

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2047

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Operator's Signature

*L. Costa Rickford*

Date

10/15/03

2003 SENATE JUDICIARY

SB 2047

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10/15/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2047

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	X		31.0-53
Committee Clerk Signature			

Minutes : Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill.

**Testimony in support of SB 2047:**

Lois Delman, #43, Chair Jud B Committee, discussed support of the bill. (meter 30.0)

Tim Dawson, Legislative Council (Neutral) Discussed (meter 34.4) the definition of "self settled" and "third party". This bill is only for additional clarity on last years bill 2187. Question by Senator John T. Traynor, Chairman on what the limitations of the trust vs. public funds are. (meter 37.9)

Blaine Nordwall: (See attached Testimony) You can get the bill by E-mail DHSDAP@state.nd.us. Sen. Traynor questioned the limitations from ie; Parent to a disabled child. Answer there is no limitation for an adult child and it will not effect aid of disability funds/food stamps.

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Senate Judiciary Committee

Bill/Resolution Number 2047

Hearing Date January 8, 2003

Matthew C Schwaz-Personal testimony of being the main supporter of a wife and two kids who all have M.S. The present system tells me that I need to divorce my wife to be able to afford there disability. This is a very poor option. This bill will be able to make good options for my family.

Courtney Koebele, ARC- (See Attachment) ARC is in support of this bill.

Sen. Bercier questioned in regards to the "third party" clause (meter 49)

**Testimony in opposition of SB 2047:**

There was no testimony in opposition of bill.

**Sen. Bercier moved a DO PASS. Seconded by Senator Thomas L. Trenbeath**

**Roll Call Vote: 6Yes. 0 No. 0 Absent**

**Carrier: Sen. Traynor**

Date: January 8, 2003  
Roll Call Vote #:

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2047**

Senate JUDICIAL Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Dennis Bercier Seconded By Senator Thomas L. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX No NONE

Absent NONE

Floor Assignment Senator John T. Traynor, Chairman

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

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La Costa Rickford 10/15/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
January 8, 2003 12:40 p.m.

Module No: SR-02-0369  
Carrier: Traynor  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2047: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2047 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-02-0369

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*LaCosta Rickford*

10/15/03  
Date

2003 HOUSE JUDICIARY

SB 2047

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Fa Costa Rickford  
Operator's Signature

10/15/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2047

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-26-03

Tape Number	Side A	Side B	Meter #
1		xx	26.5-35
2	xx		8-8.9
Committee Clerk Signature <i>d Penrose</i>			

**Minutes:** 12 members present, 1 member absent (Rep. Onstad)

**Chairman DeKrey:** We will open the hearing on SB 2047.

**Rep. Delmore:** Introduced the bill. This is to establish trusts similar to Minnesota.

**Chairman DeKrey:** Thank you. Testimony in support of SB 2047.

**Tim Dawson, LC:** Neutral. Explained the bill and read the sections and subsections.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Courtney Koble, ARC:** Support (see attached testimony).

**Chairman DeKrey:** Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Reopened later in the afternoon session)

**Chairman DeKrey:** What are the committee's wishes in regard to SB 2047.

**Rep. Delmore:** I move a Do Pass.

**Rep. Maragos:** Seconded.



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House Judiciary Committee

Bill/Resolution Number SB 2047

Hearing Date 2-26-03

12 YES 0 NO 1 ABSENT DO PASS

CARRIER: Rep. Delmore

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Lacosta Rickford  
Operator's Signature

10/15/03  
Date

Date: 2/26/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2047

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

Do Pass

Motion Made By

Rep. Delmore

Seconded By

Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	AB	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment

Rep. Delmore

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

REPORT OF STANDING COMMITTEE (410)  
February 26, 2003 2:05 p.m.

Module No: HR-34-3532  
Carrier: Delmore  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
SB 2047: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2047 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-34-3532

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10/15/03  
Date

2003 TESTIMONY

SB 2047

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*La Costa Rickford*

10/15/03

Date

January 8, 2003

SENATE JUDICIARY COMMITTEE  
SB 2047

*sure testimony to House*

CHAIRMAN TRAYNOR AND COMMITTEE MEMBERS:

My name is Courtney Koebele. I'm appearing here today on behalf of The Arc of North Dakota. The Arc is an open membership organization made up of people with mental retardation and other related developmental disabilities, their families, friends, interested citizens, and professionals in the disability field.

It is organized on three levels: local chapters, state chapters and the national organization. All three levels provide opportunities to engage policy-makers in efforts to improve public policy affecting people with mental retardation and related developmental disabilities and their families.

The Arc of North Dakota has over 1,200 committed members and friends...your neighbors and constituents...in chapters in Grand Forks, Fargo, Valley City, Jamestown, Bismarck, Dickinson and Bowman.

Our **Mission Statement** is to improve the quality of life for children and adults with mental, retardation and related developmental disabilities and their families through advocacy, education and family support services.

Public policy advocacy is an essential component of the Arc movement, and that's why we're here today. Arc members have worked together over the past 50 years to secure family support services, special education, health care, leisure opportunities, vocational training, community housing and other community support services.

We support the concepts of SB 2047. The bill is needed to make sure that these very vital trusts are allowed to continue to meet the needs of the developmentally disabled and their families.

Therefore, we respectfully request that you give the bill a do pass. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

*La Costa Rickford*  
Operator's Signature

*10/15/03*  
Date

**TESTIMONY BEFORE THE  
SENATE JUDICIARY COMMITTEE  
REGARDING  
SENATE BILL NO. 2047  
January 8, 2003**

**Chairman Traynor, members of the Senate Judiciary Committee, my name is Blaine Nordwall. I am director of Economic Assistance Policy for the North Dakota Department of Human Services.**

**Senate Bill No. 2047 is the product of the Interim Judiciary B Committee. The department had opportunity to, and did participate, in the hearings conducted by the Judiciary B Committee. The bill before you reflects that committee's full consideration of the department's observations and comments.**

**For the committee's information, in 2001, DHS staff developed trust forms to serve the needs of individuals with disabilities. The trust forms are made available electronically, with detailed instructions for completion. These electronic trust forms are not mere "fill-in-the-blank" documents. They are designed for completion by law firms. We believe anyone establishing a trust should be counseled concerning the impact of that trust, and anyone named as a trustee should be counseled on the duties of a trustee.**

**The State Bar Association of North Dakota has helped DHS publicize the availability of these electronic trust forms. Use of these forms should allow North Dakota lawyers to provide trust-related services to those who would otherwise be unable to afford the legitimate legal costs of researching and drafting trusts.**

**I will try to answer any questions the committee may have.**

**Prepared by:**

**Blaine L. Nordwall  
Director, Economic Assistance Policy  
ND Department of Human Services**