

REPORT OF THE

**VIRGINIA COMMISSIONERS TO
THE NATIONAL CONFERENCE
OF COMMISSIONERS ON
UNIFORM STATE LAWS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 30

**COMMONWEALTH OF VIRGINIA
RICHMOND
1999**

Report of the
Virginia Commissioners to the
National Conference of Commissioners
on Uniform State Laws
to
The Governor and the General Assembly of Virginia
Richmond, Virginia

January 1, 1998 - December 31, 1998

HISTORY OF THE CONFERENCE

In 1889, the New York Bar Association appointed a special committee on uniformity of laws. The following year the New York legislature authorized the appointment of commissioners

. . . to examine certain subjects of national importance that seem to show conflict among the laws of the several commonwealths to ascertain the best means to effect an assimilation or uniformity of the laws of the states, especially whether it would be advisable for the State of New York to invite the other states of the Union to send representatives to a convention to draft uniform laws to be submitted for approval and adoption by the several states.

In the same year, the American Bar Association passed a resolution recommending that each state provide for commissioners to confer with the commissioners of other states on the subject of uniformity of legislation on certain issues. In August 1892, the first National Conference of Commissioners on Uniform State Laws convened in Saratoga, New York.

By 1912, every state was participating in the conference. Since then, the conference has steadily increased its contribution to state law and has attracted some of the most outstanding members of the legal profession. Prior to his more notable political prominence and service as President of the United States, Woodrow Wilson became a member in 1901. Supreme Court Justices Brandeis and Rutledge, current Chief Justice Rehnquist, and such legal scholars as Professors Wigmore, Williston, Pound and Bogart have all served as members of the conference. This distinguished body has guaranteed that the products of the Uniform Law Conference are of the highest quality and are enormously influential upon the process of the law.

The conference began over 100 years ago because of the interests of state governments in improvement of the law and interstate relationships. Its purposes remain to serve state governments and improve state law.

OPERATION OF THE CONFERENCE

The National Conference convenes as a body once a year. The annual meeting lasts eight to 12 days and is usually held in late July or early August. Throughout the year, drafting committees composed of commissioners work over several weekends on drafts of legislation to be considered at the annual meeting. The work of the drafting committees is read, line by line, and thoroughly debated at the annual meeting. Each act must be considered over a number of years; most are read and debated by the conference two or more times. Those acts deemed by the conference to be ready for consideration in the state legislatures are put to a vote of the states. Each state caucuses and votes as a unit.

The governing body of the conference, the executive committee, is composed of the officers elected by vote of the commissioners, and five members who are appointed annually by the president of the conference. Certain activities are conducted by 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 between the conference and the state legislatures.

The conference maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which annually contributes to the operation of the conference. The conference also seeks grants from the federal government and from foundations for specific drafting efforts. The drafting effort on the Uniform Victims of Crime Act (1992) was aided by a federal grant, for example. The conference will not take money from any source except on the understanding that its drafting work is autonomous. No source may dictate the contents of any act because of a financial contribution. Additionally, liaison is continually maintained with the American Law Institute, the Council of State Governments, and the National Conference of State Legislatures. Other associations are frequently contacted and advised of conference activities as interests and activities necessitate.

At the conference's national office in Chicago, a small staff provides administrative and clerical assistance to the conference and the individual members, as well as advice and coordinating assistance in securing the passage of uniform acts. The conference has consciously limited its staff to prevent accrual of needless administrative costs. The full-time staff in Chicago includes the legislative director, legal counsel, executive secretary and legislative assistants. The position of executive director is part time and is traditionally occupied by a law

school faculty member. In addition, the conference contracts with "reporters" for professional services to aid in drafting. These professional reporters are engaged at very modest honorariums to work with drafting committees on specific acts. The conference also employs professional independent contractors for part of its public information and educational materials. The conference has an annual budget and audit report which are available on request.

Members of the conference contribute numerous hours each year drafting acts for conference consideration. Although the members volunteer their time and effort, they are reimbursed for expenses. The cumulative value of the time donated by the commissioners for the development of Uniform and Model Acts conservatively averages \$6 million annually.

The work of the conference strengthens the state and federal system of government. In many areas of the law, the states must solve the problem through cooperative action, or the issues are likely to be preempted by Congress. The conference is one of the few institutions that pursues solutions to problems on a cooperative basis by the states. Without the conference, more legislative activities would undoubtedly shift from the state capitals to Washington.

VALUE FOR VIRGINIA AND THE STATES

The process of drafting a uniform act is, therefore, lengthy and deliberate, yet immensely cost-efficient. First, a committee is appointed from the membership of the Uniform Law Commissioners. The American Bar Association is invited to appoint an advisor to each drafting committee. The by-laws of the ULC require at least two years for drafting and two readings of the draft at Annual Meetings of the Conference. Through this unique system – the only one like it in American political life – comprehensive legislation receives painstaking and balanced, non-partisan consideration.

The price tag for this process represents true value to the states. With 98 percent of the annual budget of the ULC coming from state government contributions, here is a look at some of the costs and benefits.

Let us assume that a drafting committee will meet twice a year and that a given act will receive about 16 hours of debate. The average committee meeting costs \$10,000. Four meetings over a two-year period will cost \$40,000. Sixteen hours of annual meeting debate translates into an additional \$32,000, figuring the amount budgeted for annual meeting expenses and hours devoted to a specific act. Based on these assumptions, the total cost to the states for a uniform act is \$72,000.

The states would have to come up with an additional \$1,048,000 to duplicate these same services on their own, estimating a \$250 hourly fee for professional services for a total cost of \$1,120,000. The main difference: Uniform Law

Commissioners donate their professional services, spending hundreds of hours on uniform state laws as a public service to the legal profession because of their commitment to good law.

Of course, the hypothetical committee that meets twice a year over a period of two years is just that. The average revision of an article of the Uniform Commercial Code takes four years with three to five committee meetings per year. The original Uniform Probate Code took a full decade to develop and promulgate. The Uniform Adoption Act (1994) required five years with extensive committee meetings. Each of these comprehensive projects cost much more from the actual budget of the ULC, and represents much larger contributions – in terms of time – from the ULC membership.

The hypothetical example does not consider still other benefits to the state. Major committees of the ULC draw extensive advisory and observer groups into the drafting process. Meetings of the Uniform Commercial Code committees regularly draw advisors and observers in a ratio of two or three to one commissioner. These advisor and observer groups represent interests, provide outside expertise and facilitate dissemination of the act. It is impossible to place a dollar value on their input, which state funds do not pay.

It is also not possible to measure the worth of the intellectual participation by all who are involved. There is no process at either the state or federal level of American government today that compares to the uniform law process -- intense, non-partisan scrutiny of both policy and execution of the law.

STATE APPROPRIATIONS

The conference is a state service organization which depends upon state appropriations for its continued operation. All states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are asked to contribute a specific amount, based on population, for the maintenance of the conference. In addition, each state delegation requests an amount to cover its commissioners' travel expenses for the conference annual meeting. For Virginia, the amount requested for the 1997-98 fiscal year for conference maintenance was \$27,900 and the amount to be required for 1998-1999 fiscal year is \$29,200.

The total requested contribution of all the states to the operation of the ULC is \$1,226,600 for 1997-98 and is \$1,289,600 for 1998-99. The smallest state contribution is \$7,400 for the U. S. Virgin Islands, and the largest is \$106,900 for California. Even a modest use of the work product of the conference guarantees any state a substantial return on each dollar invested. The average number of current uniform and model acts adopted in all states is 70 (See Appendix A); Virginia has adopted 75 (See Appendix B for a list of Uniform Acts adopted in Virginia).

PROCESS FOR CREATION OF UNIFORM AND MODEL ACTS

The procedures for drafting an act are the result of long experience with the creation of legislation. The Scope and Program Committee considers new subject areas of state law as potentials for uniform or model acts. The Committee, consisting solely of commissioners, studies suggestions from many sources, including organized bar groups, state governments, and private persons. If a subject area cannot be adequately studied, it is likely to be given to a special study committee. The recommendations that come from this study mechanism go to the Executive Committee, and then to the entire conference for approval.

If a subject receives approval for drafting, a drafting committee is selected, and a budget is established for the committee work. If there is a need for professional drafting assistance, and if the budget permits, a reporter from outside the conference may be hired. Many committees work without professional assistance; in some cases, assistance is donated.

Usually advisors are solicited to assist the drafting committee. The American Bar Association appoints official advisors for every committee. Other advisors may come from state government or organizations with interest and expertise in a subject, and from the ranks of recognized experts in a subject. They must donate their time to the effort if they wish to participate. Advisors are invited to work with drafting committees and to contribute comments. They do not make final decisions with respect to the final contents of an act. Only the commissioners who compose the drafting committee may do this.

A committee meets according to the needs of the project. Meetings ordinarily begin on Friday morning and finish by Sunday noon, so as to minimize conflict with ordinary working hours. A short act may require one or two committee meetings. Major acts may require one meeting every month for a considerable period of time -- several years, in some instances. A committee may produce a number of successive drafts as an act evolves.

At each annual meeting during its working life, the drafting committee must present its work to the whole body of the conference. The most current draft is read and debated. This scrutiny continues until a draft can satisfy the whole body of the commissioners. Every act receives at least one interim reading, and is finalized when the whole conference is satisfied as to its policies and technical quality. Then it becomes an official act by a vote of the states. As mentioned earlier, each state commission caucuses to represent its state's position; each state receives one vote. The vote by states completes the drafting work, and the act is ready for consideration by the state legislatures.

ACTIVITIES OF THE VIRGINIA COMMISSIONERS

The Governor is authorized to appoint three members, each to serve a two-year term (§ 9-49, Code of Virginia). Governor Allen, in June of 1994, appointed three new commissioners: John Goode of Richmond, J. Rodney Johnson of Richmond and Pamela Meade Sargent of Abingdon. Each was reappointed in 1996. Governor James Gilmore appointed Kenneth Lawrence Foran of Alexandria to replace John Goode, whose term expired on June 30, 1998.

In addition to the Governor's appointments, the Constitution of the conference authorizes the appointment of life members upon the recommendation of the Executive Committee. To be eligible for life membership, a commissioner must have served as president of the conference or as a commissioner for at least 20 years. Virginia's life members are Brockenbrough Lamb, Jr., a member since 1953, and Carlyle C. Ring, Jr., a member since 1970 and president of the conference from 1983 to 1985.

The Constitution of the conference also grants membership as an associate member to the principal administrative officer of the state agency "charged by law with the duty of drafting legislation, or his designee." E. M. Miller, Jr., director of the Division of Legislative Services since 1989, is an associate member. Mary P. Devine, senior attorney with the Division, was designated in 1983 to represent the former director and served as an associate member until May 1998, when she relocated to New York.

The Virginia Commissioners have served on the following committees during the past year:

John Goode - Member, Disclaimer of Property Interests Drafting Committee;

J. Rodney Johnson - Member, Disclaimer of Property Interests Drafting Committee.

Carlyle C. Ring, Jr. - Chairman, Committee on Uniform Commercial Code; Chairman, Drafting Committee for Article 2B of the Uniform Commercial Code; Member, Permanent Editorial Board for the Uniform Commercial Code.

Pamela M. Sargent - Member, Drafting Committee, Uniform Electronic Transactions Act.

Esson McKenzie Miller, Jr. - Member, Committee on Liaison with Legislative Drafting Agencies; Member, Legislative Committee, Committee on Parliamentary Practice.

Mary P. Devine - Member, Committee on Liaison with Legislative Drafting Agencies; Member, Legislative Committee; Member, Drafting Committee on the Uniform Disclaimers Act; Member, Drafting Committee, Uniform Parentage Act (2000).

RECOMMENDATION

The Virginia Commissioners suggest an amendment to its enabling legislation for adoption by the 1999 Session of the General Assembly (See Appendix C).

The amendment provides that a commissioner would serve for a term of four years and would continue in office, once his term ends, until an appointment is made by the Governor. Under current law, a commissioner serves a two-year term at which time his appointment expires. The amendment, providing that a commissioner would remain in office until a successor is appointed, is in conformity with the by-laws of the Conference which allows a commissioner in such a situation to attend the annual conference or meetings of a drafting committee to which the commissioner may be assigned. The amendment, therefore, simply permits such member to be reimbursed for attending those meetings.

The Commissioners suggest a four-year term as a way of adding continuity and, thereby, exercising greater effectiveness by Virginia's representatives to the Conference. It takes a year or more to develop the individual recognition and respect required to impact the conference. Also, a majority of states currently provide a four-year term for their members.

REPORT OF PROCEEDINGS OF THE 1998 ANNUAL CONFERENCE

The 1998 annual meeting was held July 24 - July 31, 1998, in Cleveland, Ohio. Commissioners Lamb, Ring, Johnson, Sargent, and Miller attended.

The agenda for the annual conference was again very full. As always, the debates were spirited and lengthy, but fruitful. The Uniform Commercial Code revisions continued as a focus of the annual meeting. The following uniform acts were considered by the conference at its annual meeting:

- Amendments to Uniform Probate Code
- Revision of Uniform Commercial Code Article 9
- Uniform Commercial Code Article 2B
- Revision of Uniform Rules of Evidence
- Uniform Electronic Transactions Act

- Uniform Trust Act
- Revision of Uniform Disclaimer of Property Interests Act

The amendments to Article V and Article VI of the Uniform Probate Code and revision of the Uniform Commercial Code, Article 9 were adopted by the conference for consideration by the states. Short summaries of these adopted acts are as follows:

**1998 ENACTMENTS BY ANNUAL CONFERENCE
SHORT SUMMARIES**

**UNIFORM COMMERCIAL CODE (UCC)
REVISED ARTICLE 9 - SECURED TRANSACTIONS**

UCC Article 9 - Secured Transactions governs transactions in which a creditor takes a security interest in specific property of a debtor, allowing the creditor to take the property in the event the debtor defaults on the debt. Revised Article 9 in 1998 provides for these changes in Article 9: 1) the scope of Article 9 is expanded to include kinds of property such as deposit accounts, health care receivables and commercial tort claims, that were excluded in original Article 9; 2) perfection of a security interest by control is available not only for investment property, but also deposit accounts and letter of credit rights; 3) the location of the debtor rather than the location of the collateral determines where a security interest perfects; 4) a simplified and unified system of filing financing statements in one place in each state to perfect security interests replaces the original filing system which allowed certain local filing; 5) consumers obtain certain rights that were not available in original Article 9, such as specific disclosure of any deficiency rights the creditor may have; and, 6) new rules for enforcement, such as a requirement that a creditor notify a secondary obligor when repossessing goods subject to a security interest. With these changes, UCC Article 9 becomes updated and prepared for the next century.

**UNIFORM PROBATE CODE, ARTICLE V,
PROTECTION OF PERSONS UNDER DISABILITY AND THEIR
PROPERTY**

This Revised Uniform Probate Code, Article V of 1998, replaces the last revision of Uniform Probate Code, Article V completed in 1982. Revised Article V provides for the selection and appointment of guardians and conservators. A guardian takes care of the person of an unemancipated minor who is no longer subject to parental care or an incapacitated adult who cannot care for himself or herself. The minor or incapacitated person is called a ward of the guardian. A conservator takes charge of the assets of an

unemancipated minor or an incapacitated person, receiving, administering, investing and disbursing them for the minor or incapacitated person's benefit. The minor or incapacitated person for whom a conservator is appointed is called a protected person. Parents may appoint guardians for minor children or for incapacitated adult children. Other guardians must be court-appointed. Conservators are always court-appointed. Appointment of guardians and conservators requires proceedings with due process, rights to counsel, visitors, professional evaluation of incapacitated persons, disclosure to persons subject to such proceedings, and notice of proceedings. A new concept in revised Article V is the "standby guardian" which may be appointed for a minor child or an incapacitated adult child by a parent. The appointment is confirmed by a court before the parents actually become incapacitated or die. This is a method of appointing guardians when parents are faced with serious, pending health problems. The appointment is good for two years. Both guardians and conservators must provide information to the courts with jurisdiction over their appointments. Both must provide yearly reports. A conservator must, also, provide a plan for managing assets and an inventory almost immediately after appointment. Conservators are provided delegation powers that enhance exercise of prudent investment of assets.

**AMENDMENTS TO UNIFORM PROBATE CODE (UPC) ARTICLE VI,
AND EQUIVALENT AMENDMENTS TO
UNIFORM NON-PROBATE TRANSFERS AT DEATH ACT,
UNIFORM MULTIPLE PERSON ACCOUNTS ACT
AND UNIFORM TOD SECURITY REGISTRATION ACT**

These amendments, principally a new Section 6-102 in UPC Article VI, and equivalent in the free-standing acts, provide a creditor with the right to have non-probate assets included in the probate estate in the event assets in a debtor's probate estate are not sufficient to meet the creditor's claims.

ACTIVITIES OF THE 1998 GENERAL ASSEMBLY

The Uniform Child Custody Jurisdiction and Enforcement Act was adopted by the conference in 1997 and was introduced by Senator William C. Mims at the 1998 Session as SB 413. The bill was assigned to the Domestic Relations Juvenile Subcommittee of the Senate Courts of Justice Committee and was carried over by the full committee by a vote of 13-0. Senator Mims has withdrawn the bill for reintroduction at the 1999 Session of the General Assembly.

The Prudent Investor Act was adopted by the Conference in 1994 and was introduced by Delegate Whittington W. Clement at the 1998 Session as HB 841. The bill was originally referred by the Speaker of the House of Delegates to the Committee on General Laws where it was reported on a vote of 26-0. The bill was subsequently rereferred to the Committee on Courts of Justice where it was carried over on a vote of 24-0. At the Courts of Justice Committee's November 23, 1998 meeting, the bill was approved by the Committee which will send the bill to the floor of the House of Delegates when the 1999 Session opens on January 13.

The Principal and Income Act was adopted by the conference in 1997 and was also introduced by Delegate Clement at the 1998 Session as HB 842. The bill was carried over by the Courts of Justice Committee upon a 23-0 vote, and likewise, was reported at the November 23, 1998 meeting for consideration by the full House of Delegates in 1999.

RECOMMENDATIONS FOR ENACTMENT

The following uniform acts, which have been approved by the conference, make significant contributions to important subjects. As previously stated, the Uniform Child Custody Jurisdiction Act, Uniform Prudent Investor Act and Uniform Principal and Income Act are either to be reintroduced or are being favorably processed by a standing committee of the bill's house of introduction. The Virginia commissioners strongly recommend these acts for consideration and adoption by the 1999 General Assembly:

The Uniform Child Custody Jurisdiction and Enforcement Act (1997) combines rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

Uniform Principal and Income Act (1997) provides rules for trustees of trusts to use in determining which trust assets that come into their possession are designated as principal or income.

Uniform Prudent Investor Act (1994) provides rules governing investment that result in greater protection for the trusts assets while providing a prospect of better income.

Legislative Study of Revised Article 9 of the Uniform Commercial Code – Secured Transactions. In that the revision of Article 9 represents a more difficult area of the law, the Commissioners are recommending a formal legislative study conducted by members of the substantive standing committees overseeing this title of the Code and representatives of the bar and public. This will allow the issues presented by this revision to be better examined and understood. A copy of the proposed legislative study resolution is attached as Appendix D.

**REQUEST FOR TOPICS APPROPRIATE
FOR CONSIDERATION AS UNIFORM ACTS**

In the next several years, the conference will be considering proposed uniform acts covering:

Consumer Leases
Disclaimers of Property Interest
Parentage
U.C.C., Article 2 (Sales)
U.C.C., Article 2A (Leases)
U.C.C., Article 2B (Licenses)

The Virginia Commissioners welcome suggestions from the Governor, the General Assembly, the Attorney General and executive and judicial branch agencies on topics that may be appropriate for consideration by the conference. Appropriate topics are those where (i) there exists a need for uniformity in the law among the states and (ii) it is anticipated that a majority of the states would adopt such an act.

Respectfully submitted,

Brockenbrough Lamb, Jr.
Carlyle C. Ring, Jr.
Kenneth Lawrence Foran
J. Rodney Johnson
Pamela Meade Sargent
E.M. Miller, Jr.

APPENDIX A

Number of Adoptions of Uniform and Model Acts
for Each State Through September 30, 1998

Alabama: 67	Nebraska: 86
Alaska: 83	Nevada: 97
Arizona: 87	New Hampshire: 78
Arkansas: 89	New Jersey: 69
California: 77	New Mexico: 111
Colorado: 88	New York: 60
Connecticut: 80	North Carolina: 66
Delaware: 74	North Dakota: 127
District of Columbia: 57	Ohio: 64
Florida: 65	Oklahoma: 104
Georgia: 53	Oregon: 96
Hawaii: 101	Pennsylvania: 82
Idaho: 92	Puerto Rico: 24
Illinois: 90	Rhode Island: 78
Indiana: 71	South Carolina: 56
Iowa: 74	South Dakota: 101
Kansas: 91	Tennessee: 74
Kentucky: 68	Texas: 62
Louisiana: 68	U.S. Virgin Islands: 38
Maine: 85	Utah: 92
Maryland: 93	Vermont: 69
Massachusetts: 69	Virginia: 75
Michigan: 88	Washington: 97
Minnesota: 110	West Virginia: 77
Mississippi: 58	Wisconsin: 114
Missouri: 63	Wyoming: 73
Montana: 118	

Record of Passage of Uniform and Model Acts in Virginia
as of September 30, 1998

Anatomical Gift (1987)
Arbitration (1956)
Attendance of Out of State Witnesses (1931) (1936)
Child Custody Jurisdiction (1968)
Commercial Code (1951) (1957) 1962) (1966)
Commercial Code - Article 2A (1987) (1990)
Commercial Code - Article 3 (1990) (1991)
Commercial Code - Article 4 (1990)
Commercial Code - Article 4A (1989)
Commercial Code - Article 5 (1995)
Commercial Code - Article 6 (1989)
Commercial Code - Article 8 (1977) (1994)
Commercial Code - Article 9 (1972)
Condominium (1977) (1980)
Conservation Easement (1981)
Controlled Substances (1970) (1973)
Custodial Trust (1987)
Declaratory Judgments (1922)
Disposition of Community Property Rights at Death (1971)
Division of Income for Tax Purposes (1957)
Enforcement of Foreign Judgments (1948) (1964)
Federal Lien Registration (1978) (1982)
Foreign Money Claims (1989)
Foreign Money Judgments Recognition (1962)
Interstate Arbitration of Death Taxes (1943)
Interstate Compromise of Death Taxes (1943)
Interstate Family Support (1992) (1996)
Limited Partnership (1976) (1983) (1985)
Management of Institutional Funds (1972)
Partnership (1994) (1997)
Photographic Copies as Evidence (1949)
Principal and Income (1931)
Premarital Agreement (1983)
Simultaneous Death (1940) (1953) (1991) (1993)
International Wills (1977)
UPC, Article II, Part 10 (1977)

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Durable Power of Attorney (1979) (1987)
UPC, Article V, Part 5 (1979) (1987)
Multiple-Person Accounts (1989)
UPC, Article VI, Part 1 (1969), Part 2 (1989)
TOD Security Registration (1989)
UPC, Article VI, Part 3 (1989)
Reciprocal Enforcement of Support (1950) (1958) (1968)
Residential Landlord and Tenant (1972)
Status of Children of Assisted Conception (1988)
Trade Secrets (1979) (1985)
Transfers to Minors (1983) (1986)
Unclaimed Property (1981) (1995)
Audio-Visual Deposition (1978)
Real Estate Cooperative (1981)

***In addition to the enactments on this chart, there have been numerous other acts which have been superseded or withdrawn.**

Enactment Record for: VIRGINIA

Anatomical Gift (1968)	Year Enacted: 1970
Anatomical Gift (1987)	Year Enacted: 1990
Arbitration (1956)	Year Enacted: 1986
Attendance of Witnesses from Without a State in Criminal Proceedings, Act to Secure (1936)	Year Enacted: 1938
Audio-Visual Deposition (1978)	Year Enacted: 1983
Business Corporation (1928)	Year Enacted: 1956
Child Custody Jurisdiction (1968)	Year Enacted: 1979
Commercial Code (1951) (1957) (1962) (1966)	Year Enacted: 1964
Commercial Code, Article 2A (1987) (1990)	Year Enacted: 1991
Commercial Code, Article 4A (1989)	Year Enacted: 1990
Commercial Code, Article 5 (1995)	Year Enacted: 1997
Commercial Code, Article 6 (Revise) (1989)	Year Enacted: 1997
Commercial Code, Article 8 (1977)	Year Enacted: 1984
Commercial Code, Article 8 (1994)	Year Enacted: 1996
Commercial Code, Article 9 (1972)	Year Enacted: 1973
Commercial Code, Articles 3 and 4 (1990)	Year Enacted: 1992
Condominium (1977) (1980)	Year Enacted: 1982
Conservation Easement (1981)	Year Enacted: 1988
Controlled Substances (1970)	Year Enacted: 1971
Crime Victims Reparations (1973)	Year Enacted: 1976
Criminal Extradition (1936)	Year Enacted: 1940
Custodial Trust (1987)	Year Enacted: 1990
Declaratory Judgments (1922)	Year Enacted: 1922
Desertion and Non-Support (1910)	Year Enacted: 1922
Disposition of Community Property Rights at Death (1971)	Year Enacted: 1982
Disposition of Unclaimed Property (1954)	Year Enacted: 1960
Division of Income for Tax Purposes (1957)	Year Enacted: ?
Durable Power of Attorney (1979)	Year Enacted: ?
Enforcement of Foreign Judgments (1964)	Year Enacted: 1988
Federal Lien Registration (1978) (1982)	Year Enacted: 1988
Federal Tax Lien Registration (1966)	Year Enacted: 1970
Flag (1917)	Year Enacted: 1936
Foreign Depositions (1920)	Year Enacted: 1958
Foreign Money Claims (1989)	Year Enacted: 1991
Foreign Money Judgments Recognition (1962)	Year Enacted: 1990
Gifts to Minors (1956)	Year Enacted: 1958
International Wills (1977)	Year Enacted: 1995
Interstate Arbitration of Death Taxes (1943)	Year Enacted: 1948
Interstate Compromise of Death Taxes (1943)	Year Enacted: 1948
Interstate Family Support (1992)	Year Enacted: 1994
Interstate Family Support (1992) (1996)	Year Enacted: 1997
Land Registration (1916)	Year Enacted: 1916

Enactment Record for: VIRGINIA

Limited Partnership (1916)	Year Enacted: 1918
Limited Partnership (1976)	Year Enacted: 1985
Limited Partnership (1976) (1985)	Year Enacted: 1987
Machine Gun (1932)	Year Enacted: 1934
Management of Institutional Funds (1972)	Year Enacted: 1973
Narcotic Drug (1932)	Year Enacted: 1934
Narcotic Drug (1932) (1942)	Year Enacted: 1952
Negotiable Instruments Law (1896)	Year Enacted: 1897
Partnership (1914)	Year Enacted: 1918
Partnership (1992) (1993) (1994)	Year Enacted: 1996
Photographic Copies of Business and Public Records as Evidence (1949)	Year Enacted: 1950
Premarital Agreement (1983)	Year Enacted: 1985
Principal and Income (1931)	Year Enacted: 1936
Proof of Statutes (1920)	Year Enacted: 1918
Real Estate Cooperative (1981)	Year Enacted: 1982
Reciprocal Enforcement of Support (1950)	Year Enacted: 1952
Reciprocal Enforcement of Support (1950) (1952)	Year Enacted: 1954
Reciprocal Enforcement of Support (1968)	Year Enacted: 1970
Recognition of Acknowledgments (1968)	Year Enacted: 1970
Residential Landlord and Tenant (1972)	Year Enacted: 1974
Securities (1956) (1958)	Year Enacted: 1958
Amplification of Fiduciary Security Transfers (1958)	Year Enacted: 1960
Simultaneous Death (1940)	Year Enacted: 1942
Simultaneous Death (1991) (1993)	Year Enacted: 1994
Stock Transfer (1909)	Year Enacted: 1924
TOD Security Registration (1989)	Year Enacted: 1994
Trade Secrets (1979) (1985)	Year Enacted: 1986
Traffic on Highways, Act Regulating (1926)	Year Enacted: 1926
Transfer of Dependents (1935)	Year Enacted: 1940
Transfers to Minors (1983) (1986)	Year Enacted: 1988
Trust Receipts (1933)	Year Enacted: 1944
Unclaimed Property (1981)	Year Enacted: 1984
Warehouse Receipts (1906)	Year Enacted: 1908

Enactments: 75.00

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend and reenact § 9-49 of the Code of Virginia, relating to the number and terms of the Commissioners for the Promotion of Uniformity of Legislation.

Be it enacted by the General Assembly of Virginia:

1. That § 9-49 of the Code of Virginia is amended and reenacted as follows:

§ 9-49. Appointment of Commissioners.

~~Every two years~~ There shall be appointed by the Governor shall appoint three Commissioners, who with any persons appointed life members are hereby constituted a board of Commissioners by the name and style of Commissioners for the Promotion of Uniformity of Legislation in the United States. The three Commissioners appointed by the Governor shall serve for a term of four years, with each such term commencing on October 1. A Commissioner appointed by the Governor shall serve until his successor is appointed.

2. Notwithstanding the provisions of this or any other act, appointment resolution, or other directive of the Governor, any Commissioner for the Promotion of Uniformity of Legislation in the United States appointed by the Governor, whose term is due to expire on June 30, 2000, shall continue that term as a Commissioner until September 30, 2000, or until his successor is appointed. After this transitional period, appointments shall commence for terms of four years as provided in §9-49.

#

HOUSE JOINT RESOLUTION NO. _____

1 Establishing a joint subcommittee to study revisions to Article 9 of the Uniform Commercial
2 Code as proposed by the National Conference of Commissioners on Uniform State
3 Laws (NCCUSL).

4 WHEREAS, Article 9, Secured Transactions, one of the 11 substantive articles of the
5 Uniform Commercial Code, was first proposed in 1951 and last updated in 1972; and

6 WHEREAS, the National Conference of Commissioners on Uniform State Laws
7 (NCCUSL) completed major revisions to Article 9 in 1998 and advocates the adoption of the
8 revised Article 9 in each state; and

9 WHEREAS, Article 9 governs transactions in which a creditor takes a security interest
10 in specific property of a debtor, allowing the creditor to take the property in the event the
debtor defaults on the debt; and

12 WHEREAS, trillions of dollars of commercial and consumer credit are granted each
13 year in secured transactions under Article 9 of the Uniform Commercial Code; and

14 WHEREAS, manufacturers, retailers, and consumers all depend upon Article 9 of the
15 Uniform Commercial Code to make it possible for them to obtain the credit they need; and

16 WHEREAS, Article 9 is absolutely necessary to economic function in the United States;
17 and

18 WHEREAS, the revised Article 9 takes into account changes in technology, increases in
19 volume of commerce and credit, new kinds of property and transactions, and the proliferation
20 of statutory nonpossessory liens which have occurred since Article 9 was last updated in
21 1972; and

22 WHEREAS, uncertainties about where to perfect a security interest and ambiguities that
23 resulted in conflicting court interpretations have been addressed in the revised Article 9; and

1 WHEREAS, Article 9 is lengthy and complex and should be thoroughly studied and
2 considered before adoption by the Commonwealth as state law; now, therefore, be it

3 RESOLVED by the House of Delegates, the Senate concurring, That a joint
4 subcommittee be established to study the revisions to Article 9 of the Uniform Commercial
5 Code as proposed by NCCUSL.

6 The joint subcommittee shall be composed of 10 members, which shall include seven
7 legislative members and three nonlegislative members as follows: four members of the House
8 of Delegates to be appointed by the Speaker of the House; three members of the Senate to be
9 appointed by the Senate Committee on Privileges and Elections; and three members of the
10 Virginia Bar Association with expertise in Article 9 of the Uniform Commercial Code to be
11 appointed by the President of the Virginia Bar Association.

12 The direct costs of this study shall not exceed \$ 4,050.

13 The Division of Legislative Services shall provide staff support for the study. All
14 agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon
15 request.

16 The joint subcommittee shall complete its work in time to submit its findings and
17 recommendations to the Governor and the 2000 Session of the General Assembly as provided
18 in the procedures of the Division of Legislative Automated Systems for processing legislative
19 documents.

20 Implementation of this resolution is subject to subsequent approval and certification by
21 the Joint Rules Committee. The Committee may withhold expenditures or delay the period for
22 the conduct of the study.

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