

Testimony on HB 1439
House Judiciary Committee
February 10, 2021

Good morning Chairman Klemin and members of House Judiciary Committee. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 211 assisted living, basic care, and skilled nursing facilities in North Dakota. I am submitting written testimony in support of HB 1439. I ask for your favorable consideration of HB1439.

Currently, North Dakota law provides for a remote notary function NDCC 44-06.1-13.1. Notarial acts performed for remotely located individuals. This feature is excellent for North Dakotans, especially given the rural nature of our state. Much legal work can be done safely and efficiently via video.

A barrier of the remote notary process is that it is an expensive and burdensome process. HB 1439 provides an exception for non-profit organizations providing legal services to low-income and elderly individuals. This allows the entity to perform notarial acts under this chapter for clients who are remotely located without making an audiovisual recording of the performance of the notarial act or the signing of the record to be notarized. Other protections for the low-income clients remain. There would be a video conference and viewing the document signed by the client. The person viewing the document would sign and seal it when the document was received at the non-profit.

One of the most valuable services provided to our low-income elderly residents is preparation of advanced directives. This legal document allows a person to outline their wishes and desire for their end of life care. Not what you or I want for them, but most importantly what they want.

Legal Services of North Dakota is an entity that would be impacted by this legislation. They are a non-profit organization that provide free legal services for North Dakotans who are poor, many elderly and many disabled.

Thank you for your consideration of HB 1439.

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