



1947

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Recommended Citation

Thormodsgard, O. H. (1947) "The National Conference on Uniform State Laws," *North Dakota Law Review*. Vol. 23 : No. 2 , Article 5.

Available at: <https://commons.und.edu/ndlr/vol23/iss2/5>

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THE NATIONAL CONFERENCE ON UNIFORM
STATE LAWS

By O. H. THORMODSGARD*

Because of lack of uniformity of laws among the several states, the American Bar Association in 1889 appointed a special committee to study the problem as to securing greater uniformity as to important laws common to all states. In 1890, the Legislative Assembly of the State of New York adopted a resolution authorizing the appointment of "Commissioners for the promotion of uniformity of legislation in the United States." In 1890 the special committee of the American Bar Association, after receiving the resolution of New York, recommended to the American Bar Association that each state and by Congress for the District of Columbia and territories should enact a law providing for appointment of commissioners to confer with the commissioners from other states on the subject of "Uniformity of Legislation." (13 Rep. of Amer. Bar Asso. (1890) pp 336-337).

At the 1891 meeting of the American Bar Association, the resolution of 1890 was reaffirmed which called upon the "local councils to endeavor to obtain from their respective legislatures acts similar to the Act which had been adopted by the State of New York." (14 Rep. of Amer. Bar Asso. (1891) p. 53). The First National Conference of Commissioners on Uniform State Laws was held in August 1892 at Saratoga, New York for three days immediately preceding the annual meeting of the American Bar Association.

The purpose of uniform legislation was expressed by William L. Snyder, Esq. of the New York Bar in 1892. The following sentences, from his address, will convey the idea: "Uniform legislation is an ideal conception. It is the objective point sought by all who have given any thought to the subject of law reform . . . With us, therefore, the task remains to secure legislative harmony, so far as may be, upon those subjects over which the various state legislatures retain absolute and exclusive control. To assimilate, as far as possible, the body of the law, the rules of practice and mode of procedure in the tribunals of the various states, presents a problem worthy of the best thought and highest effort . . . The federal government was wisely designed as a government of delegated powers. The Constitution declares expressly that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people. The problem of uniform legislation, therefore, so far as relates to those subjects not delegated to the United States or to Congress, must be solved, either by the states surrendering more power, or by exercising it with uniformity in their several legislatures. The states must either surrender their powers, so as to confer upon Congress exclusively, authority to legislate, or they must agree among themselves to assimilate and render harmonious legislation on any given subject. The surrender of power by the states is out of the question. If the surrender were made, the result would be to change our form of government. To add to the powers of Congress must of necessity subtract from the powers of the states. To strengthen the one is to weaken the other." (15 A.B.A. (1892) 287).

Section 2 of the Constitution of The National Conference of Commissioners on Uniform State Laws provides that "Its objects shall be (1) to promote uniformity in state laws on all subjects where uniformity is deemed desirable and practicable; (2) to draft model acts

*Commissioner.

on (a) subjects suitable for interstate compacts, and (b) subjects in which uniformity will make more effective the exercise of state powers and promote interstate cooperation; and (3) to promote uniformity of judicial decisions throughout the United States." For fifty-five years this conference has worked to accomplish these objects.

The National Conference of Commissioners on Uniform State Laws is a body composed of representatives from each of the states, District of Columbia, Alaska and Puerto Rico. In thirty-three of these jurisdictions the commissioners are appointed by the chief executive acting under express legislative authority. In the other jurisdiction the appointments are made by general executive authority. There are usually three representatives from each state, territory and District of Columbia. They are chosen from the legal profession, including lawyers, judges and law teachers. The commissioners are united in a permanent organization, under a constitution and by-laws, and annually elect a president, vice-president, and secretary and a treasurer.

The program or agenda for the annual conference is under the direct control of an executive committee of seven commissioners. The preparation of model acts and proposed uniform laws is done by standing and special committees. These committees secure advice and assistance from legal experts in the specific fields. They also consult leading lawyers, judges, business organizations and business men. Each committee gives a report at the annual conference. The tentative drafts are considered in detail both as to substance and form by the commissioners. These tentative drafts may be under consideration over several conferences. In approving the proposed uniform laws or model acts, the commissioners vote by states.

Up to 1946, the National Conference had drafted and approved ninety-six acts. It likewise has approved seven other acts drafted by other organizations. Since some of these uniform acts, in the course of time, have become obsolete, the National Conference has withdrawn some of them. In 1946, fifty-eight uniform and model acts have the approval of the conference and are recommended to the states for adoption. North Dakota has adopted the following Uniform Acts: Acknowledgment Act (with modification); Acknowledgment Act Amendment (1943); Act Regulating Traffic on Highways (1927) (with modification); Act to Secure Attendance of Witnesses from Without the State in Criminal Cases (1933); Aeronautics Act (1923); Air Licensing Act (1929); Bills of Lading Act (1943); Business Records as Evidence Act (1937); Declaratory Act (1923); Desertion and Non-support Act (1911); Firearms Act (with modification 1923); Fraudulent Conveyances Act (1943); Illegitimacy Act (with modification 1923); Judicial Notice of Foreign Law Act (1937); Motor Vehicle Anti-Theft Act (with modification 1927); Motor Vehicle Operators' and Chauffeurs' License Act (1935); Motor Vehicle Registration Act (with modifications 1927); Narcotic Drug Act as amended (1943); Negotiable Instruments Act (1899); Official Reports as Evidence Act (1937); Pistol Act (1943); Proof of Statutes Act (1913); Sales Act (1917); Simultaneous Death Act (1943); Stock Transfer Act (1943); Transfer of Dependents Act (1943); Veterans Guardianship Act (1931); Warehouse Receipts Act (1917).

North Dakota has incorporated into its Code, twenty-eight of the Acts prepared by the National Conference of Commissioners on Uniform State Laws. Up to January 1, Minnesota has approved twenty-four uniform laws and model acts. Montana has approved eighteen; and our

sister state, South Dakota, has adopted forty-six of them. The other states, which have approved more of the acts than North Dakota, are as follows: Idaho 30, Illinois 29, Louisiana 34, Maryland 37, Massachusetts 33, Michigan 32, Nevada 33, New York 32, Pennsylvania 36, Tennessee 32, Utah 38 and Wisconsin 42. With only twelve states ahead of North Dakota in the number of uniform acts enacted into law, the lawyers of North Dakota and the members of the legislative assembly of this state may consider the merits of the uniform acts which this state has not approved. The adoption of more of the uniform acts will not only make the laws of this state uniform with more of the laws of other states, but also will make more clear the answer to questions of law which have not yet come before the local courts for decision. Besides the merits of greater uniformity in legislation, we may be assured that there will be greater uniformity in judicial decisions. The demand and need for federal legislation and centralization of power will be diminished. There will be greater opportunity to keep a balance between federal and state powers. Furthermore, there would be more certainty in the giving advice by lawyers to clients who have commercial interests and property interests in the several states.

The National Conference of Commissioners on Uniform State Laws is supported by voluntary contributions. The annual budget is about \$15,000.00. Annually, it is recommended that the states or the bar associations of the several states contribute a certain sum. The assessments are as follows:

Alabama	\$200.00	Nebraska	150.00
Arizona	150.00	Nevada	175.00
Arkansas	150.00	New Hampshire	150.00
California	350.00	New Jersey	150.00
Colorado	150.00	New Mexico	150.00
Connecticut	300.00	New York	700.00
Delaware	150.00	North Carolina	200.00
District of Columbia	300.00	North Dakota	150.00
Florida	150.00	Ohio	400.00
Georgia	200.00	Oklahoma	150.00
Hawaii	150.00	Oregon	150.00
Idaho	150.00	Pennsylvania	700.00
Illinois	450.00	Puerto Rico	150.00
Indiana	150.00	Rhode Island	150.00
Iowa	150.00	South Carolina	150.00
Kansas	150.00	South Dakota	200.00
Kentucky	200.00	Tennessee	150.00
Louisiana	150.00	Texas	300.00
Maine	150.00	Utah	150.00
Maryland	250.00	Vermont	150.00
Massachusetts	250.00	Virginia	200.00
Michigan	300.00	Washington	150.00
Minnesota	200.00	West Virginia	150.00
Mississippi	150.00	Wisconsin	200.00
Missouri	150.00	Wyoming	150.00
Montana	150.00		

The records do not disclose that North Dakota has ever paid its assessment. In South Dakota, the legislative assembly enacts an appropriation bill for payment of the annual assessment. In several of the states, the state bar association pays the assessment. If South Dakota deems it meritorious to pay this moral obligation, perhaps the lawyers of this state and the legislative assembly of North Dakota should consider the merits of this assessment. In a number of states, provision is made for the payment of the actual expenses of the commissioners in attending the annual conference. In the states where there is no appropriation, the commissioners pay all of their expenses and also give their time.

The lawyers of this state should be informed as to the cooperative effort between The American Law Institute and The National Conference of Commissioners on Uniform State Laws as to the preparation of "The Commercial Code." In 1940, the Executive Committee of the Conference approved the recommendation of the Section of the Uniform Commercial Law Acts, "that the preparation of a commercial code be undertaken as soon as funds are available." At the 1941 annual meeting of the conference, it was reported that the Executive Committee of The American Law Institute had recommended "that the initiative towards a joint enterprise should come from the Conference." At a meeting held on May 12, 1942, the President of the Conference reported that the Conference and The American Law Institute had agreed to participate in the revision of the Uniform Sales Act, and, in time, to draft a Commercial Code. In 1943, the problem was presented to The American Law Institute as to whether it should cease to function after it had completed the Restatements of the Law, or should continue to function and participate in the preparation of the Commercial Code. It voted to continue its existence. Through the efforts of leading lawyers of The American Bar Association, The American Law Institute, and the Conference, financial assistance for this project was granted by the Maurice and Laura Falk Foundation of Pittsburgh, Pennsylvania, as well as by gifts from other organizations and individuals.

The Commercial Code project embraces two things, as follows:

"1. The preparation of a complete Code of Commercial Law applicable to every phase of a commercial transaction. Included will be divisions dealing with sales, commercial papers, bills of lading, warehouse receipts, vendors' security, bank collections and other subjects which will round out the rules governing the conduct of commerce from sale to final payment whether the traffic be in goods, commercial paper, stock or other securities.

"2. The publication of appropriate commentaries making clear alike to laymen and lawyers what changes in the rules of commerce are contained in the Code and why the changes are made."

The reporters, assistant reporters and advisers have been jointly selected by the Institute and by the Conference to prepare the tentative drafts. These drafts will be submitted to the Institute at its annual meetings. A number of the important subjects were presented to the Institute and to the Conference at their respective annual meetings in 1946. Progress has been made.

This project may not be completed until 1950 or 1951. The Commercial Code, when completed, will be of inestimable value to the commercial life of this nation. If and when adopted by the forty-eight states and territories, the commercial laws and decisions of the several jurisdictions will be more uniform. Lawyers should be aware of this project. During the coming years we should take notice of the tentative drafts. When the drafts are approved by the Conference, the Institute, and The American Bar Association, the Commercial Code will then be recommended to the several states for adoption. Members of the North Dakota Bar will have opportunities to be informed of the merits of the proposed Commercial Code. When the Commercial Code is presented for adoption by the legislative assembly of North Dakota, the lawyers of this state will then be prepared to intelligently indorse and recommend it.