



## RECOMMENDATIONS OF THE NORTH DAKOTA COMMISSION ON UNIFORM STATE LAWS - 2021 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 (Supreme Court Justice Jerod E. Tufte);
- A member of the House of Representatives (Representative Lawrence R. Klemin);
- A member of the Senate (Senator David Hogue);
- A member of the Legislative Council staff (Jennifer S. N. Clark);
- A member appointed by the Attorney General (Parrell D. Grossman);
- 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 (David Nething and 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 for which 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.

Although the commission traditionally meets during the annual meeting of the ULC and determines which uniform or model Acts to recommend to the next regular session of the Legislative Assembly, due to the health concerns related to the Coronavirus (COVID-19), the annual meeting was held remotely and the commission also held its meeting remotely the month before the annual meeting. On June 11, 2020, the commission met and recommended the following four uniform Acts for introduction during the 2021 legislative session and one uniform Act for the North Dakota Supreme Court to consider adopting portions of:

- Revised Uniform Athlete Agents Act (amendments), which the ULC approved in 2015 and amended in 2019. The Revised Uniform Athlete Agents Act (RUAAA) is an update of the Uniform Athlete Agents Act of 2000, which has been enacted in 42 states, including North Dakota in 2003. The 2000 Act governs relations among student athletes, athlete agents, and educational institutions, protecting the interests of student athletes and academic institutions by regulating the activities of athlete agents. The RUAAA was promulgated in 2015 and makes numerous changes to the original act, including expanding the definition of "athlete agent" and "student athlete"; providing for reciprocal registration between states; adding new requirements to the signing of an agency contract; and expanding notification requirements. North Dakota enacted the RUAAA in 2017. The RUAAA was amended in 2019 to allow student athletes more freedom and flexibility when choosing between entering a professional draft or continuing their collegiate education. The 2019 RUAAA amendments have been enacted by 10 states. A copy of the ULC summary of the Act is attached as [Appendix A](#).
- Uniform Electronic Wills Act, which the ULC approved in 2019. The Uniform Electronic Wills Act permits testators to execute an electronic will and allows probate courts to give electronic wills legal effect. Most documents that were traditionally printed on paper can now be created, transferred, signed, and recorded in electronic form. Since 2000 the Uniform Electronic Transactions Act (UETA) and a similar federal law, E-SIGN, have provided that a transaction is not invalid solely because the terms of the contract are in an

electronic format. However, UETA and E-SIGN both contain an express exception for wills, which, because the testator is deceased at the time the document must be interpreted, are subject to special execution requirements to ensure validity and must still be executed on paper in most states. Under the new Electronic Wills Act, the testator's electronic signature must be witnessed contemporaneously, or notarized contemporaneously in states that allow notarized wills. States have the option to include language that allows remote witnessing. The Act also addresses recognition of electronic wills executed under the law of another state. For a generation used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act allows online estate planning while maintaining safeguards to help prevent fraud and coercion. A copy of the ULC summary of the Act is attached as [Appendix B](#).

- Faithful Presidential Electors Act, which the ULC approved in 2010. The Uniform Faithful Presidential Electors Act (UFPEA) provides a statutory remedy if a state presidential elector fails to vote in accordance with the voters of the elector's state. The UFPEA has a state-administered pledge of faithfulness, with any attempt by an elector to submit a vote in violation of that pledge, effectively constituting resignation from the office of elector. The UFPEA also provides a mechanism for filling a vacancy created for that reason or any other reason. In addition, in *Chiafalo et al v. Washington* (2020), the United States Supreme Court unanimously ruled states may require presidential electors to vote for the electors' party's candidate for president. This decision affirms states may enact laws requiring presidential electors to cast their votes in a manner faithfully reflecting the electors' commitment to vote for the person the electors promised to choose when they were nominated as an elector. A copy of the ULC summary of the Act is attached as [Appendix C](#).
- Revised Unclaimed Property Act, which the ULC approved in 2016. The Revised Uniform Unclaimed Property Act (RUUPA) is the latest revision to the Uniform Unclaimed Property Act, first promulgated in 1954 and last updated in 1995. The Act requires holders of unclaimed property to turn unclaimed property over to the state unclaimed property administrator after a suitable dormancy period so the administrator can attempt to reunite the property with its rightful owner. The RUUPA updates numerous provisions and addresses unclaimed gift cards and other stored-value cards, life insurance benefits, securities, dormancy periods, and use of contract auditors. The RUUPA has been enacted by four states. A copy of the ULC summary of the Act is attached as [Appendix D](#).
- Uniform Pretrial Release and Detention Act, which the ULC approved in 2020. The Uniform Pretrial Release and Detention Act creates a comprehensive procedural framework for release and detention determinations after arrest. The Act also includes an optional Article to guide arrest and citation practices. The commission recommends the North Dakota Supreme Court consider adopting the appropriate portions of this Act in the form of court rules.

ATTACH:4