

HJR

43

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 43

Revision Date: January 27, 1992 Department Affected: Department of Law
 Title: "Congratulating the National Conference of Commissioners on Uniform State Laws..." BRU: Legal Services
 Conference of Commissioners on Uniform State Laws... Component: Operations
 Sponsor: House Rules/Req. of Governor
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

This joint resolution congratulates the National Conference of Commissioners on Uniform State Laws (NCCUSL) on its centennial, and this action will not have a fiscal impact.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 27, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 27, 1992

HJR 36

HOUSE JOINT RESOLUTION NO. 36
Relating to off-shore oil exploration,
development, and tanker transportation activities
in the Beaufort and Chukchi seas.

and recommends it be replaced with the following committee
substitute:

CS FOR HOUSE JOINT RESOLUTION NO. 36 (O&G)
(same title)

Recommending do pass (2): Brown, Hudson

Recommending do not pass (2): Zawacki, G. Phillips

No recommendation (3): Carney, Choquette, Navarre

The following was published April 29, 1991:

Zero fiscal note, Department of Natural Resources

The report was signed by Representative Hudson, Chairman.

HJR 36 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

The following citations were received:

Honoring - Kwethluk Community School, Winner of the
Secretary's Initiative Award
By Representative Ivan
Senator Hoffman

Honoring - The Ratification of the Constitution of
the State of Alaska
By Senator Rodey

Honoring - Frank See, Sr., Honorary Doctorate Award
By Senators Eliason, Duncan
Representative Mackie

In Memoriam - Barney Myring
By Representative Kubina
Senators Kerttula, Menard

The citations were referred to the Rules Committee for
placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCEOF HOUSE RESOLUTIONSHJR 43

HOUSE JOINT RESOLUTION NO. 43 by the Rules Committee by
request of the Governor:

Congratulating the National Conference of
Commissioners on Uniform State Laws on its
centennial, and expressing the gratitude of the
State of Alaska for the work of the conference.

was read the first time and referred to the Judiciary
Committee.

The following was published April 29, 1991:

Zero fiscal note, Department of Law

The Governor's transmittal letter, dated April 29, 1991,
appears below:

"Dear Speaker Gruesendorf:

Under the authority of art. III, sec. 18, of the Alaska
Constitution, I am transmitting a joint resolution on the
National Conference of Commissioners on Uniform State Laws.
This measure is a most appropriate means of acknowledging
our benefits from that organization, expressing our
gratitude to it, and extending our congratulations on its
centennial this year. The resolution sets out some
highlights of Alaska's participation in the conference and
of its history, and mentions some of the Uniform Acts
developed by the conference.

I am confident that the legislature shares the executive
branch's appreciation of the work of the conference, and, on
behalf of the people of the State of Alaska, I urge you to
join in this commendation of a national organization that
has done so much to benefit our state. I urge your
favorable consideration and early passage of this measure.

Sincerely,

/s/

Walter J. Hickel
Governor"

Alaska State Legislature

Senate District L
Al Adams

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3707

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3245

Official Business

TO: Senator Rick Halford, Chair
Senate Judiciary Committee

FROM: Senator Al Adams *ADA*

RE: House Joint Resolution 43

DATE: January 27, 1992

I would like to suggest a corrective amendment to House Joint Resolution 43 in committee tomorrow:

Page 1, line 5, delete "is beginning the"

Page 1, line 5, insert "began"

Page 1 line 6, delete "this year"

Page 1, line 6, insert "in 1991"

The National Conference of Commissioners of Uniform State Laws launched its 100th anniversary last year. The amendment leaves the resolution more appropriate for a 1992 congratulations.

Thank you.

Proposed Amendments To HJR 43
By Senator Al Adams

Alaska State Legislature



Senate Judiciary Committee

M E M O R A N D U M

TO: Legislative Legal Services

FROM: Senator Rick Halford, Chairman
Senate Judiciary Committee

RE: CS for HJR 43

DATE: January 31, 1992

I request Legislative Legal Services to draft a Judiciary CS for HJR 43 to include the amendments attached.

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 43 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

**Offered: 4/29/91
Referred: Judiciary**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A RESOLUTION

1 **Congratulating the National Conference of Commissioners on Uniform State Laws on its**
2 **centennial, and expressing the gratitude of the state for the work of the conference.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the National Conference of Commissioners on Uniform State Laws is celebrating
5 its 100th anniversary this year; and

6 **WHEREAS** it is appropriate upon this auspicious occasion to highlight the achievements of the
7 organization and to applaud its role in creating uniformity of the laws of the states, the District of
8 Columbia, Puerto Rico, and the U. S. Virgin Islands; and

9 **WHEREAS** the state has been an active participant in the national conference since 1912, with
10 the appointment of Royal A. Gunnison of Juneau and Peter D. Overfield of Fairbanks as members, and
11 the appointment of 28 additional members over the years since then; and

12 **WHEREAS** the state has been a major beneficiary of the work of the conference since 1913,
13 with that year's enactment of the Uniform Bills of Lading Act, the Uniform Negotiable Instruments Law,
14 the Uniform Sales Act, and the Uniform Warehouse Receipts Act, and enactment of a total of 63
15 uniform acts to date; and

16 **WHEREAS** the existence and work of the conference recognize our nation's need for uniformity

1 among the various United States jurisdictions in certain areas of the law, a need perceived at least as far
2 back as 1881, when the Alabama State Bar Association took the first formal action to encourage
3 development of uniform laws, and 1889, when the American Bar Association decided at its 12th annual
4 meeting to work for uniformity of the laws of the then 44 states; and

5 **WHEREAS**, within a year after the American Bar Association's decision, the New York
6 legislature authorized the governor to appoint three commissioners to explore the most effective manner
7 in which to effect uniformity of law to ease problems developing between increasingly interdependent
8 states, and the first meeting of the Conference of State Boards of Commissioners on Promoting
9 Uniformity of Law in the U. S. was held in Saratoga Springs, New York, on August 24, 1892, with
10 commissioners from seven states attending; and

11 **WHEREAS**, by the turn of the century, 33 of the then 45 states, along with two territories, were
12 members, and in 1915 the name of the conference was changed to the present one; and

13 **WHEREAS** the acts produced by the conference, both uniform acts and model acts, solve many
14 of the problems associated with wide variations in state laws, covering a great range of issues from
15 commercial law and property law to probate and adoption; and

16 **WHEREAS**, among the most widely adopted uniform acts are the Uniform Anatomical Gift Act,
17 Uniform Child Custody Jurisdiction Act, Uniform Commercial Code, Uniform Controlled Substances
18 Act, Uniform Partnership Act, Uniform Durable Power of Attorney Act, and Uniform Reciprocal
19 Enforcement of Support Act, all providing crucial legislative answers to a vast array of human concerns
20 and situations; and

21 **WHEREAS**, at the present time, more than 300 lawyers in private practice or government
22 practice, justices, judges, and law professors, selected for their wide range of legal expertise and
23 experience, serve as uniform law commissioners or associate members of the conference and donate
24 hundreds and, in some cases, thousands of hours of their time to the conference, receiving no salary or
25 fees for their work;

26 **BE IT RESOLVED** that the Alaska State Legislature congratulates the National Conference of
27 Commissioners on Uniform State Laws on its 100th anniversary, applauds the work of the conference,
28 expresses the state's most grateful and sincere appreciation for the opportunity to benefit from that work,
29 and wishes the conference the greatest success in at least the next 100 years.

30 **COPIES** of this resolution shall be sent to Dwight A. Hamilton, President, and William J. Pierce,
31 Executive Director, of the National Conference of Commissioners on Uniform State Laws.

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January 19, 1992

Hon. Rick Halford, Chair
Senate Judiciary Committee
P. O. Box V
Juneau, Alaska 99811

Re: HJR 43, NCCUSL centennial

Dear Senator Halford:

HJR 43, commemorating the National Conference of Commissioners on Uniform State Laws (NCCUSL) centennial, was not able to complete its legislative course last year. It is currently in your committee, and I urge scheduling it for an early hearing and favorable action on it. Alaska has certainly benefitted from the work of the Conference.

Since the resolution did not complete passage last year, two updating amendments are necessary. This timing gives us a chance to correct one typo and one oversight, too.

Here are my suggested amendments for HJR 43:

Page 1, lines 5 and 6:

Delete "is beginning the celebration of its 100th" and substitute "is celebrating its 100th."

Page 1, line 11:

After "Juneau," delete "as a member" and substitute "and Peter D. Overfield, of Fairbanks, as members."

Page 2, line 1:

Delete the "s" from "recognizes."

Page 2, line 31:

Delete "Lawrence J. Bugge" and substitute "Dwight A. Hamilton."

The Alaska, Anchorage, and Juneau Bar Associations have adopted similar resolutions, and congratulations from the Alaska Legislature would be most appropriate. Thank you.

Your truly,

Arthur H. Peterson
Arthur H. Peterson
Uniform Law Commissioner
for Alaska

Proposed Amendments To HJR 43
By Arthur Peterson, AK Uni Law Comm

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May 14, 1991

Hon. Rick Halford, Chair
Senate Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Re: HJR 43, NCCUSL
centennial

Dear Senator Halford:

HJR 43, commemorating the National Conference of Commissioners on Uniform State Laws (NCCUSL) on its centennial, passed the House a few days ago and is now in your committee. I would appreciate your scheduling it for an early hearing, and of course I urge favorable action on it.

Alaska has been an active participant in the NCCUSL throughout our period as a territory and since statehood. In addition, we have been the direct beneficiary of the work of the NCCUSL through Alaska enactment of at least 63 of its Uniform Acts.

The NCCUSL begins its centennial celebration at this summer's annual meeting, so it is important that the legislature pass this resolution this session.

Thank you.

Yours truly,

DILLON & FINDLEY

By:


Arthur H. Peterson

Uniform Law Commissioner
for Alaska

cc: Jeff Bush, Supervising Attorney
Legislation/Regulations Section
Alaska Department of Law

List of Commissioners for: Alaska

Billy G. Berrier - Juneau, AK - 1976-86 **
Edgar Paul Boyko - Juneau, AK - 1967-68
Frank A. Boyle - Juneau, AK - 1926-32
Fred M. Brown - Valdez, AK - 1913-16
D. A. Burr - Juneau, AK - 1966
W. Grant Callow - Anchorage, AK - 1987-90
John A. Clark - Fairbanks, AK - 1917-30
Warren C. Colver - Juneau, AK - 1964-65
Tamara B. Cook - Juneau, AK - 1987-90 **
Fred O. Eastaugh - Juneau, AK - 1969-74
G. Kent Edwards - Juneau, AK - 1969-70
John M. Elliott - Juneau, AK - 1970-75 **
Herbert L. Faulkner - Juneau, AK - 1932-50
George B. Grigsby - Nome, AK - 1913-16
Royal A. Gunnison - Juneau, AK - 1912-17
John E. Havelock - Juneau, AK - 1971-74
George N. Hayes - Juneau, AK - 1962-63
Lloyd S. Kurtz, Jr. - Anchorage, AK - 1989-90
Ralph E. Moody - Juneau, AK - 1960-61
John C. Murphy - Juneau, AK - 1919-25
Peter D. Overfield - Fairbanks, AK - 1912
Donna Spragg Pegues - Juneau, AK - 1971-74
Arthur H. Peterson - Juneau, AK - 1975-90
Jay A. Rabinowitz - Fairbanks, AK - 1971-90
James N. Reeves - Anchorage, AK - 1985-88
R. E. Robertson - Juneau, AK - 1933-60
Paul F. Robison - Anchorage, AK - 1970-85
James S. Truitt - Anchorage, AK - 1926-43
W. H. Whittlessey - Seward, AK - 1917-25

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TOTAL NUMBER OF UNIFORM ENACTMENTS
(through June 1, 1990)

ALABAMA - 51
ALASKA - 63
ARIZONA - 63
ARKANSAS - 73
CALIFORNIA - 64
COLORADO - 74
CONNECTICUT - 66
DELAWARE - 53
DISTRICT OF COLUMBIA - 38
FLORIDA - 52
GEORGIA - 44
HAWAII - 81
IDAHO - 78
ILLINOIS - 76
INDIANA - 55
IOWA - 62
KANSAS - 77
KENTUCKY - 54
LOUISIANA - 62
MAINE - 70
MARYLAND - 83
MASSACHUSETTS - 60
MICHIGAN - 73
MINNESOTA - 95

Total Number Of Uniform Enactments
(Through June 1, 1990)

MISSISSIPPI - 39
MISSOURI - 51
MONTANA - 89
NEBRASKA - 66
NEVADA - 83
NEW HAMPSHIRE - 65
NEW JERSEY - 53
NEW MEXICO - 66
NEW YORK - 54
NORTH CAROLINA - 53
NORTH DAKOTA - 107
OHIO - 49
OKLAHOMA - 71
OREGON - 82
PENNSYLVANIA - 69
PHILIPPINE ISLANDS - 2
PUERTO RICO - 15
RHODE ISLAND - 71
SOUTH CAROLINA - 46
SOUTH DAKOTA - 84
TENNESSEE - 64
TEXAS - 49
UTAH - 79
VERMONT - 49
VIRGIN ISLANDS - 26
VIRGINIA - 63
WASHINGTON - 82

YEAR EACH STATE JOINED THE CONFERENCE

Alabama - 1906
Alaska - 1912
Arizona - 1900
Arkansas - 1906
California - 1897
Colorado - 1895
Connecticut - 1893
Delaware - 1892
District of Columbia - 1905
Florida - 1895
Georgia - 1892
Hawaii - 1910
Idaho - 1909
Illinois - 1893
Indiana - 1900
Iowa - 1895
Kansas - 1893
Kentucky - 1898
Louisiana - 1903
Maine - 1895
Maryland - 1896
Massachusetts - 1892
Michigan - 1892
Minnesota - 1893
Mississippi - 1892
Missouri - 1895
Montana - 1893
Nebraska - 1893
Nevada - 1911
New Hampshire - 1893
New Jersey - 1892
New Mexico - 1908
New York - 1892
North Carolina - 1906
North Dakota - 1893
Ohio - 1898
Oklahoma - 1895
Oregon - 1908
Pennsylvania - 1892
Philippine Islands - 1909
Puerto Rico - 1910
Rhode Island - 1896
South Carolina - 1895
South Dakota - 1893
Tennessee - 1909
Texas - 1907
US Virgin Islands - 1988
Utah - 1907

Year Each State Joined The Conference

Vermont - 1895
Virginia - 1895
Washington - 1904
West Virginia - 1909
Wisconsin - 1893
Wyoming - 1893

YEAR EACH STATE JOINED THE CONFERENCE

1892 - Delaware
Georgia
Massachusetts
Michigan
Mississippi
New York
New Jersey
Pennsylvania

1893 - Connecticut
Illinois
Kansas
Minnesota
Montana
Nebraska
New Hampshire
North Dakota
South Dakota
Wisconsin
Wyoming

1894 -

1895 - Colorado
Florida
Iowa
Maine
Missouri
Oklahoma
South Carolina
Vermont
Virginia

1896 - Maryland
Rhode Island

1897 - California

1898 - Kentucky
Ohio

1899 -

1900 - Arizona
Indiana

1901 -

1902 -

1903 - Louisiana

1904 - Washington

1905 - District of Columbia

1906 - Alabama
Arkansas
North Carolina

1907 - Texas
Utah

1908 - New Mexico
Oregon

1909 - Idaho
Philippine Islands
Tennessee
West Virginia

1910 - Hawaii
Puerto Rico

1911 - Nevada

1912 - Alaska

1988 - US Virgin Islands

FIRST UNIFORM ACT ADOPTED IN EACH STATE

- ALABAMA - Negotiable Instruments Law - 1909
- ALASKA - Bills of Lading Act - 1913
Negotiable Instruments Law - 1913
Sales Act - 1913
Warehouse Receipts Act - 1913
- ARIZONA - Negotiable Instruments Law - 1913
Sales Act - 1913
- ARKANSAS - Negotiable Instruments Law - 1913
- CALIFORNIA - Warehouse Receipts Act - 1909
- COLORADO - Negotiable Instruments Law - 1897
- CONNECTICUT - Negotiable Instruments Law - 1897
- DELAWARE - Negotiable Instruments Law - 1911
- DISTRICT OF COLUMBIA - Negotiable Instruments Law - 1899
- FLORIDA - Negotiable Instruments Law - 1897
- GEORGIA - Negotiable Instruments Law - 1924
- HAWAII - Negotiable Instruments Law - 1907
- IDAHO - Negotiable Instruments Law - 1903
- ILLINOIS - Negotiable Instruments Law - 1907
Warehouse Receipts Act - 1907
- INDIANA - Negotiable Instruments Law - 1913
- IOWA - Negotiable Instruments Law - 1902
- KANSAS - Negotiable Instruments Law - 1905
- KENTUCKY - Negotiable Instruments Law - 1904
- LOUISIANA - Negotiable Instruments Law - 1904
- MAINE - Bills of Lading Act - 1917
Negotiable Instruments Law - 1917
Warehouse Receipts Act - 1917
- MARYLAND - Stock Transfer Act - 1910
Bills of Lading Act
Warehouse Receipts Act - 1910

MASSACHUSETTS - Negotiable Instruments Law - 1898
MICHIGAN - Acknowledgments Act - 1895
MINNESOTA - Wills Act, Foreign Executed - 1901
MISSISSIPPI - Child Labor Act of 1911 - 1914
MISSOURI - Negotiable Instruments Law - 1905
MONTANA - Negotiable Instruments Law - 1903
NEBRASKA - Negotiable Instruments Law - 1905
NEVADA - Negotiable Instruments Law - 1907
NEW HAMPSHIRE - Negotiable Instruments Law - 1909
NEW JERSEY - Negotiable Instruments Law - 1902
NEW MEXICO - Acknowledgments Act - 1901
NEW YORK - Negotiable Instruments Law - 1897
 Proof of Statutes Act - 1897
NORTH CAROLINA - Negotiable Instruments Law - 1899
NORTH DAKOTA - Negotiable Instruments Law - 1899
OHIO - Negotiable Instruments Law - 1902
OKLAHOMA - Negotiable Instruments Law - 1899
OREGON - Negotiable Instruments Law - 1899
PENNSYLVANIA - Negotiable Instruments Law - 1901
PHILIPPINES - Negotiable Instruments Law - 1911
PUERTO RICO - Proof of Statutes Act - 1911
RHODE ISLAND - Negotiable Instruments Law - 1899
SOUTH CAROLINA - Negotiable Instruments Law - 1914
SOUTH DAKOTA - Desertion and Non-Support - 1913
 Support Act - 1913
 Negotiable Instruments Law - 1913
 Warehouse Receipts Act - 1913
TENNESSEE - Negotiable Instruments Law - 1899
TEXAS - Desertion and Non-Support Act - 1913

UTAH - Negotiable Instruments Law - 1899

VERMONT - Marriage Evasion Act - 1912
Negotiable Instruments Law - 1912
Warehouse Receipts Act - 1912

US VIRGIN ISLANDS - 21 uniform acts adopted in 1957, including
Reciprocal Enforcement of Support,
Partnership and Limited Partnership Act.

VIRGINIA - Negotiable Instruments Law - 1897

WASHINGTON - Negotiable Instruments Law - 1899

WEST VIRGINIA - Negotiable Instruments Law - 1907

WISCONSIN - Wills Act, Foreign Executed - 1895
Wills Act, Foreign Probated - 1895

WYOMING - Negotiable Instruments Law - 1905

Uniform Adoptions for: ALASKA

Act to Secure the Attendance of Witnesses from Without a
State in Criminal Proceedings
Alcoholism and Intoxication Treatment Act
An Act Relative to the Probate in this State of Foreign
Wills
Anatomical Gift Act
Arbitration Act
Bills of Lading Act
Business Corporation Act
Child Custody Jurisdiction Act
Commercial Code
Commercial Code, Article 8 Amendments
Commercial Code, Article 9 Amendments
Common Interest Ownership Act
Common Trust Fund Act
Conditional Sales Act
Conservation Easement Act
Contribution Among Tortfeasors Act, Revised 1955
Criminal Extradition Act
Desertion and Non-Support Act
Determination of Death Act
Disclaimer of Transfers by Will, Intestacy or Appointment
Act
Disposition of Community Property Rights at Death Act
Division of Income for Tax Purposes Act
Enforcement of Foreign Judgments Act
Estate Tax Apportionment Act
Exemptions Act
Extradition of Persons of Unsound Mind Act
Federal Lien Registration Act
Federal Tax Lien Registration Act
Foreign Acknowledgments Act
Foreign Bank Loan Act
Foreign Depositions Act
Foreign Money Judgments Recognition Act
Gifts to Minors Act
Gifts to Minors Act, Revised 1965
Insurers Liquidation Act
Land Sales Practices Act
Limited Partnership Act
Narcotic Drug Act, Amended 1942
Narcotic Drug Act, Amended 1952
Negotiable Instruments Law
Partnership Act
Photographic Copies of Business and Public Records as
Evidence Act
Principal and Income Act
Probate Code
Proof of Statutes Act
Reciprocal Enforcement of Support Act
Reciprocal Enforcement of Support Act, Amended 1958
Reciprocal Transfer Tax Act

Recognition of Acknowledgments Act
Residential and Landlord Tenant Act
Rights of the Terminally Ill Act
Sales Act
Securities Act
Simultaneous Death Act
Stock Transfer Act
Testamentary Additions to Trusts Act
Trade Secrets Act, Amended 1985
Transfers to Minors Act, Amended 1986
Trust Receipts Act
Unclaimed Property Act
Vital Statistics Act
Warehouse Receipts Act
Wills Act, Foreign Executed

13

MOST WIDELY ADOPTED UNIFORM STATE LAW PROPOSALS *

As of June 1, 1990

Anatomical Gift Act (1968) - 50 states and D.C.

Attendance of Out of State Witnesses Act - 50 states; D.C.; U.S. Virgin Islands; Puerto Rico

Child Custody Jurisdiction Act - 50 states; D.C.; U.S. Virgin Islands

Reciprocal Enforcement of Support Act - 50 states, D.C.; U.S. Virgin Islands; Puerto Rico

Commercial Code - 49 states; D.C.; U.S. Virgin islands

Partnership Act - 49 states; D.C.; U.S. Virgin Islands

Durable Power of Attorney Act - 47 states; D.C.

Simultaneous Death Act - 47 states; D.C.; U.S. Virgin Islands

Arbitration Act - 45 states; D.C.; U.S. Virgin Islands and Puerto Rico

Limited Partnership Act - 45 states and D.C.

Controlled Substances Act - 43 states; D.C.; U.S. Virgin Islands; Puerto Rico

Testamentary Additions to Trusts Act - 43 states; D.C.

Declaratory Judgments Act - 41 states; D.C.; U.S. Virgin Islands, Puerto Rico

* Excludes those acts that were approved over the century but have been either superseded or withdrawn.

A 100 YEAR TRADITION OF EXCELLENCE

The National Conference Of Commissioners On Uniform State Laws

In the latter part of the 19th century, about the time a prominent law professor was characterizing state legal systems as "a whimsical diversity of laws," a movement began taking hold for the development of uniform laws among the states.

The Alabama Bar Association took the first formal action to encourage the development of "uniform" laws in 1881. But it was not until August 1889, during the 12th annual meeting of the American Bar Association, that the legal community made a formal resolution to work for "uniformity in the laws" of the then 44 states.

New York was the first state to act. In 1890 it authorized the governor to appoint three commissioners to "examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity of the laws of the states; and especially to consider whether it would be wise and practicable for the state of New York to invite other states of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several states...." A few months later the ABA endorsed the New York action and urged the states, the District of Columbia and territorial legislatures to follow New York's lead.

In the Beginning — Seven States

Six other states heeded the call and joined New York at the first meeting of the "Conference of State Boards of Commissioners on Promoting Uniformity of Law in the U.S." in Saratoga Springs, New York on August 24, 1892. They were Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania.

The new commissioners wasted no time. They immediately completed and urged states and territories to adopt three Acts — Relating to Acknowledgments on Written Instruments, Validating Wills Lawfully Executed Without the State, and Recognizing as Valid Wills Probated in Another State.

They also recommended that states enact laws governing payment of notes, validating contracts and divorce and marriage. With great variance in the marriage consent age, they proposed raising the marrying age to 18 for males and 16 for females.

They also adopted a table of weights and measures, noting "it will probably be a surprise to most people to learn that legal weights of a bushel ... with the exception of wheat alone, vary in all the states."

After this burst of activity, the Conference produced no other proposals until 1896, when the Negotiable Instruments Law was completed. The NIL was the first act adopted by every state and the District of Columbia; it later became the basis for Article 3 of the Uniform Commercial Code.

Then There were 33

By 1900, 33 states and two territories had appointed commissioners on uniform laws. During the first decade of the new century the Uniform Law Commissioners (ULC) concentrated on legislation to facilitate interstate commerce, drafting laws concerning sales, warehousing and transportation. A majority of states adopted all of these pioneering acts before they, as well as the Negotiable Instruments Law, were superseded by the Uniform Commercial Code some 40 years later.

By 1910, only Nevada and the Territory of Alaska had not appointed commissioners. They came aboard by 1912.

In its third decade, the Conference considered and adopted legislative proposals on issues ranging from partnerships to child labor. And in 1915, the organization officially became known as the National Conference of Commissioners on Uniform State Laws.

The ULC responded to problems of the 1920s with proposals in such areas as aviation and public utilities. In the 1930s, commissioners wrestled with machine gun laws as well as torts and trusts.

Fifty-Year Assessment

As the Conference approached its golden anniversary year, its leadership began a reassessment to determine how the ULC could better serve the federal system. Though the past had been productive, commissioners decided they could play a more useful role in the future if they attacked major problems with comprehensive legal solutions rather than trying to address them piecemeal.

That decision led to the launching of the mammoth project that produced the Uniform Commercial Code (UCC). The ULC officially took on the task of drafting a comprehensive code to provide guidelines for all commercial transactions in 1940. Work on some of its components had already begun. In 1947 the ULC and the American Law Institute joined in a partnership that put all the components together in a Uniform Commercial Code that was offered to the states for their consideration in 1951. More than a decade of difficult battles for adoption in every state followed. But by 1967, all the states had enacted the Code except for Louisiana, which remains the lone holdout on several code provisions.

The breadth and depth of the UCC are difficult to grasp. It guarantees that commercial transactions in California are subject to the same law as transactions in Maine. A child purchasing penny candy in a neighborhood shop and a manufacturer buying robot welders for his assembly line both complete their transactions within the framework of the UCC. In UCC states, the code encompasses every sale of goods from crude oil to autos, every bank check written, and all commercial paper, stock and bond transactions.

The UCC is not set in stone. In 1987 the first new article since 1951 was approved, establishing law for the billion dollar leasing industry. As the Conference embarks on its second century, it is dealing with major changes in state payment system law, including electronic funds transfers, to bring the Code into the 21st century of finance.

The UCC's success as a comprehensive solution inspired commissioners to produce and work for enactment of a wide variety of legislative solutions to other basic state problems. These have included: the Uniform Probate Code, Uniform Consumer Credit Code, Uniform Marriage and Divorce Act, Uniform Alcoholism and Intoxication Treatment Act and a package of proposals designed to do for land transactions what the UCC did for transactions in the commercial realm — provide modern law to deal with modern problems.

While forging these major broad projects — primarily from the 1960s to the early '80s — the ULC also completed legislation needed by the states to deal with more specific problems. Among these proposals were the Uniform Child Custody Jurisdiction Act, Anatomical Gift Act, a major revision of the Limited Partnership Act and the Uniform Determination of Death Act.

Agendas are made by a Scope and Program Committee. Most recently, commercial and family law have been focal areas for drafting efforts. Among the "products" of the 1980s are two new articles to the Uniform Commercial Code, a Trade Secrets Act, the Transfers to Minors Act, Premarital Agreement and Marital Property Acts, and acts addressing such topical issues as surrogate mother contracts and rights of the terminally ill.

Uniform and Model Acts

In addition to "Uniform Acts," which every state is urged to adopt, the ULC also drafts "Model Acts" to guide legislatures dealing with issues that need not be treated uniformly. Some models — such as the Model State Administrative Procedure Act — have been adapted for use by most states.

It is important to state treasuries that most ULC proposals fall into the category of "private law" — the body of law based on English common law that governs the basic legal relationships between people. No government body intervenes in "private law" relationships. People conduct their affairs without interference. When a breach of a legally enforceable private obligation occurs, the courts are available to sort out the facts and grant remedies ranging from monetary payments to injunctive relief. For example, the Uniform Residential Landlord and Tenant Act governs the contractual relationship between landlord and tenant. This relationship proceeds unfettered unless a party breaches an obligation — such as a landlord's obligation to maintain fit and safe premises. If such a breach occurs, then the wronged party can seek damages and reparations for losses sustained.

This contrasts with "public law," which usually involves using an executive agency or bureau as a regulatory body. In that case, legislatures enact laws vesting authority in an administrative agency which then carries out the duties of investigator, rulemaker, regulator and enforcer. Because new agencies must be created to enforce public law, it usually costs more money.

Why the Conference Works

Commissioners dedicated to the work of the Conference make it work. They include about 300 law professors, judges and lawyers in the public and private sector. It is their contribution of time and expertise — commissioners receive no salaries or fees for their work with the Conference — that has earned NCCUSL the media label of "prestigious." In this century, President Woodrow Wilson and U.S. Supreme Court Justices Louis D. Brandeis and William F. Rehnquist served as commissioners. So did such law school legends as Roscoe Pound of Harvard.

Commissioners are appointed by the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. The number of commissioners (most states have at least three) and the method of appointment varies from state to state. While the governor is responsible for appointments in most states, commissioners are usually considered non-partisan. As a result, many are appointed by the governor of one party and reappointed by the governor of another. Some commissioners serve the ULC for decades.

A Two-Part Job

Being a commissioner involves two areas of service. They not only draft proposals but then work within their state for enactment of uniform laws designed to solve problems common to all states.

The ULC's reputation was built on the high quality of its drafts. That results from a procedure structured to bring a unique blend of legal minds to bear on a particular problem. It begins with the choice of a drafting committee whose members are selected to insure that as much expertise and as many viewpoints as possible will be represented at the drafting table.

For example, there were a number of real estate law experts appointed to the committee responsible for preparing preliminary drafts of the land transactions package, which includes the Uniform Land Transactions Act (ULTA), Uniform Simplification of Land Transfers Act (USOLTA), Uniform Condominium Act (UCA), Uniform Planned Community Act (UPCA), Model Real Estate Cooperative Act (MRECA), and finally the Uniform Common Interest Ownership Act (UCIOA). These drafters included commissioners who were law school professors as well as practicing lawyers specializing in real estate law. Outside lawyer and non-lawyer experts were invited to provide specialized knowledge to the drafting committee. These advisers represented associations of lenders, builders, sellers, lawyers and consumers. But all decisions were made by commissioners who represent only the people of their state.

The Drafting Ordeal

Preliminary drafts of the proposals were prepared and circulated to advisers and others interested in the committee's deliberations. That included every commissioner. Eventually, the committee was ready to present its work at an annual meeting of the Conference for "initial consideration" by every commissioner.

During the annual meeting commissioners assemble for a week, spending every day and some nights considering each "tentative draft" prepared by the drafting committees. The drafts are read "line by line" and then discussed, debated and changed. With hundreds of trained eyes probing every concept and word, it's a rare draft that leaves an annual meeting in the same form it comes in. Because the ULC is a confederation of state commissions on uniform laws, close issues are decided by polling state delegations. Regardless of the number of representatives from each state, each state has only one vote.

Shortly after the annual meeting, committees with uncompleted drafts begin incorporating changes made during the meeting and dealing with new problems raised by commissioners as well as others.

Proposals are subjected to this rigorous procedure for at least two annual meetings before they become eligible for designation as ULC products. The final decision on whether a proposal is ready for promulgation to the states is made near the close of an annual meeting — again on a one-state, one-vote basis. But the procedure can take much longer. Because of the complexities of ULTA, USOLTA, UCA, UPCA, MRECA and UCIOA, more than a decade elapsed before these proposals were adopted by the ULC.

The Conference Proposes — The State Disposes

With the drafting done, a commissioner's job has only begun. Each is then obligated to return home and work for adoption of the completed proposal in his or her state legislature. Normal resistance to anything new makes this the most difficult part of a commissioner's responsibility. Remember, it took 14 years before the Uniform Commercial Code was adopted by 49 states.

But the result can be workable, modern state law that helps keep the federal system alive. The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. It also insures that problems can be solved close to home in state courts and agencies rather than lost in overworked federal courts and U.S. departments and agencies.

UNIFORM LAW COMMISSIONERS

A CENTURY OF UNIFORM LAWS

Their current agenda reads like a legislative calendar. Issues up for discussion range from Uniform Commercial Code amendments to child support enforcement, crime victims' rights and standards for employment termination.

While this crowded calendar doesn't yet belong to the legislatures, it will affect them. It's the agenda for the 100th annual meeting of the National Conference of Commissioners on Uniform State Laws — the Chicago-based group of more than 300 judges, lawyers and law professors, appointed by the states (as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands) to draft proposals for uniform laws on issues where disparity between the states is a problem.

As they've done each summer since 1892, the commissioners will gather for a full week in 1991 to discuss — and more likely than not debate line by line, word by word — legislative proposals drafted by their colleagues during the year.

Among those who participated in earlier conferences have been such luminaries as Woodrow Wilson and U.S. Supreme Court Justices Louis D. Brandeis and William F. Rehnquist. So have law school legends, among them Roscoe Pound of Harvard.

Some of the staples of modern law are the products of these annual conferences: the Uniform Commercial Code, Uniform Partnership Act, Uniform Controlled Substance Act and uniform child custody and support codes.

The group's legislative proposals have set patterns for change across the nation, notably in marriage and divorce, probate and usury reform. Others have provided the model for laws affecting consumer credit, no-fault insurance, state administrative procedures and rules of evidence.

The movement for uniform state laws dates back more than a century. The Alabama State Bar called for uniformity as early as 1881, but it was nearly a decade later, at the 12th annual meeting of the ABA in 1889, that the legal community made its formal motion to work for uniformity in the then 44-state union.

New York was the first state to move, appointing three commissioners in 1890. Other states soon heeded the call: Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania attended the first Conference in Saratoga Springs, New York, in 1892. The commissioners wasted no time. They urged adoption of three acts and proposed raising the marrying age to 18 for males and 16 for females. They also adopted a table of weights and measures, noting that with the exception of wheat, legal weights of a bushel varied in all the states!

By the turn of the century, 33 states and two territories had appointed commissioners on uniform laws. In 1910, only Nevada and the Territory of Alaska still had not; they came aboard in 1912.

→ The Historical Background Continued + only Alaska in 1912.

During its early decades the Conference considered and adopted legislative proposals on issues ranging from partnerships and child labor to aviation and public utilities. Around the time of its 50th anniversary, 53 uniform acts (excluding those acts that had been deleted or superseded) were available for adoption by the states.

At about the same time, in 1940, the Conference began a reassessment. Its leadership decided that instead of coping with legislative problems on a piecemeal basis, it would begin drafting comprehensive solutions to major problems. The result of that decision was the project that produced the Uniform Commercial Code (UCC) — to this day the signature product of the Conference. The uniform nature of the UCC, which took a decade to complete and another 15 years to be enacted across the country, guarantees that every commercial transaction — every sale of goods, every bank check written and every commercial paper, stock and bond transaction — is subject to the same law in Maine as it is in California.

Success of the UCC inspired commissioners to produce and work for the adoption of a range of other comprehensive legislative solutions to basic state problems. These include the Uniform Probate Code, Consumer Credit Code, Marriage and Divorce Act and a package of proposals designed to do for land transactions what the UCC did for commercial transactions — provide comprehensive modern law to deal with a modern problem.

While forging these major projects — primarily from the '60s to the early '80s, the Conference also completed legislation needed by the states to deal with specific issues. Among these proposals have been the Uniform Child Custody Jurisdiction Act, Uniform Anatomical Gift Act, a major revision of the Limited Partnership Act and the Uniform Determination of Death Act.

Most recently, commercial and family law have been focal areas for drafting efforts. Among the newer "products" are two new articles to the Uniform Commercial Code, a Trade Secrets Act, the Transfers to Minors Act, Premarital Agreement and Marital Property Acts, and acts addressing such topical issues as surrogate mother contracts and rights of the terminally ill.

The dedication of commissioners makes the Conference work. The number appointed (most states have at least three) and the method of appointment varies from state to state. In most, the governor is responsible for appointments. But commissioners are usually considered non-partisan and many serve for decades.

The responsibilities of being a commissioner involve drafting proposals and then working within the home state for their enactment. The drafting process begins with a committee of commissioners; outside experts are invited to provide the committee with their specialized knowledge.

Eventually, the committee will present its work for "initial consideration" at an annual meeting. It is a rare draft that leaves an annual meeting in the same form it came in. Proposals must be considered at no less than two annual meetings before they are eligible for designation as a product of the Conference and are available for enactment by the states. That final decision is reached after a state-by-state vote.

The process is time consuming. But it results in well-drafted legislation that has simplified the legal activities of businesses and individuals for almost 100 years. It provides rules that are consistent from state to state; rules that help keep the federal system alive.

UNIFORM LAW COMMISSIONERS

Drafters of Commercial Law Code 100 Years Old And Still Drafting To Meet Tomorrow's Business Needs

"I have seen in the Courts of England, its robed and venerable judges bending forward as they listened, on commercial questions, to the laws of Rhodes, a little island; the laws of Oleron, an island smaller still; the laws of Wisby, a dreary town of the Gothland seas. But I waited in vain to hear of the commercial law of my own free, great, commercial country."

"And why?," asked John William Wallace in his lecture on "The Want of Uniformity in the Commercial Law Between the Different States of our Union." "Because no man can say that such a system exists," he explained.

Wallace made his plea for a system of home commercial law in 1851, when the "different states" numbered 31. It was not the first such lament, nor would it be the last.

A century passed before the National Conference of Commissioners on Uniform State Laws heeded the call. Today this prestigious group of 300 state-appointed lawyers, judges and law professors, drafters of the Uniform Commercial Code (UCC), is almost 100 years old.

Its history harks back to 1890, when New York's legislature passed the first act authorizing its governor to appoint three commissioners; later that year the American Bar Association recommended that all other states follow New York's lead.

Uniform law commissioners have been drafting proposals for the states' consideration since 1892, when the first conference was held in Saratoga Springs, New York, with seven states in attendance. By 1912 every state and the Territory of Alaska was represented. Today, all states as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands are on board.

The mammoth task of drafting a comprehensive code to establish the fundamental law governing all commercial transactions was set into motion in 1940. In 1947 the ULC joined in a partnership with the American Law Institute to put all the components together. Work on various components had begun much earlier.

In 1896, for example, just four years after the Conference was founded, the commissioners completed the Uniform Negotiable Instruments Law (NIL), the first of their legal products to be adopted by every state and the District of Columbia. The NIL made modern banking and an efficient payment system possible. Some 50 years after it was first drafted it became the basis of Article 3 of the Uniform Commercial Code (UCC), that section of the Code which governs payment by checks and other paper instruments.

It took four years to complete the UCC. In 1952 it was presented to the states for their consideration; then the really hard work began. Acceptance by the Conference was followed by nearly two decades of legislative battles in every state.

The first, and for some time only legislative success came in Pennsylvania in 1953. Massachusetts followed in 1957. Success began to melt resistance and Kentucky acted in 1958; Connecticut and New Hampshire in 1959. Nine states, including industrial Ohio, Illinois and New Jersey took the plunge in 1961. In 1962, four more states, including New York, came aboard. Ten joined the ranks in 1963; two in 1964; 13 in 1965; five in 1966; and finally Arizona, Idaho and U.S. Virgin Islands in 1967. The lone holdout was Louisiana, due to difficulties in

reconciling UCC provisions with those of the Civil Code. Louisiana did adopt Articles 1, 3, 4, 5, 7 and 8 in 1974 and Article 9 more recently.

The scope of the UCC is difficult to grasp. A child purchasing penny candy in a neighborhood shop and a manufacturer buying robot welders for his assembly line both complete their transactions within the framework of the UCC. In UCC states, the Code encompasses every sale of goods from crude oil to autos, every bank check written, and all commercial paper, stock and bond transactions.

But the UCC is not written in stone. It is constantly studied with an eye toward revisions needed to meet the requirements of changing technologies. In 1977, for example, the Conference finalized amendments — now enacted in 42 states — setting out legal rights and responsibilities for transferring securities without certificates to facilitate electronic book-keeping in security transactions. In 1987 the first new UCC Article since 1951 was approved — Article 2A, Leases — establishing fundamental law for the \$150 billion dollar leasing industry.

Most recent drafting efforts involve substantial revisions and a new article to the UCC and mark the first major changes to state payments system law in over 30 years. Proposed changes include revisions to UCC articles 3 and 4, modernizing the laws governing checks and other paper instruments. A new article 4A, the first code section created expressly to deal with the trillion dollar business of electronic funds transfers, should have a significant impact on the way banks do some of their most basic business.

This drafting effort is but the first step to bring the law into the 21st century of finance. The next step is enactment by all the states. Uniformity is critical. It guarantees that commercial transactions in California are subject to the same law as they are in Maine. It is the quality that has made the Code the historical legal instrument it has been for decades.

STATE ADOPTIONS OF THE UCC

1953 — Pennsylvania

1957 — Massachusetts

1958 — Kentucky

1959 — Connecticut, New Hampshire

1961 — Arkansas, Illinois, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Rhode Island, Wyoming

1962 — Alaska, Georgia, Michigan, New York

1963 — California, Indiana, Maine, Maryland, Missouri, Montana, Nebraska, Tennessee, West Virginia, Wisconsin

1964 — District of Columbia, Virginia

1965 — Alabama, Colorado, Florida, Hawaii, Iowa, Kansas, Minnesota, Nevada, North Carolina, North Dakota, Texas, Utah, Washington

1966 — Delaware, Mississippi, South Carolina, South Dakota, Vermont

1967 — Arizona, Idaho, U.S. Virgin Islands

1974 — Louisiana (Articles 1, 3, 4, 5, 7 and 8)