



Uniform Law Commission

ANNUAL REPORT 2008

More than a century of service to the states.



ABOUT THE UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), now in its 117th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

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

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



Uniform Law Commission

ULC IN ACTION

- During the 2008 legislative year, there were 185 introductions of uniform acts and 83 enactments.
- The Revised Uniform Anatomical Gift Act topped the list of legislative enactments with 14 adoptions in 2008. The Uniform Prudent Management of Institutional Funds Act was enacted in 12 states.
- Utah led all states with six enactments in 2008.
- The Uniform Common Interest Ownership Act, the Uniform Common Interest Owners Bill of Rights Act, Amendments to the Uniform Interstate Family Support Act and the Revised Uniform Unincorporated Nonprofit Association Act were among seven new acts approved at the 2008 Annual Meeting.
- There are 17 drafting committees working on projects ranging from the issue of simplifying the process of absentee voting for United States military and overseas civilians to drafting an act that will permit real property to be transferred outside of probate upon death by beneficiary designation.
- There are 12 study committees considering areas of law for possible future drafting, including a new committee studying the issue of authentication of state online legal materials.

OFFICERS AND EXECUTIVE COMMITTEE

Officers 2007-2008

Martha Lee Walters, *President*
 Harriet Lansing, *Vice President*
 H. Lane Kneedler, *Secretary*
 Charles A. Trost, *Treasurer*
 Howard J. Swibel, *Immediate Past President*
 Robert A. Stein, *Chair, Executive Committee*
 Michael Houghton, *Chair, Scope and Program Committee*
 Robert J. Tennesen, *Chair, Legislative Committee*

Appointed Members of Executive Committee

Richard T. Cassidy
 Lani Liu Ewart
 Michael B. Getty

John A. Sebert, *Executive Director*

PRESIDENT'S MESSAGE

The events of the last year have made it ever more obvious to each of us that, to paraphrase John Donne, we do not stand alone. People travel throughout the nation and the world. Businesses engage in national and international commerce. We are affected by actions of others and those actions may occur in other states and nations. Our states face common problems and cannot solve them without working with others beyond their borders. The Uniform Law Commission (ULC) is uniquely poised to prepare and promulgate legislation to address those realities.

When our national government acts, it imposes law on the states that is uniform in all respects. States cannot make even small changes in federal law to adapt it to the state's own circumstances. Nor can any state act independently of Congress to make later changes to that law should it prove unworkable. Federal law is immediately, but inflexibly, uniform.

The ULC drafts legislation for the states that, if adopted by all states, creates uniformity of law throughout the land. But it is flexible uniformity. The acts we draft allow states to adapt them to fit state procedures and practices. If there is some aspect of an act that does not fit the needs of a state, it need not adopt the act in whole, but can enact its essential provisions and later amend them as circumstances change. In this way, states can adopt legislation that harmonizes with the law of other states for the benefit of its mobile population, while at the same time maintaining control of that law and protecting the state's particular interests.

“The ULC drafts legislation for the states that, if adopted by all states, creates uniformity of law throughout the land. But it is flexible uniformity.”

This same paradigm can work internationally. Last year the ULC completed the drafting of the Revised Uniform Unincorporated Nonprofit Association Act. That act recognizes that individuals who associate to achieve a common goal may create a separate entity to carry out their purposes and establishes rules for the governance of those entities. Because those entities may travel or operate across country borders and because our neighbors in Canada and Mexico agreed that it would benefit the citizens of all three countries, the ULC met jointly with representatives of those nations to draft three (actually four because Canada drafted two acts, one in French and one in English) harmonious acts. Each country was able to draft an act that took into consideration the particularities of its law, while at the same time achieving substantive uniformity.

The ULC works for the states to draft legislation that benefits each state individually and that also recognizes that the states do not stand alone. Each state is a part of a larger nation and world and each state's law must work harmoniously with that of their neighboring states and countries. To that end the ULC has drafted and seen enacted significant legislation which we will describe more specifically in this report. I hope you will peruse the report and agree that the ULC has done a commendable job. If you have additional ideas as to how we can reach our goals, I hope you will advise me.



Martha Lee Walters, President

Martha Lee Walters, *President*

LEGISLATIVE REPORT

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 2008 legislative year was a very successful year, with 83 enactments of uniform acts and 185 introductions.

Uniform Anatomical Gift Act

The Revised Uniform Anatomical Gift Act (UAGA) had 14 enactments in 2008, 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. It has now been enacted in 33 states.

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 12 states this year, bringing its enactment total to 25. UPMIFA is a revision of the Uniform Management of Institutional Funds Act (UMIFA) of 1972. UMIFA, adopted in 48 states, provided statutory guidelines for management, investment, and expenditures of endowment funds of charitable institutions — institutions such as colleges, universities and hospitals. The new UPMIFA, incorporating the provisions of modern portfolio theory from the Uniform Prudent Investor Act and the Uniform Principal and Income Act (both widely adopted), 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 Interstate Depositions and Discovery Act

The Uniform Interstate Depositions and Discovery Act (UIDDA) was

enacted in 6 states this year. The UIDDA was promulgated in 2007, and provides efficient and inexpensive procedures to enable a party in one state to effectuate depositions of witnesses, discover documents or inspect premises in other states. Uniform procedures have become necessary as the amount of litigation involving individuals and documents located outside of the trial state has increased. The Act requires minimal judicial oversight and eliminates the need for obtaining a commission or local counsel in the discovery state. Discovery authorized by the subpoena must comply with the rules of the state in which it occurs. The goal of the Act is to simplify and standardize the current patchwork of procedures across the various states for deposing witnesses for purposes of out-of-state litigation.

Uniform Real Property Electronic Recording Act

The Uniform Real Property Electronic Recording Act (URPERA) was enacted in 5 states in 2008, bringing its enactment total to 20. URPERA equates electronic documents and signatures to original paper documents and manual signatures so that electronic documents pertaining to real estate transactions may be electronically recorded. The Act also establishes a state board to establish standards for electronic recording.

Uniform Commercial Code

UCC Article 1 and UCC Article 7 continue to do well in the legislatures. UCC1 was enacted in five states this year, bringing its total to 35 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 three states this year, bringing its total number of enactments to 31. Documents of title — either bills of lading or warehouse receipts — are commonly used in the shipment and storage of goods. The purpose of the revised UCC7 is twofold: to provide a framework for the further development of electronic documents of title and to update the article for modern times. To the extent possible, the rules for electronic documents of title are the same or as similar as possible to the rules for tangible documents of title.

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

NEW UNIFORM ACTS

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 117th Annual Meeting in Big Sky, Montana, July 18-25, 2008, seven new uniform acts or amendments to existing acts were approved. After receiving the ULC's seal of approval, a uniform act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

UCIOA

The 2008 amendments to the **Uniform Common Interest Ownership Act** (UCIOA) update and revise the 1994 version of the act. This act contains provisions for the formation, management, and termination of any common interest community, including condominiums, planned communities, and real estate cooperatives.

The UCIOA 2008 seeks to address critical aspects of association governance, with particular focus on the relationship between the association and its individual members, foreclosures, election and recall of officers, and treatment of records. Importantly, UCIOA 2008 gives greater flexibility to association governing boards with regard to enforcement of the declaration, bylaws, and rules of the association. The UCIOA 2008 also modernizes UCIOA with respect to electronic commerce and practice.

UCIOBORA

In addition to amendments to UCIOA, a new **Uniform Common Interest Owners Bill of Rights Act** was also drafted that can be enacted by states as part of UCIOA or as a stand-alone act. This new act is drawn from the provisions of UCIOA 2008, and supplements existing state law with many of the most important updates and protections of the 2008 act.

UIFSA

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. This Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. The **2008 Amendments to the Uniform Interstate Family Support**

Act (UIFSA) serve as the implementing language for the Convention within U.S. States and Territories. Enactment of the amendments to UIFSA will improve the enforcement of American child support orders abroad and will help ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

RUUNAA

The **Revised Uniform Unincorporated Nonprofit Association Act** (RUUNAA) revises the 1996 Uniform Unincorporated Nonprofit Association Act, which was adopted in 12 states. The 1996 UUNAA addressed a key problem in common law: that an unincorporated association was not a separate entity, but rather was an aggregate of individuals with many characteristics of a business partnership. The 1996 Uniform Act reformed the common law in three basic areas: authority to acquire, hold, and transfer property, especially real property; authority to sue and be sued as an entity; and contract and tort liability of officers and members of the association.

The RUUNAA improves upon its predecessor by providing additional guidance, incorporating a number of modern practices, and by eliminating potential conflicts with other bodies of law. The revised act extends the nature of unincorporated nonprofit associations as distinct entities by allowing qualified associations to exist in perpetuity where necessary or convenient to carry out its purposes.

The RUUNAA provides greater guidance with respect to a number of member and manager issues. Also, the RUUNAA addresses a number of financial issues such as prohibited distributions, compensation and other payments, reimbursement and indemnification, and advancement of expenses, as well as dissolution, winding up, and termination of an association.

UUFDA

The **Uniform Unsworn Foreign Declarations Act** affirms the validity of unsworn foreign declarations made by a declarant who is physically outside the boundaries of the United States when making the declaration and who may not have access to a notary. Under the Act, unsworn declarations cannot be used for depositions, oaths of office, oaths related to self-proved

NEW UNIFORM ACTS

wills, declarations recorded under certain real estate statutes, and oaths required to be given before specified officials other than a notary. Use of an unsworn declaration, like a sworn declaration, would be subject to penalties for perjury, and the Act provides a model form that unsworn declarations must substantially follow.

UPC

The **Uniform Probate Code** (UPC) provides an integrated statutory system for all sorts of probate and estate law matters. The 2008 amendments to the UPC are designed to address four key issues. First, several sections having to do with cost-of-living adjustments have been updated for the first time since 1990. Second, definitions have been added to make the UPC consistent with the use of electronic signatures and records, and to allow for the option of notarized wills (as an alternative to attestation by two witnesses). Third, Article II of the UPC dealing with intestate succession has been reorganized and expanded to extend intestate inheritance rights to a broader group of potential heirs based on the existence of a “parent-

child relationship” as defined therein. Finally, the process and standards under which a will can be reformed or corrected are clarified so as to be consistent with the Uniform Trust Code and the Restatement (Third) of Property: Wills and other Transfers.

UPIA

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

The Uniform Law Commission Welcomes Ideas for Uniform or Model Acts

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

A Closer Look at the Uniform Debt-Management Services Act

Millions of Americans are in serious financial trouble, with consumer debt exceeding \$2.5 trillion; the average American household has more than \$8,500 in credit-card debt. Many have turned to debt-counseling, debt-management, and debt-settlement firms for assistance with their unsecured debts. Consumer debt counseling and management services have been available to individuals with serious credit problems going back to the 1950s. There are generally two kinds of services that have been available. Some of these services have provided counseling coupled with assisting debtors in establishing programs to pay off debts over an extended time. Others have provided consolidation and management services, in which agreements are reached with creditors to settle on a percentage of debt. Most of these services have collected a periodic amount from the debtors from which payment to creditors has been made. The general objective of these services is to avoid bankruptcy.

The history of debt counseling and management services is checkered. There have been numerous abuses and efforts to counter abuses statutorily in many states. These services have been criticized for their efforts to steer debtors away from bankruptcy when it may have been more advantageous and less costly to debtors to file. Many states prohibit for-profit debt management services while permitting nonprofit debt counseling services. One of the continuing controversies is whether for profit services should be allowed even if regulated.

However, federal bankruptcy reform effective in 2005 has changed the perspective on such services. For an individual to file for Chapter 7 bankruptcy, that individual will in most cases have to show that consumer debt counseling has been sought and attempted. This shifts a highly significant burden upon private services to perform honestly and effectively. Because the new bankruptcy rules are federal and apply in every state, regulating the counseling and management services in every state must be uniform in character for the new bankruptcy rules to be effective and for consumers to be protected.

In 2005 the Uniform Law Commission promulgated the Uniform Debt-Management Services Act (UDMSA). It provides the states with a comprehensive act governing

these services that will mean national administration of debt counseling and management in a fair and effective way. Four states have, to date, adopted the UDMSA. In 2008, several important amendments were made to the Act; with these amendments, up to 20 states are expected to introduce the act in 2009.

UDMSA may be divided into three basic parts: registration of services, service-debtor agreements and enforcement.

Registration

No service may enter into an agreement with any debtor in a state without registering as a consumer debt-management service in that state. Registration requires submission of detailed information concerning the service, including its financial condition, the identity of principals, locations at which service will be offered, form for agreements with debtors and business history in other jurisdictions. To register, a service must have an effective insurance policy against fraud, dishonesty, theft and the like in an amount no less than \$250,000.00. It must also provide a security bond of a minimum of \$50,000.00 which has the state administrator as a beneficiary. If a registration substantially duplicates one in another state, the service may offer proof of registration in that other state to satisfy the registration requirements in a state. A satisfactory application will result in a certificate to do business from the administrator. A yearly renewal is required.

Agreements

In order to enter into agreements with debtors, there is a disclosure requirement respecting fees and services to be offered, and the risks and benefits of entering into such a contract. The service must offer counseling services from a certified counselor and a plan must be created in consultation by the counselor for debt-management service to commence. The contents of the agreements and fees that may be charged are set by the statute. There is a penalty-free three-day right of rescission on the part of the debtor. The debtor may cancel the agreement also after 30 days, but may be subject to fees if that occurs. The service may terminate the agreement if required payments are delinquent for at least 60 days.

...UDMSA

Any payments for creditors received from a debtor must be kept in a trust account that may not be used to hold any other funds of the service. There are strict accounting requirements and periodic reporting requirements respecting funds held.

With respect to debt settlement services, the UDMSA provides for an overall fee cap based on the amount saved by the consumer (30% of the difference between the principal amount owed upon initiation of the service and the amount the debt is ultimately settled for).

Enforcement

The Act prohibits specific acts on the part of a service including: misappropriation of funds in trust; settlement for more than 50% of a debt with a creditor without a debtor's consent; gifts or premiums to enter into an agreement; and representation that settlement has occurred without certification from a creditor. Enforcement of the Uniform Act occurs at two levels: the administrator and the individual level. The administrator has investigative powers, power to order an individual to cease and desist; power to assess a civil penalty up to \$10,000.00, and the power to bring a civil action. An individual may bring a civil action for compensatory damages, including triple damages if a service obtains payments not authorized in the Uniform Act, and may seek punitive damages and attorney's fees. A service has a good faith mistake defense against liability. The statute of limitations pertaining to an action by the administrator is four years, and two years for a private right of action.

Banks as regulated entities under other law are not subject to the Uniform Act, as are other kinds of activities that are incidental to other functions performed. For example, a title insurer that provides bill-paying service that is incidental to title insurance is not subject to it.

The UDMSA provides important protections to consumers and reasonable national regulations to legitimate debt services companies. It should be adopted in every state. The approved text of the Uniform Debt-Management Services Act can be found at www.nccusl.org.

ULC Information on the Web

Besides the ULC's own website – 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

Uniform Emergency Volunteer Health Practitioners Act
www.uevhpa.org

Uniform Prudent Management of Institutional Funds Act
www.upmifa.org

Uniform Trust Code
www.utcproject.org

Uniform Environmental Covenants Act
www.environmentalcovenants.org

Uniform Limited Liability Company Act
www.llcproject.org

Uniform Electronic Recording of Real Property Act
www.electronicrecording.org

Uniform Law Foundation
www.uniformlawfoundation.org

FINANCING THE ULC

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. In return, the ULC provides the states with two related services: drafting uniform state laws on subjects where uniformity is desirable and practical, and then supporting the effort to enact completed acts.

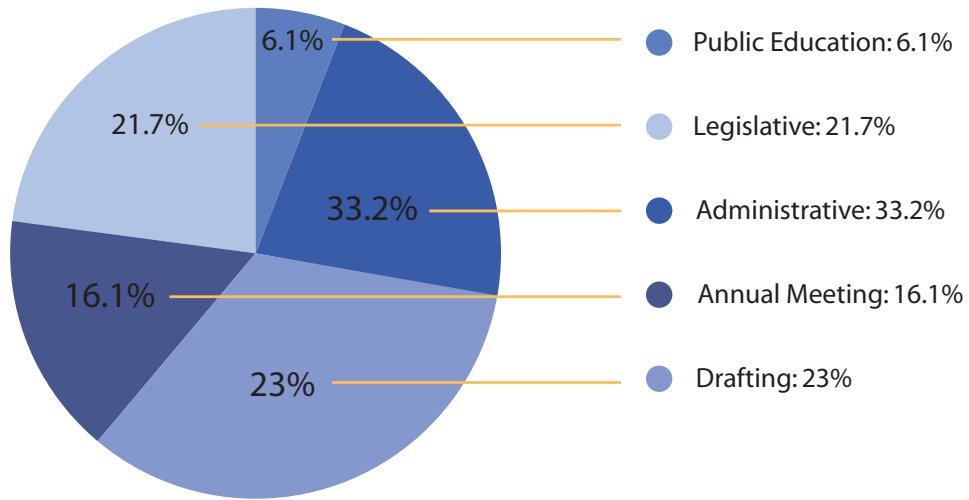
The Commission also receives limited funds from the American Bar Association and the American Law Institute. Grants from foundations and the federal government are occasionally sought for specific drafting efforts. All money received from any source is accepted with the understanding that the Commission's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

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

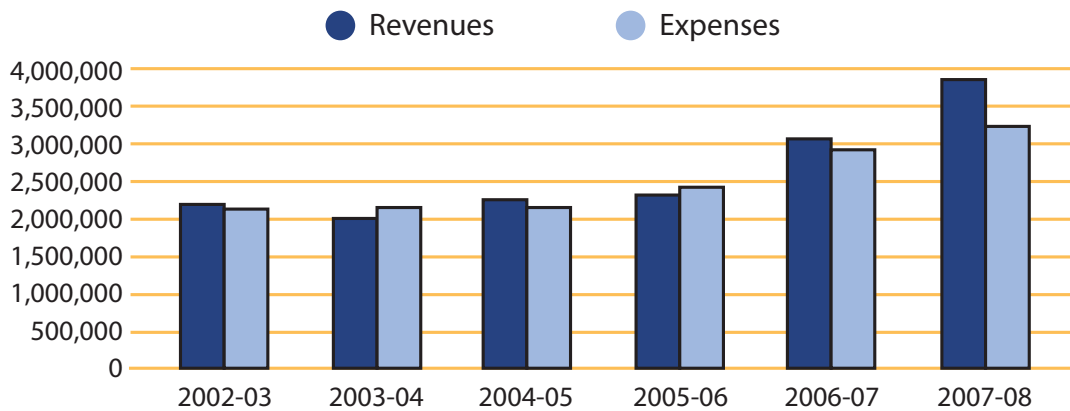
Total ULC expenditures for the fiscal year ending June 30, 2008, were \$3,218,451. Expenses were broken down as follows: \$738,870 (23%) went toward the drafting and study committee effort, including travel expenses for committee meetings; \$697,356 (21.7%) was spent assisting state legislatures with enactments of uniform and model acts; \$519,549 (16.1%) was spent on the annual meeting; and \$195,676 (6.1%) was spent on public education for uniform and model acts. Administrative expenses, which support all of the specific efforts just mentioned, totaled \$1,067,000, or 33.2% of annual expenditures. Total revenues for the year were \$3,806,890, producing a surplus of \$588,439.

The ULC gets maximum results from its budget because its major asset, drafting expertise, is donated. Uniform law commissioners devote hundreds, and in some cases, thousands of hours to the uniform law effort. The ULC estimates that each commissioner devotes an average 150 hours a year, including work on various drafting committees and attendance at the annual meeting. The cumulative value of this donated time in the development of uniform and model acts comes to literally thousands of hours. The value of this donated time averages over \$10 million annually. Even in today's economic climate, with states across the country continuing to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

Budget for Fiscal Year 2007-2008



Revenues and Expenses



CURRENT COMMITTEES

Current Drafting and Study Committee Projects

Drafting committees composed of commissioners from the various states, with participation from advisors, observers, and expert reporter-drafters, meet throughout the year. All drafting committees are open to the public, and everyone 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. Tentative drafts are not submitted to the entire Commission until they have received extensive committee consideration.

There are currently 17 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 merger, interest exchanges, conversions, and domestications.

Drafting Committee on Certificate of Title for Boats

This committee will draft an act establishing a certificate of title system for boats. Many states do not have certificate of title laws governing watercraft, and those that do have considerable differences in terms. The committee will coordinate its work with the United States Coast Guard and developments concerning the Coast Guard's vessel identification and documentation systems.

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 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 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.

CURRENT COMMITTEES

Drafting Committee on Military Services and Overseas Civilian Absentee Voters Act

This committee will draft uniform state legislation that will simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient.

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 the 1982 Uniform Law on Notarial Acts. 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 (2008), 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.

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 Partition of Tenancy-in-Common Real Property Act

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

CURRENT COMMITTEES

...Drafting Committees

Drafting Committee on Real Property Transfer on Death 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 Review Committee for UCC Article 9

This joint American Law Institute – Uniform Law Commission committee will draft specific revisions of UCC Article 9 to address the precise issues that a study committee has already identified as needing statutory revision. The issues that the committee will address are those as to which ambiguities have been discovered in existing statutory language, where there have been substantial problems in practice in applying current statutory provisions, or as to which there have been significant judicial decisions or non-uniform amendments that suggest the need to consider statutory revisions.

Committee to Implement the UN E-Commerce Convention

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

Drafting Committee on the Hague Convention on Choice of Court Agreements

This committee, at the request of the U.S. State Department, will draft uniform state legislation and appropriate declarations and understandings to assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements.

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.

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 12 study committees considering subjects for possible future drafting.

Study Committee on Administrative Procedures for Interstate Compact Entities

Study Committee on Authentication of Online State Legal Materials

Study Committee on Revisions to Uniform Division of Income for Tax Purposes Act

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

Study Committee on Environmental Controls and Hazards Notice Systems

Study Committee to Revise Uniform Federal Lien Registration Act

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

Study Committee on Health Care Information Interoperability

Study Committee on Mental Health Advance Directives

CURRENT COMMITTEES

...Study Committees

Study Committee on Regulation of Financial Institutions and Payment Systems

Study Committee on Model Tribal Legislation on Collateralization of Interests in Real Property

Study Committee on Model Tribal Legislation Concerning Child Custody and Domestic Violence

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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

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