

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS

National Conference of Commissioners on Uniform State Laws
Tuesday, July 12, 2016
Stowe Mountain Lodge
Stowe, Vermont

Commissioner William E. Kretschmar, Chairman, called the meeting to order at 12:30 p.m.

Members present: William E. Kretschmar, Owen L. Anderson, Jennifer S. N. Clark, Gail H. Hagerty, Lawrence R. Klemin, Bradley Myers, Jake Rodenbiker, Jerod E. Tufte, Candace Zierdt

Members absent: Jay E. Buringrud, David Hogue, David Nething

Commissioner Clark said with the resignation of Commissioner Timothy J. Dawson, the position of Secretary of the Commission is vacant. She said North Dakota Century Code Section 54-55-02 provides for 2-year terms of the Chairman and Secretary, and the most recent election was at the 2015 meeting.

It was moved by Commissioner Klemin, seconded by Commissioner Zierdt, and carried on a voice vote that Commissioner Clark be elected Secretary of the Commission for the remainder of the open 2-year term.

The North Dakota Commission on Uniform State Laws discussed the proposed *Legislative Plan for 2017*, reviewing the Uniform Law Commission's target acts, targets to complete, and new acts and discussing any additional acts it may wish to include in its plan. Commission discussion included consideration of the outcome of any past introduction of an act, whether there was expected to be a fiscal impact under the act, anticipated public and private support and opposition to the act, and whether other states have enacted the act.

The Commission considered the following uniform acts:

- Uniform Athlete Agents Act, Revised 2015. The Commission will contact the Secretary of State while drafting this bill for the 2017 legislative session. Commissioner Klemin will take the role as Lead Commissioner.
- Uniform Collateral Consequences of Conviction Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Fiduciary Access to Digital Assets Act, Revised 2015. This act has been revised since it was introduced in North Dakota in 2015. Commissioner Hagerty will take the role as Lead Commissioner.
- Uniform Foreign-Country Money Judgments Recognition Act, Revised 2005. The Commission will include this act in its *Legislative Plan for 2017*. Commissioner Hogue will take the role as Lead Commissioner.
- Uniform Power of Attorney Act. Commissioner Myers will consult with industry representatives regarding this act, and if there is industry support, the Commission will include this act in its *Legislative Plan for 2017*. If this act is included in the *Legislative Plan for 2017*, Commissioner Myers will take the role as Lead Commissioner.
- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Because the issue of adult guardianships is being actively reviewed by North Dakota stakeholders at this time, and in order to avoid the Commission's unintended interference with these efforts, this act will not be included in the *Legislative Plan for 2017*.
- Uniform Real Property Electronic Recording Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Employee and Student Online Privacy Protection Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Family Law Arbitration Act. Commissioner Hagerty will work to have this act addressed through North Dakota Supreme Court Rules. The Commission will not include this act in its *Legislative Plan for 2017*.

- Revised Uniform Law on Notarial Acts amendment on remote notarization. The Commission will not include this act amendment in its *Legislative Plan for 2017*.
- Uniform Unclaimed Property, Revised 2016. The Commission will monitor the status of enactment of this act in other states and may consider including this act in a future legislative plan but will not include this act in its *Legislative Plan for 2017*.
- Uniform Unsworn Domestic Declarations Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Wage Garnishment Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Disposition of Community Property Rights at Death Act. This act has been enacted in Minnesota and Montana. The Commission will include this act in its *Legislative Plan for 2017*. Commissioners Myers and Klemin will take the role as Lead Commissioners.
- Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act. The Commission will include this act in its *Legislative Plan for 2017*. Commissioner Hagerty will take the role as Lead Commissioner.
- Uniform Home Foreclosure Procedures Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Commercial Real Estate Receivership Act. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Residential Landlord and Tenant Act, Revised 2015. The Commission will not include this act in its *Legislative Plan for 2017*.
- Uniform Trust Decanting Act. The Commission will not include this act in its *Legislative Plan for 2017*.

The North Dakota Commission on Uniform State Laws provided a *Legislative Plan for 2017* ([appendix](#)) to the Uniform Laws Commission. The consensus of the North Dakota Commission on Uniform State Laws was to inform the interim Judiciary Committee that the Commission is considering recommending the following uniform acts for the 2017 legislative session:

- Uniform Athlete Agent Act, Revised 2015;
- Uniform Fiduciary Access to Digital Assets Act, Revised 2015;
- Uniform Foreign-Country Money Judgments Recognition Act, Revised 2005;
- Uniform Power of Attorney Act, if there is industry support;
- Uniform Disposition of Community Property Rights at Death Act; and
- Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act.

Commissioner Hagerty said she will look into organizing a continuing legal education opportunity related to the Uniform Fiduciary Access to Digital Assets Act, Revised 2015, in order to educate attorneys and stakeholders regarding the act. She said she will try to schedule it near the time the interim Judiciary Committee receives the Commission's *Legislative Plan for 2017*.

No further business appearing, Chairman Kretschmar adjourned the meeting at 1:00 p.m.

Jennifer S. N. Clark
Secretary

ATTACH:1