

2013 ANNUAL REPORT
TO THE NEBRASKA STATE LEGISLATURE
FROM THE
NEBRASKA COMMISSION ON UNIFORM STATE LAWS
(SUBMITTED DECEMBER 28, 2013)

I. PREAMBLE

To the Nebraska State Legislature. The Nebraska Commissioners on Uniform State Laws respectfully submit this Annual Report for the year 2013.

II. OVERVIEW OF UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. Most jurisdictions provide for their commission by statute. The statutory authority governing Nebraska's uniform law commission can be found at Neb. Rev. Stat §§ 49-901 *et seq.*

There is only one fundamental requirement for the more than 300 uniform law commissioners: that they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges and law professors. Uniform law commissioners serve for specific terms, and receive no salaries or fees for their work with the ULC.

Commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose – no uniform law is effective until a state legislature adopts it.

The ULC provides you and other state legislatures with expertly drafted legislation on issues of common interest across the nation. 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. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than 50 sovereign jurisdictions, and has done so with significant success.

III. HISTORY

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania – met in Saratoga Springs, New York, to

form what is now known as the ULC. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988.

Very early on the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable political prominence and service as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound and Bogert. Many other distinguished lawyers have served since 1892, though their names are not as well known in legal affairs and the affairs of the U.S.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

In 1940, the ULC made the significant decision to address major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute (ALI), the UCC took ten years to draft initially. It then took another 14 years before it was enacted across the country. Since then, the ULC and the ALI have continuously reviewed and updated the UCC. It remains the signature product of the ULC.

Today the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The ULC arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

IV. DIVERSITY STATEMENT

Each member jurisdiction determines the number of uniform law commissioners it appoints to the ULC, the terms of uniform law commissioners, and the individuals who are appointed from the legal profession of that jurisdiction. The ULC encourages appointing authorities to consider diversity in making appointments to their respective uniform law commissions, including race,

ethnic and gender diversity. The ULC does its best work when uniform law commissioners are drawn from diverse backgrounds and experiences.

V. PROCEDURES

The ULC is convened as a body once a year. It meets for a period of seven or eight days, usually in July or August. In the interim period between these annual meetings, drafting committees composed of Commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act must be considered over a substantial period of years. No Act becomes officially recognized as a Uniform Act until the ULC is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

The ULC Executive Committee is the main governing body of the ULC. It is composed of the officers of the organization, certain ex-officio members, and members appointed by the ULC President. Certain activities are conducted by the standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which provides advisors to all ULC drafting committees and many ULC study committees. Liaison is also maintained on an on-going basis with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the Conference of Chief Justices, and the National Center for State Courts. Liaison and activities are conducted with other organizations as interests and activities necessitate.

VI. ACTIVITIES OF THE NEBRASKA COMMISSIONERS DURING 2013

A. The Nebraska Commissioners are:

Larry L. Ruth (1995), Chair – State Dues and Expenses, Parliamentary Practice, and Legislative Committees

Steven L. Willborn (2007), Secretary – American Tribal and Wage Garnishment Committees

Hon. C. Arlen Beam (1979) – International Choice of Court Agreements Convention Implementation Act Committee

Joanne M. Pepperl (1980) – Legislative Attorneys and Style Committees

Harvey S. Perlman (1987) – Federalism and State Law, International Choice of Court Agreements Convention Implementation, International Legal Developments and Public Information Committees

Jill Robb Ackerman (2011) – Appointed on December 22, 2011

B. The Uniform Law Commission held its Annual Meeting on July 6-12, 2013, in Boston, Massachusetts. It was attended by Commissioners Ackerman, Perlman, Pepperl, Ruth and Willborn.

C. Uniform Acts introduced in the 2013 Legislative Session were:

LB 210. Uniform Commercial Code Amendments to Article 9 – Enacted.

LB 146. Uniform Commercial Code Amendment to Article 4A – Enacted.

LB 106. Uniform Unsworn Foreign Declarations Act – Pending.

LB 167. Uniform Presidential Electors Act – Pending.

VII. UNIFORM ACTS APPROPRIATE FOR ENACTMENT

LB 106. Uniform Unsworn Foreign Declarations Act.

LB 167. Uniform Presidential Electors Act.

Uniform Guardianship and Protective Proceedings Act (any relevant provisions).

Uniform Act on Prevention of and Remedies for Human Trafficking (any relevant provisions).

VIII. ENACTMENT RECORD TO DATE

According to the records of the ULC, Nebraska has an outstanding record of enacting uniform and model acts prepared by the ULC. Adoption of these acts has improved the jurisprudence of the State of Nebraska at little cost because of the work done by the ULC in preparing the acts.

List of Uniform and Model Acts enacted in Nebraska

1. Acknowledgment * (1939)(1942): *Enacted 1943*
2. Adult Guardianship and Protective Proceedings Jurisdiction (2007): *Enacted 2011*
3. Anatomical Gift (1968): *Enacted 1971*
4. Revised Anatomical Gift (2006): *Enacted 2010*
5. Appointment of Commissioners, Act to Provide for (1944): *Enacted 1951*
6. Arbitration (1956): *Enacted 1986*
7. Athlete Agents (2000): *Enacted 2009*
8. Attendance of Witnesses from Without a State in Criminal Proceedings, Act to Secure (1936): *Enacted 1937*
9. Business Records as Evidence (1936): *Enacted 1951*
10. Child Abduction Prevention (2006): *Enacted 2007*
11. Child Custody Jurisdiction (1968): *Enacted 1979*
12. Child Custody Jurisdiction and Enforcement (1997): *Enacted 2003*
13. Choice of Forum (1968): *Enacted 1969*
14. Commercial Code (1951): *Enacted 1963*
15. Revised UCC Article 1 (2001): *Enacted 2005*
16. UCC Article 2A (1987)(1990): *Enacted 1991*
17. Revised UCC Articles 3 and 4 (1990): *Enacted 1991*
18. UCC Article 4A (1989): *Enacted 1991*
19. Amendment to UCC Article 4A (2012): *Enacted 2013*
20. Revised UCC Article 5 (1995): *Enacted 1996*
21. Revised UCC Article 6 (Repeal) (1989): *Enacted 1991*
22. Revised UCC Article 7 (2003): *Enacted 2005*
23. Amendments to UCC Article 8 (1977): *Enacted 1989*
24. Revised UCC Article 8 (1994): *Enacted 1995*
25. Amendments to UCC Article 9 (1972): *Enacted 1980*
26. Revised UCC Article 9 (1998): *Enacted 1999*
27. Amendments to Revised UCC Article 9 (1999): *Enacted 2000*
28. Amendments to Revised UCC Article 9 (2010): *Enacted 2011*
29. Technical Correction to Revised UCC Article 9 (2010): *Enacted 2013*
30. Common Trust Fund (1938): *Enacted 1953*
31. Composite Reports as Evidence (1936): *Enacted 1951*
32. Condominium (1977)(1980): *Enacted 1983*
33. Conflict of Laws-Limitations (1982): *Enacted 2006*
34. Controlled Substances (1970): *Enacted 1971*
35. Criminal Extradition (1926): *Enacted 1935*
36. Revised Criminal Extradition (1936): *Enacted 1963*
37. Custodial Trust (1987): *Enacted 1997*
38. Deceptive Trade Practices (1964)(1966): *Enacted 1969*

39. Declaratory Judgments (1922): *Enacted 1929*
40. Determination of Death (1980): *Enacted 1992*
41. Disposition of Unclaimed Property (1966): *Enacted 1969*
42. Divorce Recognition (1947): *Enacted 1949*
43. Durable Power of Attorney (1979): *Enacted 1985*
44. Electronic Transaction (1999): *Enacted 2000*
45. Enforcement of Foreign Judgments (1948): *Enacted 1949*
46. Revised Enforcement of Foreign Judgments (1964): *Enacted 1993*
47. Environmental Covenants (2003): *Enacted 2005*
48. Evidence, Rules of * (1964): *Enacted 1975*
49. Federal Lien Registration (1978)(1982): *Enacted 1988*
50. Federal Tax Lien Registration (1966): *Enacted 1969*
51. Foreign Depositions (1920): *Enacted 1951*
52. Fraudulent Conveyance (1918): *Enacted 1980*
53. Fraudulent Transfer (1984): *Enacted 1989*
54. Gifts to Minors (1956): *Enacted 1957*
55. Revised Gifts to Minors (1965): *Enacted 1969*
56. Interstate Arbitration of Death Taxes (1943): *Enacted 1976*
57. Interstate Compromise of Death Taxes (1943): *Enacted 1976*
58. Interstate Enforcement of Domestic Violence Protection Orders (2000)(2002): *Enacted 2003*
59. Interstate and International Procedure (1962): *Enacted 1967*
60. Interstate Family Support (1992): *Enacted 1993*
61. Amendments to Interstate Family Support (1996): *Enacted 1997*
62. Amendments to Interstate Family Support (2001): *Enacted 2003*
63. Intestacy, Wills and Donative Transfers (1991): *Enacted 1993*
64. Judicial Notice of Foreign Law (1936): *Enacted 1947*
65. Limited Cooperative Association (2007): *Enacted 2008*
66. Limited Liability Company (2006): *Enacted 2010*
67. Limited Partnership (1916): *Enacted 1939*
68. Revised Limited Partnership (1976): *Enacted 1981*
69. Management of Institutional Funds (1972): *Enacted 1996*
70. Mediation (2001): *Enacted 2003*
71. Military Justice, Code of * (1961): *Enacted 1969*
72. Multiple Person Accounts (1989): *Enacted 1993*
73. Narcotic Drug (1932): *Enacted 1935*
74. Negotiable Instruments Law (1896): *Enacted 1905*
75. Partnership * (1914): *Enacted 1943*
76. Revised Partnership (1994)(1996): *Enacted 1997*
77. Photographic Copies of Business and Public Records as Evidence (1949): *Enacted 1951*
78. Power of Attorney (2006): *Enacted 2012*
79. Premarital Agreement (1983): *Enacted 1994*
80. Principal and Income (1997): *Enacted 2001*
81. Amendments to Principal and Income (2008): *Enacted 2009*
82. Probate Code (1969): *Enacted 1974*

83. Property (1938): *Enacted 1941*
84. Prudent Investor (1994): *Enacted 1997*
85. Prudent Management of Institutional Funds (2006): *Enacted 2007*
86. Real Property Transfer on Death Act (2009): *Enacted 2012*
87. Reciprocal Enforcement of Support (1950): *Enacted 1951*
88. Amendments to Reciprocal Enforcement of Support (1952): *Enacted 1957*
89. Amendments to Reciprocal Enforcement of Support (1958): *Enacted 1965*
90. Revised Reciprocal Enforcement of Support (1968): *Enacted 1971*
91. Reciprocal Transfer Tax (1928): *Enacted 1945*
92. Recognition of Acknowledgments (1968): *Enacted 1969*
93. Rendition of Accused Persons (1967): *Enacted 1969*
94. Rendition of Prisoners as Witnesses in Criminal Proceedings (1957): *Enacted 1969*
95. Residential Landlord and Tenant (1972): *Enacted 1974*
96. Rights of the Terminally Ill (1985): *Enacted 1992*
97. Sales (1906): *Enacted 1921*
98. Securities * (1956)(1958): *Enacted 1967*
99. Simplification of Fiduciary Security Transfers (1958): *Enacted 1961*
100. Simultaneous Death (1940): *Enacted 1947*
101. Statutory Rule Against Perpetuities (1986): *Enacted 1989*
102. Stock Transfer (1909): *Enacted 1941*
103. Testamentary Additions to Trusts (1991): *Enacted 1999*
104. TOD Security Registration (1989): *Enacted 1993*
105. Traffic on Highways, Act Regulating * (1926): *Enacted 1931*
106. Transfers to Minors (1983)(1986): *Enacted 1992*
107. Trust Code (2000): *Enacted 2003*
108. Trust Receipts (1933): *Enacted 1949*
109. Veterans' Guardianship (1928): *Enacted 1929*
110. Revised Veterans' Guardianship (1942): *Enacted 1949*
111. Voting by New Residents in Presidential Elections (1962): *Enacted 1963*
112. Warehouse Receipts (1906): *Enacted 1909*
113. Wills Act, Foreign Executed (1910): *Enacted 1941*

Number of Uniform and Model Acts Enacted in Each State

ALABAMA - 99
ALASKA - 100
ARIZONA - 109
ARKANSAS - 115
CALIFORNIA - 98
COLORADO - 122
CONNECTICUT - 103
DELAWARE - 96
DISTRICT OF COLUMBIA - 106
FLORIDA - 86

GEORGIA - 72
HAWAII - 135
IDAHO - 126
ILLINOIS - 109
INDIANA - 98
IOWA - 99
KANSAS - 113
KENTUCKY - 93
LOUISIANA - 82
MAINE - 103
MARYLAND - 112
MASSACHUSETTS - 90
MICHIGAN - 111
MINNESOTA - 134
MISSISSIPPI - 83
MISSOURI - 80
MONTANA - 146
NEBRASKA - 110
NEVADA - 142
NEW HAMPSHIRE - 92
NEW JERSEY - 86
NEW MEXICO - 146
NEW YORK - 71
NORTH CAROLINA - 96
NORTH DAKOTA - 165
OHIO - 83
OKLAHOMA - 133
OREGON - 118
PENNSYLVANIA - 102
PUERTO RICO - 29
RHODE ISLAND - 98
SOUTH CAROLINA - 79
SOUTH DAKOTA - 124
TENNESSEE - 99
TEXAS - 90
US VIRGIN ISLANDS - 79
UTAH - 131
VERMONT - 88
VIRGINIA - 106
WASHINGTON - 125
WEST VIRGINIA - 96
WISCONSIN - 133
WYOMING - 96

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