

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE CONCURRENT RESOLUTION NO. 4032
(Senators Traynor, Hacker, Nelson, Syverson, Trenbeath, Triplett)
(Judiciary Committee)

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting Revised Article 1 of the Uniform Commercial Code, General Provisions.

WHEREAS, the Uniform Commercial Code governs commercial transactions, including sales and leasing of goods, transfer of funds, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, investment securities, and secured transactions; and

WHEREAS, the purpose of the Uniform Commercial Code is to establish a uniform set of rules to govern commercial transactions, which are often conducted across state lines; and

WHEREAS, since adoption of the Uniform Commercial Code in 1965, changes and developments in commercial law have resulted in revision of the entire Uniform Commercial Code between 1985 and 2003; and

WHEREAS, the Revised Article 1 clarifies when the Uniform Commercial Code is to apply to commercial transactions, allows parties to determine which laws best govern their transactions and thus promotes interstate business transactions, and promotes continued use and development of electronic transactions; and

WHEREAS, Minnesota, to which much of the commerce of this state flows, enacted Revised Article 1 in 2004; and

WHEREAS, the version of Article 1 introduced in North Dakota as Senate Bill No. 2143 (2005) was modeled on Article 1 as enacted in Minnesota; and

WHEREAS, continued economic development in this state depends on up-to-date commercial law and states outside the mainstream of advances in commercial law will be at a competitive disadvantage in attracting and maintaining commerce and industry; and

WHEREAS, the North Dakota Bankers Association and North Dakota Credit Union League opposed harmonizing the various articles of the Uniform Commercial Code through Revised Article 1; and

WHEREAS, an interim study of Revised Article 1 would provide opponents of harmonization of the various articles of the Uniform Commercial Code an opportunity to identify those provisions that should be unique to North Dakota;

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

That the Legislative Council study the feasibility and desirability of adopting Revised Article 1, of the Uniform Commercial Code, General Provisions; 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 Sixtieth Legislative Assembly.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State