

2021 HOUSE JUDICIARY

HB 1048

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1048
1/11/2021

Relating to the requirement of a guardian to obtain a bond.

Chairman Klemin called the meeting to order at 9:30AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion:

- Guardian bond requirement
- Bond authority

Sara Behrens, Staff Attorney with the State Court Administrators Office: Introduction (9:30)
Testimony #330

Opposition: None

Neutral: None

Chairman Klemin closed the hearing .

Do Pass Motion Made by Rep. K. Hanson; Seconded by Rep. Roers Jones

Roll call vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	N
Representative Ruth Buffalo	N
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	N
Representative Bob Paulson	N
Representative Gary Paur	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	N

House Judiciary Committee

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Roll Call Vote: Yes 9 No 5 Absent 0 Carrier: Rep. Hanson

Chairman Klemin: Adjourned 9:45

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1048: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

Houser Bill 1048
House Judiciary Committee
Testimony Presented by Sara Behrens
January 11, 2021

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1048. This bill adds a new subsection to section 30.1-28-04 which governs the court's findings and order appointing a guardian. Currently, there is no requirement for a guardian to obtain a bond. This change will make it clear that a judge can order that a guardian obtain a bond when the need is presented. There is a provision requiring a conservator of a ward to obtain a bond (section 30.1-29-11) because the conservator will have authority over the ward's estate. However, a conservator is not always appointed and a guardian may have authority over the ward's estate in addition to the ward's person. In those cases, it may be prudent to order that the guardian obtain a bond if the estate is particularly large. While not every guardianship will necessitate a bond, we would like it to be clear that the court has the discretion to order that the guardian obtain a bond and specify the specifics of that bond. Thank you for your consideration and we urge a do pass.

2021 SENATE JUDICIARY

HB 1048

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1048
2/8/2021

A BILL for an Act to create and enact a new subsection to section 30.1-28-04 of the North Dakota Century Code, relating to the requirement of a guardian to obtain a bond.
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Meeting called to order, all Senators Present: Myrdal, Dwyer, Luick, Bakke, Fors, Heitkamp, and Larson

Discussion Topics:

- Relation between bonds and guardians
- Role of the conservator

Sarah Behrens, North Dakota Supreme Court provided testimony in favor #5824

Senator Luick moved to DO PASS [2:41]

Senator Myrdal Seconded the motion []

Motion passed 7-0-0

Senator Bakke Carried the bill

DO PASS on HB 1048	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Hearing adjourned [2:43]

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1048: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1048 was placed on the Fourteenth order on the calendar.

House Bill 1048
Senate Judiciary Committee
Testimony Presented by Sara Behrens
February 8, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1048. This bill adds a new subsection to section 30.1-28-04 which governs the court's findings and order appointing a guardian. Currently, there is no requirement for a guardian to obtain a bond. This change will make it clear that a judge can order that a guardian obtain a bond when the need is presented. There is a provision requiring a conservator of a ward to obtain a bond (section 30.1-29-11) because the conservator will have authority over the ward's estate. However, a conservator is not always appointed and a guardian may have authority over the ward's estate in addition to the ward's person. In those cases, it may be prudent to order that the guardian obtain a bond if the estate is particularly large. While not every guardianship will necessitate a bond, we would like it to be clear that the court has the discretion to order that the guardian obtain a bond and specify the specifics of that bond. Thank you for your consideration and we urge a do pass.