

NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS

National Conference of Commissioners on Uniform State Laws
El Dorado Hotel
Santa Fe, New Mexico
Monday, July 13, 2009

Commissioner William E. Kretschmar, Chairman, called the meeting to order at 8:00 a.m.

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

Members absent: David J. Hogue, Frank F. Jestrab, Michael B. Unhjem

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 2007.

Commissioner Hagerty nominated Commissioner Kretschmar for chairman and Commissioner Buringrud for secretary. All commissioners present voted "aye."

Copies of a memorandum entitled *North Dakota Uniform Laws Recommendations and Enactments Since 1999* were distributed to the commissioners before the meeting for their review. In addition, the materials distributed to the commissioners upon registering for the conference provided a state-by-state tally of the 14 "target Acts" of the national conference.

These target Acts have not been adopted in North Dakota:

- Uniform Child Abduction Prevention Act (recommended by the national conference in 2006);
- Uniform Debt Management Services Act (recommended by the national conference in 2005 and currently being studied by the Legislative Management's interim Judiciary Committee);
- Uniform Environmental Covenants Act (recommended by the national conference in 2003);
- Uniform Foreign Country Money Judgments Recognition Act (recommended by the national conference in 2005);

- Uniform Limited Liability Company Act (recommended by the national conference in 2006 and currently being studied by the Legislative Management's interim Judiciary Committee);
- Uniform Real Property Electronic Recording Act (recommended by the national conference in 2004); and
- Uniform Unsworn Foreign Declarations Act (recommended by the national conference in 2008).

After a recommendation by Commissioner Hagerty, Chairman Kretschmar said he would submit a letter to Justice Mary Muehlen Maring, Joint Procedure Committee of the North Dakota Supreme Court, requesting the Uniform Interstate Depositions and Discovery Act be considered for adoption as a court rule.

Commissioner Klemin said the interim Judiciary Committee would be studying the Uniform Debt Management Services Act and the Uniform Limited Liability Company Act. He suggested the commission recommend to the interim Judiciary Committee consideration of the Uniform Real Property Transfer on Death Act, which is proposed for recommendation by the national conference in 2009.

Commissioner Buringrud said he would present the Uniform Real Property Transfer on Death Act to the interim Judiciary Committee as a recommendation of the commission. He said this would initiate the process of the Legislative Council staff contacting parties of interest with respect to the Act, especially the State Bar Association of North Dakota, Mr. Malcolm H. Brown, and Mr. Grant Shaft.

No further business appearing, Chairman Kretschmar adjourned the meeting at 8:30 a.m.

Jay E. Buringrud
Secretary