INTRODUCTION

The Uniform Law Commission (“ULC,” or the National Conference of Commissioners on Uniform State Laws, “NCCUSL”) is a unique institution created by state government to consider state law, determine in which areas of the law uniformity is important and draft uniform laws and model acts for consideration by the states. Since its founding in 1892, the ULC’s work has brought consistency, clarity, and stability to state statutory law. Included in this important work have been such pivotal contributions to state law as the Uniform Commercial Code, the Uniform Probate Code, the Uniform Anatomical Gift Act, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Interstate Family Support Act, the Uniform Electronic Transactions Act, and the Uniform Prudential Management of Institutional Funds Act.

The ULC’s major asset is its commissioners—more than 300 of the best legal minds in the country. Commissioners are appointed by every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, who must be legally qualified lawyers. Each jurisdiction determines the method of appointment and the number of commissioners appointed; most jurisdictions provide for the commission by statute. While some serve as state legislators, or state employees, many are private practitioners, judges, or law professors. Commissioners donate their time and expertise as a pro bono service for their work with the ULC. In addition, the principal legal officer of the bill-drafting agency for each jurisdiction is an associate member of the ULC.

The procedures of the ULC ensure meticulous consideration of each uniform law or model act. The ULC generally spends at least two years on each draft. Sometimes, the drafting work extends much longer. No single state has the resources necessary to duplicate this meticulous, nonpartisan effort.

WHAT’S NEW

In 2008, NCCUSL approved seven new acts. A brief description of each act is included here.

The Revised Uniform Unincorporated Nonprofit Association Act. The Revised Uniform Unincorporated Nonprofit Association Act (RUUNAA) addressed a key problem in common law: that an unincorporated association was not a separate entity, but rather an aggregate of individuals with many characteristics of a business partnership. The 1996 uniform act reformed the common law in three basic areas: authority to acquire, hold, and transfer property, especially real property; authority to sue and be sued as an entity; and contract and tort liability of officers and members of the association.

The RUUNAA improves upon its predecessor by providing additional guidance, incorporating a number of modern practices, and eliminating potential conflicts with other bodies of law. The revised act extends the nature of unincorporated nonprofit associations as distinct entities by allowing qualified associations to exist in perpetuity where necessary or convenient to carry out its purposes. The RUUNAA also provides greater guidance with respect to a number of member and manager issues (meetings, duties, resignation of members and managers, quorum and notice rules, and so forth). Also, the RUUNAA addresses a number of financial issues such as prohibited distributions, compensation and other payments, reimbursement and indemnification, and advancement of expenses, as well as dissolution, winding up, and termination of an association.

In short, the RUUNAA modernizes the 1996 uniform act by addressing popular internal and external issues that an unincorporated nonprofit association would face today. Significantly, the project was executed in close coordination with similar efforts by the uniform law conferences of Canada and Mexico, so widespread adoption of the RUUNAA will have the added benefit of functional cross-border harmonization.

Uniform Unsworn Foreign Declarations Act. The Uniform Unsworn Foreign Declarations Act affirms the validity of unsworn foreign declarations made by a declarant who is physically outside the boundaries of the United States when making a declaration and who may not have access to a notary. Under the act, unsworn declarations cannot be used for depositions, oaths, (Continued on page 2)
of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes, or oaths required to be given before specified officials other than a notary. Use of an unsworn declaration, like a sworn declaration, would be subject to penalties for perjury, and the act provides a model form that unsworn declarations must substantially follow.

**2008 Amendments to the Uniform Probate Code.** The Uniform Probate Code (UPC), which is fully adopted in 18 states (and partially adopted as various stand-alone acts in many others) provides an integrated statutory system for all sorts of probate and estate law matters. The UPC, along with its constituent stand-alone acts, has been frequently updated since its inception in 1969. The 2008 amendments to the UPC address four key issues. First, several sections having to do with cost-of-living adjustments have been updated for the first time since 1990. Second, definitions have been added to make the UPC consistent with the use of electronic signatures and records, and to allow for the option of notarized wills (as an alternative to attestation by two witnesses). Third, Article II of the UPC dealing with intestate succession has been reorganized and expanded to extend intestate inheritance rights to a broader group of potential heirs based on the existence of a “parent-child relationship,” as defined therein. This last change significantly modernizes the UPC’s treatment of nonmarital children (and children of new forms of marriage), adoptive children, and children of assisted reproduction. Finally, the process and standards under which a will can be reformed or corrected are clarified so as to be consistent with the Restatement (Third) of Property: Wills and Other Transfers, and the Uniform Trust Code.

**2008 Amendments to the Uniform Common Interest Ownership Act and the Uniform Common Interest Owners Bill of Rights Act.** The 2008 amendments to the Uniform Common Interest Ownership Act (UCIOA) update and revise the 1994 version of the act. The original 1982 version of the UCIOA had been adopted in five jurisdictions, and the 1994 revised version in two. This act covers the formation, management, and termination of any common interest community, including condominiums, planned communities, and real estate cooperatives.

The 2008 UCIOA amendments seek to address critical aspects of association governance, with particular focus on the relationship between the association and its individual members, foreclosures, election and recall of officers, and treatment of records. Importantly, the UCIOA gives greater flexibility to association governing boards over enforcement of the declaration, bylaws, and rules of the association. The 2008 changes also modernize the UCIOA with respect to electronic commerce and practice.

In addition to amendments to the UCIOA, the new Uniform Common Interest Owners Bill Of Rights Act (UCIOBORA) can be enacted by states as part of UCIOA or as a stand-alone act. The UCIOBORA is drawn from the provisions of the UCIOA and supersedes existing state law with many of the most important updates and protections of the 2008 act.

**2008 Amendments to the Uniform Principal and Income Act.** The ULC, in July 2008, approved amendments to the Uniform Principal and Income Act that update the act to reflect current policy of the Internal Revenue Service (IRS) and clarify technical language regarding withholdings. Section 409 of the act has been changed to satisfy a 2006 IRS ruling regarding marital deductions. The new language comports with the ruling and the underlying tax policies of the IRS. Further, the 2008 amendments include a change to Section 505, which addresses the amount of money that must be withheld from a distribution to pay the tax on the undistributed income. The amendment removes ambiguity that could lead to litigation.

**2008 Amendments to the Uniform Interstate Family Support Act.** In November 2007, the United States signed (but has yet to ratify) the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. This convention establishes many uniform procedures for the processing of international child support cases. The 2008 Uniform Interstate Family Support Act (UIFSA) amendments serve as the implementing language for the convention within the United States and its territories upon its expected ratification.

In order for the United States to accede fully to the convention, it was necessary to modify the UIFSA by incorporating provisions of the convention that impact existing state law. Section 7 of the 2008 UIFSA provides important guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the convention. Enactment of the amendments to the UIFSA will improve the enforcement of American child support orders abroad and will help ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

**WHAT'S AHEAD**

The ULC drafting committees—composed of commissioners from the various states, with participation from advisors, observers, and expert reporter-drafters—meet throughout the year. All drafting committees are open to the public, and everyone at the meeting is encouraged to participate in the discussion. All drafts are available online on the ULC’s website at www.nccusl.org. Tentative drafts are not submitted to the entire commission until they have received extensive committee consideration.

(Continued on page 3)

**WHO ARE ASSOCIATE MEMBERS OF NCCUSL?**

According to the ULC Constitution, in addition to the Uniform Law Commissioners appointed by every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands:

The principal administrative officer of each state legislative reference bureau or other agency charged by law with the duty of drafting legislation at the request of the legislative or executive officers of the State, or an alternate named from within the bureau or agency by its principal administrative officer, is an Associate Member of the Conference.

An Associate Member has the privilege of the floor and is eligible to serve on and to chair any committee, including the Committee of the Whole, with right to vote in committee, but an Associate Member is not eligible to be an Officer or to participate in a vote by States or in other votes of the Conference.

All states are entitled to have an Associate Member, but not every state has identified a member. The ULC encourages each state to identify its Associate Member and urges all Associate Members to participate in the proceedings of the ULC. For additional information, call the ULC National Office at 312-450-6600.
National News from The Legislative Staff Coordinating Committee
By Gary VanLandingham, NCSL Staff Chair

The Legislative Staff Coordinating Committee (LSCC) is working on projects to strengthen NCSL’s services to staff. The LSCC has two representatives from each of the staff sections and staff from the NCSL Executive Committee. The LSCC first met in September and will meet in January, May and July.

LSCC meetings are not a junket. The meetings are pretty grueling—the first meeting of the day begins at 7:30 AM and various subcommittee and working group meetings last until 6:30 PM and meet again the next morning, followed by Executive Committee meetings throughout this second day. So, folks don’t go to LSCC meetings to hang out, but instead often look forward to getting back to their day jobs where the pace is somewhat saner on a good day. The LSCC is working on several initiatives:

The Legislative Institutions subcommittee is assessing major trends that are affecting legislative staff nationwide, including the baby boomers’ retirement, technology changes, economic stress, and increased partisanship with term limits. The subcommittee will develop strategies to help address these challenges and guide NCSL activities in future years.

The Marketing and Outreach subcommittee is developing better ways to market NCSL’s services so that legislative staff and legislators understand what NCSL can do for them and how they can best get involved with the organization.

The Professional Development subcommittee is working to strengthen training programs for legislative staff, including options to expand programs for staff entering management positions and those beginning their legislative careers.

The Technology subcommittee is working to develop a capacity to deliver high quality internet professional development programs to staff that cannot travel to NCSL meetings.

The Staff Section Officers subcommittee is working to ensure that staff sections receive needed support from NCSL in hosting professional development seminars. The committee is also working with the technology committee to identify ways that the staff sections can use e-learning technology to deliver skills development programs for staff who perform specific functions in their legislatures such as committee research and program evaluation.

The Standing Committees workgroup is working to strengthen the role of legislative staff in NCSL’s Standing Committees, which meet three times a year to develop NCSL’s lobbying position on federal issues.

The Member and District Staff Training workgroup is developing a prototype seminar that will be held next spring for member and district staff.

The Strategic Planning workgroup is establishing plans to accomplish to goals of Nancy Cyr, who will serve as Staff Chair next year.

It is truly an honor to serve as your staff chair this year. NCSL is the premier organization for legislative staff, and it provides a wealth of opportunities to learn, share information, and meet colleagues and make friends who share our role in supporting representative democracy. This fall, I and the other national officers (Nancy Cyr, Staff Vice Chair, and Sharon Crouch-Steidel, Immediate Past Staff Chair) have had the pleasure of visiting each of the ten staff section’s professional development conferences. Each of the meetings was superb, and showed the talent and dedication of legislative staff.

If you have any questions or suggestions for LSCC programs, feel free to contact me at gary.vanlandingham@oppagafl.gov, or the other national officers. You can get more information on NCSL’s legislative programs staff at the website: www.ncsl.org.

(Continued from page 2)

Proposed acts are subjected to rigorous examination and debate for at least two annual meetings before they become eligible for designation as ULC products. An affirmative vote of at least 20 states is needed at the annual meeting to promulgate an act to the states. There are currently 16 drafting committees working on new and revised uniform laws and model acts.

Drafting Committee on Business Organizations Act. The purpose of this committee is to draft common provisions of business organization law such as definitions, the mechanics of filings, names of entities, registered agents and registered offices, qualification of foreign entities, and administrative powers of the secretary of state. This committee will incorporate provisions from the Model Entity Transactions Act on merger, interest exchanges, conversions, and domestications. Working in partnership with an American Bar Association committee, the drafting committee will also consider future expansion of the project.

Drafting Committee on Certificate of Title for Boats. This committee will draft an act establishing a certificate of title system for boats. Many states do not have certificate of title laws governing watercraft, and those that do have considerable differences. The committee will coordinate its work with the United States Coast Guard, focusing on developments concerning the Coast Guard’s vessel identification and documentation systems.

Drafting Committee on Collaborative Law Act. This committee will draft an act on collaborative law, a new kind of alternative dispute resolution framework used in many states today, particularly in a family law context, i.e., divorce, custody, and support proceedings. The core idea is that lawyers (and parties) to a dispute agree in advance that the lawyers will withdraw if the dispute goes to trial. The committee will also consider whether the act should be limited to family law cases or expanded to other areas of the law such as estate planning.

Drafting Committee on Uniform Collateral Consequences of Conviction Act. This committee is drafting a statute addressing the various penalties and disqualifications that individuals face incidental to criminal sentencing, including disqualification from voting, prohibitions from running for office, exclusion from certain types of employment. The act is intended to be narrow in scope, applying only to the procedures surrounding collateral sanctions, not defining or limiting what those sanctions are.

(Continued on page 4)
the possible need for uniform law on insurable interests. The trust are not subject to estate taxes. Recent case law has raised planning tool because proceeds of an irrevocable life insurance insurable interest law. Life insurance trusts are a standard estate ining the purchase of life insurance trusts by trustees as it relates to insurable interest law. Life insurance trusts are a standard estate planning tool because proceeds of an irrevocable life insurance trust are not subject to estate taxes. Recent case law has raised the possible need for uniform law on insurable interests. The scope of the project is narrow and might be drafted within the Uniform Trust Code or as a stand-alone act.

Drafting Committee on Misuse of Genetic Information in Employment and Insurance Act. This committee will draft uniform or model legislation on the misuse of genetic information in the context of employment and health insurance.

Drafting Committee to Revise Uniform Law on Notarial Acts. The purpose of this committee is to revise the 1982 Uniform Law on Notarial Acts. The charge is limited to notary responsibilities, electronic recording, interstate recognition, and remedies.

Drafting Committee on Presidential Electors Act. This committee will draft an act providing a state statutory remedy in the event a state presidential elector fails to vote in accordance with the voters’ wishes.

Drafting Committee on Record Owners of Business Act. This committee will draft an act to conform uniform entity laws, including the Uniform Partnership Act (1997), the Uniform Limited Partnership Act (2001), the Uniform Limited Liability Company Act (2006), and the Uniform Unincorporated Nonprofit Association Act (2008), to address the availability of information regarding the owners of entities established under state law. The act would help address some national security concerns relating to companies operating for the purposes of organized crime, terrorist financing, securities fraud, tax evasion, and other misconduct, while balancing important privacy concerns.

Drafting Committee on Regulation of Charities. This committee will draft an act to address the state regulation of charities. The committee will focus on state attorneys’ general authority with regard to the protection of charitable assets, notice requirements, remedies, and principles to guide attorneys general in interstate and multistate cases.

Drafting Committee on Relocation of Children Act. This committee will draft an act on the relocation of children from one jurisdiction to another in the context of custody disputes. Relocation involves a parent who wants to move with a child over the objections of the other parent; it is one of the fastest-growing kinds of custody litigation in the country.

Drafting Committee to Revise Model State Administrative Procedures Act. This committee is revising the 1980 Model State Administrative Procedures Act, which provided procedures for promulgating administrative regulations and for adjudicating disputes before administrative bodies. A revision is necessary to update the act to recognize electronic communications and other procedural innovations since the act was originally promulgated.

Drafting Committee on Uniform Statutory Trust Entity Act. The business trust format—often used in mutual funds, ERISA pension funds, and various types of regulatory compliance trusts—is increasingly used as an alternative to other business entities such as a corporation or limited partnership. Business trusts are special purpose vehicles, the closest equivalent being limited partnerships. Although there are few business trusts compared to other types of business forms, trillions of dollars of assets are invested in this business format. This committee is drafting an act that will apply to business trusts and other analogous statutory trusts. It will not apply to trusts used in estate planning.

Drafting Committee on Partition of Tenancy-in-Common Real Property Act. The purpose of this committee is to draft a uniform act that will address the issue of tenancy-in-common land ownership. Tenancy in common is a type of joint ownership without right of survivorship. When there is no right of survivorship, the death of a tenant in common can trigger an action to partition the land to satisfy the deceased tenant’s heirs. In a partition, the land is sold to satisfy tenant-in-common interests, often in a sale that does not meet market value. This committee will draft a new law to protect vulnerable landowners by providing a buy-out option; balancing factors for judges on partition of real property; sale price minimums if dispossession occurs; and a waiting period of up to three years for strangers to title.

Drafting Committee on Real Property Transfer on Death Act. This committee will draft an act that will permit real property to be transferred outside of probate upon death by beneficiary designation, similar to current beneficiary designations now used on securities accounts. At least eight states now permit this kind of real estate transfer on death.

OTHER PROJECTS OF INTEREST

Joint Review Committee for UCC Article 9. This joint American Law Institute–ULC committee will draft specific revisions of UCC Article 9 to address specific issues that a study committee has already identified as needing statutory revision. The committee will address ambiguities that have been discovered in existing statutory language, substantial problems in practice in applying current statutory provisions, or significant judicial decisions or nonuniform amendments that suggest the need to consider statutory revisions.

Committee to Implement the UN E-Commerce Convention. The E-Commerce Convention impacts the Uniform Electronic Transactions Act and the federal E-Sign legislation. This committee will recommend the most appropriate methods for implementing the convention, including whether any federal or uniform state legislation is necessary, and will then work with the U.S. departments of state and commerce, and other interested entities, in preparing any necessary uniform state or federal legislation and in seeking to obtain United States Senate advice and consent to the convention.

Drafting Committee on the Hague Convention on Choice of Court Agreements. This committee, at the request of the U.S. State Department, will draft uniform state legislation and appropriate declarations and understandings to assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements.

(Continued on page 6)
STATE NEWS

COLORADO
Debbie Haskins

In November, Colorado voters will face the longest ballot since 1912, the first year that citizens got the right to pursue initiated measures. There are 18 issues on the ballot, including 14 proposed through the initiative process and 4 referred measures. The 18 items deal with such things as defining personhood as beginning at conception, increasing the limit on the amount of bets that can be placed in the 3 towns where limited gaming casinos are allowed to operate, changing the severance taxes on gas and oil companies, and a partial repeal of the Taxpayer's Bill of Rights.

Seven of the ballot issues are part of a "war" between unions and business. Business proposed a "Right to Work" initiative that prohibits mandatory union dues. Other measures would forbid government unions from withholding dues from paychecks and political contributions from unions. In response, the unions filed four ballot initiatives, which would require businesses to pay for health insurance, make it harder to fire employees, make it easier for injured employees to sue the company, and hold executives criminally liable for troubles at their firms. Attempts have been made to get the two sides to call a truce and withdraw the initiatives. But those pleas have not worked. Another measure addresses affirmative action.

One of the referred bills, Referendum O, would raise the number of petition signatures needed to get something on the ballot and make other reforms to the Colorado initiative process that were suggested by a special committee. The reforms are designed to make it more attractive to file an initiative to the statute rather than to the state constitution.

A total of 84 seats out of 100 in the Colorado General Assembly are up for election with 59 incumbents running. There will be at least 25 new members; 9 in the Senate and 16 in the House. However, poll watchers tell us there will be some close races, so we have been told to expect about 30 new members. There are five former members of the General Assembly who are seeking election after an absence from serving the body.

Only two interim committees were funded this year both dealing with topics of interest in the West: Water Resources Review Committee and Wildfire Issues Committee.

DELWARE
Rich Dillard

Of all of the “hot button” items mentioned in the previous issue, only the offshore wind farm authorization [SB 328] became law in 2008 and it then became campaign material for both candidates in the Democratic Gubernatorial primary, which saw the State Treasurer barely defeat the Lieutenant Governor (the current Governor was term limited).

Speaking of the current Governor, she used her veto power for the first time in 2008 over eminent domain. SB 245 attempted to further restrict the State’s (and political subdivisions) power to condemn for economic development purposes. The Senate veto override (which required a 3/5 vote) failed by 2 votes [11 yeas, 9 nays, 1 not voting] on the last day of session. Opponents and proponents expect to see a new version in January 2009 when the 145th General Assembly begins its work.

FLORIDA
Edith Elizabeth Pollitz

The flurry of special sessions that began right after the 2007 Regular Session did not continue in the aftermath of the 2008 Regular Session (although there are rumors of a possible special session to deal with budget issues after the November organizational session). This does not mean that the debate over taxes in Florida is over, however. There are six constitutional amendments up for consideration in November, four of which were proposed by the Florida Taxation and Budget Reform Commission. The commission is a constitutional body authorized to propose amendments without going through the Legislature or the initiative process. Many of the amendments deal with tax and financial issues. Floridians will also be voting on the “Marriage Protection Amendment” proposed by initiative petition and a legislative proposal to eliminate legislative authority to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship. One rather interesting amendment that was removed before the election would have stricken the prohibition against use of public money in aid of religious institutions. The amendments can be viewed online at: http://election.dos.state.fl.us/initiatives/initielist.asp?year=2008&initstatus=ALL&MadeBallot=Y&ElecType=GEN.

INDIANA
George Angelone

The Indiana General Assembly is finishing up the interim between sessions. Topics studied during the summer are listed on the legislative website at http://www.in.gov/legislative/pdf/LCR08-01-new_interim_committees.PDF. The legislature will convene its next session for one day on November 18 and then recess until January. The next regular session will run until April 29. In this session, legislators will need to adopt a budget for the next biennium. Government reorganization, particularly the issue of transferring township responsibilities to county government, is likely to be one of the issues considered during the session. Depending on who is elected Governor, the legislature may also consider a bill before it to sell the state lottery franchise to a private investor and use the proceeds for education purposes.

LOUISIANA
Clifford Williams

In the May issue, I ended my article with: “Stay tuned. We'll see if the kool-aid becomes sweeter or bitter.” Well, the kool-aid became bitter. By the end of the regular session, the honeymoon between the governor and the legislature was over. The governor vetoed a pay raise for the legislators, vetoed $16 million in "pork barrel projects" and 10 members of an 11-member
Board of Ethics resigned. All of this after a successful ethics special session and a successful fiscal special session, when everybody was drinking the sweet kool-aid.

After the fall elections, there was serious talk from the new legislature and the new governor of an “independent” legislature. However, the legislature and the governor, both, have a different definition of the term “independent”. Soon after passage of the legislative pay raise, which would have more than doubled the existing compensation, the governor indicated that, though excessive, he would not veto the pay raise. He was going to allow the legislature to handle its own internal affairs. However, after hundreds of irate telephone calls, letters, and emails from the public and threats of recalls of the governor and a number of legislators, the governor vetoes the pay raise. Of course, much to the chagrin of the legislature. On top of that, the governor vetoed $16 million dollars in earmarks in earmarks to nongovernmental organizations. In the past these earmarks have included monies for festivals, neighborhood groups, and churches, without any criteria to qualify. The governor changed all of that by putting in place criteria that must be met in order for the nongovernmental organization to qualify for the appropriation. The programs and projects must have a statewide or substantial regional impact, must have been presented or openly discussed during the legislative session, must be a state agency priority, and must have the proper disclosure form published online prior to consideration for funding. The governor’s office decided that many of these local programs or projects, to the tune of $16 million, did not meet all of the criteria for funding. As for the massive resignations of the ethics board members, it has been reasoned that the mass exodus was caused by the legislature’s and the governor’s taking away of the board’s power to decide cases of ethics violations. Before the change, the board was the investigator, the prosecutor and the judge in ethics matters.

As mentioned, the kool-aid became bitter and legislators grumble that the governor is in for a fight on all fronts.

MAINE
Margaret Reinsch

Citizen-initiated casino measure on November ballot in Maine A citizen-initiated measure to authorize a casino in western Maine is on the Maine statewide ballot in November. The Maine Legislature, following the unanimous Ought Not To Pass report of the Legal and Veterans’ Affairs Committee, sent the bill out to the voters, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution.

LD 2261, An Act To Allow a Casino in Oxford County, authorizes Evergreen Mountain Enterprises, LLC, to operate a gaming facility at a single site in Oxford County. The legislative body and voters of the municipality must approve the site for the operation of the gaming facility. The gaming facility is authorized to contain slot machines, bazaar games conducted solely for merchandise prizes, lottery games, video facsimiles, card games, and table games, including blackjack, poker, dice, roulette, baccarat, and bingo. The initiated bill includes the following:

Joint Drafting Committee for Implementation of the UN Convention on Independent Guarantees and Stand-by Letters of Credit. This committee will work with the American Law Institute, the Uniform Law Conference of Canada, and the Mexican Center for Uniform Laws to draft language to implement the UN Convention on Independent Guarantees and Stand-by Letters of Credit, and to assist Canada in developing letter-of-credit law consistent with UCC Article 5. The convention is designed to facilitate the use of independent guarantees and stand-by letters of credit, in particular where only one or the other of these instruments may be traditionally in use.

Study Committee on Revisions of the Uniform Division of Income for Tax Purposes Act. This committee will study the revising the Uniform Division of Income for Tax Purposes Act (UDITPA), last amended in 1966. Twenty-five states have adopted the UDITPA, and many others have effectively done so by joining the Multistate Tax Commission. The committee will develop recommendations for the potential scope of a revision and the feasibility of drafting and enacting it.

Study Committee on a Military Services and Overseas Civilian Absentee Voters Act. This committee will investigate the need for and feasibility of drafting and enacting uniform state legislation that would simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure, and efficient.

CONCLUSION
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—a consideration that has become more critical as new technology wears away geographical borders, and as matters of law implicate more than one state. Every day, when a person conducts business, enters a contract, makes a purchase or sale, or takes care of a family matter, rules of law originated by the ULC probably apply.

The ULC works efficiently for the states because lawyers donate time to the uniform law movement and because of the cooperation of the states. The ULC continues to be a good idea well over a century since its founding. The states maintain the ULC because it has been useful to their citizens and because it strengthens the states in the federal system of government. Different law in different states continues to be a problem. Either the states solve the problem or the issues are removed to Congress. The ULC is committed to helping sustain state independence, while achieving a national uniform legal system.

ULC INFORMATION ON THE WEB
Besides the ULC’s website—www.nccusl.org—which contains organizational information, current committees, scheduled committee meetings, press releases, and important legislative information about selected acts, the ULC maintains a number of individual websites devoted to specific projects:

Uniform Anatomical Gift Act: www.anatomicalgiftact.org
Uniform Emergency Volunteer Health Practitioners Act: www.uevhpa.org
Uniform Prudent Management of Institutional Funds Act: www.upmifa.org
Uniform Trust Code: www.utcproject.org
Uniform Securities Act: www.uniformsecuritiesact.org
Uniform Environmental Covenants Act: www.environmentalcovenants.org
Uniform Limited Liability Company Act: www.llcproject.org
Uniform Electronic Recording of Real Property Act: www.electronicrecording.org
Uniform Law Foundation: www.uniformlawfoundation.org
• removes the limit on the total number of slot machines that are allowed to be registered in this State;
• lowers the minimum age to play a slot machine or gaming device from 21 years of age to 19 years of age;
• provides that, other than the approved commercial race tracks in the State that operate slot machines, the new gaming facility must be the only gaming facility in the State for at least 10 years;
• provides for regulation of the gaming facility by the Department of Public Safety, Gambling Control Board;
• requires the gaming operator to collect and distribute one percent of adjusted gross gaming device income to the Treasurer for the administrative expenses of the Gambling Control Board; and
• requires the president of the company be appointed a voting member on any governing body or board of each recipient or program receiving funds from the gross gaming device income of the casino.

The gaming operator must pay to the State 39% of the total gross gaming device income. This money paid to the State must be used for the following purposes:

• Five percent of the gross gaming device income is distributed to repay student loans of residents;
• Four percent of the gross gaming device income is distributed to the research and development of an east-west highway;
• Three percent of the gross gaming device income is distributed to develop and construct a facility to produce biofuels, including fuel for heating homes;
• Three percent of the gross gaming device income is distributed to make health care more affordable for employees and the self-employed. This must include expanding membership in the Dirigo Health Program and allowing such health care to be offered as a self-insured product;
• Two percent of the gross gaming device income is distributed for revenue sharing with municipalities, with the intent of providing local property tax relief;
• Two percent of the gross gaming device income is distributed to a Maine prepaid college plan to allow residents to prepay the cost of college tuition, fees and dormitory housing before a child attends;
• Two percent of the gross gaming device income is used to assist the elderly with the cost of prescription drugs;
• Two percent of the gross gaming device income is used for the improvement of secondary rural roads;
• Two percent of the gross gaming device income is distributed for the expansion of facilities and course selection in the Maine Community College System;
• One percent of the gross gaming device income is distributed for the program cost portion of general purpose aid for local schools;
• One percent of the gross gaming device income is distributed to Maine's Renewable Resource Fund for the development of new renewable sources of energy;
• One percent of the gross gaming device income is distributed to the Finance Authority of Maine for its NextGen First Step Grant program to assist residents of this State in saving for college tuition;
• One percent of the gross gaming device income is distributed to towns to be used for regionalization efforts of towns that express interest in reducing and eliminating duplicative municipal services;
• One percent of total gross gaming device income is distributed to help fund raising the minimum wage to a level comparable with a "livable wage" for the resident workers in this State of $7.70 per hour in 2008 and $8.40 in 2009 and in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W index, thereafter. If the Legislature refuses to accept these funds for this purpose, these funds must go to funding affordable health care and Dirigo Health;
• One percent of the gross gaming device income is distributed for grants to residents who demonstrate energy efficiency and conservation proficiency, such as rebates for purchasers of hybrid and biodiesel-capable vehicles, for those who make vehicles into biodiesel capable and for users of biofuel for home and business heating, and grants for residents to develop such clean and efficient fuel technologies;
• One percent of the gross gaming device income is distributed for the improvement of the water quality of rivers and the technology to allow paper mills and waste treatment plants to eliminate the toxins they release into rivers;
• One percent of the gross gaming device income is distributed to the Land for Maine's Future Fund established in the Maine Revised Statutes, Title 5, section 6203 to secure the traditional heritage of public access to the land and water resources and to secure the continued quality and availability of natural resources important to the interests and heritage of the people of the State;
• One percent of the gross gaming device income is distributed to public access television stations in this State for the improvement of technology and programming;
• One percent of the gross gaming device income is distributed for funding residents of this State who are 15 years of age to 30 years of age to support ideas and projects that will stimulate the creative economy in this State, enhance technology, improve civic engagement or otherwise effect positive community change;
• One percent of the gross gaming device income is distributed for programs to protect gaming patrons against the risks of gambling, including gambling addiction counseling services and monitoring patrons who may be at risk and have a propensity for problem gambling;
• Two percent of the gross gaming device income is forwarded directly to any municipality in which the gaming facility is located; and
• One percent of the gross gaming device income is forwarded directly to Oxford County to pay for mitigation of costs resulting from gaming operations.

MARYLAND
Sherry Little

The General Assembly of Maryland, at its 425th session from January to April 2008, considered over 2,600 bills and resolutions. Of these, 702 bills were enacted.

A number of successful initiatives strengthened laws related to public safety. The General Assembly expanded, for a period of five years, the collection of DNA samples to include those charged with violent crimes or felony burglary, but not without safeguards and automatic records expungement for those not convicted or later exonerated. Other action requires sex offenders to submit additional information to the State’s sex offender registry including electronic aliases, chat room identities, and the like. After lengthy public hearings this interim, a Commission on Capital Punishment will report comprehensive findings in December.

The General Assembly also increased the maximum penalties for providing alcohol to minors, which in 2005 was estimated to
cost Maryland citizens about $1.2 billion in medical care, work loss, and pain and suffering. Additionally, the maximum prison time for felony identity theft was increased from five to fifteen years. Teen driving laws were further restricted, and there are new requirements related to child safety seats.

Education continued to be one of the highest priorities for the Maryland legislature. Funding for public schools over the last several years has increased by almost $2.5 billion, despite major fiscal challenges during most of that time. Even in a constrained fiscal 2009 budget, State aid to primary and secondary education increases by 3.6%, and the public school construction funding level of $333 million is the second highest in the program’s history, following last fiscal year’s record high of $401.8 million. Additionally, every segment of higher education received increases in fiscal 2009, and for the third consecutive year a tuition freeze is in place at University System of Maryland colleges and universities and at Morgan State University.

As the foreclosure crisis moved across the nation, a substantial increase in foreclosure activity gripped Maryland as well. Emergency legislation, now Maryland law, addressed the most pressing problems and made significant changes to foreclosure procedures for residential real property including lengthening the process, providing homeowners with more time and notice before a sale, and allowing homeowners to stop foreclosure by paying what is owed up until one business day before the sale. Emergency legislation also created a comprehensive law to address mortgage fraud, which the FBI reports is one of the fastest growing financial crimes in the U. S. Still other emergency legislation, now law, clamps down on illegal rescue scams that fleece homeowners going through the loss of their homes.

Efforts to protect the State’s environmental integrity progressed on several fronts. A new law to benefit the health of the Chesapeake Bay and its Atlantic coastal bays directs money to attack nonpoint source pollution, which is a major source of water contamination. Another new law revamps and bolsters Maryland’s Critical Area Program, first passed in 1984, which protects the Bay’s shorelines and wildlife habitats.

Another concern of mounting importance involves the State’s energy future. Faced with electricity prices increasing due to factors outside of State control, and with the possibility of rolling brownouts as soon as 2011, the legislature passed measures to address both short-term and long-term issues including reduction of per capita electricity consumption and per capita peak demands. Other laws seek to change customer usage, provide ratepayer relief, and reduce consumption by low-income and moderate-income customers.

Several laws assist returning veterans of the Iraq and Afghani-

The legislature clarified conflict of interest rules for local eco-

Minneapolis
Karen Lenertz

The legislature completed the 85th Legislative Session on Sun-

day, May 18, 2008. Among other bills, the House of Representa-
tives and Senate tackled a budget balancing bill, tax bill, and bond-
ing bill before each body adjourned sine die.

The legislature balanced the state budget with $500 million from the state’s $653 million budget reserve and nearly $360 million in cuts and nontax revenue increases. Another approximately $30 million comes from accounting shifts. The state’s $350 million cash flow account is preserved.

The legislature clarified conflict of interest rules for local eco-

The General Assembly continued to maximize benefits from the expected influx of jobs, personnel, and households associated with the federal Base Realignment and Closure (BRAC) process. An estimated 20,000 new jobs places Maryland among the largest beneficiaries of BRAC nationally with an expected phased-in growth of 40,000 or more indirect jobs. Successful efforts contain tax-related financial initiatives for local jurisdictions to support BRAC and offer increased educational training for those who seek BRAC workforce jobs.

After considering a number of options, the General Assembly reached a compromise agreement to repeal the sales tax on a variety of computer services. The new tax, passed during the October 2007 Special Session, was scheduled to take effect July 1, 2008. The expected revenue from the computer tax, about $214 million, was replaced in part by a temporary three-year surcharge on taxable personal income that exceeds $1 million, plus an additional $50 million in State budget cuts.

Against this background, the General Assembly adopted a $31.2 billion budget for fiscal 2009 that is just 4.0% over fiscal 2008. Medicaid, education aid, and personnel expenses account for much of the increase, in addition to modest initiatives. Expansion of Medicaid services to the uninsured was included, along with a Small Employer Health Insurance Premium Subsidy Program and an extended dental health initiative. Money was also provided to start the transition to a voter-verifyable paper-based, optical scan voting system prior to the 2010 gubernatorial elections, as authorized in the 2007 session.

Despite a softening economy the General Assembly left large cash reserves, as well as five percent of general fund revenue in the State’s Rainy Day Fund. Maryland is one of the few states in the nation with a AAA bond rating from all major rating services. Concerns about the future of the State’s economy must remain a top priority. In the coming session, the Governor and the General Assembly will consider spending reductions, revenue enhancements, and the use of reserves to resolve the gap between revenues and spending in the current economic climate.

Minnesota
Karen Lenertz
A number of capital improvement projects were authorized. Most notably among these includes $70 million for the Central Corridor light rail line that will connect the downtowns of Minneapolis and St. Paul. The legislature also provided funding for the creation of Minnesota’s first major state park in 40 years, Lake Vermilion State Park in northern Minnesota.

The omnibus tax bill had several notable provisions. It provides incentives for a Mall of America expansion project. The package increases local subsidies for the mall by reconfiguring and expanding the tax increment financing district in which it is located. In addition, the bill allows the City of Bloomington to levy certain taxes to help finance a new parking ramp at the mall. The bill provides property and income tax benefits for veterans and military personnel. Military pay for training and drills will no longer be counted as taxable income. Active military members will be eligible for a tax credit of $120 for each month served starting January 1, 2009. Disabled veterans or military personnel with at least 20 years of service making under $37,500 are eligible for a credit up to $750. It provides an annual market value exclusion up to $300,000 on homestead property of a disabled veteran. A provision modifies the definition of foreign operating corporations and foreign royalty income, increasing corporate tax revenues $109 million for fiscal years 2008 and 2009. These changes limit the number of corporations that qualify as foreign operating corporations and also require that certain additions be made to Minnesota taxable income, including foreign royalty payments.

The homeowner property tax refund program was expanded by $45.9 million in fiscal years 2010 and 2011. More homeowners will be eligible for the property tax refund and the maximum property tax refund is increased by more than 27.5 percent.

Levy limits are reinstated for three years starting with taxes payable in 2009. Under the changes made in the 2008 session, cities with a population over 2,500 and all counties will not be able to raise tax levies by more than 3.9 percent a year for the next three years. The financial strain on local government imposed by the levy limits is offset by $138.9 million in increased property tax aids for local governments in fiscal years 2010 and 2011.

There was health care reform legislation. These reforms, which include recommendations of the Governor’s Transformation Task Force and the Legislature’s Health Care Access Commission provides MinnesotaCare coverage for an estimated 8,700 additional people by 2011, expands MinnesotaCare eligibility for adults without children to 250 percent of federal poverty and parents with incomes up to $57,500 annually, and reduces the MinnesotaCare sliding-fee premiums to increase affordability. The legislation also requires employers that have 11 or more full-time equivalent employees and do not offer group health insurance to establish and maintain a Section 125 Plan, which allows employees to purchase health insurance with pre-tax dollars. Employers have the opportunity to opt out of this requirement.

Legislation requires an insurer to act in good faith in connection with an insured's claim under an insurance policy. An insurer is acting in good faith unless the insured can show the absence of a reasonable basis for denying benefits and that the insurer knew of the lack of a reasonable basis or acted in reckless disregard of the lack of a reasonable basis. An insurer violating this provision is liable to the insured for costs and damages caused by the violation. Noneconomic damages are not recoverable.

After a number of hearings, a bill was passed to compensate the survivors of the August 2007 collapse of the I-35W bridge in Minneapolis. During the hearings, the legislature heard testimony from many of the victims and from national compensation experts. The final bill lifts the limit on the state’s liability for a specific incident and raise to $400,000 the limit on the state’s liability per person. It also creates a streamlined process for survivors to use in making claims for compensation.

The legislature reconvenes for the 2009 Legislative Session on Tuesday, January 6, 2009.

MISSISSIPPI
Ted Booth

Mississippi’s Joint Legislative Budget Committee has completed its hearings on agency requests for funding for fiscal year 2010. While at present revenues are slightly ahead of predicted collections, uncertainties in the economy will undoubtedly influence appropriations decisions that will be made in the next regular session of the Legislature beginning in January 2009. Funding higher education and the seemingly unending need for additional funds for Medicaid will be major fiscal concerns for the upcoming session.

NEW HAMPSHIRE
Paul Lindstrom

A federal court struck down New Hampshire’s prescription information law. In 2006, New Hampshire enacted a statute prohibiting the transfer or use of patient-identifiable and prescriber-identifiable prescription information for commercial purposes. The court found that the prescription information is constitutionally protected commercial speech. The prohibition did not directly serve the state’s interests in improving health care and reducing costs and alternatives were available that would better achieve the state’s interests. Consequently, the statute violated the First Amendment rights of the data mining companies that brought the suit. The state appealed the decision to the First Circuit.

The legislature repealed its law requiring parental notification prior to an abortion. The law was the subject of a United States Supreme Court opinion requiring that the First Circuit determine whether the lack of a health exception required invalidation of the entire law. The repeal took effect before the First Circuit decided the issue.

The legislature also eliminated the straight ticket voting option for general election ballots. Many believe that straight ticket voting was a substantial factor in Democrats taking control of the house and senate for the first time since the nineteenth century. Eliminating straight ticket voting had been on the Democrats’ agenda for many years and it was the first act passed by the Democrat-controlled legislature.

NORTH CAROLINA
William R. Gilkeson

The expected exodus of the Baby Boomers from the job market has come to the North Carolina General Assembly as multiple senior legislative staff members move toward retirement.

Most notable so far was the retirement early in 2008 of Terry Sullivan. Sullivan became the Director of the Research Division, the largest legal division, in 1979. He began his employment as
soon as he finishing law school in 1972. Speaker Joe Hackney praised Sullivan's accomplishment of building a respected non-partisan legislative staff. Hackney took the occasion of Sullivan's retirement to emphasize his own belief that nonpartisan staff is the best route for legislatures to take.

In other news, North Carolina had its first veto override in late August. It has been only since 1997 that the Governors of North Carolina have had a veto. At that time the State Constitution was amended to end the State's status as the only one without veto. No bill was vetoed until after the first year of this decade, when the current Governor, Mike Easley, took office. He has vetoed a handful of bills, with none until now surviving by override.

The first veto to be overridden concerned road safety, if you listened to the Governor, or jobs and consumer freedom, if you listen to the majority of legislators. The bill was to make it easier for highway vehicles to tow wider boats on trailers.

TENNESSEE

Emily Urban

Several acts of note enacted by the Tennessee General Assembly during the 2008 session are briefly summarized below. An election news event concerning the candidacy of incumbent Senator Rosalind Kurita is currently unfolding in Middle Tennessee. The State Primary Board (Executive Committee) of the Tennessee Democratic Party declared the primary election between Senator Kurita and opponent Tim Barnes incurably uncertain due to various irregularities asserted by Barnes. The Democratic Executive Committees for the counties represented by Senator Kurita voted to place Barnes on the general election ballot as the Democratic candidate. Senator Kurita was the certified winner of the primary by 19 votes. Senator Kurita has filed a complaint alleging that Tennessee’s primary election contest statute violates the due process requirements of the Fourteenth Amendment. Senator Kurita has requested that her name be placed on the general election ballot as the Democratic nominee or that the result of the general election be set aside and that a special election be held in which she appears as the Democratic candidate.

Public Chapter 1190, the "Long Term Care Community Choices Act of 2008," was enacted in response to findings and recommendations of the Special Joint Committee to Study the Development and Implementation of a Long-Term Care Services Plan. This Act takes a managed-care approach to long-term health care and represents a transition from an institutionalized care-based system to a more home and community based-system for elderly and physically disabled residents.

Public Chapter 1164 makes various revisions and additions to the sexual offenders' registry laws in compliance with federal requirements. The Act also adds the following as residential and work restrictions: knowingly being on the premises of any school building or grounds, or on any conveyance owned, leased, or contracted by a school to transport students, when children under 18 are present and knowingly loitering within 500 feet of a school building or grounds when children under 18 are present while not having a reason or relationship involving custody of or responsibility for a student or any other specific or legitimate reason for being in that location. In addition, the Act prohibits any registered sexual offender from knowingly pretending to be, dressing as, impersonating, or otherwise assuming the identity of a real or fictional person or character, or a member of a profession or occupation while in the presence of a minor with the intent to attract or entice a minor to be in the offender's presence; engaging in employment, a profession, or vocation, regardless of whether compensation is received, that the offender knows or should know will cause the offender to be in direct and unsupervised contact with a minor; or operating any type of vehicle for the purpose of attracting or enticing a minor to be in the offender's presence. A violation is a Class A misdemeanor. The fact that an offender was the parent of a minor in the offender's presence will be a defense to prosecution of the alleged violation.

Public Chapter 1149, the "Tennessee Athletic Commission Act of 2008," was enacted in response to findings and recommendations of a special joint legislative committee to study martial arts. The Act abolishes the nine-member Advisory Board on Boxing and instead establishes a nine member Athletic Commission to regulate amateur events and professional contests of unarmed combat sport competition including boxing, mixed martial arts, and kickboxing. Wrestling and amateur events conducted in or participated in exclusively by any educational institution, or any association or organization of any educational institution, when each combatant is a student are exempt. The Athletic Commission is authorized, but not required, to regulate amateur events for purses or prizes with a value of $50 of less. The Act requires licensing of any person participating in a professional contest including combatants, promoters, managers, matchmakers, seconds, ringside officials, and any other ring officials. Promoters are required to pay a professional contest fee that is composed of a percentage of gross receipts from admission fees and a percentage of gross receipts from the sale of broadcasting, television, and motion picture rights.

Public Chapter 1108, the "Tennessee Voter Confidence Act," was enacted in response to findings and recommendations of a special joint committee that studied the issues of voter confidence and voter-verified paper ballots. The Act requires that a voting system purchased or leased after January 1, 2009, use precinct-based optical scanners and requires each county to use a precinct-based optical scanner voting system on or before the November 2010 general election. The Act requires each county election commission to conduct hand count audits of the voter-verified paper ballots of at least the top race in the federal, state, county, or municipal election, if on the ballot. A process for hand count audits must be implemented no later than the general election in 2010. The Act provides for certification by the election commission of all electronic voting systems in use on or after January 1, 2009, as providing protection for purity of the ballot and against election fraud and requires that all systems in use on or after January 1, 2009 be made available by their vendor for review by an independent expert. The review will be conducted at the request of the State Election Commission or the Secretary of State and will be performed by an expert selected by the Commission or Secretary. Vendors of optical scanner voting systems purchased or leased are required to provide access to the same information. This information will be placed in escrow with an agent designated by the Secretary. The Act prohibits the use of any electronic voting equipment that has any capability for wireless communication. The provisions of the Act mandating the purchase or lease of new voting systems are contingent on the availability of federal Help America Vote Act funds or other federal funding resources.
Public Chapter 932 enacted the "Competitive Cable and Video Services Act." The Act authorizes state franchising of cable and video services. A state-issued franchise certificate will be valid for ten years. The Act authorizes a person seeking to provide cable or video service over a network facility in Tennessee to negotiate a local franchise agreement; adopt the terms of an existing negotiated franchise agreement; or apply to the Tennessee Regulatory Authority ("TRA") for a state-issued certificate of franchise authority for one or more specified service areas. The Act authorizes any incumbent who is providing service under a franchise previously granted by a local government to terminate one or more of its local franchises and seek a state-issued certificate in one or more specified service areas. An applicant for a state-issued certificate of franchise must include a minority-owned business participation plan in the application. The TRA is required to annually review compliance with these plans and may impose a civil penalty of $10,000 to $100,000 per violation for failure to cure noncompliance with the plan. Civil penalties may also be assessed for other violations of the provisions of the Act including failing to meet deployment requirements. The Act provides for PEG channels and PEG access support payments. Cable and video service providers are required to abide by local government regulation of rights-of-way and regulation of installation and placement of facilities for the purpose of addressing aesthetic concerns. The Act establishes the Tennessee Broadband Deployment Fund to be funded out of the general fund and to be used by TRA to support broadband deployment. The Act authorizes a county, municipality, or cooperative to participate in a telecommunications joint venture that is created to provide broadband Internet services to areas that are historically unserved and limits the amount that may be charged for pole attachment fees in any areas that are historically unserved.

**TEXAS**

Mike Ewing

The 81st Regular Session of the Texas Legislature convened January 13, 2009. The members of the legislature may begin prefiling legislation November 10, so the Texas Legislative Council is currently busy drafting bills in preparation for the session. No bills have been filed yet, and the Legislative Council's staff cannot comment on specific legislative requests. However, the council anticipates a high volume of requests due to several significant developments since the last session.

The legislature is likely to focus once again on the state's child protective services and foster care system, especially in light of the state's participation in a major case alleging child abuse and underage marriage in West Texas. It is anticipated that Hurricane Gustav and Ike will result in legislation to address emergency management, disaster relief, windstorm insurance, and other related issues. The Sunset Advisory Commission has completed or is about to complete reviews of 27 state agencies, including the Texas Department of Insurance, the Department of Public Safety, and the Texas Department of Transportation.

Other subjects that are likely to generate legislation are higher education, particularly in the selection and funding of more Tier One or flagship research universities, as well as admissions policies; transportation, including road funding and construction; health and human services, including legislation regarding immigration and the licensing of medical professionals; public education, including the accountability system and services for students with autism; insurance; special districts, especially the creation of water and utility districts; property tax relief and how to fund that relief in a manner that maintains reductions in school district ad valorem taxes; and water and natural resources, in the areas of oil, natural gas, and water policy.

**VIRGINIA**

Mary Spain

The General Assembly met twice in the spring and early summer in special sessions to tackle transportation issues. The legislature and Governor were unable to agree on an approach to find additional revenue sources or other solutions to meet the construction and maintenance needs of the Commonwealth's transportation systems.

Revenue projections for Virginia, as for most states, reflect a slowing economy, the housing market problems, decreasing revenues, and widening budget deficits. The Commonwealth faces a deficit in the 2008-2010 budget that was passed in the 2008 Regular Session. The shortfall in revenues may approach $3 billion. The Governor is now reviewing state agency plans to reduce expenditures. Revised revenue forecasts for fiscal years 2009 and 2010 will be made final in October. Revisions to the 2008-2010 budget will be the primary task awaiting legislators at the next Regular Session beginning January 14, 2009.

As the November 4 presidential election approaches, Virginia is hosting frequent visits from the presidential and vice presidential candidates. New voter registrations are at record levels. Being a "battleground" state heightens concerns that the election process will work smoothly.

**WEST VIRGINIA**

Mark McCown

The Governor convened the 78th Legislature into a 2nd extraordinary session of the year in June 2008, during which 19 bills were passed, some of which were appropriations bills spending some of anticipated surpluses. Among other bills were those to complete the transfer of almost 80% of the members of the state’s teacher’s defined contribution style pension plan into the teacher’s defined benefit pension plan (HB210 - see also HB101, 1st Extraordinary Session); new provisions expanding prohibitions against unlawful purchases of (stolen) catalytic converters to meet the “due process” objections of the Governor expressed when he vetoed similar legislation passed during the regular session (HB211); and freezing the motor fuel tax that was automatically scheduled to be increased in calendar year 2009 (HB218). Meanwhile, the Legislature’s monthly interim study meetings continue and will conclude immediately prior to the next regular legislative session. A complete list of study topics may be found at the Legislature’s website.

November 4 brings the general elections for all 100 House of Delegates seats and half (17) of the Senate seats. Because of the gubernatorial election, the upcoming 60 day session will be constitutionally delayed for one month. The 1st Regular Session of the 79th Legislature will convene January 14, 2009, and immediately adjourn to begin February 11 to afford the Governor additional time to prepare a proposed budget and legislative package. To monitor legislative activity, please visit the West Virginia Legislature’s website at [http://www.legis.state.wv.us/](http://www.legis.state.wv.us/). For toll-free access, dial 1-877-56LEGIS.
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