

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE CONCURRENT RESOLUTION NO. 3006
(Representatives Klemin, Kretschmar)
(Senators Nething, Hogue)

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Uniform Debt-Management Services Act, including consideration of the most appropriate administrator of the law, how the Act would impact existing state laws, and what issues other states have addressed in enacting the Act.

WHEREAS, in 2005 the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment in all states the Uniform Debt-Management Services Act; and

WHEREAS, the Act provides guidance and regulation to the debt counseling industry, applying to both consumer debt counseling services and debt-management services; and

WHEREAS, as a result of the federal bankruptcy reform enacted in 2005, the Act is an essential part of debtor-creditor law; and

WHEREAS, Colorado, Delaware, Rhode Island, and Utah have adopted the Act and at least six other states have introduced legislation to adopt the Act; and

WHEREAS, the North Dakota Commission on Uniform State Laws supports introduction of the Act; and

WHEREAS, the Act requires an enacting state make several substantive selections, including which state agency should administer the Act, whether the Act will regulate for-profit and not-for-profit service providers, and whether a not-for-profit service provider will be exempt from state taxes; and

WHEREAS, existing North Dakota law regulates multiple aspects of the debt-counseling industry;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the feasibility and desirability of adopting the Uniform Debt-Management Services Act, including consideration of the most appropriate administrator of the law, how the Act would impact existing state laws, and what issues other states have addressed in enacting the Act; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-second Legislative Assembly.