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UNIFORM LAWS: POSSIBLE USEFUL TRIBAL LEGISLATION

Fred H. Miller* and Duchess Bartmess**

THE NEED FOR AND CREATION OF NCCUSL

One hundred and nine years ago, what became the National Conference of Commissioners on Uniform State Laws (NCCUSL or Conference) held its first meeting in Saratoga Springs, New York.1 "[R]epresentatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania met... [for three days] in the parlor of the Massachusetts Commissioners in the Grand Union Hotel.”2 Today, NCCUSL has representatives from every state, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico. It is responsible for hundreds of statutes enacted by the jurisdictions that comprise it, including the Uniform Commercial Code and other equally important statutes in the areas of business law, family law, trust and estates law, civil procedure, and other legal subjects.

"[NCCUSL] is an organization peculiar to the federal system of government... and is unique in American law.”3 “American law' [of course] actually consists of fifty separate, and potentially differing, bodies of state law, co-existing with, and overlaid by, federal law.”4 “The concluding article of the Bill of Rights, the Tenth Amendment, epitomizes the federal system that the Constitution created.”5 “It reserves to the states 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the states....”6 “Because of this limitation, nearly all private law – contracts, negotiable instruments, business organizations, marriage and divorce, for example – and most

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2. Id.
3. Id. at 3.
4. Id.
5. Id.
6. Id.
areas of criminal law,”7 were “left for definition and regulation by the legislatures and courts of the several states.”8

For the nation’s first 100 years, this system of legal diversity worked fairly well, although in one sense the Civil War grew out of the decidedly non-uniform state law concerning slavery. But after that war, as the nation came together again, moved westward, expanded its borders, began to industrialize, and acquired the means of transcontinental travel, the need for a common, predictable, nation-wide legal system became crucial. There were at least two methods for unifying the legal systems of the states.9

[First], state law could be preempted by the Federal Government through repeal of the Tenth Amendment, or by an expansive interpretation of the commerce clause and other express powers delegated to Congress [which, of course, was what ultimately happened]. Alternatively, the states could create a forum and a vehicle by which they could voluntarily agree to develop, and then separately adopt, uniform legislation on important subjects of common concern. That was the path chosen in 1891 when [NCCUSL] was conceived.10

At that time, the federal government was viewed as having too limited powers to be an alternative solution. This remains a viable approach even today for other reasons notwithstanding the expansion of federal authority. However, inherent in the reservation in the Tenth Amendment, “is the possibility of diverse legislative enactments by different states upon the same subjects, leading to confusion and difficulty in areas common to all jurisdictions.”11 There was, therefore, from the very beginning a potential need for uniformity of legislation.12 “While a certain amount of uniformity could be accomplished by the federal government,”13 of course, in the late 1800’s that power was perceived as very limited. Accordingly, “[t]he only remaining possibilities of obtaining uniformity were by agreement between the states – which, because of the number of legislative bodies involved, presented almost insuperable difficulties, or by voluntary action of the legislative bodies adopting [substantially similar or] identical laws. The latter appeared to be by far the most feasible method, and it is the one . . . [that ultimately] led to the creation of the Conference.”14 In the words of one Commissioner:

The effective argument in favor of uniform law is that it is a law for the state itself, as well as a law creating uniformity with the laws of other states. Besides, it accomplishes two things: first, it harmonizes all conflicting laws on the subject; and second, it makes the law more intelligible to the people who desire to know it. No objection can fairly be made to this method of uniformity, because all states, as has

7. ARMSTRONG, supra note 1, at 3.
8. Id.
9. Id.
10. Id.
11. Id. at 13.
12. See id.
13. ARMSTRONG, supra note 1, at 13.
14. Id.
been well said, are equally interested in securing the administration of the same general rights, the realization of the same common freedom under the law, and as such, no state can lose its individuality in the least. 15

The secretary of the first Conference observed:
In the more than one hundred years that have elapsed since that time [the adoption of the Federal Constitution], there has been no official effort to obtain greater harmony of law among the States of the Union; and it is the first time since the debates on the constitution that accredited representatives of the several states have met together to discuss any legal question from a national point of view. 16

TRIBAL SOVEREIGNTY

One hundred years later history could repeat itself in a sense, not among the states, but among the states and Native American tribes, and, in the near future, perhaps among the tribes themselves. This is because:

The whole course of judicial decision on the nature of Indian tribal powers is marked by adherence to three fundamental principles: (1) An Indian tribe possesses, in the first instance, all the powers of any sovereign state. (2) Conquest renders the tribe subject to the legislative power of the United States, and in substance, terminates the external powers of the sovereignty of the tribe, e.g., its power to enter into treaties with foreign nations, but does not by itself affect the internal sovereignty of the tribe, i.e., its powers of local self-government. (3) These powers are subject to qualification by treaties and by express legislation of Congress, but, save as thus expressly qualified, full powers of internal sovereignty are vested in the Indian tribes and in their duly constituted organs of government. 17

Clearly a tribe has jurisdiction over its members. 18 But more importantly for this discussion, like a state, "[a] tribe may regulate, through taxation, licensing, or other means, the activities of non-members who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements." 19 For many years this power lay dormant for the most part as most tribes had few occasions to deal with non-tribal members, except for the occasional Indian trader on the reservation. 20 This is no longer true. Tribes have been working hard to reduce dependence on public assistance, increase employment and bring prosperity to their tribal members. One endeavor that involves non-members and that has been spectacularly successful is gaming. 21
Even though gaming and other similar type activities have produced substantial funds, tribes more and more are looking at commercial endeavors as they develop their long-range tribal goals. There is a growing interest in creating or enhancing commercial activities in order to advance self-governance and tribal development through increased tribal income and more and better employment opportunities for tribal members. But issues can arise. For example, the Kiowa tribe entered into an agreement to buy stock from a non-tribal corporation and executed a promissory note to evidence the unpaid part of the purchase price. The agreement was not entered into on tribal land and had no governing law clause. When the tribe defaulted, suit was brought. The Supreme Court determined the tribe was immune from suit since Congress had not authorized the suit nor had the tribe waived its sovereign immunity. In a related action, the Supreme Court of Oklahoma reiterated that state courts have no jurisdiction over contracts when one party is a tribe unless the tribe waived immunity or unless Congress specifically authorized the suit. "As a general rule, State civil laws do not apply to transactions arising in Indian country to which Indian tribes, tribal entities or tribal members are parties, except to the extent authorized by Congress." These authorities establish, as a general starting point, that a tribe has the sovereign power to enact and enforce civil laws regulating the conduct of its members and of non-Indians who come upon tribal land. This authority includes the power to enforce contracts, even though entered into outside reservation boundaries, and even off-reservation non-Indian land may qualify as a "dependent Indian community and thus part of Indian Country."
That being so, it is clear that in a transaction between a tribe or a tribal member and a non-Indian entity or individual, tribal law may be applicable in a broad spectrum of circumstances to govern the rights and obligations of the parties. Accordingly, to the extent tribal law is unclear, or different than the law under which the non-tribal party to the agreement normally operates, the transaction may well be discouraged. This may be to the detriment of the tribe and its members. It certainly is to the non-tribal side of the transaction. It therefore seems accurate to say, as was said years ago about the circumstances that led to the creation of NCCUSL, that a need for a common and predictable legal system is critical, or is rapidly becoming so.

FORMULATING TRIBAL LAW

The need for a common and predictable legal system is not news to many tribes. For example, in 1986 the Navajo Tribe adopted Phase I of a tribal UCC, to and authority over the land occupied by the Indians; (2) the relationship of the inhabitants to Indian tribes and the federal government, such as by federal funding or provision of services; (3) whether there is an element of cohesiveness manifested by economic pursuits, common interests, and the like; and (4) whether the lands have been set apart for the use, occupancy and protection of dependent Indian peoples. See Hous. Auth. of the Seminole Nation v. Harjo, 790 P.2d 1098, 1100 (Okla. 1990), Mike McBride, Oklahoma's Civil-Adjudicatory Jurisdiction over Indian Activities in Indian Country: A Critical Commentary on Lewis v. Sac and Fox Tribe Housing Authority, 19 OKLA. CITY L. REV. 81, 121-137 (1994), particularly at 127 where the author asserts: "[L]ower court and Supreme Court cases lend support to the conclusion that traditional, 'formal' reservations continue to exist within Oklahoma," (footnotes omitted), and at 134-137, where appears the criticism of the Lewis (and Eaves) cases. See generally, FELIX COHEN, HANDBOOK OF FEDERAL INDIAN LAW, Ch. 1, Section D (1982), and also Okla. Tax Comm'n v. Sac and Fox Nation, 508 U.S. 114 (1993).

27. This might include not only tribal ordinances or statutes, but custom as tribal common law. See, e.g., Gloria Valencia-Weber, Tribal Courts: Custom and Innovative Law, 24 N.M. L. REV. 225 (1994).


29. Of course, if there is no tribal law to the contrary, a court could apply established legal rules by analogy or fashion the applicable rule along the same lines, as is often done outside the context under discussion. See, e.g., United States v. Kimbell Foods, Inc., 440 U.S. 715 (1979). But this hardly is a certain or predictable process; and what is needed here is a measure of certainty. It also is hard to determine what laws a tribe may have adopted. See Clifford, supra note 26, at 304 n.26.

30. See, e.g., FEDERAL RESERVE BANK OF KANSAS CITY, COMMUNITY REINVESTMENT: SPECIAL SUPPLEMENT ON LENDING IN INDIAN COUNTRY, at 17 (Winter 1994); “The complexities of Indian law and the implications of tribal sovereignty create legal and political uncertainties for lenders and investors.” “[T]hese continuing uncertainties may represent the greatest barrier to . . . economic and business development.” “Commercial transactions in non-Indian communities are governed by the Uniform Commercial Code . . . .” “Tribes had not developed a comparable legal code . . . .” “Such codes should quell a certain amount of . . . uncertainty.” Id.

31. A transaction that does not occur can be a detriment to those who deal with tribes; Wisconsin businesses, for example, do $150 million in business a year providing goods and services to Indian activities. The St. Croix Chippewa tribe shares revenue with Wisconsin of $2.2 million a year until 2003. Different tribal rules, if more lenient than state regulations, also could entice industries to tribal lands, causing a loss of state revenue. See Susan Johnson, From Wounded Knee to Capitol Hill, Nat. Conf. St. Legislatures 9, 16, 18 (1998). Moreover, there can be legal consequences; see U.S. v. Blacknipe State Bank, Civ. No. 93-5115 (D.S.D. consent decree filed Jan. 21, 1994), Clearinghouse No. 49, 995 A&B (bank discrimination against Native Americans by refusing to make secured loans where collateral located on reservation; for placing credit requirements on Native Americans that were not required of whites). There may be Community Reinvestment Act consequences as well.

32. See Armstrong, supra note 1.
modeled on the U.S. system, and "the Oglala Sioux Tribe has adopted a collection
code for the purpose of enforcing judgments obtained through the tribal courts."33
The Indian Law Clinic at the School of Law, University of Montana, developed a
Model Tribal Code for Secured Transactions for possible use in Indian Country34
and it is known to your authors that the Sac and Fox Tribe in Oklahoma has
adopted a version of UCC Article 9 for its use.35

This approach is not the only one that may be taken. A number of states
and tribes have developed intergovernmental agreements addressing a variety of
issues, such as tax agreements, and other states have established Indian affairs
commissions or programs in state agencies that cooperate with tribes to address
state-tribal issues.36 Such an approach establishes certainty of law well enough,
but is mainly adaptable to governmental issues rather than private law matters.

Another approach is represented by Ordinance No. 95-720-1 of the
Mohegan Tribe of Connecticut.37 Article III, Section 301 of that law adopts as
substantive law for the subject of the ordinance: (a) law as set forth in any
Mohegan Tribal ordinances or regulations, and (b) the general statutes of
Connecticut and cases interpreting such statutes except those that conflict with
Mohegan Tribal law, but not unwritten Mohegan Tribe traditional law and
customs. This approach is efficient and provides for uniformity of law between a
state and a tribe (and among tribes if other tribes do the same).38 But it also may
impose inappropriate legal rules on the tribe due to its all-inclusive incorporation
of other law,39 at least until the tribe acts through specific legislation to modify or
reject the adopted law.

Accordingly, the first approach, where the tribe itself considers the specifics
of the proposed law, as it will affect the tribe and its members, before tribal
enactment, seems superior, and also best effectuates the exercise of tribal
sovereignty. Moreover, it is exactly the process that a state employs when
considering a uniform law before enactment by the legislature of the state.40

THE UNIFORM LAWS PROCESS

The purpose of the National Conference of Commissioners on Uniform
State Laws (NCCUSL) is to promote uniformity in non-federal law on all subjects
where uniformity is desirable and practicable among the states. To accomplish
this, the Commissioners from the jurisdictions that make up NCCUSL participate

33. FEDERAL RESERVE BANK OF KANSAS CITY, COMMUNITY REINVESTMENT: SPECIAL
SUPPLEMENT ON LENDING IN INDIAN COUNTRY, at 17 (Winter 1994).
34. University of Montana, School of Law, Indian Law Clinic, MODEL TRIBAL CODE FOR
SECURED TRANSACTIONS (on file with author).
Association (on file with author).
36. See Susan Johnson, From Wounded Knee to Capitol Hill, NAT. CONF. ST. LEGISLATURES 9, 19
38. See Clifford, supra note 26 at 305-06.
39. Id. at 306.
40. Id.
in drafting acts on various subjects and then endeavor to secure enactment of the approved acts in the various jurisdictions they represent.

NCCUSL, as stated, is composed of Commissioners on Uniform State Laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. In addition, the principal officer of the state agency, such as the legislative reference bureau, charged with responsibility of drafting legislation for the state is an Associate Member of the Conference.

The Governors of the states and other appointing authorities have appointed as Commissioners lawyers, judges, legislators, and law school professors. While a common term for service is three or four years, it is common practice for Commissioners to be reappointed, without regard to their political affiliation, if they have actively participated in the work of the Conference. Commissioners who have served by official appointment for twenty or more years are eligible for Life Membership. All Commissioners are members of the bar.

The organizational plan of the Conference makes its nonpartisan nature self-evident. Moreover, while Commissioners are obligated to endeavor to procure enactment of uniform acts, they represent no special interest.

Since its organization, NCCUSL has drafted more than 250 uniform laws on numerous subjects and in various fields of law, many of which have been widely enacted by the states. These include the Uniform Commercial Code, the Uniform Partnership and Limited Partnership Acts, acts on anatomical gifts, arbitration, controlled substances, declaratory judgments and enforcement of foreign judgments, interstate family support, and a range of other subjects.

NCCUSL meets annually to consider drafts of proposed uniform legislation prepared by its drafting committees. Proposals for uniform acts are received from many sources, and are referred to a Committee on Scope and Program that makes an investigation, sometimes hears interested parties or recommends a further study, and reports to the Conference whether the subject is one on which it is desirable and feasible to draft a uniform law.

If the Conference decides to work on a subject, a special drafting committee of Commissioners is appointed to prepare the draft of an act. In the case of the Uniform Commercial Code, representatives of The American Law Institute also are appointed to the committee. The American Bar Association is invited to appoint an advisor to each drafting committee. Drafts are not submitted to the Conference until they have received extensive drafting committee consideration.

Drafts of proposed uniform acts are not created by the drafting committee alone. Each drafting committee requests the President of the Conference to contact organizations and other groups that are believed to have an interest in a proposed act, and ask them to send an observer to meetings of the drafting committee. NCCUSL does not operate on the Congressional model where interests that will be impacted by the laws it creates are allowed to address the lawmakers and hope for the best. NCCUSL products instead are developed through a participatory process using interested parties. While the term "observer" may suggest only that role, in fact in most meetings observers are at
the drafting table with the drafting committee and discuss the provisions of the act with the committee. In that manner, the drafting committee receives realistic advice as to the problems it must deal with, what possible solutions may be employed, and how the proposed act, if legislatively enacted, could impact on interested parties.

Each drafting committee also employs a “reporter.” The reporter is an expert in the legal area under consideration. The reporter does not make policy choices, but does advise the members of the drafting committee on what the law is, what the perceived problems with the law are, and what solutions may be employed to resolve the issues so the drafting committee members can make reasoned policy decisions. The reporter and the other participants in this process bring knowledge and research capability to the work that only rarely can be equaled by legislative staff in any given state.

A draft act must be discussed and considered section by section by the entire Conference normally at no fewer than two annual meetings of the Conference before the Conference may decide by a vote of the states whether to promulgate the draft as a uniform act. Each state is entitled to one vote, and an act is not promulgated unless a majority of the states represented at an annual meeting and at least 20 jurisdictions have approved the draft.

Once a uniform act is completed by NCCUSL, the Commissioners from each state work to get it enacted by the legislature of their state. Most uniform acts, of course, due to the participation of Commissioners from each state, represent a uniform compromise and blend of the different state laws on the subject. Nonetheless, often there are particular policies in a specific state that must be recognized, and there always is the task of fitting the uniform act into the existing state jurisprudence. The task of reserving fundamental and particular policies and of determining what other state laws must be repealed or modified when the uniform law is enacted usually is accomplished with the help of a state law revision commission or institute, or a committee of the state bar association. While that review may produce some non-uniformity, it also facilitates uniformity because unless some flexibility for the fundamental particular policies of a given state is allowed, the uniform act may never become law in that state, resulting in greater non-uniformity than if the uniform act becomes law with only modest adjustments.

NCCUSL COMMITTEE ON LIAISON WITH NATIVE AMERICAN TRIBES

In recognition of the sovereignty of Native American tribes and the increasing legislative activities of some of those tribes, the Executive Committee of NCCUSL created the Committee on Liaison with Native American Tribes. The purpose of this Committee is to encourage uniformity of laws among tribal nations and the states on appropriate subjects by first building relationships with tribal nations and associations of tribal governments that ultimately may facilitate the adoption and use by the tribes of uniform and model acts drafted by NCCUSL modified, as necessary, to suit tribal needs.

The Committee is modeled in concept on the operation of the NCCUSL
Committee on Cooperation between the Uniform Law Conference of Canada and NCCUSL. That committee exchanges information concerning legislation being devised in the United States and that being formulated in Canada, with the goal of seeking harmonization of the laws of the two countries to facilitate commercial transactions between the two nations, and the recognition of rights of citizens of each country as to wills, trusts, family matters, commercial matters, and the like by both nations.

The Liaison with Native American Tribes Committee consists of members interested in relations among Native American tribes, tribal enterprises, state and local governments and non-tribal business enterprises operating in Indian Country. Many of the members are Commissioners from states that have a significant tribal presence. The Committee Chair is Timothy Berg of Arizona. The other members are Duchess Bartmess of Oklahoma, Robert Desiderio of New Mexico, Joseph Mazurek of Montana, Merrill Moores of Indiana, Neal Ossen of Connecticut, Jay Rabinowitz of Alaska, Richard Smith of New York and Robert Sullivan of Montana.

The Committee is beginning its efforts by contacting tribal governments, associations of tribal governments or tribes and state liaison entities to introduce them to NCCUSL’s work and inquire to what extent uniform or model acts might be useful to the tribes. The Committee has evidence that some tribes have used uniform and model acts, while others have found the acts to be unsuitable, at least in part. The Committee intends to determine both what aspects of what acts have been useful, and what aspects have been unsuitable and to work with interested tribes using a procedure similar to that of a NCCUSL drafting committee, including inviting participation by tribal representatives as observers and utilizing a reporter, to draft any appropriate modifications to uniform and model acts. The work of the Committee thus will facilitate and encourage consideration by interested tribes of uniform and model acts, or at least their basic principles, when the tribes are preparing their own legislation. This should enhance uniformity of law governing commercial transactions, the enforcement of judgments and other procedural matters, family law, and other appropriate subjects, between tribes and states, and among tribes, for the benefit of all in a manner similar to the work of NCCUSL among the states themselves.

An example may indicate how the Committee could work with tribes in providing expertise and drafting skills to formulate acceptable versions of uniform or model acts for tribal use. In 1997, the Indian Law Clinic at the University of Montana, which was preparing a model tribal Code for Secured Transactions (basically UCC Article 9) for the use of tribal governments when developing their own commercial codes, contacted NCCUSL requesting comments on the then draft. Had the Liaison with Native American Tribes Committee existed, it could have replied and worked with the clinic and representatives of the interested tribes as observers “in order that the final product will be beneficial both to tribal governments and to entities wishing to do business in Indian
As it was, a reply as follows was formulated by one of the authors as Executive Director of NCCUSL:

As you are aware, Uniform Article 9 is under revision with completion expected in July/August 1998. I assume your project will be timed to coordinate. However, revision of Article 1 may not be completed until 1999 and that may impact on Parts 1-2 of the Model Code. Parts of Article 2A (2A-307 in particular) also may be moved into Article 9. Since Article 2A is scheduled also for completion in 1999, some further delay may be desirable. I see you already have moved 2A-307 into the Model Code, but without more of Article 2A (e.g., definition of a lessee in the ordinary course of business) is this enough? Also in reference to damages categorization, you seem to have borrowed from Article 2B. Again, this matter is in flux until 1998.

I notice the Model Code does not have comments. These will be extremely important. The Official Comments to revised Article 9 are copyrighted, but I will be happy to assist in working out a suitable arrangement if desired.

Other observations. Filing under new Article 9 is likely to be a combination of the statute and guidelines or regulations mutually adopted by filing offices. For that reason, to create a filing system is likely to require a fair amount of resources. Because of that, and for ease of search, it might be worth considering plugging into the state filing system. Of course, if filing ends up privatized that will not be a problem, but that is far from a sure thing.

An observation or question is how will the Model Code relate to other law? I suppose federal bankruptcy takes care of itself, but is there reasonably developed tribal law on consumer protection law, agency law, repair shop law, accessions law, and so on? This is a problem that needs attention, even though not an obvious one. A number of relationships even within the scope of the Uniform Code also are necessary; e.g., the Model Code speaks of a holder in due course of a “negotiable instrument”—where is the latter defined; it speaks of a letter of credit—what is the relation to § 5-114 in the Uniform UCC, and so on. 42

In the future, the work of the Committee may extend to acting as a liaison between interested tribes and NCCUSL drafting and study committees as they are created, so that appropriate provisions can be placed in uniform laws under development to accommodate tribes, 43 and so that adaptation to concerns of tribal governments may also occur as new uniform or model acts are being formulated

41. Letter from Maylinn Smith, Director Indian Law Clinic, School of Law, University of Montana, Missoula, MT. to John M. McCabe, Legislative Director/Legal Counsel, NCCUSL (June 11, 1997) (on file with author).
42. Letter from Fred Miller, Executive Director of NCCUSL, to Maylinn Smith, Director Indian Law Clinic, School of Law, University of Montana, Missoula, MT. (August 20, 1997) (on file with author). See also Clifford, supra note 26 at 306-08.
43. An example where this occurred even without the assistance of the Liaison with Native American Tribes Committee is the Uniform Certification of Questions of Law Act. This act, when enacted by a state, will allow state courts to accept certifications from tribal courts of questions of law requesting an opinion by the state court. However, for state courts to be able to certify questions to tribal courts, tribal legislative adoption of the act would have to occur. See UNIF. CERTIFICATION OF QUESTIONS OF LAW ACT § 1 (West 1996).
by those committees. This will enable Native American communities to promptly act contemporaneously with the states with respect to proposed uniform and model acts.

CONCLUSION

NCCUSL has a history of the successful promulgation of uniform and model statutes that accomplish basic uniformity in suitable areas of private law among the states. Tribes increasingly are looking for legislation to make their law more easily ascertainable and a uniform law can serve that purpose. Moreover, both the states and the tribes increasingly need laws that provide core uniformity of law among them so that their citizens are not inconvenienced in their movement between jurisdictions, and transactions benefiting both tribal members and state businesses are facilitated. Uniform and model laws are one answer in this context as well. In short, using uniform and model laws is an efficient and cost effective approach for the tribes if those laws can be properly adapted, if necessary, for tribal use. A committee of NCCUSL exists to assist in that purpose. A cooperative effort between interested tribes and NCCUSL therefore appears to be an activity whose time has arrived.
APPENDIX

A Guide to Uniform and Model Acts
1999 - 2000 Edition

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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UNIFORM AND MODEL ACTS

(1999-2000)

UNIFORM ADOPTION ACT (1994)
Adoptions: 1
Purpose: A comprehensive codification of adoption law, covering everything from birth parent consent to adoption record confidentiality.
Related Acts: Child Custody Jurisdiction and Enforcement; Interstate Family Support; Parentage; Putative and Unknown Fathers; Status of Children of Assisted Conception.

UNIFORM ANATOMICAL GIFT ACT (1987)
Adoptions: 22
Purpose: Updates the 1968 Uniform Anatomical Gift Act, which was adopted in every state. Makes organ donation easier.
Related Acts: Determination of Death; Simultaneous Death; Health-Care Decisions; Health-Care Information.

UNIFORM ARBITRATION ACT (1956) (revised 2000)
Adoptions: 49
Purpose: Permits enforceable agreements to submit disputes to arbitration. Provides for the selection of arbitrators, for an arbitration proceeding and for enforcement of an arbitration award.

UNIFORM CERTIFICATION OF QUESTIONS OF LAW ACT (1995)
Adoptions: 7
Purpose: Assures that key interpretations of a state’s law are made by the state’s own highest court, by empowering the court to answer questions certified to it by a federal court, an appellate court of another state, or courts of Canada or Mexico. This act modernizes the earlier version, which was adopted in 21 states.
Related Acts: Conflict of Laws - Limitations; Statute and Rule Construction; Transfer of Litigation.

UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (1997)
Adoptions: 14
Purpose: Revises the 1968 Uniform Child Custody Jurisdiction Act, which was adopted in every state, and brings it into compliance with the federal Parental Kidnapping Prevention Act. This act limits child custody jurisdiction to one state, avoiding competing orders, and provides enforcement provisions for child custody orders.

Related Acts: Adoption; Interstate Family Support; Marriage and Divorce.

Supersedes: Child Custody Jurisdiction Act (1968).

Adoptions: 48
Amendments: 47
Purpose: Provides a legal framework for leases of personal property, similar to existing Article 2 which covers sales.


UNIFORM COMMERCIAL CODE ARTICLES 3 AND 4, NEGOTIABLE INSTRUMENTS AND BANK DEPOSITS AND COLLECTIONS (1990)(under revision)
Adoptions: 49
Purpose: Updates provisions of the UCC dealing with payment by checks and other paper instruments to provide essential rules for the new technologies and practices in payment systems.


UNIFORM COMMERCIAL CODE ARTICLE 5, LETTERS OF CREDIT (1995)
Adoptions: 44
Purpose: Updates provisions of the UCC dealing with letters of credit, previously adopted in every state, to provide necessary rules for the many innovations in letters of credit.


UNIFORM COMMERCIAL CODE ARTICLE 6, BULK TRANSFERS (1989)
Adoptions: 44
Repeal: 39
Revise: 5
Purpose: Repeals this article of the UCC, originally adopted in every state except Louisiana, which many states have found to be obsolete. An optional amendment modernizes Article 6 for those states that wish to retain it.

Related Acts: Other Articles of Commercial Code; Fraudulent Transfer.


UNIFORM COMMERCIAL CODE ARTICLE 8, INVESTMENT SECURITIES (1994)
Adoptions: 50
Purpose: Updates UCC Article 8, originally adopted in every state, to provide a modern legal structure for the recently developed system of securities holding through intermediaries.

Related Acts: Other Articles of Commercial Code; Securities; TOD Security Registration.


UNIFORM COMMERCIAL CODE ARTICLE 9, SECURED TRANSACTIONS* (1999)

Adoptions: 28

Purpose: Updates UCC Article 9, originally adopted in every state. Article 9 provides a statutory framework that governs secured transactions-transactions which involve the granting of credit secured by personal property.


UNIFORM COMMON INTEREST OWNERSHIP ACT (1982)(1994)

Adoptions: 6

Amendments: 2

Purpose: Basic statute for creating, managing, and terminating condominium, planned community, and real estate cooperatives. Includes basic point-of-sale consumer protection.

Related Acts: Arbitration; Condominium; Planned Community; Real Estate Cooperative; Real Estate Time-Share.

UNIFORM COMMON TRUST FUND ACT (1938)(1952)

Adoptions: 35

Amendments: 8

Purpose: Permits financial institutions to create common trust funds for investment purposes.

Related Acts: Management of Institutional Funds; Prudent Investor; Trustees' Powers.

UNIFORM COMPARATIVE FAULT ACT (1977)(1979)(under revision)

Adoptions: 3

Amendments: 0

Purpose: This act provides a system of allocating damages in personal injury actions by a straight percentage of contribution to the injuries for which compensation is sought. This allocation includes the contribution of injured persons to their own injury. The doctrine of contributory fault is abolished.

Related Acts: Periodic Payment of Judgments; Punitive Damages.

UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT (1999)

Adoptions: 2

*In addition, amendments to UCC Articles 1 and 2 are expected to be completed in 2001, and a project to amend UCC Article 7 has begun.
Purpose: This act adopts the accepted and familiar principles of contract law, setting the rules for creating electronic contracts and the use of electronic signatures for contract adoption—thereby making computer information transactions as well-grounded in the law as traditional transactions.


UNIFORM CONDOMINIUM ACT (1977)(1980)
Adoptions: 12
Amendments: 7
Purpose: Comprehensive provisions for creation, management, and termination of condominium associations, including point-of-sale consumer protection.

Related Acts: Common Interest Ownership; Planned Community; Real Estate Cooperative; Real Estate Time-Share.

UNIFORM CONFLICT OF LAWS-LIMITATIONS ACT (1982)
Adoptions: 5
Purpose: This act treats statutes of limitations as substantive, rather than procedural, in contrast with the ordinary rule which treats statutes of limitations as procedural.

Related Acts: Certification of Questions of Law.

UNIFORM CONSERVATION EASEMENT ACT (1981)
Adoptions: 22
Purpose: Authorizes the creation of permanent easements on real property for conservation and historic preservation purposes, with favorable federal income tax benefits.

MODEL CONSTRUCTION LIEN ACT (1987)
Adoptions: 1
Purpose: Replaces the "mechanics" lien fund in every jurisdiction. Permits contractors, subcontractors, and materials suppliers to attach a lien for the value of unpaid services and material upon real property improved by such. Includes a resulting trust for construction proceeds as an alternative to a lien.

MODEL CONSUMER CREDIT CODE (1968)(1974)
Adoptions: 11
Amendments: 0
Purpose: Under this Act, the total consumer credit process, from advertising through collection, would be within the scope of regulation. Includes usury rules.


UNIFORM CONTROLLED SUBSTANCES ACT (1990)(1994)
Adoptions: 3
Amendments: 0
Purpose: Provides fundamental law in the fight against narcotic and dangerous drugs, and achieves uniformity between state and
**UNIFORM LAWS**

**federal drug laws. It updates the earlier version, adopted in 44 states.**

**Supersedes:** Controlled Substances (1970)(1973).

**UNIFORM CORRECTION OR CLARIFICATION OF DEFAMATION ACT (1993)**

**Adoptions:** 1

**Purpose:** Provides a method for limiting punitive damages in a defamation act by correcting or clarifying allegedly defamatory material.


**Adoptions:** 0

**Amendments:** 0

**Purpose:** This act codifies the pretrial and judgment stages of criminal procedure. It does not cover rules of evidence, correction, or post-trial procedures in criminal cases.

**Related Acts:** Rules of Evidence; Extradition and Rendition; Post-Conviction Procedure; Victims of Crime.

**UNIFORM CUSTODIAL TRUST ACT (1987)**

**Adoptions:** 14

**Purpose:** Enables persons to establish a commonly desired form of living trust by simply causing assets to be registered in the name of one as “custodial trustee for (beneficiary’s name) under the (enacting state)’s Uniform Custodial Trust Act.” To the extent of assets so registered, the statutory trust offers protection against probate proceedings related to the beneficiary’s incompetence or death.

**Related Acts:** Durable Power of Attorney; Guardianship and Protective Proceedings; Multiple-Person Accounts; Notarial Acts; Probate Code; Statutory Form Power of Attorney; Transfers to Minors; Trustees’ Powers.

**UNIFORM DECEPTIVE TRADE PRACTICES ACT (1964)(1966)**

**Adoptions:** 11

**Amendments:** 6

**Purpose:** Removes undue restrictions on the common-law action for deceptive trade practices.

**Related Acts:** Commercial Code; Trade Secrets.

**UNIFORM DECLARATORY JUDGMENTS ACT (1922)**

**Adoptions:** 45

**Purpose:** Setstles and affords relief from uncertainty with respect to rights, status, and other legal relations.


**Adoptions:** 41

**Amendments:** 38

**Purpose:** Provides a comprehensive basis for determining death in all situations. This is a technical act which merely defines death clinically, and does not deal with suicide, assisted suicide, right to die, or similar topics.
Related Acts: Anatomical Gift; Health-Care Decisions; Health-Care Information; Probate Code; Simultaneous Death.

UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT (1999)
Adoptions: 0
Purpose: Provides definite, tax-sensitive rules governing refusals to accept transfers of property by gift or inheritance, and identifying who takes in the event of disclaimer.

UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT (1971)
Adoptions: 14
Purpose: For adoption by non-community property states. Preserves the rights of each spouse in property that was community property before the spouses moved to the non-community property state, unless they have severed or altered their community property rights.
Related Acts: Estate Tax Apportionment; International Wills; Marital Property; Multiple-Person Accounts; Probate Code; TOD Security Registration; Testamentary Additions to Trusts.

UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT (1957)
Adoptions: 36
Purpose: Provides a uniform method of division of income between states for tax purposes, thereby assuring that a taxpayer is not taxed more than once on his or her net income.
Related Acts: Estate Tax Apportionment; Interstate Arbitration of Death Taxes; Interstate Compromise of Death Taxes; Principal and Income; Probate Code; Prudent Investor.

MODEL DORMANT MINERAL INTERESTS ACT (1986)
Adoptions: 2
Purpose: Establishes the criteria by which a severed mineral interest in real estate becomes dormant. A mineral interest becomes dormant if there is no actual “use” of the interest for 20 years or more.
Related Acts: Marketable Title; Surface Use and Mineral Development Accommodation.

UNIFORM DURABLE POWER OF ATTORNEY ACT (1979)(1987)
Adoptions: 49
Amendments: 8
Purpose: Provides a simple way or people to deal with their property by providing a power of attorney that will survive after the incompetence of the principal.
Related Acts: Custodial Trust; Guardianship and Protective Proceedings; Health-Care Decisions; Notarial Acts; Probate Code; Statutory Form Power of Attorney.

UNIFORM ELECTRONIC TRANSACTIONS ACT (1999)
Adoptions: 22
Purpose: Establishes the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures, removing barriers to electronic commerce.
Related Acts: Commercial Code; Computer Information Transactions.

MODEL EMPLOYMENT TERMINATION ACT (1991)
Adoptions: 0
Purpose: Protects employees from wrongful discharge by requiring that dismissals be made for “good cause.”

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT (1964)
Adoptions: 50
Purpose: Provides a simplified way of enforcing judgments entered in another state, implementing full faith and credit.

UNIFORM ESTATE TAX APPORTIONMENT ACT (1958)(1982)(under revision)
Adoptions: 15
Amendments: 10
Purpose: Permits an executor or administrator in one jurisdiction to recover the proportionate part of the federal estate tax from a transferee in another jurisdiction. Also, apportions the estate tax if neither the estate tax law nor the will does so.
Related Acts: Disposition of Community Property Rights at Death; Division of Income for Tax Purposes; Interstate Arbitration of Death Taxes; Interstate Compromise of Death Taxes; Probate Code.

EVIDENCE, UNIFORM RULES OF (1999)
Adoptions: 0
Purpose: The primary object of this act is to simplify and codify the rules pertaining to what may be introduced in evidence in any civil or criminal trial in a court of law. It reflects closely the federal rules of evidence.

MODEL EXEMPTIONS ACT (1976)(1979)
Adoptions: 1
Amendments: 1
Purpose: This comprehensive bankruptcy exemptions act provides a group of general categories for property and assets which are exempt from creditors in bankruptcy proceedings. It achieves a fair balance between a debtor’s needs and a creditor’s rights.
Related Acts: Fraudulent Transfer.

MODEL EXTRADITION AND RENDITION ACT (1980)
Adoptions: 1
Purpose: Provides two separate procedures to be used for the retrieval of wanted persons found in another state. Extradition is the traditional executive procedure. Rendition is a court-based procedure.

UNIFORM FEDERAL LIEN REGISTRATION ACT (1978)(1982)
Adoptions: 36
Amendments: 31
Purpose: Provides for the registration of federal liens by procedures consistent with normal recording of mortgages in local real property records and with the normal filing of security interests in personal property.
Supersedes: Federal Tax Lien Registration (1926).

UNIFORM FOREIGN MONEY CLAIMS ACT (1989)
Adoptions: 21
Purpose: Simplifies international business by allowing courts in the United States to accept or render judgments valued in a foreign currency.

UNIFORM FOREIGN MONEY JUDGMENTS RECOGNITION ACT (1962)
Adoptions: 31
Purpose: Simplifies international business by recognizing money judgments obtained in other nations. International law provides for reciprocity, i.e., recognition by foreign countries of judgments obtained in the adopting state.
Related Acts: Enforcement of Foreign Judgments; Foreign Money Claims.

UNIFORM FRAUDULENT TRANSFER ACT (1984)
Adoptions: 40
Purpose: Provides a creditor with the means to reach assets a debtor has transferred to another person to keep them from being used to satisfy a debt.
Related Acts: Commercial Code, Article 6; Exemptions.
Supersedes: Fraudulent Conveyance (1918).

UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT (1997)
Adoptions: 0
Purpose: Updates procedures for the appointment of guardians and conservators for minors and incapacitated persons. Provides due process protection for incapacitated persons. All guardians and conservators are subject to the jurisdiction and the supervision of the court.
Related Acts: Custodial Trust; Durable Power of Attorney; Probate Code; Statutory Form Power of Attorney; Transfers to Minors.


UNIFORM HEALTH-CARE DECISIONS ACT (1993)
Adoptions: 6
Purpose: Consolidates various state laws dealing with all decisions about adult health care and health-care powers of attorney, including the right to request or refuse health care, into one comprehensive law, and to simplify, clarify, and modernize these laws.
Related Acts: Anatomical Gift; Determination of Death; Durable Power of Attorney; Health-Care Information.

UNIFORM HEALTH-CARE INFORMATION ACT (1985)(under revision)
Adoptions: 2
Purpose: Provides for confidentiality of a patient's health-care records held by providers of health care, unless otherwise agreed by the patient, or ordered by a court, or in other narrowly defined circumstances.
Related Acts: Anatomical Gift; Determination of Death; Health-Care Decisions; Simultaneous Death.

UNIFORM INTERNATIONAL WILLS ACT (1977)
Adoptions: 13
Purpose: Implements an international convention calling for all countries and states to adopt a uniform formality for executing wills that, if observed, should assure the validity of the will no matter where the testator resides or owns property at the time of death.
Related Acts: Disposition of Community Property Rights at Death; Probate Code.

UNIFORM INTERSTATE ARBITRATION OF DEATH TAXES ACT (1943)
Adoptions: 20
Purpose: When there is a claim from more than one state that a decedent was domiciled in that state at the time of death, this act provides for a written agreement to submit the controversy to an arbitration board.
Related Acts: Arbitration; Division of Income for Tax Purposes; Estate Tax Apportionment; Interstate Compromise of Death Taxes; Probate Code.

UNIFORM INTERSTATE COMPROMISE OF DEATH TAXES ACT (1943)
Adoptions: 29
Purpose: Provides for a written agreement of compromise to be made as to death taxes owed by a decedent when there is more than one state claiming that a decedent was domiciled in its state at the time of death.
Adoptions: 52
Amendments: 41
Purpose: Limits child and family support orders to a single state, eliminating interstate jurisdictional disputes.
Related Acts: Adoption; Child Custody Jurisdiction and Enforcement; Marriage and Divorce; Parentage; Putative and Unknown Fathers; Status of Children of Assisted Conception.

Adoptions: 10
Amendments: 3
Purpose: Modernizes the law of estates, trusts and future interests.
Related Acts: Disclaimer of Property Interests; Disposition of Community Property Rights at Death; International Wills; Marital Property; Multiple-Person Accounts; Probate Code; Simultaneous Death; Statutory Rule Against Perpetuities; Testamentary Additions to Trusts; TOD Security Registration.

UNIFORM LIMITED LIABILITY COMPANY ACT (1996)
Adoptions: 9
Purpose: Permits the formation of limited liability companies, which provide the owners with the advantages of both corporate-type limited liability and partnership tax treatment.
Related Acts: Limited Partnership; Partnership; Unincorporated Nonprofit Association.

UNIFORM LIMITED PARTNERSHIP ACT (1976)(1985)(under revision)
Adoptions: 51
Amendments: 40
Purpose: Provides a more flexible and stable basis for the organization of limited partnerships, helping states stimulate new partnership business ventures.
Related Acts: Limited Liability Company; Partnership; Unincorporated Nonprofit Association.
Supersedes: Limited Partnership (1916).

UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT (1972)
Adoptions: 47
Purpose: Provides statutory guidelines for management, investment, and expenditures of endowment funds of institutions, and enables them to maximize their resources consistent with the standard of prudence.
Related Acts: Common Trust Fund; Management of Public Employee Retirement Systems; Principal and Income; Prudent Investor; Unincorporated Nonprofit Association.
UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT (1997)
Adoptions: 0
Purpose: To modernize, clarify, and make uniform the rules governing the investment and management of public retirement systems’ assets. Public retirement systems become trusts operated under rules of prudent investment.
Related Acts: Management of Institutional Funds; Prudent Investor.

MODEL MANDATORY DISPOSITION OF DETAINERS ACT (1958)
Adoptions: 10
Purpose: Provides for a prompt disposition of detainers by providing that prosecuting officials, upon the request of a prisoner, must move forward with trial on the charge or such charge will be dismissed.

MODEL MARITAL PROPERTY ACT (1983)
Adoptions: 1
Purpose: To encourage sharing by spouses of property acquired during marriage, by creating a class of property in which husband and wife have an equal interest.
Related Acts: Disposition of Community Property Rights at Death; Intestacy, Wills and Donative Transfers; Marriage and Divorce; Premarital Agreement; Probate Code.

MODEL MARKETABLE TITLE ACT (1990)
Adoptions: 0
Purpose: Provides for extinguishing title interests in real property which are not asserted within 30 years.

Adoptions: 8
Amendments: 1
Purpose: This act is a comprehensive marriage and divorce act. It minimizes the number of prohibited marriages, and includes the concept of no-fault divorce. The key ground for dissolution is irretrievable breakdown.
Related Acts: Child Custody Jurisdiction and Enforcement; Interstate Family Support; Marital Property; Premarital Agreement; Status of Children of Assisted Conception.

Adoptions: 27
Revision: 9
Purpose: Encourages banks and credit unions to offer POD (pay on death) and agency (convenience) account forms for use by persons desiring some, but not all, incidents of joint accounts, and encourages development of standard forms that will mean the same in all states.
Related Acts: Custodial Trust; Disposition of Community Property Rights at Death; Intestacy, Wills and Donative Transfers; Nonprobate Transfers on Death; Probate Code; Simultaneous Death; TOD Security Registration.

UNIFORM NONPROBATE TRANSFERS ON DEATH ACT (1989)
Adoptions: 9
Purpose: To provide not only for improved pay-on-death deposit accounts, but also for transfer-on-death investment securities. The transfers, like POD deposit accounts, are nontestamentary and do not fall into the probate estate of the deceased holder of these securities.
Related Acts: Disposition of Community Property Rights at Death; Multiple-Person Accounts; Probate Code; TOD Security Registration.

UNIFORM NOTARIAL ACTS (1982)
Adoptions: 10
Purpose: Simplifies and standardizes all required forms of notarization, verification, and certification, and recognizes out-of-state and foreign notarial acts. Does not change qualifications or fees of notaries or places of recording.
Related Acts: Custodial Trust; Durable Power of Attorney; Statutory Form Power of Attorney.
Supersedes: Acknowledgment Act (1939); Recognition of Acknowledgments (1968).

UNIFORM PARENTAGE ACT (1973)(revised 2000)
Adoptions: 19
Purpose: Simplifies and modernizes the law for determining the parents of children.
Related Acts: Adoption; Interstate Family Support; Probate Code; Putative and Unknown Fathers; Status of Children of Assisted Conception.

UNIFORM PARTNERSHIP ACT (1994)(1997)
Adoptions: 28
Amendments: 22
Purpose: Modernizes the Uniform Partnership Act of 1914, adopted in every state except Louisiana. Establishes a partnership as a separate legal entity, and not merely as an aggregate of partners.
Related Acts: Limited Liability Company; Limited Partnership; Unincorporated Nonprofit Association.
Supersedes: Partnership (1914).

UNIFORM PERIODIC PAYMENT OF JUDGMENTS ACT (1990)
Adoptions: 0
Purpose: Under this act, judgments for future damages in tort actions involving bodily injury may be established in periodic payment form rather than lump-sum form.
Related Acts: Comparative Fault; Punitive Damages.
Supersedes: Model Periodic Payment of Judgments (1980).

UNIFORM PHOTOGRAPHIC COPIES AS EVIDENCE ACT (1949)
Adoptions: 38
Purpose: Provides that a reproduction which accurately reflects the original is as admissible in evidence as the original itself in any judicial or administrative proceeding.

UNIFORM PLANNED COMMUNITY ACT (1980)
Adoptions: 1
Purpose: Comprehensive provisions for creating, managing, and terminating planned community developments. Includes point-of-sale consumer protection.
Related Acts: Common Interest Ownership; Condominium; Real Estate Cooperative; Real Estate Time-Share.

MODEL POST-CONVICTION PROCEDURE ACT (1980)
Adoptions: 1
Purpose: This act provides for a single post-conviction review as part of the criminal process.

UNIFORM PREMARITAL AGREEMENT ACT (1983)
Adoptions: 26
Purpose: Provides a more certain framework for complete and enforceable premarital agreements.
Related Acts: Marital Property; Marriage and Divorce; Probate Code.

UNIFORM PRINCIPAL AND INCOME ACT (1997)
Adoptions: 7
Purpose: Revises the Uniform Principal and Income Act of 1931 and 1962, adopted in 41 states. This act’s purpose is to provide procedures for trustees administering trusts and personal representatives administering estates in allocating assets to principal and income, and to govern their proper distribution to beneficiaries, heirs and devisees. A revision is necessary so that principal and income allocation rules can function with modern trust investment practices.
Related Acts: Division of Income for Tax Purposes; Management of Institutional Funds; Probate Code; Prudent Investor; Testamentary Additions to Trusts; Trustees’ Powers.
Supersedes: Principal and Income (1931); Principal and Income (1962).

UNIFORM PROBATE CODE
Adoptions: 18
Purpose: To update and simplify most aspects of state probate law. Article II modernizes the law of wills, intestacy, future interests and establishes similar rules governing the meaning of wills and death
benefits under revocable contractual arrangements. Includes spousal protection against disinheritance. Articles III and IV enable, but do not require, informal probate and unsupervised administration of estates, simplifying and reducing procedure and reducing cost. Article V provides a wide range of protective proceedings for problems traditionally remedied by guardianships. Article VI deals with nonprobate transfers on death, includes the TOD Security Registration Act and updates the law on multiple-party accounts. Article VII deals with trust administration, and provides jurisdiction over trust and basic standards for trustees.

Related Acts: Free-standing acts from the Probate Code: Intestacy, Wills, and Donative Transfers; Testamentary Additions to Trusts; Simultaneous Death; Disclaimer of Property Interests; Statutory Rule Against Perpetuities; International Wills; Succession without Administration; Trustees' Powers; Estate Tax Apportionment; Guardianship and Protective Proceedings; Durable Power of Attorney; Nonprobate Transfers on Death; Multiple-Person Accounts; TOD Security Registration. Closely related, but not included in the Probate Code, are Custodial Trust; Transfers to Minors; Statutory Form Power of Attorney; Disposition of Community Property Rights at Death; Premarital Agreement; Marital Property; Determination of Death; Division of Income for Tax Purposes; Prudent Investor.

1 Although 18 states have adopted the UPC substantially in its entirety, a number of other states have adopted separate articles and sections of the UPC.

UNIFORM PRUDENT INVESTOR ACT (1994)
Adoptions: 33
Purpose: Revamps rules that now govern the actions of trustees. Requires trustees to pursue an investment strategy taking into account such factors as risk and return.

Related Acts: Common Trust Fund; Division of Income for Tax Purposes; Management of Institutional Funds; Management of Public Employee Retirement Systems; Principal and Income; Probate Code; Testamentary Additions to Trusts; Trustees' Powers.

MODEL PUNITIVE DAMAGES ACT (1996)
Adoptions: 0
Purpose: To provide states with improved procedures for awarding punitive damages, including standards of proof, procedures to control unreasonable awards, and careful court review of punitive damage awards. This act does not provide for an explicit cap on punitive damages.

Related Acts: Comparative Fault; Periodic Payment of Judgments.

MODEL REAL ESTATE COOPERATIVE ACT (1981)
Adoptions: 1
Purpose: Provides a unified and comprehensive modern law applicable to the cooperative form of ownership of real estate.
Related Acts: Common Interest Ownership; Condominium; Planned Community; Real Estate Time-Share.

Adoptions: 5
Amendments: 2
Purpose: This act contains provisions for the creation and termination of time-share units. It also deals with the management of time-share units, and provides consumer protection for purchasers of time shares.

Related Acts: Common Interest Ownership; Condominium; Planned Community; Real Estate Cooperative.

UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT (1972)
Adoptions: 20
Purpose: Removes the landlord and tenant relationship from the constraints of property law and establishes it on the basis of contract law with all the concomitant rights and remedies.

UNIFORM SECURITIES ACT (1985)(1988)(under revision)
Adoptions: 6
Amendments: 1
Purpose: Provides basic investor protection from securities fraud, complementing the federal Securities and Exchange Act.

Supersedes: Securities Act (1958); Sale of Securities (1930).

UNIFORM SIMULTANEOUS DEATH ACT (1940)(1993)
Adoptions: 50
Revision: 10
Purpose: Creates default rule that one must survive another by 120 hours to avoid disputes caused by simultaneous or quickly successive deaths of persons between whom property or death benefits pass on the death of one survived by the other.

Related Acts: Anatomical Gift; Determination of Death; Health-Care Information; Multiple-Person Accounts; Probate Code.

MODEL STATE ADMINISTRATIVE PROCEDURE ACT (1981)
Adoptions: 1
Purpose: Provides procedures for promulgating administrative regulations, and for adjudicating disputes before administrative bodies, and establishes a central office for administrative judges.

UNIFORM STATUTE AND RULE CONSTRUCTION ACT (1995)
Adoptions: 1
Purpose: Provides guidelines for drafting and interpreting a state’s statutes and administrative rules.

Related Acts: Certification of Questions of Law.

UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (1988)
Adoptions: 10
Purpose: Provides an optional, simple, and standardized form for creating a power of attorney.

UNIFORM STATUTORY RULE AGAINST PERPETUITIES (1986)(1990)
Adoptions: 26
Amendments: 17
Purpose: Modernizes one part of the law of estates, trusts and future interests. Preserves some future interests that would be declared void by outmoded technicalities in the common-law rule against perpetuities.

MODEL SUPERVISION OF TRUSTEES FOR CHARITABLE PURPOSES ACT (1954)
Adoptions: 4
Purpose: This act requires trustees and others holding funds for charitable purposes to report the existence of the trust relationship to the Attorney General's Office, and to make subsequent, periodic reports to that office.

MODEL SURFACE USE AND MINERAL DEVELOPMENT ACCOMMODATION ACT (1990)
Adoptions: 0
Purpose: Governs compensation to surface owners of real property for changes resulting from mineral development by holders of mineral interests.

UNIFORM TOD SECURITY REGISTRATION ACT (1989)
Adoptions: 46
Purpose: Provides non-probate transfer of specifically registered investment securities from owner to named beneficiaries at owner's death.
Related Acts: Commercial Code, Article 8; Disposition of Community Property Rights at Death; Multiple-Person Accounts; Nonprobate Transfers on Death; Probate Code; Securities.

UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT (1960)(1991)
Adoptions: 48
Revision: 18
Purpose: Modernizes trust and estate law by permitting "pour-over" provisions in wills. These commonly-used provisions merely add money or other property passing at death through probate to inter vivos trusts, but may be invalidated by outmoded and overly technical rules. The 1991 amendments expressly permit pour-overs into otherwise unfunded trusts and eliminate the requirement that the trust writing exist when the will is executed.
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<td>Disposition of Community Property Rights at Death</td>
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<td>Principal and Income</td>
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<td>Provides a legal framework for improved trade secret protection for industry.</td>
<td>Deceptive Trade Practices.</td>
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<tr>
<td>Uniform Transfer of Litigation Act (1991)</td>
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<td>Permits courts of one state to transfer litigation to courts of another state, and vice versa. Includes transfers to federal court.</td>
<td>Certification of Questions of Law.</td>
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<td>Uniform Trustees' Powers Act (1964)</td>
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<td>Provides that trustees' powers, subject to certain trust restrictions, should be commensurate with the duties of the trustee acting as a prudent man to perform the purposes of the trust.</td>
<td>Common Trust Fund; Custodial Trust; Principal and Income; Probate Code; Prudent Investor; Testamentary Additions to Trusts.</td>
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<td>Uniform Unclaimed Property Act (1995)</td>
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<td>Provides a system for transferring intangible personal property and personal property in safety deposit accounts, held by an entity other than the rightful owner, to the state when it is deemed abandoned by the rightful owner. The state holds the property for the rightful owner in perpetuity. This act updates the 1981 version, which was adopted in 29 states.</td>
<td>Disposition of Unclaimed Property (1954); Unclaimed Property (1981).</td>
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UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT
Adoptions: 10
Amendments: 1
Purpose: Allows an unincorporated nonprofit association to receive, hold, and transfer real and personal property in its own name. Limits liability of members for liability of the association, while allowing association to incur liabilities in its own name.
Related Acts: Limited Liability Company; Limited Partnership; Management of Institutional Funds; Partnership.

MODEL VICTIMS OF CRIME ACT (1992)
Adoptions: 1
Purpose: Provides rights for victims of crime to certain protections in the criminal justice system, and a system of compensation for victims personally injured by criminal action.
Related Acts: Rules of Criminal Procedure; Extradition and Rendition; Post-Conviction Procedure.