

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2072

That the House recede from its amendments as printed on pages 1015 and 1016 of the Senate Journal and pages 1135 and 1136 of the House Journal and that Engrossed Senate Bill No. 2072 be amended as follows:

Page 4, line 3, remove "Except as provided in subsection 3, the custodian of records of an alleged vulnerable"

Page 4, replace lines 4 through 9 with "The department may obtain records under the control of a custodian other than a financial institution with the consent of the vulnerable adult or the legal guardian of the vulnerable adult or pursuant to an administrative subpoena duces tecum served on the custodian in accordance with rule 45 of the North Dakota rules of civil procedure. The subpoena may be enforced by applying to any judge of the district court for an order requiring the production of the records described in the subpoena. Failure of a custodian to comply with the order of the district court is contempt of court, which is punishable by the district court upon application. The judge may award attorney's fees and costs to the prevailing party in an application under this subsection. The department or its designee may use the records only for the purpose of the evaluation or assessment of a report.

3. To obtain access to financial institution records, the department or its designee shall comply with the requirements of chapter 6-08.1 and applicable federal law."

Renumber accordingly