

Minutes of the

**NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS**

National Conference of Commissioners on Uniform State Laws

The Huntley

Huntley/Shoshone

Big Sky, Montana

Monday, July 21, 2008

Commissioner William E. Kretschmar, Chairman, called the meeting to order at 8:05 a.m.

**Members present:** William E. Kretschmar, Owen L. Anderson, Jay E. Buringrud, Gail H. Hagerty, Frank F. Jestrab, Lawrence R. Klemin, Bradley Myers, Candace Zierdt

**Members absent:** David J. Hogue, Dave Nething, Michael B. Unhjem

Chairman Kretschmar noted that North Dakota Century Code (NDCC) Section 54-55-03 provides that the chairman and the secretary of the commission hold office for two years and the election of chairman and secretary was held in 2007.

Copies of a memorandum entitled [North Dakota Uniform Laws Recommendations and Enactments Since 1999](#) were distributed to the commissioners for their review.

Chairman Kretschmar asked for suggestions for uniform Acts to be recommended to the Legislative Assembly in 2009.

Secretary Buringrud said the commission traditionally has maintained uniform Acts North Dakota has enacted. He noted the Executive Committee of the national conference has approved "technical amendments" to these Acts:

- Uniform Anatomical Gift Act (2006) Section 21.
- Uniform Commercial Code Section 1-301.
- Uniform Debt-Management Services Act.
- Uniform Probate Code Sections 2-201, 202, 203, 205, 208, 209, 603, 706, and 707.

Commissioner Zierdt said the Uniform Commercial Code Section 1-301 amendment was included in the 2007 legislation approved by the Legislative Assembly because that amendment reflects the changes made by several states to the initial revision of Uniform Commercial Code Article 1.

Commissioner Hagerty said Senator Ralph L. Kilzer sponsored the Uniform Anatomical Gift Act (2006) during the 2007 legislative session, and she would talk to him and to Mr. Bruce Levi, North Dakota Medical Association, about sponsorship of the amendment to Section 21 of the Uniform Anatomical Gift Act.

Commissioner Klemin said the commission has bill introduction privileges and he prefers introduction of uniform Acts through this procedure rather than searching for individual legislators to introduce bills recommended by the commission. Because Senator Kilzer sponsored the Uniform Anatomical Gift Act in

2007, he said, it would be appropriate to seek his sponsorship of the bill to amend Section 21 of the Act.

Commissioner Hagerty suggested introduction of the amendments to the Uniform Interstate Family Support Act which will be approved by the national conference in 2008. She said these will be federally required and an interested party would be Mr. James Fleming, Child Support Enforcement Division, Department of Human Services.

Commissioner Klemin suggested introduction of the amendments to the Uniform Principal and Income Act which will be approved by the national conference in 2008.

Commissioner Klemin suggested combining the technical amendments to the Uniform Probate Code which were approved in 2008 and the amendments that will be approved by the national conference in 2008, except for those provisions implementing dollar amount changes by reference to the consumer price index. Commissioner Myers said the technical amendments pertain to the elective share and North Dakota's version of the Uniform Probate Code differs from the uniform version. Secretary Buringrud said this would be reviewed when the Legislative Council staff drafts the bill incorporating the amendments.

Commissioner Hagerty suggested introduction of the Uniform Adult Guardianship and Protective Proceedings Act which was recommended by the national conference in 2007. She said interested parties would include the North Dakota American Association of Retired Persons as well as local individuals who work with elder care issues, e.g., Mr. Rodger Wetzel with St. Alexius and attorney Mr. Mel Webster.

Commissioner Zierdt suggested introduction of the Uniform Debt-Management Services Act which was recommended by the national conference in 2005, including the technical amendments approved in 2008. Commissioner Hagerty said Mr. Parrell Grossman, Consumer Protection Division of the Attorney General's office, would be interested in this Act.

Commissioner Klemin suggested introduction of the Uniform Emergency Volunteer Health Practitioners Act which was recommended by the national conference in 2007. He said interested parties would include the North Dakota Medical Association, North Dakota Nurses Association, Red Cross, and Department of Emergency Services.

Commissioner Hagerty suggested introduction of the Uniform Prudent Management of Institutional Funds Act which was recommended by the national conference in 2006. This Act would replace the current Uniform Management of Institutional Funds Act, NDCC Chapter 15-67, enacted in 1975. Commissioner Klemin said interested parties would include Mr. Rick Clayburgh, North Dakota Bankers Association, and the State Bar Association of North Dakota, Real Property, Probate and Trust Law Section. Commissioner Myers said interested parties also would include the alumni foundations of the University of North Dakota and North Dakota State University.

Commissioner Klemin suggested introduction of the Uniform Revised Limited Liability Company Act which was recommended by the national conference in 2006. He said an interested party would be Mr. William L. Guy III.

**It was moved by Commissioner Anderson, seconded by Commissioner Zierdt, and carried on a roll call vote that these uniform Acts be introduced in the 2009 legislative session:**

- **Amendment to Section 21 of the Uniform Anatomical Gift Act approved by the Executive Committee in 2008.**
- **Amendments to the Uniform Interstate Family Support Act approved by the national conference in 2008.**
- **Amendments to the Uniform Principal and Income Act approved by the national conference in 2008.**

- **Amendments to the Uniform Probate Code approved by the Executive Committee in 2008 and amendments to the Uniform Probate Code approved by the national conference in 2008, as discussed.**
- **Uniform Adult Guardianship and Protective Proceedings Act.**
- **Uniform Debt-Management Services Act, including the 2008 technical amendments.**
- **Uniform Emergency Volunteer Health Practitioners Act.**
- **Uniform Prudent Management of Institutional Funds Act.**
- **Uniform Revised Limited Liability Company Act.**

Commissioners Kretschmar, Anderson, Buringrud, Hagerty, Jestrab, Klemin, Myers, and Zierdt voted "aye." No negative vote was cast.

Commissioner Klemin requested Secretary Buringrud report to the interim Judiciary Committee at its meeting on August 12, 2008, regarding the recommendations of the commission.

Commissioner Klemin requested that Secretary Buringrud arrange for distribution of any recommended bill drafts to interested parties as identified by the commissioners.

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

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Jay E. Buringrud  
Secretary