

Montana State Senate



The Big Sky Country

April 16, 2019

President, Scott Sales
Minority Leader, Jon Sesso
Montana Senate
State Capitol Building
Helena, MT 59624

Speaker, Greg Hertz
Minority leader, Casey Schreiner
Montana House of Representatives
State Capitol Building
Helena, MT 59624

Dear Ex Officio members of the Legislative Council,

The Senate Judiciary Committee for the 2019 Legislative Session requests that the Legislative Council for the 2019 - 2020 interim study the issues and complexities raised in Senate Bill 202. Senate Bill 202 generally revised guardianship and conservator laws, and sought adoption of the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act.

Sincerely,

Senator Keith Regier
Chairman, Senate Judiciary Committee

Senate Judiciary Request: Study Issues Raised in SB 202

Background: The Senate Judiciary Committee heard and tabled Senate Bill No. 202, which would have adopted the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. The law was developed by the Uniform Law Commission, a body that prepares legislation for adoption in all 50 states to allow for standard statutory language on topics of common interest. SB 202 would have repealed many of Montana's existing law on guardianships and conservatorships, generally enacted in 1974 and 1981, and replaced them with the uniform law that was developed in 2017.

While many advocates for the elderly supported SB 202, the Court Administrator's Office opposed it on behalf of the state's district courts because of the financial and workload impacts it would have. The office suggested that instead, an interim committee look into the appropriate court process for guardianships and conservatorships.

Likely Study Issues: A study would focus primarily on the impact the uniform law would have on affected parties and whether that impact could be mitigated by adopting only certain portions of the uniform law or adapting some provisions to better fit circumstances unique to Montana. The study would focus primarily on legal issues and implications, rather than policy options.

Expected Committee Involvement: An interim committee probably would spend time hearing from stakeholders on the issues involved, providing direction to staff on how to redraft the uniform law, and reviewing a revised draft for possible introduction in the 2021 Legislature. *Time estimate:* 4 to 8 hours, at a minimum

Expected Staff Attorney Involvement: The committee attorney would review the uniform law against existing law, prepare background materials for the committee, meet with stakeholders to identify areas that could be adopted or revised, and draft legislation for committee review. *Time estimate:* 80 to 100 hours