

Sunset Public Hearing Questions for  
**Commission for Uniform Legislation**  
Created by Section 4-9-101, *Tennessee Code Annotated*  
(Sunset Termination Date June 2018)

1. Provide a brief introduction to the Commission for Uniform Legislation, including information about its purpose, statutory duties, staff, and administrative attachment.

**History:**

The National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (“ULC”), was organized in Saratoga Springs, New York, in August 1892 upon the suggestion of the Alabama and New York Bar Associations. In 1909 the State of Tennessee enacted Ch. 86 of the Acts of 1909, now codified at Tenn. Code Ann. § 4-9-101, et seq., and the Tennessee Commissioners joined the Conference. There have been 126 Annual Conferences. The 126th Conference was held in San Diego California, July 14-20, 2017.

**Purpose:**

Organization of the Conference arose out of the concerns of State governments for the improvement and uniformity of State law, and for better relationships among the States. It is a unique State agency operating as an unincorporated voluntary association of 50 States plus Puerto Rico, the District of Columbia, and the U.S. Virgin Islands. Its sole purpose has been, and remains, service to State governments through drafting uniform acts to promote uniformity in State laws on all subjects where uniformity is desirable and practicable. By doing so, the ULC promotes the interests of the States in maintaining the ideals of dual sovereignty and appropriate state-federal relationships in order to avoid Federal preemption in areas of the law reserved to the States under the 10th Amendment to the U.S. Constitution.

**Other:**

The Tennessee Commission has no direct staff.

2. Provide a list of current members of the commission and describe how membership complies with Section 4-9-101, *Tennessee Code Annotated*. Who appoints members? Are there any vacancies on the Commission? If so, what steps have been taken to fill the vacancies?

Charles Trost [Life member]  
George Buxton III [Life member]  
Effie Bean Cozart [Governor appointee]  
Robert Lloyd [Governor appointee]  
Douglas Overbey [Senate Speaker appointee]  
Tim Amos [House Speaker appointee]

Alberto Gonzales [Governor appointee]  
Jess Hale [Associate commissioner, Office of Legal Services designee]

3. How many other states have similar commissions?  
All other states have similar commissions.

4. How many times did the commission meet in fiscal years 2016 and 2017? How many members were present at each meeting?

The Tennessee commission met at the Uniform Law Commission Annual Meeting in 2016 and 2017. In 2016, four (4) members attended the Annual Meeting; only five (5) members were appointed to the Tennessee commission at that time. In 2017, six (6) members attended the Annual Meeting; only seven (7) members were appointed to the Tennessee commission at that time.

5. What per diem or travel reimbursement do members receive? How much was paid to commission members during fiscal years 2016 and 2017?

Members are reimbursed for travel expenses pursuant to the standard state travel rules.

2016	\$ 3369.32
2017	\$ 7061.10 per Administrative Office of the Courts

6. Is the commission subject to Sunshine law requirements (Section 8-44-101, Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of meetings and making minutes available to the public?

Yes, the Commission is subject to Tennessee Sunshine Laws. The Tennessee Commission does not hold meetings, but the Commissioners meet at the Annual Conference of the Uniform Law Commission, and at drafting committee meetings and other various other committee meetings of the ULC. All ULC meetings are announced in advance on the ULC Website which is open and available to the public, and minutes of all meetings are kept and maintained by the ULC Staff.

7. What were the Commission's revenues and expenditures for fiscal 2016 and 2017? Does the Commission carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the Commission does not carry a fund balance, what was the source of the revenue for the excess expenditures?

The State of Tennessee pays the ULC Annual Dues. The Tennessee Commission does not receive any revenues and maintains no funds, nor fund balances. .

8. Please detail the commission's activities in carrying out each of the duties assigned to it in Section 49-2-102, Tennessee Code Annotated, for fiscal years 2016 and 2017.

The commission sought the enactment of the following uniform acts:

"Revised Uniform Athlete Agents Act of 2015.  
" Revised Uniform Unclaimed Property Act"  
" Revised Uniform Access to Digital Assets Act"  
2017 Public Chapter 395 [revised composition of Tennessee commission]

9. Does the commission submit an annual report to the General Assembly, as required by Section 49-9-103, Tennessee Code Annotated? Please provide a copy of the most recent report.

Yes. A copy of the latest report, FY 2016 is attached.

10. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

The Tennessee commission benefited from the enactment of 2017 Public Chapter 395 by the General Assembly. At this time, there appears to be no need for additional legislation concerning the Tennessee commission.

11. Should the commission be continued? To what extent and in what ways would the absence of the Commission affect the public health, safety, or welfare of Tennessee citizens?

Yes, the Commission should be retained. If it were to be discontinued Tennessee would be the only state not represented at the National Conference of Commissioners on Uniform State Laws which has met annually since 1892, and Tennessee commissioners would not be in attendance and participating in drafting uniform state laws for the first time since 1909. Tennessee would have no voice in drafting uniform state legislation that directly impacts the lives, health, safety and welfare of its citizens.

**TENNESSEE COMMISSION FOR UNIFORM LEGISLATION**  
**ANNUAL REPORT**  
**FISCAL YEAR 2015 - 2016**

To the Honorable Bill Haslam, Governor; the Honorable Ron Ramsey, Lt. Governor; the Honorable Beth Harwell, Speaker of the House; and the Honorable Members of the Tennessee General Assembly:

The Tennessee Commissioners for Uniform Legislation respectfully submit this Annual Report pursuant to Tenn. Code Ann. § 4-9-103.

**I. HISTORY AND PURPOSE OF THE TENNESSEE COMMISSION FOR UNIFORM LEGISLATION**

**History:**

The National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (“ULC”), was organized in Saratoga Springs, New York, in August 1892 upon the suggestion of the Alabama and New York Bar Associations. In 1909 the State of Tennessee enacted Ch. 86 of the Acts of 1909, now codified at Tenn. Code Ann. § 4-9-101, *et seq.*, and the Tennessee Commissioners joined the Conference. There have been 125 Annual Conferences. The 125<sup>th</sup> Conference was held in Stowe, Vermont,<sup>1</sup> July 7-14, 2016.

**Purpose:**

Organization of the Conference arose out of the concerns of State governments for the improvement and uniformity of State law, and for better relationships among the States. It is a unique State agency operating as an unincorporated voluntary association of 50 States plus Puerto Rico, the District of Columbia, and the U.S. Virgin Islands. Its sole purpose has been, and remains, service to State governments through drafting uniform acts to promote uniformity in State laws on all subjects where uniformity is desirable and practicable. By doing so, the ULC promotes the interests of the States in maintaining the ideals of dual sovereignty and appropriate state-federal relationships in order to avoid Federal preemption in areas of the law reserved to the States under the 10<sup>th</sup> Amendment to the U.S. Constitution.

**II. MEMBERSHIP IN THE ULC**

Tennessee Commissioners for Uniform Legislation serve by appointment of the Governor. As Tennessee Commissioners, they are all also members of the ULC. The ULC is comprised of approximately 390 uniform law commissioners appointed from each of the 50 States, Puerto Rico, the Virgin Islands, and the District of Columbia. Each jurisdiction determines the method of appointment and number of commissioners appointed. Some States have as many as twelve Commissioners. Tennessee has five,

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<sup>1</sup> The Annual Conference was held in Memphis in 1910, in Chattanooga, 1929, and in Nashville in 2012. The Nashville Convention Bureau estimated that the meeting of the Conference in Nashville in 2012 had an economic impact of \$573,000.

one of the smallest number, including two Life Members. There is only one criteria for appointment—that Commissioners be members in good standing of the Bar of a State. Some Commissioners in some states are State legislators or other State officials, but most are practitioners, judges, or law professors. Commissioners receive no compensation for their work with the ULC, but are reimbursed for their actual expenses of attending meetings.

**III. THE TENNESSEE UNIFORM LAW COMMISSIONERS**

A. The Tennessee Commissioners are:

<b>Name</b>	<b>City</b>	<b>Date of Appointment</b>
George H. Buxton III, Life Member <sup>2</sup>	Oak Ridge	1986
Charles A. Trost, Life Member <sup>2</sup>	Nashville	1997
Jess O. Hale, Jr., Associate Member <sup>3</sup>	Nashville	2006
Effie V. Bean Cozart, Member	Memphis	2008
Robert M. Lloyd, Member	Knoxville	2012

B. The Tennessee Commissioners who attended the 2016 ULC Annual Meeting were:

Charles A. Trost	Nashville
Jess O. Hale, Jr.	Nashville
Effie V. Bean Cozart	Memphis
Robert M. Lloyd	Knoxville

C. Tennessee Commissioners serve on the following ULC committees:

1. Drafting Committees:

- Uniform Decanting Trust Committee (Trost)
- Uniform Deployed Parents Visitation and Custody Act (Cozart)
- Uniform Directed Trust Act (Trost)
- Uniform Faithful Presidential Electors Act (Hale)
- Uniform Principal and Income Act (Trost)
- Revised Uniform Unclaimed Property Act (Trost/Reporter)
- Regulation of Virtual Currency Act (Trost)

<sup>2</sup> Under the Bylaws of the ULC Commissioners who have served for 20 years or more may be designated as Life Members. After serving more than 20 years Commissioners Buxton and Trost were designated as Life Members by the ULC.

<sup>3</sup> Tennessee Code Annotated § 4-9-101(b) provides that the director of the office of legal services or the director’s designee shall serve as an associate member of the TULC. Mr. Hale is the director’s designee.

2. Study Committee  
Uniform Driverless Cars (Lloyd)
3. Scope and Program (Cozart)
4. International Legal Developments (Trost)
5. Legislative Attorneys Committee (Hale)
6. Legislative Liaison Committee (Hale)
7. Academic Partnership Committee (Trost)
8. Uniform Law Foundation - Trustee (Trost)

#### **IV. OPERATION OF THE ULC**

The ULC convenes as a body in Conference in July each year for a period of seven days. The 2016 Annual Conference was held in Stowe, Vermont, July 7-14, 2016. Between annual meetings, drafting committees meet periodically to prepare working drafts to be presented for review at the next annual meeting. At each Annual Conference, the draft acts prepared by the drafting committees are read aloud line by line and debated by the Commissioners in attendance sitting as a Committee of the whole. Each Act is considered over not less than two years. No Act becomes officially recognized as a Uniform Act until the National Conference is satisfied that it is ready for consideration in the State legislatures and it has been approved by a vote of the States, during which each State has one vote. No Uniform Act becomes effective as law until it has been adopted by the various State legislatures.

ULC is governed by an Executive Committee composed of the officers, certain ex-officio members, and members appointed by the President of the ULC. Various activities are conducted by the standing committees. For example, the Committee on Scope and Program considers all new subject areas proposed as Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the State legislatures.

A staff of thirteen employees located in Chicago operates the national office of the ULC which 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 contributes an amount each year to the operation of the ULC. Liaison is also maintained with the American Law Institute (ALI), the Council of State Governments (CSG), and the National Conference of State Legislatures (NCSL) on an on-going basis. Representatives of the Law Reform Conference of Canada and the Uniform Law Center of Mexico attend the annual

conference. Liaison and activities may be conducted with other associations as interests and activities may require.

## **V. NEW ACTS ADOPTED BY ULC IN 2016**

- Uniform Employee and Student Online Privacy Protection Act
- Uniform Family Law Arbitration Act
- Uniform Unsworn Declarations Act
- Uniform Unsworn Domestic Declarations Act
- Uniform Wage Garnishment Act
- Amendment to the Revised Uniform Law on Notarial Acts
- Revised Uniform Unclaimed Property Act

Descriptions of these Acts are attached and can also be found at:  
<http://uniformlaws.org/NewsDetail.aspx?>

## **VI. INTRODUCTIONS AND ENACTMENTS IN 2016**

The following Uniform Act was introduced and enacted by the Tennessee General Assembly in the legislative session which began in January 2016:

- The Uniform Real Property Transfer on Death Act
- The Uniform Fiduciary Access to Digital Assets Act
- Public Chapter 664

Other Acts remain under review by the appropriate committees of the Tennessee Bar Association whose activities are integral to the enactment process. Various members of the General Assembly have worked closely with the TBA and ULC on securing introduction of Acts deemed appropriate for Tennessee.

## **VII. INTRODUCTIONS AND ANTICIPATED ENACTMENTS IN 2017**

The following Uniform Acts are expected to be introduced and enacted by the Tennessee General Assembly in the legislative session which begins in January 2017:

- Athlete Agents, Revised Act
- Revised Limited Partnership Act
- Military and Overseas Voters Act
- Commercial Receivership Act
- Revised Uniform Unclaimed Property Act

## **VIII. ENACTMENT RECORD TO DATE**

Tennessee has adopted 103 Uniform and Model Acts prepared by the ULC.<sup>4</sup>

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<sup>4</sup> In addition, a number of Acts have been revised or superseded, or have become obsolete over the years.

## **IX. FINANCIAL SUPPORT**

The principal source of financial support of the ULC are the dues received from the 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.<sup>5</sup> Tennessee's dues for fiscal year 2016-2017 are \$57,700.<sup>6</sup> The amount of dues for each State range from \$23,000 (Wyoming) to \$150,000 (California and New York). Tennessee has been a faithful contributor of its fair share to the work of the Conference. Its continued support is appreciated. An additional source of revenues is royalties received on its copyrighted materials which exceeded \$1,000,000 in FY 2015-2016.

Another source of support of the National Conference is the donated services of the Commissioners. The Conference estimates that each Commissioner devotes at least 100 hours each year to the work of the Conference. It has been conservatively estimated that the total value of the services donated by its 390 members exceeds \$10,000,000.

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*Charles A. Trost, Chair*

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<sup>5</sup> Contributions to the ULC by all states constitute 62% of the budgeted total revenue of \$4,100,000 for the fiscal year (2015-2016). Tennessee's share contributes 1.5%.

<sup>6</sup> Tennessee paid 100% of its dues request of \$57,700 for 2016-2017.