

HOUSE BILL REPORT

HB 1120

As Reported by House Committee On:
Judiciary

Title: An act relating to uniform laws.

Brief Description: Concerning uniform laws.

Sponsors: Representatives Pedersen, Rodne, Goodman and Morrell; by request of Uniform Legislation Commission.

Brief History:

Committee Activity:

Judiciary: 1/21/09, 1/22/09 [DP].

Brief Summary of Bill

- Revises the authorizing statute for the Uniform Legislation Commission.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180)

Background:

The Uniform Legislation Commission (Commission) was established to promote uniformity of legislation with other states. The Commission works with similar commissions from other states, including the National Conference of Commissioners on Uniform State Laws, to draft and recommend uniform laws for approval and adoption by the various states. The Governor appoints the board of commissioners, which consists of three members who are typically judges, law professors, or other members of the bar. In addition, the Code Reviser serves as a member of the board of commissioners.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Commission's authorizing statute directs it to examine the specific subjects of marriage and divorce, insolvency, descent and distribution of property, and the execution and probate of wills, in addition to other subjects where the uniformity of states' laws is desirable, but that are outside the jurisdiction of Congress.

The commissioners are not compensated for their service but are reimbursed for travel expenses. In addition, expenses are allowed for one annual meeting of the Commission in Washington, and for the members to attend a conference of commissioners outside Washington no more than once per year.

Summary of Bill:

The Uniform Legislation Commission is renamed the Washington State Uniform Law Commission and its authorizing statute is updated and revised.

Qualifications for members of the Commission are established. A commissioner must be a resident of Washington, a member of a state bar association, and a current or former judge, law professor, legislator, or practicing attorney. In addition to the current number of commissioners, the Governor may appoint to the Commission any person who has served at least 20 years on the Commission and who is a life member in the National Conference of Commissioners on Uniform State Laws or its successor.

The statutory charge of the Commission is modified. The Commission must identify areas of the law where uniformity of state laws is desirable and practicable, and either Congress lacks jurisdiction to act or it is preferable that the several states enact the laws.

The Commission is directed to propose to the Governor and the Legislature adoption of the uniform acts developed with other commissioners at the National Conference of Commissioners on Uniform State Laws.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is request legislation from the Washington Uniform Law Commission (Commission), which has existed since 1905. In the states, uniform law commissions were started as an effort to keep Congress out of affairs that are traditionally the province of the states. Commissioners from Washington and other states gather every year at the National Conference of Commissioners on Uniform State Laws (NCCUSL) to come to agreement on

areas where there should be uniformity of laws among the states, and to draft and recommend these laws for adoption by the states.

Members of the Commission are appointed by the Governor. The bill allows the Governor to appoint any person who has been approved as a life member of the NCCUSL. There is a need for new blood on the Commission. This change will allow the Commission to continue to use the experience of long-time members while also bringing in new people to help with the Commission's work.

Persons Testifying: Representative Pedersen, prime sponsor; and Marlin Appelwick, Washington Uniform Legislation Commission.

Persons Signed In To Testify But Not Testifying: None.