



**An Introduction to The
Uniform Law Commission
(a/k/a National Conference of
Commissioners on Uniform State Law)**

by

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Uniform Law Commission

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What is the ULC?

The Uniform Law Commission is:

- An unincorporated nonprofit association formed by 7 States in 1892 that now includes every State plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.
- A federally recognized, non-partisan, state service organization that is tax exempt. Since 1892 it has fulfilled a primary role in the U.S. for the improvement of state law.
- Iowa became a member of the ULC in 1895.
- The Iowa Commission on Uniform State Law is authorized and requirements of stated in Chapter of the Iowa Code.
- An organization devoted to improvement of *state* law where uniformity is desirable and practicable

What Is the Purpose of the ULC?

- “It is the purpose of the Conference to promote uniformity in the law among the several States on subjects as to which uniformity is desirable and practicable.” —Section 1.02, Constitution of the ULC.
- ULC Standards for Drafting demand that “the subject . . . shall be such that uniformity of law among States will produce significant benefits to the public through improvements in the law . . . or will avoid significant disadvantages likely to arise from diversity of state law.”

ULC Membership

- The current membership consists of between than 325 and 350 lawyers, who fall generally into four categories:
 - Private Practitioners
 - Lawyers Employed in State Government, including State Legislators;
 - Judges
 - Educators
- Thirty to forty members of the ULC are state legislators, many of whom are also private practitioners.
- Members must be members of the State Bar.
- Members receive no compensation for their services

What Are the Duties of Commissioners?

What Do Commissioners Do?

- Work with other members and with Advisors and Observers to identify areas where it would be desirable and practicable to have a uniform law;
- Bring substantive expertise and practical experience to determine what areas to recommend for drafting;
- Participate in Drafting Committees, contributing multiple hours to meetings over two years to produce a draft for the conference to review, debate, revise and vote to approve or not; serve in leadership positions;
- Work with legislators, the State Bar, and statewide and community groups interested in the introduction and adoption of a Uniform or Model Act, not sometimes tailoring an Act to reflect Iowa practice or preference;
- Appear before legislative subcommittees, explaining how a Uniform Act would address problematic or critical areas and why Iowa should adopt it;
- Prepare Annual Report for Legislative Council and Governor.

Proposal to Eliminate ULC Membership and Transfer Commissioners' Duties to LSA

- In the late Summer of 2023, the Iowa Boards and Commissions Review Committee proposed to eliminate Iowa's membership in the ULC and to transfer Iowa Commissioners' duties to the Legislative Services Agency;
- But the duties expected of Commissioners, including participation in a policy-deciding process and advocacy to the State Legislature for enactment, differ from the role and responsibilities of LSA lawyers; and the proposal was withdrawn, preserving Iowa's membership in the ULC.

How Does One Become a ULC Member?

- The usual method is through application to and appointment by the Governor. That is the means to membership in Iowa.
- The ULC's Constitution provides for there to be Associate Members, namely, the Chief Administrative Officer of the Legislative Services or Reference Agency, upon approval of the Legislative or Executive Branch.
- Some States provide for positions to carry *ex officio* membership, *e.g.*, the House and Senate Judiciary Chairs, or the House Speaker or Senate Majority Leader.
- One requirement: Commissioners must be lawyers.

Model State Uniform Law Commission Act Approved by the ULC in July 2025

- A new Model State Uniform Law Commission Act was approved in July of this year.
- It updates and expands on the 1944 Act that Iowa and other States adopted while keeping its core structure, which includes: (a) establishing a state commission; (b) appointment of commissioners, including consideration of ex officio positions; (c) outlining duties of the commission; and (d) requiring reports on the commission's work.
- The Act is not intended for universal adoption. It is meant for states lacking such legislation or where existing laws are outdated.
- States with existing laws may also choose to only enact certain sections of the Act to modernize provisions in the existing appointment statute or to expand the size of the state delegation.

State Delegations: Size, Composition, and Terms

- **SIZE:** The size of State delegations varies, with an expected minimum of three commissioners. Chapter 5 of the Iowa Code provides for a commission of three members appointed by the Governor. Many States have larger delegations, e.g., Minnesota and Pennsylvania.
- **COMPOSITION:** As mentioned, some States provide for persons filling certain positions to be *ex officio* members of the ULC. In Kansas, for example, the House and Senate Judiciary Chairs are Commissioners.
- **TERMS:** The terms recognized by the States vary; In Iowa Commissioners serve terms of four years. In other States it may be from year-to-year and fluctuate with politics, though the ULC is designedly non-partisan in its goals and in operation.

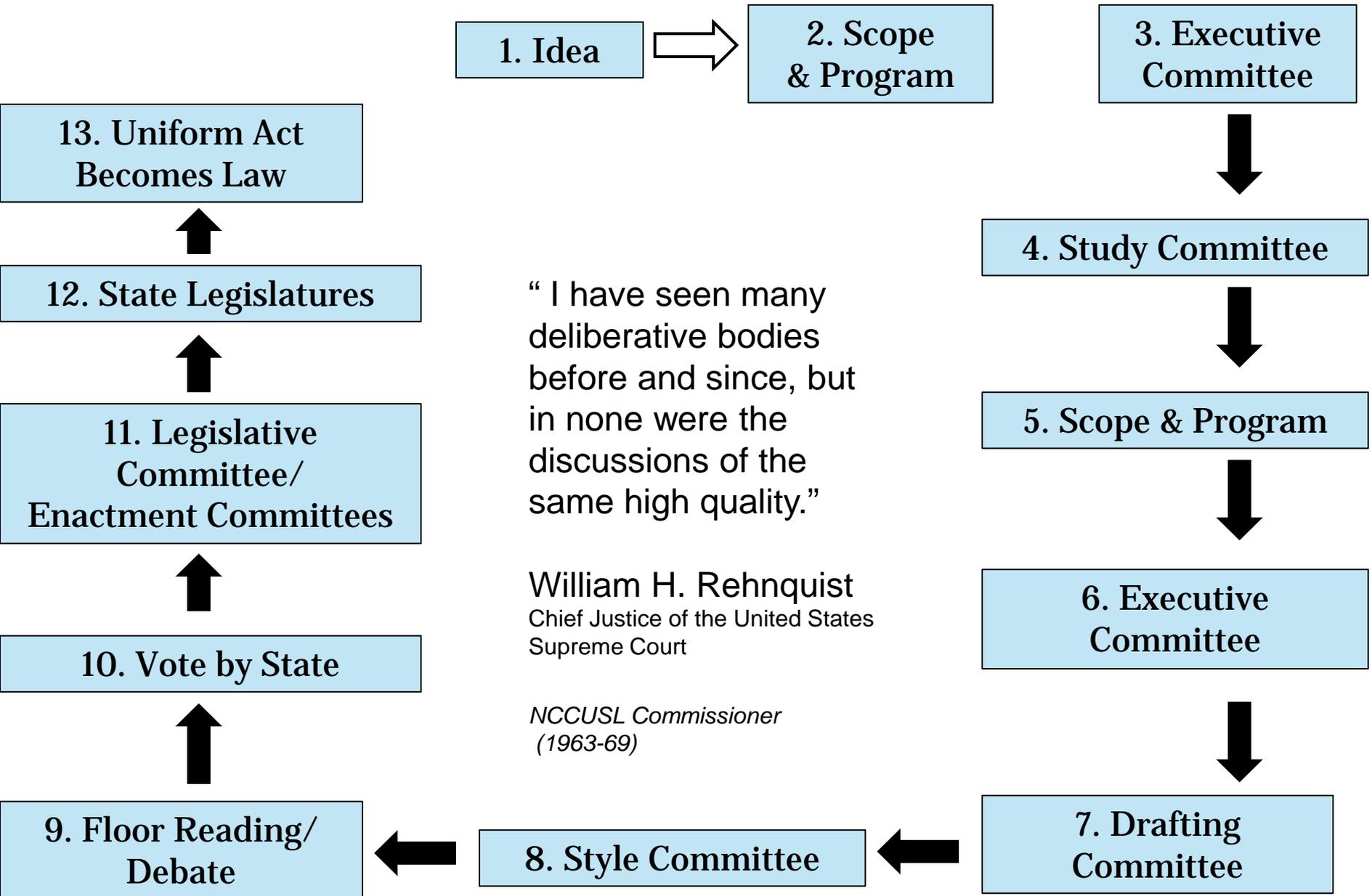
Iowa Commissioners

July 1, 2024-June 30, 2028

- **Craig Long, Chair (appointed 2016)**
- **George Eichhorn**

- **David S. Walker, Life Member (appointed 1992-2024)**

The Uniform Law Drafting Process



Working with Others in the Legislative Process to Get Uniform Acts Passed

- Constituency initiation and support, *e.g.*, Adult Guardianship and Real Property Transfer on Death Act
- Executive Branch, *e.g.*, AG's Office (Money Services Act), DHS (Interstate Family Support Act), Dep't of Insurance (Uniform Securities Act);
- Iowa State Bar Association (Multiple Uniform Acts in All Areas)
- Legislators, *e.g.*, Rep. Holt on the Uniform Public Expression Protection Act (UPEPA) ("Anti-SLAP" Bill); Rep. Ken Rizer on the Uniform Deployed Parent Custody & Visitation Act
- The Legislative Services Agency.

The Process Is Tough

- Not everything makes it to a Drafting Committee
e.g., Jury Selection and Service Study Committee
- The importance of others: Uniform Limited Liability Company Act (2006) (Last Amended 2013) (2024);
- Iowa currently has adopted some 75 Uniform or Model Acts currently in effect.

The ULC's Relations with Other Organizations

- American Law Institute
- American Bar Association
- Council of State Governments
- National Conference of State Legislatures
- Uniform Law Commission of Mexico
- Uniform Law Commission of Canada
- U. N. Commissions

Common Areas for Uniform Acts: Family Law Examples

- Uniform Child Custody, Jurisdiction, and Enforcement Act;
- Uniform Interstate Family Enforcement Act;
- Uniform Adult Guardianship and Protective Proceedings Act;
- Uniform Deployed Parent Custody and Visitation Act;
- Uniform Family Law Arbitration Act;
- Uniform Collaborative Law Act/Rules

Common Areas for Uniform Acts: Business Law Examples

- Uniform Partnership Act;
- Uniform Limited Partnership Act;
- Uniform LLC Act;
- Uniform Protected Series Act;
- Uniform Securities Act;
- Uniform Trade Secrets Act;
- Uniform Unincorporated Nonprofit Association Act;
- Uniform Voidable Transactions Act (formerly Uniform Fraudulent Transfer Act).

Common Areas for Uniform Acts: Examples from Trusts and Estates

- Uniform Prudent Investor Act;
- Uniform Principal and Interest Act;
- Uniform Prudent Management of Institutional Funds Act;
- Revised Uniform Fiduciary Access to Digital Assets Act;
- Uniform Electronic Estate Planning Documents Act;
- Uniform Electronic Wills Act;
- Uniform Transfer on Death Securities Registration Act.

Common Areas for Uniform Acts: Examples from Technology

- Uniform Electronic Transactions Act;
- Revised Uniform Law on Notarial Acts;
- Uniform Electronic Legal Materials Act;
- UCC Article 12 (Controllable Electronic Records, *e.g.*, Bitcoin);
- Uniform Electronic Estate Planning Documents Act;
- Uniform Automated Operation of Vehicles Act

Common Areas for Uniform Acts: Commercial Law

- The UCC and
- Each of the UCC Articles;
- Uniform Easement Relocation Act;
- Uniform Environmental Covenants Act;
- Uniform Commercial Real Estate Receivership Act.

The ULC's “Signature” Acts

- Adult Guardianship and Protective Proceedings (2007): 50 enactments
- Anatomical Gift Act (2006): 48 enactments
- Attendance of Out of State Witnesses (1931): 53 enactments
- Child Custody Jurisdiction and Enforcement Act (1997): 51 enactments
- Declaratory Judgments (1922): 45 enactments
- Determination of Death (1980): 44 enactments
- Electronic Transactions (1999): 51 enactments
- Enforcement of Foreign Judgments (1964): 51 enactments
- Fiduciary Access to Digital Assets (2015): 49 enactments
- Interstate Depositions and Discovery (2007): 48 enactments
- Interstate Family Support (2008): 53 enactments
- Prudent Investor (1994): 44 enactments
- Prudent Management of Institutional Funds (2006): 51 enactments
- TOD Security Registration (1989): 50 enactments
- Trade Secrets (1985): 51 enactments

The ULC's “Signature” Acts (cont’d)

- Transfers to Minors (1983): 52 enactments
- UCC1 (2001): 53 enactments
- UCC2 (1951): 51 enactments
- UCC2A (1987): 51 enactments
- UCC3/4 (1990): 52 enactments
- UCC4A (1989): 53 enactments
- UCC 4A Amendments (2012): 50 enactments
- UCC5 (1995): 53 enactments
- UCC6 (1989): 52 enactments
- UCC7 (2003): 51 enactments
- UCC8 (1994): 53 enactments
- UCC9 (1999): 53 enactments
- UCC9 (2010 Amendments): 52 enactments
- Voidable Transactions (1984): 47 enactments

In contrast, Some Acts Are “Dead on Arrival,” While Others Don’t Make It Out of the Gate.

- Dead on Arrival
 - Model Protection of Charitable Assets;
 - Uniform Adoption Act;
- Others don’t make it out of the gate
 - Uniform Crowd-Funding Act
 - Uniform Computer Information Transactions Act, and
- Or a State may already have legislation on point
 - Iowa and (1) Uniform Limited Cooperative Act, and
 - (2) Uniform Foreign Declarations Act,
- Or there’s just political opposition to a Uniform Act.

Significant Number of Uniform Acts Just Move Gradually to Enactment

- Uniform Limited Liability Company Act (21 enactments);
- Revised Uniform Law on Notarial Acts (26 enactments);
- Uniform Limited Partnership Act (24 enactments);
- Uniform Collaborative Law Act/Rules (28 enactments);
- Uniform Child Abduction Prevention Act (21 enactments);
- Uniform Partition of Heirs Property (26 enactments)

How Is the ULC Funded?

How Much Does Membership Cost Iowa?

- Each state and territory pays dues, which vary according to population. There are five tiers, and Iowa is in the lowest tier.
- For FY25 Iowa's dues were \$41,835; over a 16-year period Iowa's dues increased slightly over \$10,000 for approximately 2% a year on average.
- Commissioners' travel to the week-long Annual Meeting averages between \$4,000 and \$8,000, depending on the number of Commissioners attending.
- Since 2017 Iowa has been paying just 50% of the annual dues assessed by the ULC.
- Since 1992 the ULC has been raising funds to establish an endowment, and it from time to time will receive a grant to draft an Act., *e.g.*, from the NCAA, with explicit condition not to interfere in or influence the drafting process or product.

Benefits of the Uniform Law Commission and Uniform and Model Acts

- Identify and fill emerging legal needs, modernize aging or out-of-date legal concepts, or codify enhanced common law concepts;
- Resolve conflict-of-laws problems;
- Facilitate the flow of commercial transactions across state lines;
- Enhance predictability and planning in transactional practice;
- Provide reciprocity of rights and remedies between the states and their residents.

The ULC Is a State-Service Organization

- *No uniform or model act becomes law until a state legislature enacts it and a state governor signs it. The Uniform Law Commissioners may propose, but the state legislatures must dispose.*
- Uniform Law Commissioners do not draft bills for Congress, and the ULC generally opposes efforts to federalize subject areas in which uniform and model acts are drafted.

ULC Website

www.uniformlaws.org is the ULC website. It contains:

- all Uniform and Model Acts and Comments;
- organizational information;
- current drafting committees;
- free webinars on Acts and press releases;
- legislative information and enactment status of selected acts, updated regularly;
- drafts of current projects and texts of final acts, as well as summaries and other related information.

Questions and Thank You

- I'm happy to take any questions.
- Thank you for listening.
- And thanks to the LSA for assistance it's given me for more than 30 years in serving the ULC and working with the Legislature and interested persons.