

## RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2009 LEGISLATIVE SESSION

North Dakota Century Code (NDCC) 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, the dean or a full-time member of the faculty of the law school of the University of North Dakota, a law-trained judge of a court of record in this state, a member of the House of Representatives and a member of the Senate of the Legislative Assembly, and a member of the Legislative Council staff, as well as 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, and any residents of this state who have been previously appointed to at least five years of service on the commission.

Commissioners are required to attend the annual meeting of the National Conference of Commissioners on Uniform State Laws and to promote uniformity in state laws on those subjects where uniformity may be deemed desirable and practicable. Under NDCC Section 54-55-04, the commission may submit its recommendations for enactment of the uniform and model laws to the Legislative Council for its review and recommendation.

The commission meets during the annual meeting of the National Conference of Commissioners on Uniform State Laws and determines which uniform or model Acts to recommend to the next session of the Legislative Assembly. As the result of its meeting on July 21, 2008, the commission recommends the following uniform Acts be introduced in the 2009 legislative session:

- Amendment to Section 21 of the Uniform Anatomical Gift Act approved by the Executive Committee in 2008.
- Amendments to the Uniform Interstate Family Support Act approved by the national conference in 2008. The amendments are proposed because the Uniform Interstate Family Support Act is tied to a federal mandate enacting the 2000 Hague Convention on Maintenance, which was signed by the President in 2008. The amendments modify the current version of the Act's international provisions to comport with the obligations of the United States under the convention. The federal enacting legislation states that a version of this Act must be passed by 2010.
- Amendments to the Uniform Principal and Income Act approved by the national conference in 2008. The amendments will bring the Uniform Principal and Income Act into compliance with Internal Revenue Service

comments regarding allocation of IRA distributions in Section 409 and clarify the formula for calculating how much a trust needs to distribute and how much it can use to pay taxes.

- Amendments to the Uniform Probate Code approved by the Executive Committee in 2008 and amendments to the Uniform Probate Code approved by the national conference in 2008 except for the provisions for cost-of-living adjustments. The amendments update the intestacy provisions of the Uniform Probate Code which deal with inheritance by children.
- Uniform Adult Guardianship and Protective Proceedings Act. This Act addresses the issue of jurisdiction over adult guardianships, conservatorships, and other protective proceedings and provides a mechanism for resolving multistate jurisdictional disputes arising because there are more than 50 guardianship systems in the United States.
- Uniform Debt-Management Services Act, including the 2008 technical amendments. This Act applies to consumer debt counseling services and debt-management services and provides for registration requirements, bond requirements, and disclosure requirements.
- Uniform Emergency Volunteer Health Practitioners Act. This Act allows reciprocity to other states' licensees on emergency services providers so that covered individuals may provide services without meeting the disaster state's licensing requirements, specifically the problem of allowing out-of-state medical professionals to practice in the afflicted areas.
- Uniform Prudent Management of Institutional Funds Act. This Act provides statutory guidelines for management, investment, and expenditures of endowment funds held by charitable institutions, and expressly provides for diversification of assets, pooling of assets, and total return investment, to implement whole portfolio management.
- Uniform Revised Limited Liability Company Act. This Act permits formation of limited liability companies, which provide the owners with the advantages of both corporate-type limited liability and partnership tax treatment.

Upon being placed in bill draft form, the commission will distribute the uniform Acts to the State Bar Association of North Dakota and other interested entities for review before the 2009 legislative session.