

RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2011 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, 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 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.

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 19, 2010, the commission recommends the following uniform Acts be introduced in the 2011 legislative session:

- Insurable Interest Amendments to Uniform Trust Code. These amendments address concerns regarding the purchase of life insurance trusts by trustees as it relates to insurable interest law. The amendments were approved by the National Conference of Commissioners on Uniform State Laws (National Conference) in 2010.
- Uniform Military and Overseas Voter Act. This Act simplifies the process of absentee voting for United States military and overseas civilians who are unable to vote in person. This Act was approved by the National Conference in 2010.

- Revised Uniform Law on Notarial Acts. This Act updates the 1982 Act with respect to notary responsibilities, electronic recording, interstate recognition, and remedies. This Act was approved by the National Conference in 2010.
- Uniform Electronic Recording of Custodial Interrogations Act. This Act addresses the use of audio or videotaping to record law enforcement officers' interviews of criminal suspects who are in custody and mandates audio recordings of interrogations. This Act was approved by the National Conference in 2010.
- Amendments to Uniform Commercial Code Article 9. These amendments modify the existing Article 9 to respond to filing issues and address other matters that have arisen following a decade of experience with the 1998 version of Article 9, especially as to the name of an individual debtor to be provided on a financing statement. The amendments were approved by the National Conference in 2010.
- Uniform Real Property Transfer on Death Act. This Act allows an owner of real property to pass the property simply and directly to a beneficiary on the owner's death without probate, by means of a recorded transfer on death deed. This Act was approved by the National Conference in 2009.
- Uniform Unsworn Foreign Declarations Act. This Act will permit in state court proceedings unsworn declarations under penalty of perjury to be executed by witnesses physically located outside the United States in lieu of other sworn court filings, similar to federal law allowing an unsworn declaration executed outside the United States to be recognized as the equivalent of a sworn affidavit. This Act was approved by the National Conference in 2008 and was enacted in Minnesota and Wisconsin in 2010.

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 2011 legislative session.