meeting in Honolulu, Hawaii, the first time since 1989 that the ULC has met in Hawaii.

The ULC held its 2023 midyear meeting in San Juan, Puerto Rico. In addition to our regular midyear business, I used the opportunity to meet with the Governor's Office about strengthening the role of Puerto Rico in the ULC, which led to an additional appointment from Puerto Rico to the ULC.

There were 195 introductions of ULC Acts in the states in 2023, with 57 enactments. The number of introductions represents more than 50 different Uniform or Model Acts.

In addition, during my time as president I have continually asked myself the following important questions:

- How can we strengthen the ULC?
- How do we improve our work?
- With whom do we need to work?
- How can we improve our work based on data?

The answers to these questions have guided our work on four other important matters described below.

#1: Q: How can we strengthen the ULC? A: By engaging new commissioners.

Working with the ULC Membership & Attendance Committee, we have established procedures to better engage new commissioners in the work of the ULC. This organization's greatest asset is its members – the dedicated and talented people who volunteer their time to improve the law. How do we strengthen our current membership and plan for the future? New commissioners are key to that. New commissioners represent the future of the ULC. They bring in substantive legal expertise and invaluable connections to stakeholder groups that we must seek more actively. They can help us to advance our acts in the legislatures and improve our diversity.

Some of the procedures we are now following to engage new commissioners include:

Expanded Mentoring Program

The Membership & Attendance Committee has begun to expand its mentoring program that has been in place for many years. The Membership & Attendance Committee will take the lead role in verifying that the new commissioners are finding ways to get involved in the ULC's activities over the course of the new commissioners' first two to three years in the ULC.

Orientation Sessions

Attending the annual meeting for the first time as a new commissioner can be overwhelming. The Membership & Attendance Committee will offer new commissioners additional orientation sessions via Zoom to supplement the traditional new commissioner lunch at each annual meeting.

Enactment Efforts

New commissioners should be encouraged to get involved in their states' enactment efforts as soon as possible. The Legislative Council will set up meetings with new commissioners to bring the new commissioner up to speed on their delegation's legislative activity. Each new commissioner will be asked to contribute to their state's enactment efforts over the next year. That effort could be as significant as spearheading the introduction and enactment of an act, or as small as assisting other commissioners behind the scenes.

Accelerated Committee Assignments

Getting involved in the ULC's study and drafting efforts is probably the most common way that commissioners become thoroughly integrated into the fabric of our organization. Efforts have been made to offer a seat on a committee to new commissioners within six months of their appointment.

#2: Q. How do we improve our work? A. By looking for ways to improve ULC committee meetings.

The ULC, like every organization, has had to evolve and adapt to the changing times. For our first half century, travel was difficult and time-consuming, being limited to rail travel, and so our committees conducted their work by correspondence. Starting in the 1950s, some drafting committees began in-person work during the annual meeting, as commissioners were already gathered in one location. For the last 50+ years, with the broad availability of commercial air travel, we developed the template for in-person weekend meetings for drafting committees. This practice continued until the pandemic forced us to meet via Zoom.

Though forced by circumstance to meet by Zoom, our experiences during the pandemic also demonstrated the benefits of incorporating Zoom into our drafting and study work, particularly with increased participation from both

commissioners and observers. The disadvantage of remote meetings is that it can be hard to build relationships over Zoom. To preserve the increased participation we have seen during the last two years while restoring the benefits of in-person meetings, we have been experimenting with the use of hybrid committee meetings in which attendance can occur either in person or via Zoom.

The big disadvantage in the hybrid context is cost. Our traditional meeting venues have been at hotels, and hybrid meetings at hotels are very expensive. To make the best use of the ULC's limited resources, we have been trying to identify alternative venues we might use for drafting committee meetings, such as law firms, law schools, government buildings, and other similar venues. I am very pleased that so many commissioners have stepped forward and volunteered space. Along with myself, Commissioners Ed Smith, Lisa Jacobs, Sam Tenenbaum, Barbara Atwood, Ray Pepe, Tim Berg, and Jim Concannon secured meeting spaces in different cities across the country. This represented more than \$600,000 in savings! We will continue to seek out these types of venues for our meetings. I strongly encourage those of you who can to help us by seeking out additional options for us.

#3: Q. How do we find those with whom we need to work? A. By identifying and engaging stakeholders.

Working closely with outside stakeholders is essential to our work. Stakeholders educate us. They improve our decision-making. They work in the markets that we are seeking to regulate. They can help us avoid unintended consequences. Stakeholder participation is critical not only during the development phase of a uniform act, but their participation can also help with the enactment process, as the stakeholders may be supporters when an act is pending in state legislatures.

Identifying and contacting relevant stakeholders early in our process is vital to ensuring that we get those stakeholders' input as we determine which projects should proceed to drafting and what the scope and contents of the acts should be. As new study and drafting projects begin, we are implementing processes to assist study and drafting committee chairs with identifying and contacting stakeholders. Such assistance helps study and drafting committees engage with stakeholders early in the process and further develop relationships that can assist in later enactment efforts.

Because stakeholder engagement is critical at every phase of our work, we are looking at ways to centralize the function of stakeholder outreach. With the assistance of ULC staff, we will continue to help study and drafting committees identify appropriate stakeholders. I hope that this work will also help build long-term relationships with various "institutional" stakeholders that may have an interest in many different study and drafting committees.

#4: Q. How can we improve our work based on data? A. By expanding the role of the Committee to Review ULC Acts.

The Committee to Review ULC Acts continues its work of reviewing current ULC acts to determine if their status should be changed in some way. In the past two years the role of the committee has also been expanded to analyze the projects the ULC has undertaken in recent years to assess the reasons why the project has been successful or not.

We may have a sense anecdotally of what works and what doesn't, but with this additional analysis we may discover whether there is a way to apply objective standards to the ULC's decision-making process when determining whether to move forward with a drafting project, or what strategy to follow in the enactment phase.

To pursue this broader mission, the committee is attempting to:

Measure past success quantitatively

The committee has been reviewing information regarding all acts that have been promulgated since 2006, including enactment information (introduced in what states in what years, enacted in what states, etc.) and act information (how long is the act, how extensive are the comments, etc.). Additional data has been collected and reviewed, such as information on stakeholder involvement, subject matter of the acts, and complexity of the acts. It may be that from a dataset like this, we can determine factors that contribute to an act's success.

Measure past success qualitatively

The past can also be examined qualitatively. The committee is conducting structured interviews with chairs of drafting committees to gather and organize their ideas about why their act succeeded, or not.

Think about the future

While the committee conducts the quantitative and qualitative analysis, it is considering how to collect this kind of information for current acts. Is there data that could be collected now that might help us? The committee will think about ways of collecting data and information about acts currently under consideration, so that we can use that data later to analyze each act's subsequent success or failure.

Some preliminary observations from the committee have been collected. Some observations confirm our suspicions about which acts do well, such as it seems that we do best with acts in the categories of commercial law, probate law, and trust and estate law. The data collected also seems to confirm that states with high enactment numbers have high commissioner engagement – no surprise there! But there have been other preliminary findings which are surprising, such as shorter acts

do not do better than longer, more complex, acts, and fiscal notes do not seem to be associated with lower enactments.

The goal of these efforts is to help guide the ULC in its work. The hope is that the committee's work can provide guidance in the future both at the front end in determining which acts to pursue, and at the back end in developing enactment strategies.

In closing, I would like to express my deepest gratitude to my fellow commissioners for your unwavering support and dedication. It has been a pleasure to get to know you and to work closely with so many of you these past few years. Special thanks to our leadership team of Tim Berg, Lisa Jacobs, and Diane Boyer-Vine, each of whom dedicated countless hours over the last two years, and to the officers and members of the Executive Committee for their support and thoughtful guidance. Thanks also to Tim Schnabel, Elizabeth Cotton-Murphy, Katie Robinson, Greg Young and the rest of our dedicated staff.

I extend my best wishes to my friend and successor, Tim Berg of Arizona. As ULC President, I am confident Tim will lead the ULC to great success. With Tim stands Lisa Jacobs, Chair, ULC Executive Committee, and Steve Willborn, Chair, ULC Scope and Program Committee, and so I know that the ULC is in good hands.

Thank you for the privilege of serving as your President, it has been one of the highlights of my professional life. These past two years have been a remarkable journey, and I am proud of all that we have accomplished. As I step down from this role, I do so full of optimism, knowing that the Uniform Law Commission is in capable hands under new leadership and poised for even greater success in the future. Thank you all so much.



Dan Robbins



Legislative Report

The Uniform Law Commission is a unique institution created by state governments – and funded by state appropriations – to research, draft, and present to the states for enactment, uniform and model laws on subjects where uniformity of the law is useful or necessary.

However, the work of the ULC does not end there. What makes the ULC different from other organizations is that it not only studies and drafts legislative solutions to significant problems affecting the states, it then works to make those acts the law in the states. No uniform law is effective until a state legislature adopts it. To that end, Uniform Law Commissioners work toward enactment of appropriate ULC acts in their home jurisdictions.

In 2023, as in every odd year, all state legislatures were in session. The ULC’s 2023 legislative year ended on October 1, 2023, with 195 introductions of Uniform or Model Acts and 57 enactments.

The leading states for the 2023 legislative year include:

- District of Columbia enacted seven acts: Revised Uniform Athlete Agents Act and the 2019 Amendments; Uniform College Athlete Name, Image, or Likeness Act; Uniform Electronic Wills Act; Uniform Family Law Arbitration Act; Uniform Partition of Heirs Property Act; and Uniform Power of Attorney Act.
- Washington enacted six acts: Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; Uniform Easement Relocation Act; Uniform Family Law Arbitration Act; Uniform Partition of Heirs Property Act; the 2022 Amendments to the Uniform Commercial Code to accommodate Emerging Technologies; and the 2018 Amendments to the Uniform Commercial Code Amending Sections 9-406 and 9-408
- Delaware enacted four acts: Revised Uniform Athlete Agents Act and the 2019 Amendments; Uniform Faithful Presidential Electors Act; and the 2022 Amendments to the Uniform Commercial Code to accommodate Emerging Technologies.
- North Dakota enacted four acts: Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; Revised Uniform Law on Notarial Acts; the 2022 Amendments to the Uniform Commercial Code to accommodate Emerging Technologies; and the 2018 Amendments to the Uniform Commercial Code Amending Sections 9-406 and 9-408.
- California and Colorado each enacted three acts this year.

Other major highlights of the year include:

- The **2022 Amendments to the Uniform Commercial Code to Accommodate Emerging Technologies** were enacted in 11 states: Alabama, California, Colorado, Delaware, Hawaii, Indiana, Nevada, New Hampshire, New Mexico, North Dakota, and Washington.

The 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. A new UCC Article 12 on Controllable Electronic Records governs transactions involving new types of digital assets (such as virtual currencies, electronic money, and nonfungible tokens), and corresponding changes to UCC Article 9 address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic



signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

- The **2018 Amendments to the UCC** to Sections 9-406 and 9-408 were enacted in six states: California, Indiana, Nevada, New Mexico, North Dakota, and Washington. The 2018 amendments have now been enacted in seven states.

The 2018 amendments to the UCC Sections 9-406 and 9-408 modify the anti-assignment override provisions, thereby excluding security interests in ownerships interests of general partnerships, limited partnerships, and limited liability companies from the override provisions.

- The **Revised Uniform Athlete Agents Act** was enacted in three states: Delaware, District of Columbia, and Pennsylvania. The revised Act has now been enacted in 21 states.

The Revised Uniform Athlete Agents Act (2015) governs relations among student athletes, athlete agents, and educational institutions. The Revised Act expands the definition of “athlete agent”; provides for reciprocal and interstate compact registration between states; adds new requirements to the signing of an agency contract, expands notification requirements; and provides remedies for student athletes.

- The **Uniform Electronic Wills Act** was enacted in three states: District of Columbia, Idaho, and Minnesota. The Act has now been enacted in seven total states.

The Uniform Electronic Wills Act permits testators to execute an electronic will and allows probate courts to give electronic wills legal effect. Under this Act, the testator’s electronic signature must be witnessed contemporaneously (or notarized contemporaneously in states that allow notarized wills) and the document must be stored in a tamper-evident file. States will have the option to include language that allows remote witnessing. The Act also addresses recognition of electronic wills executed under the law of another state. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act allows online estate planning while maintaining safeguards to help prevent fraud and coercion.

- The **Uniform Public Expression Protection Act** was enacted in three states: New Jersey, Oregon, and Utah. The Act has now been enacted in six states.

The purpose of the Uniform Public Expression Protection Act is to provide a remedy for defendants involved in lawsuits called “Strategic Lawsuits Against Public Participation,” or “SLAPPs.” SLAPPs are abusive civil lawsuits that may be brought against individuals, entities, or government officials. The topics of these lawsuits range from education and zoning to politics and the environment. Though the claim of the lawsuit may be defamation, tortious interference with business expectations, invasion of privacy, or something else, the real goal of a SLAPP lawsuit is to entangle the defendant in expensive litigation that stifles the defendant’s ability to engage in constitutionally protected activities. This Act creates a clear process through which SLAPPs can be challenged and their merits fairly evaluated in an expedited manner. The Act protects individuals’ rights to petition and speak freely on issues of public interest while, at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries.

Newly approved acts from 2022 also did well. The **Uniform Electronic Estate Planning Documents Act** was enacted in its first state: Illinois. The **Model Public Meetings During Emergencies Act** was enacted in its first state: West Virginia.

In addition to these acts, more than 40 different uniform acts were introduced in various states across the country in 2023.



New Uniform Acts Approved in 2023

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 132nd Annual Meeting in Honolulu, Hawaii, July 21-26, 2023, five new acts were considered and approved. After receiving the ULC's seal of approval, a uniform or model act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

Uniform Consumer Debt Default Judgments Act

Numerous studies report that default judgments are entered in more than half of all debt collection actions. The purpose of this Act is to provide consumer debtors and courts with the information necessary to evaluate debt collection actions. The Act establishes rules a plaintiff must follow to obtain a default judgment in a consumer debt collection lawsuit. A default judgment is a judgment a court or judge makes in favor of a plaintiff when the other party, the defendant, fails to respond to a summons or show up to court. In short, the plaintiff wins the lawsuit without the court hearing from the other side. The Act is designed to promote equity and information-sharing in these lawsuits, and to encourage more consumers to respond to such suits, by asserting any available defenses or negotiating a settlement. The Act provides consumer debtors with access to information needed to understand claims being asserted against them and identify available defenses; advises consumers of the adverse effects of failing to raise defenses or seek the voluntary settlement of claims; and makes consumers aware of assistance that may be available from legal aid organizations. The Act also seeks to provide a uniform framework in which courts can fairly, efficiently, and promptly evaluate the merits of requests for default judgments while balancing the interests of all parties and the courts.

Uniform Special Deposits Act

A special deposit is an account at a bank that holds funds that may be paid upon the occurrence of one or more contingencies. Although such accounts are common, the legal protections afforded to them are uncertain and outdated in the context of modern banking. This uniform act minimizes these legal uncertainties by providing clear and executable rules. First, the Act sets forth several elements for when a deposit is considered a "special deposit." Second, the Act specifies that a special deposit is a debt owed to the beneficiary after determination of a stated contingency. Third, the Act clarifies that a special deposit is remote from a depositor's bankruptcy estate unless the depositor has a determined right to the special deposit in its capacity as a beneficiary. Finally, the Act reduces the vulnerability created by the prospect of the bank holding the special deposit exercising a right of set off against the special deposit for a mature debt of the depositor or a beneficiary. The Act is narrowly tailored to eliminate uncertainty so that commercial parties can use the special deposit – which provides safety, security, and efficiency – with greater confidence in a wide variety of commercial transactions. The Uniform Special Deposits Act gives banks and their customers legal certainty that the expectations of special deposit account users will be respected.



Model Public-Health Emergency Authority Act

This Act is designed to improve the preparedness of states for public health emergencies. Specifically, the Act clarifies the powers of a governor to declare a public health emergency and to issue orders in response to that emergency. Simultaneously, the Act establishes measures to promote a governor's accountability to the Legislature and to the public at large. The goal of the Act is to empower a governor to act quickly and decisively while also clarifying substantive and procedural limitations to a governor's authority. The Model Act also imposes a sunset provision on every public-health emergency declaration and public-health emergency order, and it requires a governor to make a new record as a condition of renewing declaration or an order.

Uniform Unlawful Restrictions in Land Records Act

This Act allows property owners whose deed contains a discriminatory, prohibited restriction to record an amendment to the land records that effectively removes the restriction. The issue of these restrictions is not contained to single-family homes; the governing documents for many common interest communities, including condominiums, co-ops, and planned communities, contain discriminatory and unlawful restrictions. Under the Act, individuals who own property in a common interest community that is subject to a prohibited restriction are empowered to record an amendment to the governing instruments that removes the restriction, either by majority vote of the members of the association or by sending a request to the governing body. The Act allows states to create a path forward for their constituents to address the unfortunate history of discrimination that is memorialized in property records throughout the country.

Uniform Health-Care Decisions Act (2023)

This Act supersedes the 1993 Uniform Health-Care Decisions Act. This Act enables individuals to appoint agents to make health care decisions for them should they be unable to make those decisions for themselves, provide their health-care professionals and agents with instructions about their values and priorities regarding their health care, and to indicate particular medical treatment they do or do not wish to receive. It also authorizes certain people to make health-care decisions for individuals incapable of making their own decisions but who have not appointed agents, thus avoiding the need to appoint a guardian or otherwise involve a court in most situations. In addition, it sets forth the related duties and powers of agents and healthcare professionals, and provides protection in the form of immunity to both under specified circumstances. This Act shares the goals of the 1993 Act but is revised to reflect changes in how health care is delivered, increases in non-traditional familial relationships and living arrangements, the proliferation of the use of electronic documents, the growing use of separate advance directives exclusively for mental health care, and other developments.





Spotlight On: Uniform Unlawful Restrictions in Land Records Act

Beginning in the late 1800s and throughout the first half of the 20th century, homeowners and property developers across the country recorded covenants that restricted ownership, leasing, and occupancy of properties on the basis of race, religion, color, national origin, and other now-protected personal categories. These restrictive covenants were intended to prevent the affected property from being sold to or occupied by persons covered by that restriction. These restrictions furthered harmful stereotypes, encouraged discrimination, and significantly limited housing opportunities and economic mobility for people of color and other minority groups throughout the United States.

In 1948, the United States Supreme Court ruled that courts could not specifically enforce racially restrictive covenants limiting who could own, rent, or occupy a property. However, developers and other property owners were still free to write and publish racially restrictive covenants and record them in the land records for the next two decades. This practice only stopped once the federal Fair Housing Act was passed in 1968. The Fair Housing Act prohibits discrimination in housing, including through the use of restrictive covenants, on the basis of an individual's race or color, religion, national origin, sex, disability, and/or familial status (as amended by the Americans with Disabilities Act in 1990).

While these discriminatory covenants, or unlawful restrictions, are no longer enforceable, and new ones may not be lawfully published or recorded, many antiquated and objectionable restrictive covenants still linger and litter land records in every state. For many homeowners who encounter these covenants, they remain a painful reminder of their community's history of racism and discrimination. The desire to renounce this history and remove discriminatory covenants from their chain of title is entirely understandable.

The presence of these unlawful and unenforceable restrictions in the chain of title does not have title consequences for an owner of land in an objective sense. Nevertheless, such restrictions remain in the chain of record title to millions of parcels of land, and the continued presence of those restrictions are open to public view and potentially open to disclosure and publication each and every time that someone searches title to one of those parcels.

To address this harm, in 2023 the Uniform Law Commission (ULC) promulgated the Uniform Unlawful Restrictions in Land Records Act which will allow a property owner whose deed contains



an unlawful and unenforceable restriction to record an amendment to the land records that effectively removes the restriction.

Under the Act, individuals who own property, including owners in common interest ownership properties, that is subject to a prohibited restriction are empowered to record an amendment to the governing instruments that removes the restriction. With an amendment to the land record, the historical land record is not altered. To remove an unlawful and unenforceable restriction under this Act is to amend a record chain of title, not to disturb or destroy a historical record.



The Act includes an optional form that may be used by most owners to remove an unlawful and unenforceable restriction by amendment in the land records.

The Act also permits owners of units in condominiums, co-ops, or planned communities to request that their association's governing body remove an unlawful restriction from their governing documents. Once a unit owner has requested the removal, the governing body is empowered to seamlessly remove the unlawful restriction by amendment, without having to provide advanced notice or conduct a vote by the unit owners. Similarly, even when a member of the association has not requested the removal of an unlawful restriction, the board will be able to remove the restriction on its own volition without a vote from the association.

Finally, the Act has been drafted to allow the removal of unlawful restrictions that involve the protected categories that the state wants to add or has already recognized, and does not limit a state's ability to create age-restricted or other special communities.

This Act does not affect the legality of these discriminatory restrictions. It is existing federal and state law, and not this Act, that makes discriminatory restrictions in land records unlawful. The federal Fair Housing Act currently prohibits discrimination on the basis of an individual's race, color, religion, national origin, sex, familial status and disability.

Some states and municipalities have expanded this definition to include other protected categories, such as sexual orientation or marital status. The Act neither expands nor limits the protected categories in any state or jurisdiction, but rather, allows the removal of unlawful restrictions based on the applicable law existing in each state or jurisdiction. Yet, this Act accomplishes a separate legal effect by allowing property owners to remove mention of these unlawful and unenforceable restrictions from their chain of title going forward.

The Uniform Unlawful Restrictions in Land Records Act creates a path forward for states to begin addressing our country's regrettable history of lawful discrimination in housing, by allowing property owners to record an amendment that removes unlawful restrictions contained within their property records.

Financing the ULC

Financial Support and Budget

As a state service organization, the Uniform Law Commission depends on state appropriations for its continued operation. The ULC receives the predominant portion of its financial support from these state appropriations. Every state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount for dues, varying depending on the state's population, for support of the ULC. All jurisdictions are also requested to reimburse the expenses of their commissioners incurred in attending the annual meeting. In return, the ULC provides the states with significant services, including both drafting uniform, well-researched, and well-crafted state laws on a range of legal subjects, and supporting the effort to enact these laws.

The ULC enables states to tap into the skills and resources of the legal profession for very little cost. No uniform law commissioner is paid for his or her services. Commissioners receive reimbursement only for actual expenses directly incurred in the course of their work with the ULC.



States would find it both difficult and expensive to replicate the work of the ULC on their own, especially with regard to highly complex subjects such as commercial law or the law of probate and estates. Uniform or Model Acts that the ULC promulgates are developed over the course of two to three years at intensive meetings. Acts are read and debated on the floor of two ULC Annual Meetings by all the assembled commissioners sitting as a Committee of the Whole.

Because ULC drafting projects are national in scope, the ULC attracts a broad range of advisors and observers, resulting in a drafting process that benefits from a greater range and depth of national, legal expertise than could be brought to bear by any individual state. In addition, the ULC contracts professional “reporters” – typically, law professors with significant expertise, but on appropriate occasions experienced practitioners are

appointed as well – to aid in many of the drafting efforts. Reporters receive modest honoraria to support the research and drafting of ULC acts.

The annual budget of the ULC for the fiscal year ending June 30, 2023, was approximately \$4,623,535, with support from state governments in the total amount of \$3,089,000 accounting for approximately 67 percent of the budget.

Grants from foundations and the federal government occasionally support specific educational and drafting efforts. All money received from any source is accepted with the understanding that the ULC's drafting work is completely autonomous. No source may dictate the contents of an Act because of a financial contribution. By seeking grants for specific projects, the ULC expands the value of every state dollar invested in its work.

The Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

The Uniform Commercial Code (UCC) is a joint venture between the ULC and the American Law Institute (ALI). In the 1940s, the Falk Foundation supported the UCC's original development. Proceeds from copyright licensing of UCC materials replenish the original funds. Whenever work on the UCC commences, a percentage of ULC and ALI costs are paid from endowment income.

The ULC has a small staff, which keeps its operating costs as low as possible. The full-time staff, headquartered in Chicago, provides all the staff support for the administrative, drafting, and legislative efforts.

The ULC provides key services to the states. The ULC's process ensures that every uniform or model act has undergone meticulous consideration. Commissioners review proposals for new projects, engage in careful study, and spend a minimum of two years in drafting an act. The ULC's national scope and excellent reputation enable it to bring together the experience and expertise needed to create legislation. In addition to researching and drafting uniform and model acts for states to enact when uniformity is desirable and practical, the ULC works with states as they review and enact completed acts. The process of drafting and enacting a uniform law remains an immensely cost-effective endeavor.



Current ULC Committees

Drafting Committees

Uniform Law Commission drafting committees consist of a chair or co-chairs, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). The ULC seeks to have one or more ABA advisors appointed to every drafting committee. Other interested groups are also invited to send representatives, known as observers.

ULC drafting committees typically meet two or three times a year for at least two years. Drafting committee meetings are open to the public and full participation in the discussion is encouraged. All drafts are posted on the ULC's website (www.uniformlaws.org) which enables public review and comment.

Currently, nine drafting committees are working on new and revised uniform and model acts. Proposed acts are subject to rigorous examination and debate at ULC 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. To receive final approval, an Act must receive the affirmative vote of 30 or more states, which must also constitute a majority of the states present and voting.

The current drafting committees are:

Mortgage Modifications Act

This committee will draft uniform or model state legislation on mortgage modifications. Topics to be addressed include the extent to which the modification of some of the terms of a mortgage loan require the execution and recordation of an instrument modifying the currently recorded mortgage document, as well as the extent to which the mortgage retains its priority to secure repayment of the debt as modified.

Redaction of Personal Information from Public Records Act

This committee will draft a uniform or model act concerning the ability of judicial officers, law enforcement personnel, and others who demonstrate a credible risk of harm to have their personal information redacted from real property records and other official public records.

Cybercrime Act

This committee will draft a uniform or model act addressing the procedures for preserving and obtaining evidence needed to bring a cybercrime case in state court. Procedures in state law might include expedited preservation of stored computer data and/or traffic data; a uniform nationwide production order for data; search and seizure of stored computer data; real-time collection of traffic data; and interception of content data.

Antitrust Pre-Merger Notifications Act

This committee will draft a uniform or model act requiring companies that submit a pre-merger notification filing pursuant to the federal Hart-Scott-Rodino Act to share their initial filing with the State Attorney General on request, subject to confidentiality protections equivalent to or stronger than under federal law. The act must balance the needs of state enforcers for information with the burdens and risks to filers. Within this mandate, the drafting committee must pay special attention to issues such as the circumstances that might permit a state to access the information (e.g., does the state have a substantial nexus to the transaction); the scope of the information that must be provided (subsequent HSR filings can be massive); the obligations imposed on states that receive the information (the state must act within a time limit like the federal government; the confidentiality protections must be at least as strong as federal law; if competitors can abuse the process via state FOIA provisions to access the confidential business data, the law may be counterproductive and anticompetitive); and the likelihood that the act might call for fees or an adverse fiscal statement that would make it unenactable.

Judicial Interview Procedures for Children Act

This committee will draft a uniform or model act addressing custody, visitation, parentage, and related proceedings in which other law permits or requires the child's views to be heard. The act should address (1) the factors to be considered when the law accords judicial discretion as to whether a child's views should be heard; and (2) the procedures to be used when either (a) the law requires or (b) a judge determines to permit a child's views to be heard. The procedures should explicitly address due process rights of parents, including access to the results of the interview.

Virtual Currency Customer Protection Act

This committee will develop a new act to replace the Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual Currency Business Act (USCL). As with the USCL, the act will require covered businesses to opt into Uniform Commercial Code Article 8 by becoming securities intermediaries and treating a customer's rights to its own virtual currency as a "financial asset." The act will be a free-standing act, not linked to the Uniform Regulation of Virtual Currency Business Act as the USCL was, and will fit on top of whatever regime a state has in place or later adopts to regulate virtual currencies.

Unincorporated Organization Acts

This drafting committee will develop amendments to the Uniform Partnership Act, the Uniform Limited Partnership Act, and the Uniform Limited Liability Company Act, with the understanding that the update does not include wholesale policy revisions.

Assignment for Benefit of Creditors Act

An assignment for benefit of creditors (ABC) is a voluntary, debtor-initiated state law alternative to the bankruptcy process, state receiverships, and voluntary workouts. Though initiated by the debtor, ABCs may provide benefits to creditors as well as debtors that alternative procedures do not. However, ABC statutes vary widely from state to state, as do custom and practice; thus, the use of ABCs varies across the country. The Study Committee on Assignment for Benefit of Creditors recommended that a drafting committee be formed to address (1) state ABC law's interaction with bankruptcy and other state and federal laws; (2) choice of law rules, including whether an ABC should be treated as a security interest; (3) court involvement in the ABC process; and (4) transparency, due process, conflicts of interest, and adequate notice procedures, particularly with respect to duties of assignees. This committee will draft a uniform or model act on the subject.

Conflict of Laws in Trusts and Estates Act

This committee will draft a uniform or model act to address the problems of conflict of laws in trusts and estates. The committee will address trusts, wills, will substitutes, intestacy, estate administration, fiduciary powers and duties, powers of appointments, powers of attorneys, jurisdictional claims, and statutes of limitations.



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. When appropriate, study committees hold meetings with those interested in the area that the committee is exploring 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. ABA section advisors are typically appointed to study committees.

The current study committees are:

Commercial Financing Disclosure

This committee will study the need for and feasibility of a uniform or model act providing for standardization of disclosure requirements for commercial financing (i.e., traditional bank loans as well as other products such as factoring and revenue-based financing). The study committee will assess whether a uniform or model act could help increase efficiency, reduce compliance costs, and reduce uncertainty regarding the governing law for transactions that may involve parties located in two or more states.

Deepfakes

This committee will study the need for and feasibility of a uniform or model act addressing the specific issues of (1) non-consensual deepfake pornography and (2) election-related deepfakes. In considering the need for a uniform or model act, the study committee should analyze existing potential claims such as tort and copyright claims and assess the benefits of additional claims. The study committee should analyze the narrowly focused legislation that several states have already enacted related to those specific categories of deepfakes and should thoroughly analyze the extent to which the First Amendment, as well as Section 230 of the federal Communications Decency Act, would limit state legislation on the topic.

Election Law

This committee will study the need for and feasibility of a model act on the subject.

Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief

This committee will recommend the most appropriate method or methods for implementing the Conventions in the United States and study the need for and feasibility of one or more uniform acts (including the Uniform Choice of Court Agreements Implementation Act and a possible revision of the Uniform Foreign-Country Money Judgments Recognition Act) on those topics.

Gamete Donor Identity Disclosure

This committee will consider whether gamete donor identification should be mandatory upon request by a donor-conceived child. The committee should consider (a) whether to revise Article 9 of the Uniform Parentage Act (2017), (b) whether to draft a separate act on the subject, and (c) whether the issues addressed in Sections 904 and 905 of the Uniform Parentage Act (2017) should be moved into a separate article.

Indian Child Welfare Act Issues

This committee will study the need for and feasibility of a uniform or model act addressing issues related to the Indian Child Welfare Act (ICWA) of 1978, a federal law that governs the removal and out-of-home placement of American Indian children. Some states have implemented statutes aimed at facilitating the application of the federal statute by state courts, but significant gaps remain. A uniform or model act could clarify or expand upon the protections provided in ICWA.

Military Spouse Occupational Licensing

This committee will study the need for and feasibility of a uniform or model act on the portability and recognition of professional licenses of military spouses in light of recent developments. Occupational licensure portability remains an enduring problem for military spouses, as the duration of military assignments, coupled with inconsistent, lengthy and expensive relicensing processes, discourages military spouses from seeking licensure.

Model Marketable Title Act

This committee will study the need for and feasibility of updating the Model Marketable Title Act. The Model Act, which was derived from Article 3 of the Uniform Simplification of Land Transfers Act, was promulgated in 1990 and enacted in one state before being withdrawn as obsolete in 2015. However, about 20 states have marketable title statutes, some of which include provisions from the Model Act.

Use of Artificial Intelligence by State Government

This committee will study the need for and feasibility of an act addressing the use of artificial intelligence tools by state governments to carry out governmental services, including requirements for the procurement process; requirements for conducting and responding to audits; requirements for disclosure of a tool's capabilities; provisions designed to avoid bias or other harms; provisions addressing redress, appeal, reporting, and licensing transparency; and related issues.

Patent Rights in Employment

This committee will study the need for and feasibility of two common law doctrines in state law that operate to allocate rights to inventions when the inventor is an employee. First, in the absence of an agreement between employee and employer, the shop-right doctrine is the default rule: when an employee creates an invention during working hours or with the use of the employer's resources, the employer is entitled to a nonexclusive and nonassignable right to use the invention without payment of a royalty. Second, employees and employers may enter into an agreement to assign the employee/inventor's rights to an invention to the employer. Employees hired or assigned to do inventive work are presumed to agree to assign inventions to their employers. The study committee will assess these doctrines to determine if either or both might be a good candidate for a uniform or model act that could unify and clarify an existing body of common law.

Probate and Non-Probate Transfer Integration

Many provisions of the Uniform Probate Code, including the provisions governing creditors' rights and the elective share of a surviving spouse, take into account the decedent's probate and non-probate transfers. So do the provisions of federal and state law imposing wealth transfer taxes. These provisions assume that someone is able to integrate the decedent's probate and non-probate estates. Yet the court-appointed personal representative of the decedent's probate estate often encounters great difficulty in gathering information about the decedent's non-probate transfers. This committee will study the need for and feasibility of a uniform or model act on the subject, including the possibility of revisions to the relevant portions of the Uniform Probate Code.

Transfers to Minors Act

This committee will study the need for and feasibility of updating the Uniform Transfers to Minors Act. Under this act, which was promulgated in 1983 and amended in 1986, and which has 52 enactments, a person may transfer property to a custodian for the benefit of a minor.

U.N. Convention on International Settlement Agreements Resulting from Mediation

The primary focus of this study committee will be on the potential impact of the U.N. Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Convention) on existing state law, including how ratification would affect the Uniform Mediation Act and state contract law. If the study committee should conclude that ratification by the U.S. is desirable, it should consider appropriate methods of implementation. This committee is expected to produce recommendations regarding the Convention rather than a recommendation regarding establishment of a drafting committee.

Use of Tokens or Other Similar Products in Real Property Transactions

This committee will study the need for and feasibility of a uniform or model act addressing issues related to the use of non-fungible tokens (or other similar products) in the transfer and financing of real property.

Monitoring Committees

There are four monitoring committees which have been appointed with respect to specific areas of the law. These committees are responsible for monitoring new developments in their assigned area.

Committee to Monitor Developments in Civil Litigation and Dispute Resolution

This committee was created to monitor developments and trends in civil litigation and alternative dispute resolution, to provide information to the Scope and Program and Executive Committees about these issues, to offer suggestions of issues that may be appropriate for uniform state law, and to offer suggestions on whether current ULC acts in this area should be revised, amended or withdrawn.

Criminal Justice Reform Committee

This committee monitors the need for and feasibility of model and uniform state laws that effectuate criminal justice reform and serves as an advisory committee to the Committee on Scope and Program on potential and emerging legislative developments in criminal justice reform. The Committee may be asked to review and consider proposals for criminal justice reform work, but also should consider and when appropriate present proposals to Scope and Program for necessary and feasible uniform or model state laws.

Committee on Automated Technology Liability

This committee will seek to develop proposals for study or drafting committees on subjects related to tort and other liability for harm caused by automated technology.

Committee on Technology

This committee was formed to study and monitor developments in technology, particularly as new technologies impact current ULC Acts. The committee provides information to the Scope and Program Committee on these issues and may offer suggestions of issues that may be appropriate for a uniform or model law.

Editorial Boards

Seven editorial boards 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. The editorial boards are made up of members from the Uniform Law Commission and other organizations.

Permanent Editorial Board for Uniform Commercial Code

This board is composed of members from the Uniform Law Commission and the American Law Institute. It also includes a Director of Research. The board monitors current drafting activities of the Uniform Commercial Code. It also prepares commentaries and advises its member organizations on further changes needed in the Uniform Commercial Code.

Joint Editorial Board for Uniform Family Law

The JEB for Uniform Family Law includes members from the ULC, the American Bar Association Section of Family Law, the American Academy of Matrimonial Lawyers, and the Association of Family and Conciliation Courts, together with liaison members from the American Association of Law Schools and the ABA Center on Children and the Law. The board is responsible for monitoring all uniform and model acts that are family-law related.

Joint Editorial Board on Health Law

This JEB recommends study and drafting projects in the area of health law. The American Medical Association, the American Hospital Association, the American Health Law Association, and the ABA Health Law Section are members of the JEB.

Joint Editorial Board on International Law

Members of this JEB include representatives from the ULC and the International Law Section of the American Bar Association, and liaison representatives from the American Society of International Law and the United States Department of State Office of Private International Law. The functions of the JEB include: facilitating the promulgation of uniform state laws consistent with U.S. laws and international obligations dealing with international and transnational legal matters; advising ULC with respect to international and transnational legal matters that have the potential to impact areas of the law in which ULC has been, or might become, active; informing and assisting the U.S. government with respect to the negotiation of international treaties and agreements with appropriate consideration of state law perspective and experience; and promoting the principles of rule of law and harmonization of law.

Joint Editorial Board for Uniform Real Property Acts

Representatives of the ULC, the ABA Section of Real Property, Probate and Trust Law, the American College of Real Estate Lawyers, and the Community Association Institute are members of this Joint Editorial Board, and representatives of the American Land Title Association and the American College of Mortgage Attorneys are liaison members. The board is responsible for monitoring all uniform real property acts.

Joint Editorial Board for Uniform Trust and Estate Acts

The board is composed of members from the ULC, the American Bar Association Section of Real Property, Trust and Estate Law, and the American College of Trust and Estate Counsel. The JEB also has liaison members from the Association of American Law Schools, the American Law Institute, AARP, and the National Center from State Courts. The JEB monitors the Uniform Probate Code, Uniform Trust Code, and all other estate and trust related acts.

Joint Editorial Board on Uniform Unincorporated Organization Acts

Members from the ULC and the Business Law Section of the ABA make up this board. The board is responsible for monitoring and reviewing the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Limited Liability Company Act, and other uniform acts related to unincorporated associations.



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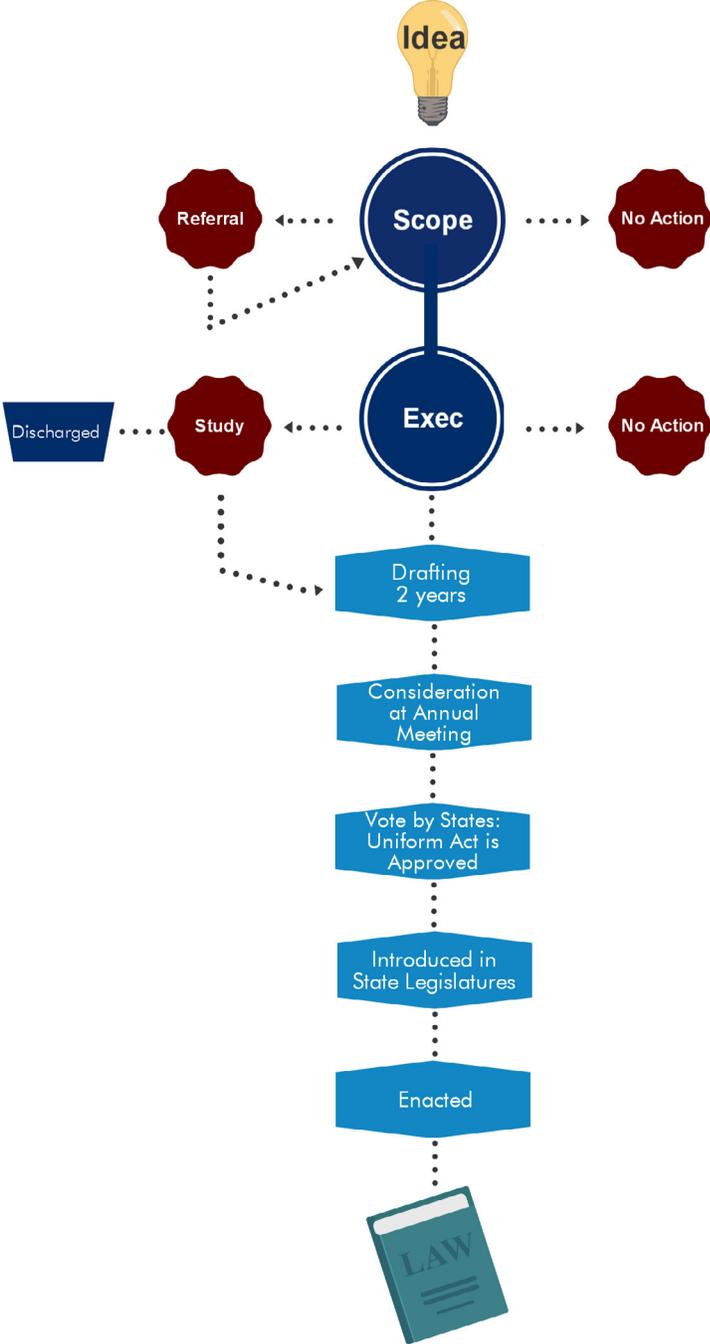
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*Membership as of November 28, 2023



Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from 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.

Guidelines concerning the submission of ideas for new uniform or model acts can be found on the ULC's website at www.uniformlaws.org



ABOUT THE UNIFORM LAW COMMISSION

The **Uniform Law Commission** (ULC), now in its 132nd 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. Commissioners are practicing lawyers, judges, legislators, 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.



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