

HOUSE BILL NO. 1175

Introduced by

Representative Klemin

Senator Hogue

1 A BILL for an Act to amend and reenact sections 54-55-01, 54-55-03, 54-55-04, and 54-55-05 of
2 the North Dakota Century Code, relating to the North Dakota commission on uniform state laws.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-55-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-55-01. Commission on uniform state laws - Membership.**

7 1. The commission on uniform state laws consists of ~~an~~:

8 a. ~~An~~ individual engaged in the practice of law in this state, ~~the~~;

9 b. ~~The~~ dean or a full-time member of the faculty of the law school of the university of
10 North Dakota, ~~a~~;

11 c. ~~A~~ law-trained judge of a court of record in this state, ~~a~~;

12 d. ~~A~~ member of the house of representatives ~~and a~~;

13 e. ~~A~~ member of the senate ~~of the legislative assembly~~; and a

14 f. ~~A~~ member of the legislative council.

15 2. The attorney general may appoint a member of the commission. The commission also
16 consists of any residents of this state who, because of long service in the cause of
17 uniformity of state legislation, have been elected life members of the national
18 conference of commissioners on uniform state laws, also known as the national
19 uniform laws commission, and may also consist of any residents of this state who
20 have been previously appointed to at least five years of service on the commission.

21 3. Except for the ~~member~~members appointed by the attorney general, the members of
22 the legislative assembly, the member of the legislative council, any members
23 appointed under subsection 9, and life members, commissioners must be appointed
24 by the governor for terms of four years each, ~~commencing on the first day of~~

1 September following each presidential election, and shall serve until their respective
2 successors are appointed. Commissioners first appointed after July 21, 2011, must be
3 residents of the state.

4 4. The members of the legislative assembly on the commission must be appointed by the
5 legislative management for a term not to exceed ~~four~~two years as prescribed by the
6 legislative management, and the member of the legislative council must be appointed
7 by the chairman of the legislative management.

8 5. The term of a commissioner commences on the first day of September.

9 6. The term of the member appointed by the attorney general may not extend beyond the
10 term of that attorney general.

11 7. All commissioners must be residents of the state, except for the commissioners who
12 have been elected life members of the national conference of commissioners on
13 uniform state laws.

14 8. To be eligible for appointment, an individual must be a licensed attorney and in good
15 standing with the state bar association of North Dakota at the time of first appointment.

16 9. If a member of the house of representatives or the senate is not eligible to serve as a
17 commissioner under this chapter, the legislative management may appoint an
18 individual who is eligible.

19 **SECTION 2. AMENDMENT.** Section 54-55-03 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **54-55-03. Meeting and organization.**

22 The commissioners shall meet at least once each two-year period and shall ~~organize by~~
23 ~~electing one of their number as~~elect a chairman, vice chairman, and another as a secretary. The
24 ~~chairman and secretary~~officers elected under this section shall hold their respective offices for a
25 term of two years and until their successors are elected.

26 **SECTION 3. AMENDMENT.** Section 54-55-04 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **54-55-04. Duties of commissioners and commission.**

29 1. Each commissioner shall attend the annual meeting of the national conference of
30 commissioners on uniform state laws, also known as the national uniform law
31 commission, and shall promote uniformity in state laws on those subjects where

1 uniformity may be deemed desirable and practicable. The commission shall also
2 promote as far as practicable the uniform judicial application and construction of all
3 uniform state laws.

4 2. During the interim between legislative sessions, the commission may submit its
5 recommendations for enactment of uniform and model laws to the legislative
6 management for its review and recommendation. Commissioners shall provide
7 ~~such~~the assistance to the legislative management as the legislative management
8 requests with respect to its review of uniform and model laws.

9 3. During each biennial legislative session, and at any other time as the commission may
10 deem proper, the commission shall report to the legislative assembly an account of its
11 transactions and its advice and recommendations for legislation. The report must
12 include the recommendations of the legislative management with respect to uniform
13 and model laws recommended by the commission.

14 **SECTION 4. AMENDMENT.** Section 54-55-05 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **54-55-05. No compensation for commissioners - Commissioners entitled to**
17 **reimbursement.**

18 ~~The~~

19 1. Except as provided for members of the legislative assembly under section 54-03-20,
20 the commissioners shall serve without compensation for services as commissioners.

21 2. The commissioners who are appointed to the commission and the commissioners who
22 have been elected life members of the national conference of commissioners on
23 uniform state laws also known as the national uniform law commission, except those
24 ~~who are appointed by virtue of having served five years on the commission but who~~
25 ~~have not served at least twenty years in the legislative assembly,~~ are entitled to be
26 reimbursed, from moneys appropriated for that purpose, for necessary expenses
27 incurred in performing their duties at the rates provided in sections 44-08-04 and
28 54-06-09.

29 3. Warrant-checks for expense reimbursement must be prepared by the office of
30 management and budget upon vouchers submitted by the commissioners.