

# UNIFORM LAW COMMISSION

## Concludes 117th Annual Meeting

*By Representative Cam Ward*

Each year it is a pleasure to report to the members of the bar on the work taking place by Alabama attorneys who are involved in the drafting of uniform acts. The Uniform Law Commission (ULC) recently concluded its 117<sup>th</sup> Annual Meeting in Big Sky, Montana. The ULC approved seven new acts dealing with issues ranging from an update of the law on family support to new revisions to a uniform act that provides rules on condominiums and other types of planned communities.

Alabama commissioners Jerry Bassett, Bill Henning, Gorman Houston, Tom Jones, Ted Little, Bruce McKee, Bob McCurley, and Cam Ward were joined by more than 200 lawyers, judges, law professors, legislators, and government attorneys appointed in their respective jurisdictions to serve as uniform law commissioners. Uniform Law commissioners are appointed by every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. In Alabama, the governor appoints three members to the commission, the speaker of the house and lieutenant governor each appoint a member and there are two statutory members. The commissioners draft proposals for uniform laws on issues where disparity between the states is a problem.

As they have done each summer since 1892, uniform law commissioners gathered for a full week to discuss—and debate line by line, word by word—legislative proposals drafted by their colleagues during the year. The seven acts just approved are now available for state enactment.

The **Uniform Interstate Family Support Act** (UIFSA), the law in every state, was amended to modify the current version of UIFSA's international provisions to comport with the obligations of the United States under the 2000 Hague Convention on Maintenance, which was signed by the President in 2008. The amendments give greater enforcement of U.S. orders abroad; also, foreign orders will be recognized and enforced like orders of other American states.

The **Uniform Common Interest Ownership Act** (UCIOA) was amended in order to update the 1994 UCIOA, which provides provisions for creating, managing and terminating condominium, planned community and other types of real estate cooperatives. Amendments to UCIOA were necessary in light of intervening developments in this area of the law. A **Uniform Common Interest Ownership Bill of Rights Act** is also available as a separate act.

The **Revised Uniform Unincorporated Non Profit Association Act** (RUUNAA) is the product of a joint project between the ULC, the Uniform Law Conference of Canada and the Mexican Center on Uniform Laws. The RUUNAA, a revision of the UUNAA of 1996, governs all unincorporated non-profit associations (UNAs) that are formed or operate in a state that adopts the act. There are hundreds of thousands of UNAs in the United States, including educational, scientific and literary

clubs, sporting organizations, political organizations, neighborhood associations, and the like. The RUUNAA provides a basic legal framework for the operation of UNAs.

The **Uniform Unsworn Foreign Declarations Act** will permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses located outside the United States in lieu of affidavits, verifications or other sworn court filings. Obtaining an affidavit abroad can be a costly and time-consuming process, making a uniform state law on this subject extremely useful in transnational litigation.

Amendments to the **Uniform Probate Code** and the **Uniform Principal and Income Act** were also approved.

Information on all of these acts, including the approved text of each act, can be found at the ULC Web site at [www.nccusl.org](http://www.nccusl.org).

Once an act is approved by the ULC, it is officially promulgated for consideration by the states, and the legislatures are urged to adopt it. Since its inception, the ULC has been responsible for more than 200 acts, among them such bulwarks of state statutory law as the Uniform Commercial Code, the Uniform Probate Code, the Uniform Partnership Act and the Uniform Interstate Family Support Act.

Alabama joined the ULC in 1906, and since that time has enacted more than 52 uniform or model acts promulgated by the Conference. Alabama currently has eight uniform law commissioners appointed to the Conference: Jerry Bassett, Montgomery; Bill Henning, Tuscaloosa; Justice Gorman Houston, Birmingham; Tom Jones, Tuscaloosa; Senator Ted Little, Auburn; Bruce McKee, Birmingham; Bob McCurley, Tuscaloosa; and Representative Cam Ward, Alabaster.

The procedures of the Uniform Law Commission ensure meticulous consideration of each uniform or model act. The ULC usually spends a minimum of two years on each draft. Sometimes, the drafting work extends much longer. No single state has the resources necessary to duplicate this meticulous, careful, non-partisan effort. Working together with pooled resources through the ULC, Alabama joins with every other state to produce the impressive body of laws known as the "Uniform State Laws." ▲▼▲



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