

Minutes of the

NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS

National Conference of Commissioners on Uniform State Laws
Palmer House Hilton
Chicago, Illinois
Monday, July 12, 2010

Commissioner William E. Kretschmar, Chairman, called the meeting to order at 8:25 a.m. on Monday, July 12, 2010.

Members present: William E. Kretschmar, Owen L. Anderson, Jay E. Buringrud, Gail H. Hagerty, David J. Hogue, Lawrence R. Klemin, Bradley Myers, Dave Nething, Michael B. Unhjem, Candace Zierdt

It was noted that North Dakota Century Code Section 54-55-03 provides that the chairman and secretary of the commission hold office for two years and the last election was in 2009.

Copies of a memorandum entitled *North Dakota Uniform Laws Recommendations and Enactments Since 1999* were distributed to the commissioners before this meeting for their review.

Chairman Kretschmar asked for recommendations for 2011 legislative action.

Commissioner Klemin suggested consideration of the insurable interests amendments to the Uniform Trust Code, the Uniform Military and Overseas Voter Act, the Revised Uniform Law on Notarial Acts, and the Uniform Real Property Transfer on Death Act. He said Mr. Alvin A. Jaeger, Secretary of State, has been an active observer of the conference's work on the Uniform Law on Notarial Acts. He said Mr. Jaeger also has worked with absentee voting by military personnel overseas, and the Uniform Military and Overseas Voter Act should be recommended if he is supportive of that Act. Commissioner Myers said the insurable interest amendments to the Uniform Trust Code add provisions that most observers thought were in the Trust Code.

Commissioner Myers suggested the Uniform Unsworn Foreign Declarations Act would be of benefit to North Dakota because of the close relationship with Canada and also the need to obtain depositions relating to personnel overseas.

Commissioner Zierdt suggested the amendments to Uniform Commercial Code Article 9.

Commissioner Klemin said the interim Judiciary Committee is studying the Uniform Debt-Management Services Act and the Uniform Limited Liability Company Act. He said the committee is suggesting an additional two-year study of the Uniform Limited Liability Company Act. He said the Department of Financial Institutions and the Attorney General are working on their own draft of a debt-management services act. He said those two issues should be monitored to ensure the study resolution is recommended by the interim committee and a review

is made of the extent the Uniform Debt-Management Services Act is modified by the department and Attorney General.

Commissioner Klemin said he is concerned with the private cause of action provided by the Uniform Protection of Genetic Information in Employment Act. Commissioner Hagerty agreed and said there are additional issues of concern if that Act is approved as presented to the conference.

Commissioner Klemin inquired about the Uniform Electronic Recordation of Custodial Interrogations Act. Commissioner Zierdt said she is concerned over the cost to local law enforcement agencies that would have to acquire recording equipment. Commissioner Hagerty said the Act should be recommended if supported by the Attorney General and the North Dakota State's Attorneys Association.

Commissioner Klemin noted the handouts distributed by the Uniform Law Commission staff proposed that North Dakota enact the Uniform Interstate Depositions and Discovery Act. He inquired whether that would be necessary in North Dakota. Commissioner Hagerty said she would provide the Act to the Legislative Committee of the State Bar Association of North Dakota for review.

Secretary Buringrud said he would present these recommendations to the interim Judiciary Committee and would initiate the process of Legislative Council staff contacting parties of interest, especially the State Bar Association of North Dakota:

1. The insurable interests amendments to the Uniform Trust Code.
2. The Uniform Military and Overseas Voter Act.
3. The Revised Uniform Law on Notarial Acts.
4. The Uniform Electronic Recordation of Custodial Interrogations Act.
5. Amendments to Uniform Commercial Code Article 9.
6. The Uniform Real Property Transfer on Death Act.
7. The Uniform Unsworn Foreign Declarations Act.

No further business appearing, Chairman Kretschmar adjourned the meeting at 8:55 a.m.

Jay E. Buringrud
Secretary