

Minutes of the

NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS

National Conference of Commissioners on Uniform State Laws

Vail Marriot

Vail, Colorado

Saturday, July 11, 2011

Commissioner William E. Kretschmar, Chairman, called the meeting to order at 8:20 a.m. on Saturday, July 11, 2011, immediately after conclusion of the legislative breakfast attended by commissioners from the Eastern, Great Lakes, Northeastern, Northern, and Southern Regions.

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

Member absent: David J. Hogue

Copies of a memorandum entitled *North Dakota Uniform Laws Recommendations and Enactments Since 2001* were reviewed. Also reviewed were materials distributed upon registering for the conference which provided a state-by-state tally of 15 "target Acts" of the conference.

These target Acts have not been adopted in North Dakota:

- The Uniform Collaborative Law Act (recommended by the national conference in 2009);
- The Uniform Environmental Covenants Act (recommended by the national conference in 2003);
- The Uniform Foreign Country Money Judgments Recognition Act (recommended by the national conference in 2005);
- The Uniform Limited Liability Company Act (recommended by the national conference in 2006 and currently being studied by the Legislative Management's interim Judiciary Committee); and
- The Uniform Real Property Electronic Recording Act (recommended by the national conference in 2004).

Commissioner Buringrud suggested the Uniform Electronic Legal Material Act would be appropriate for North Dakota, especially with respect to materials published by the North Dakota Legislative Council--bills and resolutions introduced, North Dakota Session Laws, North Dakota Century Code, North Dakota Administrative Code, and House and Senate journals. He said the Legislative Council now publishes the North Dakota Administrative Code only in online and CD format. He said the Legislative Assembly adopted Joint Rule 604 in 2010 at the request of the Legislative Council. He said the rule provides that legislative documents published by the Legislative Council, whether in electronic or printed format, are deemed to be officially published. He said the intent

of the rule was to provide for recognition of materials published in electronic format. He said this Act would provide a more formal recognition of the materials published electronically.

At the suggestion of Commissioner Hagerty, Commissioner Buringrud said he would contact Mr. Ted Smith, Librarian, North Dakota Supreme Court Law Library, concerning whether the Supreme Court may desire to include materials within coverage of the Act and would contact the Attorney General's office concerning materials the Attorney General may desire to include within coverage of the Act.

After a suggestion by Commissioner Klemin, Commissioner Hagerty said she would contact the Game and Fish Department regarding its interest in the Uniform Certificate of Title Act for Vessels.

Commissioner Nething referred to the Model Protection of Charitable Assets Act and to action by the Attorney General in obtaining a charitable trust over proceeds Banner Health System (Lutheran Hospitals and Homes Society) received from the sale of nursing homes in North Dakota and the Anne Carlsen Center for Children. Commissioner Hagerty said she would contact the Attorney General regarding his interest in the Act.

Commissioner Hagerty said the Uniform Collaborative Law Act relates to procedure more than substance and she would contact Justice Mary Muehlen Maring concerning the Joint Procedure Committee's interest in this Act.

With respect to the harmonization of the business entity Acts, Commissioner Klemin suggested deferring action. It was noted that many North Dakota commercial entity laws are reflective of Minnesota law, the Minnesota commissioners are involved in the harmonization of the business entity Acts, and adoption of these Acts by Minnesota would improve prospects for adoption in North Dakota.

With respect to amendments to the Uniform Debt-Management Services Act, Commissioner Klemin said the Legislative Assembly adopted the Act in 2011 after substantial involvement by the Department of Financial Institutions, and it may be too soon to propose amendments.

No further business appearing, Chairman Kretschmar adjourned the meeting at 8:50 a.m.

Jay E. Buringrud
Secretary