

RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2017 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 (Jacob Rodenbiker);
- The dean or a full-time member of the faculty of the law school of the University of North Dakota (Bradley Myers);
- A law-trained judge of a court of record in this state (District Judge Jerod E. Tufte);
- A member of the House of Representatives (Representative Lawrence R. Klemin);
- A member of the Senate of the Legislative Assembly (Senator David Hogue);
- A member of the Legislative Council staff (Jennifer S. N. Clark);
- A member appointed by the Attorney General (vacant);
- 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 (Owen L. Anderson, Jay E. Buringrud, District Judge Gail H. Hagerty); and
- Any residents of this state who have been previously appointed to at least 5 years of service on the commission (William E. Kretschmar, David Nething, Candace Zierdt).

Commissioners are required to attend the annual meeting of the National Conference of Commissioners on Uniform State Laws (ULC) 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 ULC and determines which uniform or model Acts to recommend to the next session of the Legislative Assembly. At its meeting on July 12, 2016, the commission decided to recommend five uniform Acts for introduction during the 2017 legislative session and is tentatively recommending one uniform Act:

- Revised Uniform Athlete Agents Act (RUAAA), Revised 2015. North Dakota enacted the Uniform Athlete Agents Act in 2003. The purposes of RUAAA include providing enhanced protection for student athletes and educational institutions, creating a uniform body of agent registration information for use by state agencies, and simplifying the regulatory environment faced by legitimate athlete agents. The Act has been introduced in one state and enacted in three other states.
- Uniform Disposition of Community Property Rights at Death Act, which was completed by the Uniform Law Commission in 1971, for adoption by noncommunity property states such as North Dakota. This Act reserves the rights of each spouse in property that was community property before the spouses moved to the noncommunity property state, unless they have severed or altered their community property rights. This Act has been enacted in 16 states.
- Revised Uniform Fiduciary Access to Digital Assets Act (Revised UFADAA), which was completed by the Uniform Law Commission in 2014 and revised in 2015. The Uniform Fiduciary Access to Digital Assets Act was introduced in North Dakota in 2015 and failed to pass. The ULC revised this Act in 2015, and this revised version is being introduced in 2017. In the modern world, documents are stored in electronic files rather than in file cabinets, e.g., photographs are uploaded to websites rather than printed on paper. The Revised UFADAA gives Internet users the power to plan for the management and disposition of their digital assets in a similar way as they can make plans for their tangible property. The Act has been introduced in 12 states and enacted in 19 other states.
- Uniform Foreign-Country Money Judgments Recognition Act, Revised 2005, which is a revision of the Uniform Foreign Money Judgments Recognition Act of 1962, which North Dakota enacted in 2003. Since its promulgation more than 40 years ago, the 1962 Act has been adopted in a majority of the states and has been in large part successful in carrying out its purpose of establishing clear and uniform standards under which state courts will enforce the foreign-country money judgments that come within its scope. Notwithstanding the success of the 1962 Act, a revision is necessary to update that Act. The revision is made timely by the continuing increase in international trade and the need for making each state a recognized

forum for international business. The revised Act provides clear and certain rules for obtaining foreign-country money judgments, is a more comprehensive Act than its predecessor, and provides a better response to the current conditions of international trade. The Act has been introduced in two states and enacted in 22 other states.

- Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act. The ULC approved this Act in 2002 to provide for cross-border recognition and enforcement of Canadian domestic violence protection orders and a uniform system for the enforcement of domestic violence protection orders across state lines. In 2011, the Uniform Law Conference of Canada approved the Uniform Enforcement of Canadian Judgments and Decrees Act, providing for the recognition of foreign protection orders, including those of the United States. This Act has been introduced in Colorado and enacted in Delaware.
- Uniform Power of Attorney Act. The commission will consult with interested parties to determine whether to introduce this Act. This Act is designed to supersede the Uniform Durable Power of Attorney Act, which North Dakota enacted in 1985. The Uniform Power of Attorney Act seeks to preserve the durable power of attorney as a low-cost, flexible, and private form of surrogate decisionmaking while deterring use of the power of attorney as a tool for financial abuse of incapacitated individuals. The Act contains provisions that encourage acceptance of powers of attorney by third persons, safeguard incapacitated principals, and provide clearer guidelines for agents. This Act has been introduced in 2 states and enacted in 21 other states.