

July 2008

## NORTH DAKOTA UNIFORM LAWS RECOMMENDATIONS AND ENACTMENTS SINCE 1999

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 Council, and actions by the North Dakota Legislative Assembly on these recommendations since 1999. An asterisk next to recommendations of the national conference indicates Acts that have been enacted by the North Dakota Legislative Assembly.

### 2007-08 INTERIM AND 2009 SESSION

In 2008 the National Conference of Commissioners on Uniform State Laws is scheduled to recommend:

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

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.

### 2005-06 INTERIM AND 2007 SESSION

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 North Dakota Century Code

(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.

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.

Although the North Dakota Commission on Uniform State Laws 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 Uniform Commercial Code (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 North Dakota Legislative Assembly:

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 did not make any recommendation to the North Dakota 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(1)(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 North Dakota Legislative Assembly:

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(1)(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.

### 1999-2000 INTERIM AND 2001 SESSION

In 1999 the national conference recommended:

- \*1. The Uniform Electronic Transactions Act.
- \*2. The Uniform Disclaimer of Property Interests Act (1999).
- 3. The Uniform Computer Information Transactions Act.
- 4. Amendments to the Uniform Rules of Evidence.

In 1999 the commission recommended these Acts to the Legislative Council:

1. Revised UCC Article 9 (1998) (recommended by the national conference in 1998).
2. The Uniform Electronic Transactions Act (recommended by the national conference in 1999).
3. The Uniform Disclaimer of Property Interests Act (recommended by the national conference in 1999).
4. The Uniform Foreign Money-Judgments Recognition Act (recommended by the national conference in 1962).

In 2000 the national conference recommended:

- \*1. The Revised Uniform Arbitration Act.
- \*2. The Uniform Athlete Agents Act.
- \*3. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
- 4. The Uniform Money Services Act.
- \*5. The Uniform Parentage Act (2000).
- \*6. The Uniform Trust Code.

In 2000 the commission recommended the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act to the Legislative Council.

The Legislative Council made no recommendations with respect to the five Acts recommended by the commission. The commission recommended five Acts to the 2001 Legislative Assembly:

1. The Uniform Disclaimer of Property Interests Act, which was enacted by the Legislative Assembly.
2. Revised UCC Article 9 (1999), which was enacted by the Legislative Assembly.
3. The Uniform Electronic Transactions Act, which was enacted by the Legislative Assembly.
4. The Uniform Foreign Money-Judgments Recognition Act, which failed to pass the house of introduction (the Senate).
5. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which failed to pass the house of introduction (the Senate).