

NORTH DAKOTA UNIFORM LAWS RECOMMENDATIONS AND ENACTMENTS SINCE 2001

This memorandum describes the recommendations of the National Conference of Commissioners on Uniform State Laws, recommendations of the North Dakota Commission on Uniform State Laws, recommendations of the North Dakota Legislative Management, and actions by the North Dakota Legislative Assembly on these recommendations since 2001. An asterisk next to recommendations of the national conference indicates Acts that have been enacted by the North Dakota Legislative Assembly.

2013-14 INTERIM AND 2015 SESSION

In 2013 the National Conference of Commissioners on Uniform State Laws has scheduled for completion and final approval at the conference's annual meeting in Boston:

1. Uniform Act on Prevention of and Remedies for Human Trafficking.
2. Uniform Powers of Appointment Act.
3. Uniform Harmonized Business Organization Code.
4. Amendments to the Uniform Child Custody Jurisdiction and Enforcement Act Pertaining to International Proceedings.

2011-12 INTERIM AND 2013 SESSION

In 2011 the National Conference of Commissioners on Uniform State Laws recommended:

- *1. Uniform Electronic Legal Material Act.
2. Uniform Certificate of Title Act for Vessels.
3. Model Protection of Charitable Assets Act.
4. Harmonization of Business Entity Acts--Uniform Business Organizations Code, Revised Uniform Limited Liability Company Act, Uniform Limited Partnership Act, Model Entity Transactions Act, Model Registered Agents Act, Uniform Partnership Act, Uniform Limited Cooperative Association Act, Uniform Statutory Trust Entity Act, and Uniform Unincorporated Nonprofit Association Act.
5. Amendments to Uniform Debt-Management Services Act.

In 2012 the national conference recommended:

1. Uniform Asset Freezing Orders Act.
2. Uniform Choice of Court Agreements Convention Implementation Act.
- *3. Uniform Deployed Parents Custody and Visitation Act.
4. Uniform Manufactured Housing Act.
- *5. Uniform Premarital and Marital Agreements Act.

The North Dakota Commission on Uniform State Laws recommended these Acts to the Legislative Management's interim Judiciary Committee in January 2012:

1. Uniform Electronic Legal Material Act (approved in 2011).
2. Uniform Certificate of Title for Vessels Act (approved in 2011).
3. Model Protection of Charitable Assets Act (approved in 2011).
4. Uniform Collaborative Rules/Law Act (approved in 2009 and amended in 2010).

The Legislative Management's interim Judiciary Committee was assigned two studies during the 2011-12 interim relating to adoption of uniform Acts--the feasibility and desirability of adopting the Uniform Electronic Recording of Custodial Interrogations Act and the Revised Uniform Limited Liability Company Act. The committee did not recommend either Act.

The commission introduced these Acts during the 2013 legislative session:

1. Amendment to Uniform Commercial Code (UCC) Article 4A (4A-108), which was introduced as House Bill No. 1127. The bill failed to pass the Senate.
2. Uniform Premarital and Marital Agreements Act, which was introduced as House Bill No. 1128, and which was enacted by the Legislative Assembly.
3. Uniform Electronic Legal Material Act, which was introduced as House Bill No. 1129, and which was enacted by the Legislative Assembly.
4. Uniform Deployed Parents Custody and Visitation Act, which was introduced as Senate Bill No. 2122, and which was enacted by the Legislative Assembly.
5. Uniform Asset-Freezing Orders Act, which was introduced as Senate Bill No. 2123. The bill failed to pass the Senate.

In addition to the uniform Acts introduced by the commission, House Bill No. 1191, relating to security interests in rents, was introduced by individual legislators and was enacted by the Legislative Assembly. The five-section bill contains the equivalent of Sections 4, 5, 6, 15, and 19 of the Uniform Assignment of Rents Act.

2009-10 INTERIM AND 2011 SESSION

In 2009 the national conference recommended:

1. The Uniform Collaborative Law Act.
2. The Uniform Collateral Consequences of Conviction Act.
3. The Uniform Laws Enforcement Access to Entity Information Act.
- *4. The Uniform Real Property Transfer on Death Act.
5. The Uniform Statutory Trust Entity Act.

In 2010 the national conference recommended:

- *1. The insurable interest amendments to the Uniform Trust Code.
- *2. The Uniform Military and Overseas Voter Act.
- *3. The Revised Uniform Law on Notarial Acts.
4. The Uniform Partition of Heirs Property Act.
5. The Uniform Faithful Presidential Electors Act.
6. The Uniform Protection of Genetic Information in Employment Act.
7. The Uniform Electronic Recordation of Custodial Interrogations Act.
8. The Revised Model State Administrative Procedure Act.
- *9. Amendments to UCC Article 9.
10. Amendments to the Uniform Collateral Consequences of Conviction Act.

The North Dakota Commission on Uniform State Laws recommended these Acts to the Legislative Management's interim Judiciary Committee in September 2010 and introduced these Acts during the 2011 legislative session:

1. Insurable interest amendments to the Uniform Trust Code, which were enacted as House Bill No. 1135.
2. Uniform Military and Overseas Voter Act, which was enacted as Senate Bill No. 2120.
3. Revised Uniform Law on Notarial Acts, which was enacted as House Bill No. 1136.
4. Uniform Electronic Recording of Custodial Interrogations Act, which was introduced as Senate Bill No. 2125. Before final passage, the provisions of the bill were replaced with a request for the Legislative Management to study the feasibility and desirability of adopting the Act. The Legislative Management assigned this study to the interim Judiciary Committee.
5. Amendments to UCC Article 9, which were enacted as House Bill No. 1137.

6. Uniform Real Property Transfer on Death Act, which was enacted as House Bill No. 1138.
7. Uniform Unsworn Foreign Declarations Act, which was enacted as Senate Bill No. 2123.

2007-08 INTERIM AND 2009 SESSION

In 2007 the national conference recommended:

- *1. The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
- *2. The Uniform Emergency Volunteer Health Practitioners Act.
3. The Uniform Interstate Depositions and Discovery Act.
4. The Uniform Limited Cooperative Association Act.
5. Uniform Rules Relating to Discovery of Electronically Stored Information.
6. Amendments to the Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act.
7. Amendments to the Model Entity Transactions Act.

In 2008 the national conference recommended:

1. The Revised Uniform Unincorporated Nonprofit Association Act.
- *2. The Uniform Unsworn Foreign Declarations Act.
3. Amendments to the Uniform Common Interest Ownership Act.
4. The Uniform Homeowner Bill of Rights Act.
- *5. Amendments to the Uniform Interstate Family Support Act.
- *6. Amendments to the Uniform Principal and Income Act.
- *7. Amendments to the Uniform Probate Code.

The North Dakota Commission on Uniform State Laws recommended these Acts to the Legislative Council's interim Judiciary Committee in August 2008 and introduced these Acts during the 2009 legislative session:

1. Amendments to the Uniform Probate Code, which were approved by the Executive Committee in 2008, and amendments to the Uniform Probate Code approved by the national conference in 2008, which were enacted by the Legislative Assembly.
2. The Uniform Emergency Volunteer Health Practitioners Act, which was enacted by the Legislative Assembly and is codified as North Dakota Century Code (NDCC) Chapter 37-17.4.
3. The Uniform Prudent Management of Institutional Funds Act, which was enacted by the Legislative Assembly and is codified as NDCC Chapter 59-21.
4. Amendments to the Uniform Interstate Family Support Act, approved by the national conference in 2008, which were enacted by the Legislative Assembly.
5. Amendments to the Uniform Principal and Income Act, approved by the national conference in 2008, which were enacted by the Legislative Assembly.
6. The Uniform Adult Guardianship and Protective Proceedings Act, which was enacted by the Legislative Assembly and is codified as NDCC Chapter 28-35.
7. An amendment to the Revised Uniform Anatomical Gift Act, approved by the Executive Committee in 2008, which was enacted by the Legislative Assembly.

As the result of concerns expressed by the Attorney General, Commissioner of the Department of Financial Institutions, and Secretary of State, rather than introduce two other uniform Acts, these study resolutions were introduced, approved by the Legislative Assembly, accepted for study by the Legislative Council, and assigned to the interim Judiciary Committee for study during the 2009-10 interim:

1. The Revised Uniform Limited Liability Company Act.
2. The Uniform Debt-Management Services Act.

2005-06 INTERIM AND 2007 SESSION

In 2005 the national conference recommended:

1. The Uniform Assignment of Rents Act.
2. The Uniform Certificate of Title Act.
3. The Uniform Debt-Management Services Act.
4. The Uniform Foreign Country Money Judgments Recognition Act.
5. The Model Entity Transactions Act.

In 2006 the national conference recommended:

- *1. The Uniform Anatomical Gift Act.
2. The Uniform Child Abduction Prevention Act.
- *3. The Uniform Prudent Management of Institutional Funds Act. (North Dakota's Uniform Management of Institutional Funds Act is codified as NDCC Chapter 15-67, which was enacted in 1975.)
4. The Uniform Power of Attorney Act.
5. The Uniform Limited Liability Company Act.
6. The Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act.
7. The Model Registered Agents Act.

Although the commission did not recommend specific Acts to the Legislative Council in 2005 and 2006, the Legislative Council recommended the two uniform Acts the interim Judiciary Committee studied during the 2005-06 interim and individual legislators introduced a third uniform Act:

1. The Uniform Trust Code, which was enacted by the Legislative Assembly and is codified primarily as NDCC Chapters 59-09 through 59-19.
2. Uniform Commercial Code Revised Article 1 - General Provisions, which was enacted by the Legislative Assembly and is codified primarily as a new NDCC Chapter 41-01.
3. The Uniform Anatomical Gift Act, which was enacted by the Legislative Assembly and is codified as NDCC Chapter 23-06.6.

2003-04 INTERIM AND 2005 SESSION

In 2003 the national conference recommended:

1. The Revised Estate Tax Apportionment Act (in North Dakota the current provision is NDCC Section 30.1-20-16--Uniform Probate Code Section 3-916).
- *2. Amendments to UCC Article 7 - Documents of Title (in North Dakota the current provisions are in NDCC Chapter 41-07).
- *3. Amendments to the Uniform Trust Code.
4. Amendments to the Uniform Apportionment of Tort Responsibility Act.
5. International Conciliation Amendments to the Uniform Mediation Act.
6. The Uniform Environmental Covenants Act.

In 2003 the North Dakota Commission on Uniform State Laws recommended these Acts to the Legislative Council:

1. The Uniform Securities Act (2002), which was recommended by the national conference in 2002.
2. Revision of UCC Article 2 - Sales, which was recommended by the national conference in 2002.
3. Revision of UCC Article 2A - Leases, which was recommended by the national conference in 2002.
4. Revision of UCC Articles 3 and 4 - Negotiable Instruments and Bank Deposits and Collections, which were recommended by the national conference in 2002 and are considered companion articles.

5. Revision of UCC Article 7 - Documents of Title, which was recommended by the national conference in 2003.
6. The Revised Estate Tax Apportionment Act (2003), which was recommended by the national conference in 2003.
7. The Uniform Parentage Act (2000), which was recommended by the national conference in 2000.
8. The Uniform Trust Code (2000), which was recommended by the national conference in 2000.

In 2004 the national conference recommended:

1. The Uniform Real Property Electronic Recording Act.
2. The Uniform Residential Mortgage Satisfaction Act.
3. The Uniform Wage Withholding and Unemployment Insurance Procedure Act.
4. The Model Entity Transactions Act.
- *5. Amendments to the Uniform Trust Code (2000).
6. Amendments to the Uniform Money Services Act.

The Legislative Council made no recommendations with respect to the Acts recommended by the commission during the 2003-04 interim. The commission recommended these Acts to the 2005 legislative session:

1. The Uniform Parentage Act, which was enacted by the Legislative Assembly.
2. Revision of UCC Article 7 - Documents of Title, which was enacted by the Legislative Assembly.
3. The Uniform Trust Code (2002), which failed to pass the Senate after unexpected opposition by financial institution organizations that had supported the code during testimony before the interim Judicial Process Committee.
4. Uniform Commercial Code Article 1 - General Provisions, which failed to pass the Senate after unexpected opposition by financial institution organizations.

The Legislative Assembly approved, and the Legislative Council assigned to the interim Judiciary Committee, a Legislative Council study of the Uniform Trust Code, with directives for the opponents to identify the specific provisions of concern; and a study of UCC Article 1, with directives for the opponents to identify the provisions of Article 1 which should be unique to North Dakota as opposed to uniform among the states.

An additional uniform Act was enacted in 2005 upon recommendation of the Secretary of State--the Uniform Limited Partnership Act (2001).

2001-02 INTERIM AND 2003 SESSION

In 2001 the national conference recommended:

- *1. Revision of UCC Article 1 - General Provisions.
2. The Uniform Consumer Leases Act.
- *3. Revision of the Uniform Limited Partnership Act (1976) with 1985 Amendments.
4. The Uniform Mediation Act.
5. Amendments to the Uniform Interstate Family Support Act.
6. Amendments to Sections 605 and 816 of the Uniform Computer Information Transactions Act (Executive Committee approval).
7. Amendments to Sections 105, 110, 506, 602, 603, 704, 705, and 1009 of the Uniform Trust Code (2000) (Executive Committee approval).
- *8. Amendments to UCC Sections 9-102(a)(5), 9-102(a)(46), 9-304(b), and 9-309 (Executive Committee approval November 2001).

In 2001 the commission made no recommendations to the Legislative Council.

In 2002 the national conference recommended:

1. The Uniform Apportionment of Tort Responsibility Act.
2. The Uniform Child Witness Testimony by Alternative Methods Act.
3. The Uniform Nonjudicial Foreclosure Act.
4. The Uniform Securities Act.
5. Amendments to UCC Articles 2 and 2A.
6. Amendments to UCC Articles 3 and 4.
7. Amendments to the Uniform Computer Information Transactions Act.
- *8. Amendments to the Uniform Disclaimer of Property Interests Act.
- *9. Amendments to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
10. Amendments to the Uniform Probate Code.

In 2002 the commission recommended these Acts to the Legislative Council:

1. The Revised Uniform Arbitration Act.
2. Amendments to the Uniform Disclaimer of Property Interests Act.
3. Uniform Commercial Code Article 1 - General Provisions.
4. Amendments to UCC Sections 9-102(a)(5), 9-102(a)(46), 9-304(b), and 9-309.
5. The Uniform Foreign Money-Judgments Recognition Act.
6. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
7. The Revised Uniform Limited Partnership Act.
8. Uniform Commercial Code Articles 2 and 2A - Sales and Leases.
9. Uniform Commercial Code Articles 3 and 4 - Negotiable Instruments and Bank Deposits and Collections.

The Legislative Council made no recommendations with respect to the Acts recommended by the commission. The commission recommended these Acts to the 2003 legislative session:

1. The Revised Uniform Arbitration Act, which was enacted by the Legislative Assembly.
2. Amendments to the Uniform Disclaimer of Property Interests Act, which was enacted by the Legislative Assembly.
3. Uniform Commercial Code Article 1 - General Provisions, which was withdrawn after unanticipated opposition.
4. Amendments to UCC Sections 9-102(a)(5), 9-102(a)(46), 9-304(b), and 9-309, which were enacted by the Legislative Assembly.
5. The Uniform Foreign Money-Judgments Recognition Act, which was enacted by the Legislative Assembly.
6. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which was enacted by the Legislative Assembly.
7. The Uniform Athlete Agents Act, which was enacted by the Legislative Assembly.