

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1329

2001 HOUSE JUDICIARY

HB 1329

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1329

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
Tape 1		x	781 to 2423
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chr DeKrey opened the hearing on HB 1329 and asked the clerk to read the title.

Relating to the disclosure by a financial institution of suspected exploitation of a disabled or vulnerable elderly adult to a government agency or law enforcement agency.

Rep Roxanne Jensen: District 17, I am sponsoring HB 1329 at the request of the North Dakota Bankers Association. In 1997 the financial exploitation of disabled or vulnerable elderly adult individuals was criminalized and classified as a felony. However there was a gap. That law did nothing to make disclosure of the crime more likely. This bill fills that gap, by making it possible for bankers, can report suspicious activity to government agencies or law enforcement in good faith and be protected from liability.

Marilyn Foss: appearing on behalf of the North Dakota Bankers Association (general counsel)(see attached testimony) appeared in support of the bill.

Chr DeKrey: Won't this bill work against the bank? If someone is being taken advantage of and you fail to report it, the family comes back and says you failed to report.

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House Judiciary Committee

Bill/Resolution Number HB 1329

Hearing Date 01-23-01

Marilyn Foss: The bill specifically provides that banks are not obligated to investigate that.

Rep Delmore: Can anyone in the bank report, or does this have to be reported to someone higher up have to follow through with filing the report.

Marilyn Foss: That is my view of it.

Rep Delmore: Will there be some type of training for the employees?

Marilyn Foss: I am not aware of any specific training.

Rep Delmore: How wide spread is this issue?

Marilyn Foss: I have maybe two inquires a year, but there are probably more. This bill would permit the institution to help with the investigation.

Sen Espgaard: Senator from District 43, Grand Forks, ND. I urge your support of HB 1329.

Parrell Grossman: Director of Consumer Protection and AntiTrust Division of the Attorney General's Office. This office supports HB 1329. (see attached testimony)

Kathleen Pfeifle: Co-Chairperson of the NDCSW RP&L Committee (see attached testimony)

Jack McDonald: presenting the Independent Community Banks of North Dakota and AARP, spoke in support of HB 1329.

Howard Snortland: representing AARP, testified in support of HB 1329, this state needs adult protection services.

Krista Andrews: an attorney with the North Dakota Department of Human Services' Legal Advisory Unit. (see testimony attached)

Chr DeKrey: Any other testimony, if not we will close the hearing on HB 1329.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1329A

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
TAPE III	x		800 to 996
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the committee hearing on HB 1329. Rep Klein made a DO PASS motion on HB 1329, seconded by Rep Wrangham. Chairman DeKrey asked the clerk to call the roll on a DO PASS motion on HB 1329. The motion passes with a vote of 13 YES, 0 NO, and 2 ABSENT. The floor assignment is Rep Kingsbury.

Date: 01-24-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1329

House JUDICIARY Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Klemin Seconded By Rep Wrangham

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter					
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Kingsbury

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 8:36 a.m.

Module No: HR-13-1571
Carrier: Kingsbury
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1329: Judlolarly Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1329 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1329

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1329

Senate Judiciary Committee

Conference Committee

Hearing Date March 13th, 2001

Tape Number	Side A	Side B	Meter #
1	x		0-12
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened hearing on HB 1329.

Rep. Jensen, district 17, supporting bill at the request of ND Bankers Association. ND has significant growing population of vulnerable persons and are susceptible. This bill will deter those who would take advantage of vulnerable people.

Marilyn Foss, testifying for the ND Bankers Association, (testimony attached).

Senator Trenbath, I see that Senator Epsgard is on this. I'm dimly aware of a bank secrecy act. Is that effected by this bill?

Marilyn Foss, no.

Senator Traynor, do the bankers have a code of ethics?

Marilyn Foss, not a written code of ethics like lawyers do, but they have business ethics.

Senator Traynor, do they have seminars on ethics.

Marilyn Foss, seminars on following laws.

Senator Dever, what do the bankers do now regarding this issue?

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Senate Judiciary Committee
Bill/Resolution Number 1329
Hearing Date March 13, 2001

Marilyn Foss, they remain silent, or talk to the customer.

Senator Nelson, if I'm a trustee of my mothers account, I should need a copy for the bank?

Marilyn Foss, if you are your mothers trustee, you should be the signator on the account. A banker would then have no reason to question your good faith.

Joel Gilbertson, representing the banks of ND, supports the bill.

Krista Andrews, attorney with the North Dakota Department of Human Services' Legal Advisory Unit, (testimony attached). Supports the bill.

Senator Traynor, would your agency receive the report?

Krista Andrews, I'm not sure.

Senator Bercler, how often does the bank give a report to the trustee?

Krista Andrews, marilyn foss might answer that better.

Marilyn Foss, they would send out a statement much like a regular bank statement. Those go to the customer not the trustee.

Senator Traynor, closed the hearing on HB 1329.

SENATOR TRENBEATH MOTIONED TO DO PASS, SECONDED BY SENATOR WATNE. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

REPORT OF STANDING COMMITTEE (410)
March 13, 2001 12:57 p.m.

Module No: SR-43-5474
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1329: Judloary Committee (Sen. Traynor, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1329 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1329

TESTIMONY OF MARILYN FOSS
IN FAVOR OF HB 1329
ON BEHALF OF THE NORTH DAKOTA BANKERS ASSOCIATION

Chairman DeKrey, members of the House Judiciary Committee, my name is Marilyn Foss. I am appearing before you on behalf of the North Dakota Bankers Association in support of HB 1329.

I'd like to give you a little background about this bill. Occasionally I receive calls from bankers who are concerned that an elderly customer is being taken advantage of by another person. Typically, the banker's antennae are raised because of unusual checking or savings account activity for a long time customer. The banker suspects something is wrong and would like to report his or her suspicions to the proper authorities, but isn't sure he or she "should". After all, the bank hasn't got the customer's written consent and the banker is concerned about exposing the bank to liability to the suspected "abuser" if the suspicions aren't borne out after investigation. Sometimes the banker is even concerned about asking for the customer's consent because the banker doesn't know whether even that may expose the customer to jeopardy. After a bit of research I learned that the 1997 legislative assembly which made financial exploitation of a disabled adult or of a vulnerable elderly adult ("a protected person") a felony if the

