

**WASHINGTON UNIFORM LAW COMMISSION
REPORT TO GOVERNOR INSLEE AND
WASHINGTON STATE LEGISLATURE
January 24, 2022**

By Washington Uniform Law Commission

I. PREAMBLE

To the Honorable Jay Inslee and members of the Washington State Legislature: The Washington Commissioners on Uniform State Laws respectfully submit this annual report.

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 composed 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. The statutory authority governing Washington's uniform law commission can be found at chapter 43.56 RCW.

There is only one qualification required of 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 Uniform Law Commission.

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 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 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 Uniform Law Commission. 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 more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 300 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.

Most significant was the 1940 ULC decision to attack 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, the UCC took ten years to draft and another 14 years before it was enacted across the country. 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 Uniform Law Commission 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 Uniform Law Commission, the terms of uniform law commissioners and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission

encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissions, including race, ethnicity and gender in making appointments. The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

V. PROCEDURES

The ULC convenes as a body once a year. It meets for a period of six or seven 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 Uniform Law Commission 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 governing body is the ULC Executive Committee, and is composed of the officers, 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 Council 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 with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the Conference of Chief Justices, and the National Center for State Courts on an on-going and as-needed basis. Liaison and activities are conducted with other organizations as interests and activities necessitate.

VI. ACTIVITIES OF THE WASHINGTON COMMISSIONERS

A. The Washington Commissioners are:

Marlin J. Appelwick
Kathleen Buchli
Dennis W. Cooper
Jamie Pedersen
Michele Radosevich
Anita Ramasastry

B. The ULC activities for Commissioners from Washington are:

Kathleen Buchli

- Health Care Decisions Act Study Committee, Observer

Dennis Cooper

- Parliamentary Practice Committee, Chair

Jamie Pedersen

- Legislative Council
- Parentage Act, Enactment Committee, Chair

Michele Radosevich

- Telehealth Drafting Committee, Chair

Anita Ramasastry

- Transparency in Supply Chains Study Committee, Chair
- International Legal Developments Committee
- Uniform Commercial Code Committee

C. Meetings held by the Washington Commissioners in the year 2021 were:

February 10, 2021 (Zoom video conference)

May 12, 2021 (Zoom video conference)

November 10, 2021 (Zoom video conference)

D. The Uniform Law Commission 2021 Annual meeting began on July 9, 2021, and was held in person in Madison, Wisconsin. All six Washington Commissioners attended the conference.

For a listing of Acts approved during the 2021 annual meeting, please see part VII.

- E. Legislative appearances by the Washington Commissioners in 2021 were led by Senator Jamie Pedersen. Senator Pedersen directs legislative activities, sponsors, and advocates for the Uniform Acts in Washington state.
- F. More information on the Washington Uniform Law Commission can be found at its [webpage](#). The Commission's webpage includes meeting dates, places, times, and minutes of past meetings.

VII. A SUMMARY OF NEW ACTS (approved during the ULC 2021 annual meeting)

Uniform Cohabitants' Economic Remedies Act

The rate of nonmarital cohabitation within the United States is increasing rapidly. Today, states have no consistent approach for addressing whether and how cohabitants can enforce contract and equitable claims against each other when the relationship ends. The Uniform Cohabitants' Economic Remedies Act does not create any special status for cohabitants. In most instances, the Act defers to other state law governing contracts and claims between individuals. The Act enables cohabitants to exercise the usual rights of individual citizens of a state to contract and to successfully maintain contract and equitable claims against others in appropriate circumstances. The Act affirms the capacity of each cohabitant to contract with the other and to maintain claims with respect to "contributions to the relationship" without regard to any intimate relationship that exists between them and without subjecting them to hurdles that would not be imposed on litigants of similar claims. The Act ensures that the nature of the relationship of the parties is not a bar to a successful claim.

Uniform College Athlete Name, Image, or Likeness Act

Until recently, college athletes have not been allowed to receive compensation for the use of their name, image, or likeness (NIL) while still maintaining athletic eligibility. The Uniform College Athlete Name, Image, or Likeness Act allows college athletes to earn compensation for the use of their NIL while also providing reasonable protections to educational institutions, athletic associations, and conferences. The Act will provide a clear and uniform framework for states to enact that allows college athletes to earn compensation for the use of their NIL while maintaining a level playing field across state lines.

Uniform Community Property Disposition at Death Act

Community property acquired by a married couple retains its character as community property even when the couple relocates to reside in a non-community property state. This result creates potential distribution problems at the death of the first spouse but also creates potential estate planning opportunities. However, the probate court in a non-community property state may not

recognize the status of community property in a decedent's estate. The Uniform Community Property Disposition at Death Act provides clear default rules to ensure the proper disposition of community property in any state. It is recommended for adoption only in non-community property states.

Uniform Personal Data Protection Act

The Uniform Personal Data Protection Act applies fair information practices to the collection and use of personal data from consumers by business enterprises. The Act provides a reasonable level of consumer protection without incurring the compliance and regulatory costs associated with some existing state regimes. The Act recognizes that the collection and use of personal data are important features of our modern economy but raise significant issues of privacy and control. The Act outlines compatible, incompatible, and prohibited data practices and provides an enforcement mechanism to ensure compliance with the Act.

Uniform Restrictive Employment Agreement Act

This Act regulates restrictive employment agreements, which are agreements that prohibit or limit an employee or other worker from working after the work relationship ends. Uniformity in this area of the law benefits both employers and employees by enhancing clarity and predictability in our increasingly mobile society. The Uniform Restrictive Employment Agreement Act addresses the enforceability of these agreements, notice and other procedural requirements, choice of law issues, and remedies. The Act does not say anything about an agreement monitoring what a worker can or cannot do while employed.

Uniform Unregulated Child Custody Transfer Act

In some cases, parents find that, after the birth or adoption of their child, they experience considerable difficulty or even inability in caring for or effectively managing the child's behavior, which sometimes leads to families transferring a child to another person outside of the courts and the child welfare system. Without specific regulations directed at these types of unregulated transfers, a transfer of custody might go unnoticed within the child welfare system. The Act addresses the transfer of children in these types of cases.

Amendments to the Uniform Common Interest Ownership Act

The Uniform Common Interest Ownership Act governs the formation, management, and termination of common interest communities, including condominiums, homeowner associations, and real estate cooperatives. The 2021 amendments to the Act update it to address recent legal and technological developments.

VIII. RECOMMENDATIONS FOR ENACTMENT 2022

The Washington Commissioners have recommended that these Uniform Acts be considered in the 2022 legislative session:

- The Revised Uniform Unclaimed Property Act

- The Unregulated Child Custody Transfer Act
- The College Athlete Name, Image, and Likeness Act

IX. ENACTMENT RECORD

The Washington Legislature enacted the following Acts during the 2021 Legislative Session:

- Electronic Recordation of Custodial Interrogations, [Chapter 329 Laws of 2021](#)
- Electronic Wills Act, [Chapter 140 Laws of 2021](#)
- Fiduciary Income and Principal Act, [Chapter 140 Laws of 2021](#)
- Powers of Appointment Act, [Chapter 140 Laws of 2021](#)
- Public Expression Protection Act, [Chapter 259 Laws of 2021](#)

According to the records of the ULC, Washington state has enacted 153 Uniform and Model Acts.

X. UNIFORM LAW COMMISSION DUES

The ULC receives the major portion of its financial support from population-based state appropriations. Every jurisdiction is also asked to fund its commissioners' participation at the ULC's Annual Meeting, where acts are debated, amended, and voted upon for approval.

Fiscal Year 2021-2022 State Dues

Alabama	63,600	Nevada	37,950
Alaska	37,950	New Hampshire	37,950
Arizona	63,600	New Jersey	63,600
Arkansas	37,950	New Mexico	37,950
California	178,850	New York	178,850
Colorado	63,600	North Carolina	63,600
Connecticut	37,950	North Dakota	37,950
Delaware	37,950	Ohio	89,250
Dist. of Col.	37,950	Oklahoma	37,950
Florida	127,500	Oregon	37,950
Georgia	63,600	Pennsylvania	89,250
Hawaii	37,950	Puerto Rico	31,200
Idaho	37,950	Rhode Island	37,950
Illinois	89,250	South Carolina	63,600
Indiana	63,600	South Dakota	37,950
Iowa	37,950	Tennessee	63,600
Kansas	37,950	Texas	127,500
Kentucky	63,600	US Virgin Island	20,300
Louisiana	63,600	Utah	37,950
Maine	37,950	Vermont	37,950

Maryland	63,600	Virginia	63,600
Massachusetts	63,600	Washington	63,600
Michigan	63,600	West Virginia	37,950
Minnesota	63,600	Wisconsin	63,600
Mississippi	37,950	Wyoming	37,850
Missouri	63,600		
Montana	37,950		
Nebraska	37,950		