

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS**

National Conference of Commissioners on Uniform State Laws

Monday, June 27, 2022

Roughrider Room, State Capitol

Bismarck, North Dakota

Commissioner Lawrence R. Klemin, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Owen L. Anderson, Jay E. Buringrud, Jennifer S. N. Clark, Parrell Grossman, Gail H. Hagerty, David Hogue, Lawrence R. Klemin, Bradley Myers, David Nething, Jake Rodenbiker, Jerod E. Tufte, Candace Zierdt

**Members absent:** None

**Others Present:** Mr. Al Jaeger, Secretary of State; Ms. Kaitlyn Wolf and Ms. Libby Schneider, Uniform Laws Commission

*\*Attended remotely*

**It was moved by Commissioner Grossman, seconded by Commissioner Nething, and carried on a voice vote to approve the minutes of the June 11, 2020, meeting of the North Dakota Commission on Uniform State Laws as distributed.**

**It was moved by Commissioner Hagerty, seconded by Commissioner Zierdt, and carried on a voice vote to reelect Commissioner Klemin to serve as Chairman of the North Dakota Commission on Uniform State Laws.**

**It was moved by Commissioner Buringrud, seconded by Commissioner Zierdt, and carried on a voice vote to reelect Commissioner Clark to serve as Secretary of the North Dakota Commission on Uniform State Laws.**

**It was moved by Commissioner Hagerty and seconded by Commissioner Nething to elect Commissioner Rodenbiker to serve as Vice Chairman of the North Dakota Commission on Uniform State Laws. It was moved by Commissioner Grossman and seconded by Commissioner Anderson to elect Commissioner Tufte to serve as Vice Chairman of the North Dakota Commission on Uniform State Laws. Commissioners Clark, Hagerty, Nething, and Tufte voted for Commissioner Rodenbiker. Commissioners Anderson, Buringrud, Grossman, Hogue, Klemin, Myers, Rodenbiker, and Zierdt voted for Commissioner Tufte. The motion to elect Commissioner Tufte carried on a roll call vote.**

Ms. Kaitlyn Wolf\* and Ms. Libby Schneider\*, Uniform Laws Commission, facilitated discussion of the *North Dakota 2023 Legislative Plan*.

The commission discussed the proposed *North Dakota 2023 Legislative Plan*, reviewed the commission's target acts not yet enacted, targets to complete not yet enacted, North Dakota-specific recommendations, nationally trending acts not yet enacted, 2020 acts, 2021 acts, and 2022 acts, and discussed additional acts the commission may wish to include in its plan.

Mr. Al Jaeger, Secretary of State, testified regarding possible acts to include in the legislative plan.

**It was moved by Commissioner Buringrud, seconded by Commissioner Grossman, and carried on a voice vote that the commission's 2023 legislative plan include the Revised Uniform Law on Notarial Acts, Uniform Probate Code Amendments, Uniform Commercial Code Amendments, and the Civil Remedies for Unauthorized Disclosure of Intimate Images Act.**

The commission submitted the *North Dakota 2023 Legislative Plan* to the Uniform Law Commission ([appendix](#)).

Chairman Klemin will present the commission's 2023 legislative plan to the Legislative Management's interim Judiciary Committee at its August 2022 meeting.

No further business appearing, Chairman Klemin adjourned the meeting at 10:10 a.m.

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Jennifer S. N. Clark  
Secretary

ATTACH:1



## NORTH DAKOTA 2023 LEGISLATIVE PLAN

Legislative Liaison: Larry Klemin

Target Acts Not Yet Enacted	Introduce?	Lead Commissioner	Staff Notes
Directed Trust Act	NO		
Partition of Heirs Property Act	NO		
Targets to Complete Not Yet Enacted	Introduce?	Lead Commissioner	Staff Notes
Power of Attorney Act	NO		
Real Property Electronic Recording	NO		
North Dakota-Specific Recommendations	Introduce?	Lead Commissioner	Staff Notes
Child Abduction Prevention Act	NO		
Public Expression Protection Act	NO		
Registration of Canadian Money Judgments Act	NO		
Uniform Unregulated Child Custody Transfer Act	NO		
Nationally Trending Acts Not Yet Enacted	Introduce?	Lead Commissioner	Staff Notes
Civil Remedies for Unauthorized Disclosure of Intimate Images Act	YES	Klemin/Tufte	
Commercial Real Estate Receivership Act	NO		
Parentage Act	NO		
Trust Decanting Act	NO		
2020 Acts	Introduce?	Lead Commissioner	Staff Notes
Easement Relocation Act	NO		
Pretrial Release and Detention Act	NO		
Public Expression Protection Act	NO		

2021 Acts	Introduce?	Lead Commissioner	Staff Notes
Cohabitants' Economic Remedies Act	NO		
College Athlete Name, Image, or Likeness Act	NO		
Common Interest Ownership Act	NO		
Community Property Disposition at Death Act	NO		
Personal Data Protection Act	NO		
Restrictive Employment Agreement Act	NO		
Unregulated Child Custody Transfer Act	NO		
2022 Acts	Introduce?	Lead Commissioner	Staff Notes
Alcohol Direct-Shipping Compliance Act	NO		
Electronic Estate Planning Documents Act	NO		
Public Meetings During Emergencies Act	NO		
Telehealth Act	NO		
Uniform Commercial Code Amendments	YES	Klemin/Tufte	
Other Acts	Introduce?	Lead Commissioner	Staff Notes
Revised Uniform Law on Notarial Acts	YES	Klemin/Tufte	
Uniform Probate Code Amendments	YES	Klemin/Tufte	

<b>North Dakota-Specific Recommendations</b>	<i>The ULC staff has identified the following acts for your delegation's consideration. The reasons below describe why the acts are a good fit for your state.</i>
<b>Child Abduction Prevention Act</b>	The National Center for Missing & Exploited Children recently endorsed this act and is working to get it enacted in all 50 states. Last year, 1,326 family abduction cases were reported to NCMEC. According to NCMEC, there were 4 documented parental abductions in North Dakota in 2020 and 2021. UCAPA is specifically designed to prevent a parental abduction from occurring.

<p><b>Public Expression Protection Act</b></p>	<p>North Dakota is one of few states without an anti-SLAPP statute, leaving its citizens vulnerable to frivolous lawsuits when properly exercising their First Amendment rights. The UPEPA is supported by a broad range of stakeholders across the political spectrum.</p>
<p><b>Registration of Canadian Money Judgments Act</b></p>	<p>The Registration Act builds upon an act North Dakota already has on the books, the Uniform Foreign-Country Money Judgments Recognition Act. This act offers a streamlined method for recognizing and enforcing a Canadian money judgment. The act has been noncontroversial in the other states that have adopted it so far.</p>
<p><b>Uniform Unregulated Child Custody Transfer Act</b></p>	<p>Unregulated child custody transfers occur when parents transfer a child to another person outside of the courts and the child welfare system. These transfers are often advertised online in Facebook groups and on internet message boards. Children who are subject to these transfers are at grave risk of harm. North Dakota currently does not have a statute prohibiting unregulated child custody transfers.</p>

### **Targets Already Enacted**

1. Athlete Agents Act
2. Electronic Legal Material Act
3. Law on Notarial Acts, Revised
4. Voidable Transactions Act

### **Targets to Complete Already Enacted**

1. Adult Guardianship and Protective Proceedings Jurisdiction Act
2. Fiduciary Access to Digital Assets Act, Revised
3. Foreign-Country Money Judgments Recognition Act
4. Interstate Depositions and Discovery Act
5. Partnership Act
6. Trust Code
7. UCC Article 4A, Funds Transfers, Amendments to
8. UCC Article 7, Documents of Title
9. UCC Article 9, Secured Transactions, Amendments to

### **Nationally Trending Acts Already Enacted**

1. Collaborative Law Act
2. Disclaimer of Property Interests Act
3. Unclaimed Property Act, Revised
4. Trust Decanting Act