



North Dakota Legislative Council

Prepared for the Judiciary Committee
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RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2025 LEGISLATIVE SESSION

North Dakota Century Code Section 54-55-01 establishes the North Dakota Commission on Uniform State Laws, consisting of:

- An individual engaged in the practice of law in this state (Jacob T. Rodenbiker);
- The dean or a full-time member of the faculty of the law school of the University of North Dakota (Bradley Myers);
- A law-trained judge of a court of record in this state (Supreme Court Justice Jerod E. Tuft);
- A member of the House of Representatives (Representative Lawrence R. Klemin);
- A member of the Senate (Senator David Hogue);
- A member of the Legislative Council staff (Dustin A. Richard);
- A member appointed by the Attorney General (Parrell D. Grossman);
- Any residents of this state who, because of long service in the cause of uniformity of state legislation, have been elected life members of the National Conference of Commissioners on Uniform State Laws (Owen L. Anderson, Jay E. Buringrud, District Judge Gail H. Hagerty, and Candace Zierdt); and
- Any residents of this state who have been previously appointed to at least 5 years of service on the commission.

Commissioners are required to attend the annual meeting of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission (ULC), and to promote uniformity in state laws on those subjects for which uniformity may be deemed desirable and practicable. Under Section 54-55-04, the commission may submit its recommendations for enactment of the uniform and model laws to the Legislative Management for its review and recommendation.

On June 10, 2024, the commission met and recommended the following four uniform Acts for introduction during the 2025 legislative session:

- The Uniform Child Abduction Prevention Act (UCAPA), which the ULC approved in 2006, provides states with mechanisms to deter domestic and international child abductions by parents and agents of parents. Under UCAPA, courts must analyze several factors to determine whether a child is at risk for abduction, including previous abductions, previous attempts to abduct the child, threats of abduction, domestic violence, negligence, refusal to obey a court-ordered child custody determination, the abandonment of employment, the liquidation of assets, the purchase of travel tickets or travel documents, or the desire to obtain the child's school or medical records. Under UCAPA, if a court determines a child is at risk of abduction, the court may enter an order aimed to prevent abduction. If abduction appears imminent, a court may issue a warrant to take physical custody of the child, direct law enforcement officers to attempt to locate and return the child, or exercise police powers under state law. An individual served with a warrant must be afforded a hearing no later than the next judicial day or the next possible judicial day if the next day is impossible. South Dakota enacted the Act in 2007. A copy of the ULC summary of the Act is attached as [Appendix A](#).
- The Uniform Commercial Real Estate Receivership Act (UCRERA), which the ULC approved in 2015, provides uniform provisions to provide predictable transactions for lenders and borrowers. The UCRERA provides guidance to trial courts on the receivership process while preserving the court's discretion when determining an appropriate remedy. For receiverships involving commercial property, the UCRERA offers a consistent set of rules relating to due process; receiver appointment; receiver identity and independence;

powers and duties of appointed receivers; use or sale of receivership property; existing contracts, leases, and creditor claims; and reporting requirements. A copy of the ULC summary of the Act is attached as [Appendix B](#).

- The Uniform Electronic Estate Planning Documents Act (UEEPDA), which the ULC approved in 2022, authorizes using electronic signatures and documents in an individual's estate plan. The UEEPDA applies to nontestamentary documents only and is designed to supplement the Uniform Electronic Wills Act. An estate planning document executed under the UEEPDA is effective despite being electronically executed or in an electronic medium. A copy of the ULC summary of the Act is attached as [Appendix C](#).
- The Uniform Special Deposits Act (USDA), which the ULC approved in 2023, addresses special deposit transactions. The Act clarifies the definition of "special deposit," the treatment of a special deposit in the event of a depositor's bankruptcy, the applicability of creditor process to a special deposit, and the legality of the bank exercising a set-off or right of recoupment against a special deposit unrelated to a payment to a beneficiary or the special deposit. The Act creates a definite and clear right to payment when a contingency is satisfied and upon notice to the bank. The USDA provides a low-cost mechanism to return earnest money to its rightful owner. A copy of the ULC summary of the Act is attached as [Appendix D](#).

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