

DIVERSITY OF THOUGHT  
UNIFORMITY OF LAW



Uniform Law Commission

ANNUAL REPORT  
2006-2007

More than a century of  
service to the states

# ACTION

## THE UNIFORM LAW COMMISSION IN ACTION - 2007

- During the 2006-2007 legislative year, there were 215 introductions of uniform acts and 105 enactments.
- The Revised Uniform Anatomical Gift Act topped the list of legislative enactments with 20 adoptions in 2007. The Uniform Prudent Management of Institutional Funds Act was enacted in 13 states. The Uniform Child Custody Jurisdiction and Enforcement Act moved closer to total uniformity, with two new adoptions in 2007, bringing its total number of enactments to 48.
- The Uniform Emergency Volunteer Health Practitioners Act was amended in 2007 to add provisions on civil liability and workers' compensation. The UEVHPA has already been enacted in three states, and 15 to 20 states are expected to introduce the legislation in 2008.
- Nevada led all jurisdictions with 12 enactments, an all-time record.
- The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and the new Uniform Rules Relating to the Discovery of Electronically Stored Information were among four new acts approved at the 2007 Annual Meeting.
- There are 22 drafting committees working on projects that include amendments to the Uniform Common Interest Ownership Act and a new Statutory Trust Entity Act.
- There are ten study committees considering specific areas of law for possible future drafting.

### OFFICERS 2006-2007

Howard J. Swibel, *President*

Michael Houghton, *Vice President*

H. Lane Kneeder, *Secretary*

Charles A. Trost, *Treasurer*

Fred H. Miller, *Immediate Past President*

Martha Lee Walters, *Chair, Executive Committee*

Robert A. Stein, *Chair, Scope and Program Committee*

Robert J. Tennesen, *Chair, Legislative Committee*

### APPOINTED MEMBERS OF EXECUTIVE COMMITTEE

Henry D. Gabriel, Jr.

Raymond P. Pepe

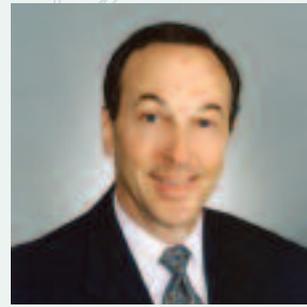
Joan Zeldon

William H. Henning, *Executive Director, 2006*

John A. Sebert, *Executive Director, 2007*

# OFFICERS & EXECUTIVE COMMITTEE

HOWARD J. SWIBEL, President



It has been an honor and a privilege serving this great organization these past two years. It is no exaggeration to say that the Uniform Law Commission is the apex of American jurisprudence. The work that the Commission has done in its long history helps people in their businesses and in their personal lives. During my tenure as President, I have tried not only to uphold all the traditions that we as commissioners hold dear – all the traditions that have been tested and proven over the long history of the Commission – but I also strived to seek new ways to improve our techniques and our products. In short, while we remember our past and our many achievements, we must also embrace our future. I kept the future of this great organization in mind with every step I took as President.

### Revenue

The budget for the next fiscal year is fully 70 percent larger than the budget for the year that ended just before I took the oath of office. Our annual revenues have jumped from just under \$2 million to more than \$3.2 million for fiscal year 2007-2008. There are a number of reasons why our revenues have increased so dramatically.

First of all, two years ago there were seven states which were not paying their dues to the Commission; now there is only one.

Second, last year we implemented a simplified five-tier dues structure, replacing the 50 different dues prices we had been using and generating additional dues.

Third, we continued to explore third-party grants, both from private and public foundations as well as government agencies. Such funds have been used in support of specific educational and drafting projects.

Finally, we have entered into eight new multi-year publishing royalty contracts.

The combined effect of all of these efforts is nothing short of a new financial platform for the Commission.

“The work that the Commission has done in its long history helps people in their businesses and in their personal lives.”

### **Expenditures**

These additional resources have allowed the Commission to expand its efforts in many ways that would have been impossible at any other time.

We have hired a full-time executive director.

We have hired two new legislative counsel.

We convened more stakeholder meetings, making it possible to engage with interested groups at the outset of a project, when their input is needed most.

We have held, where appropriate, face to face Study Committee meetings.

We have been able to hire more reporters for our committees.

We were able to engage professional representation in Washington, D.C., so that we have a voice in Congress when federal action might interfere with a uniform law and our intervention is necessary. This professional representation will also help build bridges with other organizations that are based in Washington.

We were able to hire a professional public relations firm to work with our staff.

### **International Efforts**

The ULC has a long and illustrious history in the international field. As a matter of fact, back in 1898 when the U.S. won the Spanish-American War and took custody of the Philippines, within ten years the ULC was involved in trying to help the Philippines draft laws. In 1942 and in 1950 this organization held its Annual Meeting jointly with the Uniform Law Conference of Canada. Here we are again, in a new century, and we are trying to build even stronger bridges with other international organizations.

One of the more interesting projects undertaken by the Commission recently has been the work of the Committee to Harmonize North American Law with Regard to the Assignment of Receivables in International Trade Convention. In collaboration with the American Law Institute and working with representatives from Canada and Mexico, we have spent the past two years working on the implementation of this particular convention involving the assignment of accounts receivable in international trade. We became involved in this project because we were asked by the U.S. State Department to draft "the declarations and the understandings" that are ultimately going to be passed on by the U.S. Senate. This is a collaboration that is absolutely unique and is happening for the first time. The work of the committee was approved at our annual meeting in Pasadena.

Based on the success of that project, we will begin a new project this year involving a letters of credit convention. Beyond simply reviewing the convention and ascertaining whether the

convention will be good for international transactions, we have also been asked to assist the Uniform Law Conference of Canada in drafting Canada's own domestic law. This has never happened before. We hope that there will be other future opportunities to help others and to work with others to, in effect, export one of the finest products that comes from this country, the work of this organization.

As a matter of fact, the news of our international work has already traveled. We were contacted by a special committee of Attorneys General from Australia and New Zealand, who told us that they are interested in harmonizing the law, including the law of the Uniform Commercial Code. In the near future we will be able to sit down for the first time with these government leaders from Australia and New Zealand and to begin to open the door to discussions about what we might do to make the law harmonious across these borders.

To deal with and organize all of our international efforts, we established this past year a new Joint Editorial Board on International Law, with members from the ULC and the ABA Section on International Law. In May the first meeting of this new JEB was held.

“To deal with and organize all of our international efforts, we established this past year a **new Joint Editorial Board** on International Law, with members from the ULC and the ABA Section on International Law.”

### American Indians

We continue our commitment to the Native American Indian population. We have established a meaningful dialogue with the National Congress of American Indians (NCAI) which represents over 250 tribal governments. This is the first time that we are being recognized as a legitimate agency by Indian governments at that level. We are in discussions with NCAI to identify projects on which the ULC might assist.

With the support of the federal government, we will also conduct training for Indian officials on how to implement and how to administer the model tribal secured transactions act.

### Permanent Home for the ULC

We have been able to secure the space needs of the ULC for the foreseeable future. We used an innovative financing technique through the good offices of the Uniform Law Foundation. The Foundation has purchased most of the 10th floor of an historic office

building in downtown Chicago, roughly twice the size of the ULC's current space. Our rent per square foot is going to drop significantly because it's a tax advantaged transaction. We've got a long-term stable situation where the ULC is going to be a tenant of the Foundation, in excellent and conveniently located offices.

### What's Ahead

This coming year we will focus on how best to use our new resources to help our commissioners do their job better. Just because we have increased our staff, there is absolutely no interest or intent to transfer any responsibility from commissioners. It is quite the opposite. We want to enable and

assist our commissioners to become even more effective. A lot of work is going to be put in over the next few months in trying to figure out a better way of doing that.

I want to leave you with this message: without resources we can only dream; with resources we have the opportunity to make our dreams come true.

I want to thank you from the bottom of my heart for sharing my dreams and contributing to the betterment of the communities in which we live. It has been my privilege and honor to work with all of you.

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dreams come true.”



Howard J. Swibel, *President*

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 116th Annual Meeting in Pasadena, California, July 28 through August 3, 2007, four new uniform acts, as well as amendments to existing acts, were approved. After receiving the Commission's seal of approval, a uniform act is officially promulgated for consideration by the states, and legislatures are urged to adopt it.

The *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act* addresses the issue of jurisdiction over adult guardianships, conservatorships, and other protective proceedings. Because there are more than fifty guardianship systems in the United States, problems of determining jurisdiction are frequent. This act provides an effective mechanism for resolving multi-state jurisdictional disputes. It contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The objective is that only one state will have jurisdiction at any one time.

The *Uniform Rules Relating to Discovery of Electronically Stored Information* will bring the state rules and statutes concerning discovery in civil cases up-to-date. With the emergence of electronic technology, the extent to which individuals and institutions store or maintain information in an electronic form has clearly increased since the adoption of rules governing discovery generally. By some estimates, more than 90% of corporate information is being stored in some sort of digital or electronic format. This new act mirrors the recently adopted amendments to the Federal Rules of Civil Procedure dealing with electronically stored information.

The *Uniform Interstate Depositions and Discovery Act* provides simple procedures for courts in one state to issue subpoenas for out-of-state depositions. The act is simple and efficient: it establishes a simple clerical procedure under which a state subpoena in the "trial state" can be used to issue a subpoena in another state. The act has minimal judicial oversight; the goal is to simplify and standardize the current patchwork of procedures across the various states for deposing witnesses for purposes of out-of-state litigation.

The *Uniform Limited Cooperative Association Act* addresses the cooperative form of business, a unique business entity which is different from other forms of business organizations. This act creates a new form of business entity and is an alternative to other cooperative and unincorporated structures. It is more flexible than most current law, and provides a default template that encourages planners to utilize tested cooperative principles for a broad range of entities and purposes.

The *Uniform Emergency Volunteer Health Practitioners Act*, approved in 2006 and already adopted in three states, allows state governments to give reciprocity to other states' licensees on emergency services providers so that covered individuals may provide services without meeting the disaster state's licensing requirements. Newly approved amendments address the issues of workers' compensation coverage and protection from some aspects of civil liability.

*Amendments to the Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act* and the *Model Entity Transactions Act* were also approved.

### *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.

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 jurisdictions.

The 2007 legislative year was a very successful year, with 105 enactments of uniform acts and 215 introductions — a considerable improvement over previous years. This is only the fifth time in the long history of the ULC that more than 100 uniform acts have been adopted in the state legislatures in any given legislative year.

#### *Uniform Anatomical Gift Act*

The Revised Uniform Anatomical Gift Act (UAGA) had 20 enactments in 2007, more than any other uniform act. The UAGA, a comprehensive revision to previous Acts, is designed to increase the number of organs available for transplant and improve the system for allocating organs to recipients.

After more than two years of exhaustive study, the ULC promulgated the Revised UAGA in 2006 to address serious national discrepancies and shortages surrounding anatomical gifts. The new 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 healthcare 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 Prudent Management of Institutional Funds Act*

The Uniform Prudent Management of Institutional Funds Act was enacted in 13 states this year. UPMIFA is a revision of the Uniform Management of Institutional Funds Act (UMIFA) of 1972. UMIFA, adopted in 49 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), will permit 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 the new 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 Child Abduction Prevention Act*

The Uniform Child Abduction Prevention Act (UCAPA), approved by the ULC in 2006, was enacted in seven states this year. The UCAPA provides courts with guidelines to follow during custody disputes and divorce proceedings, to help courts identify families at risk for abduction, and to provide methods to prevent the abduction of children.

#### *Uniform Commercial Code*

UCC Article 1 and UCC Article 7 continue to do well in the legislatures. UCC1 was enacted in seven states this year, bringing its total to 30 enactments. UCC1, the general provisions section of the UCC, was updated and amended to harmonize with recent revisions of the UCC.

UCC Article 7, the article dealing with documents of title, was enacted in four states this year, bringing its total number of enactments to 28. 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.

#### *Staff*

Beyond the impressive numbers, however, one of the most important developments in 2007 was the significant growth of the legislative staff. The ULC headquarters office now has six full-time staff, including four attorneys, devoted to the legislative program. There are many commissioners who work very hard on the legislative program, but they need support. More staff devoted to the legislative program will enable our commissioners to achieve greater results in their work and strengthen enactment activities.

# A Closer Look at the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

In August 2007, the Uniform Law Commission approved the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, a new act which addresses the problem of resolving multi-state jurisdictional disputes over adult guardianships, a growing concern with the country's aging population.

Because there are more than fifty guardianship systems in the United States, problems of determining jurisdiction are frequent. Questions of which state has jurisdiction to appoint a guardian for an incapacitated adult can arise between different states. The new Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act will provide the states with a much-needed solution for resolving these multi-state jurisdictional disputes.

The new uniform act 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.

If the home state and all significant-connection states decline jurisdiction, or if the individual has no home state or significant-connection state, then another state may claim jurisdiction. The act provides that once a court has jurisdiction, this jurisdiction continues until the proceeding is terminated or transferred.

The act provides comprehensive procedures for transferring guardianship or conservatorship proceedings from one state to another. The act also includes provisions for the enforcement of guardianship and protective orders in other states.

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act will provide uniformity and reduce conflicts among the states. It will also help save time for those who are serving as guardians and conservators, allowing them to make decisions for their loved ones as quickly as possible.

The major portion of financial support for the Uniform Law Commission comes 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.

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 the traditional sources of funding, the Commission has recently established new revenue sources. This past year, for the first time ever, the Commission has established royalty agreements with major legal publishers who reprint the ULC's uniform and model acts in their publications. The revenue from these new licensing agreements has allowed the Commission to expand its efforts in many ways that would have been impossible at any other time.

For instance, the Commission was finally able to implement a recommendation that the ULC Millennium Committee made more than six years ago: that the ULC hire a full-time in-house Executive Director. In December 2006, the Commission hired John A. Sebert as its first full-time Executive Director, and John

began work for the Commission in mid-January.

Historically, the Executive Director had been a law professor serving in a part-time capacity. But increasing responsibilities made it impossible for this position to continue as part-time. With the assistance of other staff, the Executive Director supports the work of all the ULC study and drafting committees, serves as liaison to other organizations, supervises the headquarters staff, oversees fundraising, assists the Legislative Committee in advocacy for the adoption of uniform acts in the states, serves as an advisor to the Executive Committee, and provides the Commission with continuity from one administration to the next.

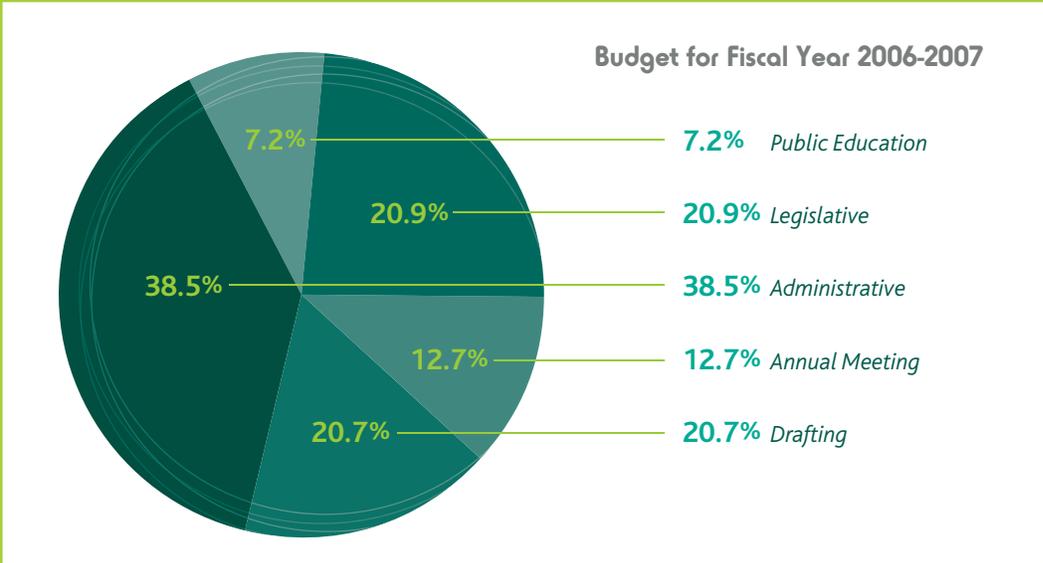
Upon John McCabe's retirement in June, Michael Kerr became the ULC Legislative Director. Two new Legislative Counsel and a Legislative Administrative Assistant were also hired this past year, bringing the total number of legislative staff to six. The increase in the ULC legislative staff was an important reason why the Commission had such an excellent legislative year in 2007, with 105 enactments.

New revenues have done more than simply strengthen the staff. New revenues have led directly to improvements at the earliest stages of the development of a uniform act. The Commission now has the resources to hire more reporters 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, 2007, were \$2,526,638. Expenses were broken down as follows: \$523,823 (20.7%) went toward the drafting and study committee effort, including travel expenses for committee meetings; \$526,588 (20.9%) was spent assisting state legislatures with enactments of uniform and model acts; \$321,852 (12.7%) was spent on the annual meeting; and \$181,256 (7.2%) was spent on public education for uniform and model acts. Administrative expenses, which support all of the specific efforts just mentioned, totaled \$973,118, or 38.5% of annual expenditures. Total revenues for the year were \$2,608,835, producing a modest surplus of \$82,197.

The ULC gets maximum results from its budget because its major asset, drafting expertise, is donated. Uniform law commissioners devote hundreds and even thousands of hours – amounting in some cases to millions of dollars worth of time – to the development of uniform and model acts. No state could afford the bills for the legal expertise that is donated to the drafting of uniform laws.



**D**rafting 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 at a drafting meeting 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 22 drafting committees working on new and revised uniform and model acts. 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

#### *Drafting Committee on Business Organizations Act*

The purpose of this committee is to draft common provisions of business organization law such as definitions, the mechanics of filings, names of entities, registered agents and registered offices, qualification of foreign entities, and administrative powers of the Secretary of State. This committee will incorporate provisions from the Model Entity Transactions Act on mergers, interest exchanges, conversions, and domestications. Working in partnership with an ABA committee, the drafting committee will also consider future expansion of the project.

#### *Drafting Committee on Certification of Unsworn Foreign Declarations Act*

This committee will draft an act that would permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses located outside the United States in lieu of affidavits, verifications, or other sworn court filings. Obtaining an affidavit abroad can be a costly and time-consuming process. A uniform state law on this subject would be extremely useful in transnational litigation.

#### *Drafting Committee on Collaborative Law Act*

This committee will draft an act on collaborative law, a new kind of alternative dispute resolution framework used in many states today, particularly in a family law context, i.e., divorce, custody, and support proceedings. The core idea is that lawyers (and parties) to a dispute agree in advance that the lawyers will withdraw if the dispute goes to trial. The committee will also consider whether the act should be limited to family law cases or expanded to other areas of the law such as estate planning.

#### *Drafting Committee on Uniform Collateral Consequences of Conviction Act*

This committee is drafting a statute addressing the various penalties and disqualifications that individuals face incidental to criminal sentencing, including disqualification from voting, prohibitions from running for office, exclusion from certain types of employment, etc. The act is intended to be narrow in scope, applying only to the procedures surrounding collateral sanctions, not defining or limiting what those sanctions are.

#### *Drafting Committee to Amend Uniform Common Interest Ownership Act*

The Uniform Common Interest Ownership Act, first promulgated in 1982 and revised in 1994, is a comprehensive statute relating to condominiums, planned communities, and cooperatives. This committee is revising UCIOA in light of intervening developments in this area of law, and will consider a number of topics, including owner access to budget and financial records of the association, the establishment and funding of reserve accounts, and other issues meant to improve the usefulness of the Act.

#### *Drafting Committee to Revise Uniform Division of Income for Tax Purposes Act*

This committee will revise the Uniform Division of Income for Tax Purposes Act, last amended in 1966. Twenty-five states have adopted UDITPA and a number of others have effectively done so by joining the Multistate Tax Commission. The drafting committee will focus in part on revisions to Section 17 of UDITPA, which deals with sales factor sourcing for transactions other than sales of tangible goods, but also will engage in a comprehensive review of the Act.

#### *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.

#### *Drafting Committee on Environmental Controls and Hazards Notice Systems Act*

This committee will draft an act to work with existing "one-call" systems (which allow landowners, contractors, and other workers to call prior to breaking ground in

order to determine if underground utilities are present). It is hoped that these one-call systems will be significantly enhanced if environmental use controls and hazards are included in such notice systems.

*Drafting Committee on 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.

*Drafting Committee to Amend Uniform Interstate Family Support Act*

The purpose of this committee is to consider the impact of the expected completion of the Hague Convention on Family Maintenance, which deals with international recovery of child support and other forms of family maintenance. The committee is expected to draft amendments to UIFSA that would comply with the new Hague Convention.

*Drafting Committee to Amend Intestacy Provisions of the Uniform Probate Code*

This committee will amend the intestacy provisions of the UPC that deal with inheritance by children. Newer reproductive technologies – including posthumous conception – are becoming more and more commonplace, and yet the inheritance rules that govern in these circumstances are outdated or nonexistent. This committee will amend specific

sections of the UPC, and possibly carve those sections off as a freestanding uniform act. The committee also will consider a limited number of potential amendments to other portions of the UPC.

*Drafting Committee on Medical Examiners Act*

This committee will draft an act regulating state and local forensic medical examination systems in an effort to improve the current standards. The committee will consider the areas of accreditation and quality assurance programs which play a crucially important role in the criminal justice system.

*Drafting Committee on Misuse 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 health insurance.

*Drafting Committee to Revise Uniform Law on Notarial Acts*

The purpose of this drafting committee is to revise state notarial law since the 1982 promulgation of the Uniform Law on Notarial Acts and address issues relating to new technologies. The charge is limited to notary responsibilities, electronic recording, interstate recognition, and remedies.

*Drafting Committee on 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.

*Drafting Committee on Record Owners of Business Act*

This committee will draft an act to conform uniform entity laws, including the Uniform Partnership Act (1997), Uniform Limited Partnership Act (2001),

Uniform Limited Liability Company Act (2006) and the Uniform Unincorporated Nonprofit Association Act (1996), to address the availability of information regarding the owners of entities established under state law. The act would 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.

*Drafting Committee on Regulation of Charities*

This committee will draft an act to address the state regulation of charities. 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.

*Drafting Committee on Relocation of Children Act*

This committee will draft an act on the relocation of children from one jurisdiction to another in the context of custody disputes. Relocation involves a parent who wants to move with a child over the objections of the other parent; it is one of the fastest-growing kinds of custody litigation in the country.

*Drafting Committee to Revise Model State Administrative Procedures 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. Upon completion of its main charge, the committee will study the development of an administrative procedures act for use by interstate compact entities.

### *Drafting Committee on Uniform Statutory Trust Entity Act*

The business trust format – often used in mutual funds, ERISA pension funds, and various types of regulatory compliance trusts – is increasingly used as an alternative to other business entities such as a corporation and limited partnership. Business trusts are special purpose vehicles, the closest equivalent being limited partnerships. Although there are few business trusts compared to other types of business forms, trillions of dollars of assets are invested in this business format. This committee is drafting an act that will apply to business trusts and other analogous statutory trusts. It will not apply to the kind of trusts used in estate planning.

### *Drafting Committee on Tenancy-in-Common Partition 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.

### *Drafting Committee on Transfer on Death for Real Property Act*

This committee will draft an act that will permit real property to be transferred outside of probate upon death by beneficiary designation, similar to current beneficiary designations now used on securities accounts. At least eight states now permit this kind of real estate transfer on death.

### **Other Projects**

#### *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.

#### *Project to Create a Harmonized Legal Framework for Unincorporated Nonprofit Associations in North America*

This committee will review developments relative to the Uniform Unincorporated Nonprofit Association Act, last amended in 1996, and will draft updated amendments to promote the act's national uniform adoption in conjunction with an effort to harmonize similar applicable laws in Canada and Mexico.

### **Study Committees**

Study committees review an assigned area of law in light of defined criteria and recommend whether the Commission should proceed with a draft on that

subject. There are 10 study committees considering subjects for possible future drafting.

#### *Study Committee on Administrative Procedures for Interstate Compact Entities*

#### *Study Committee on Bank Deposits Act*

#### *Study Committee on Certificate of Title System for Boats*

#### *Study Committee on Disposal of Electronic Products*

#### *Study Committee to Revise the Model Drug Dependence Treatment and Rehabilitation Act*

#### *Study Committee to Revise Uniform Federal Lien Registration Act*

#### *Study Committee on the 1996 Hague Convention on the Protection of Children*

#### *Study Committee on the Hague Convention on Choice of Court Agreements*

#### *Study Committee on Health Care Information Interoperability*

#### *Study Committee on the Law of Payment Systems*

### **Editorial Boards**

There are six Editorial Boards which have been appointed for specific, promulgated Acts. These Boards are responsible for monitoring new developments which may have an impact on the Acts and for making recommendations for changes. The Editorial Boards are made up of members from the Uniform Law Commission, the American Bar Association, and other organizations.

#### *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*

### *ULC Information on the Web*

Besides the ULC's own website – [www.nccusl.org](http://www.nccusl.org) – which contains organizational information, current committees, scheduled committee meetings, press releases, and important legislative information about selected acts, the ULC maintains a number of individual websites devoted to specific projects.

- *Uniform Anatomical Gift Act: [www.anatomicalgiftact.org](http://www.anatomicalgiftact.org)*
- *Uniform Emergency Volunteer Health Practitioners Act: [www.uevhpa.org](http://www.uevhpa.org)*
- *Uniform Prudent Management of Institutional Funds Act: [www.upmifa.org](http://www.upmifa.org)*
- *Uniform Trust Code: [www.utcproject.org](http://www.utcproject.org)*
- *Uniform Securities Act: [www.uniformsecuritiesact.org](http://www.uniformsecuritiesact.org)*
- *Uniform Environmental Covenants Act: [www.environmentalcovenants.org](http://www.environmentalcovenants.org)*
- *Uniform Limited Liability Company Act: [www.llcproject.org](http://www.llcproject.org)*
- *Uniform Electronic Recording of Real Property Act: [www.electronicrecording.org](http://www.electronicrecording.org)*
- *Uniform Law Foundation: [www.uniformlawfoundation.org](http://www.uniformlawfoundation.org)*

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The Uniform Law Commission (ULC), now in its 116th 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 their 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.*



Uniform Law Commission

