

**Elder Law Section  
Legislative Committee**

**Meeting Date:** August 25, 2008  
**Meeting Time:** 12:00 p.m. to 1:30 p.m.  
**Meeting Location:** William Mitchell College of Law

**Present:** Julian Zweber, Chair  
Janet Totter  
Scott Runsam  
Kristin Davis  
Suzanne Sandahl  
Peter Hendricks

**Introductions** - Meeting was opened with introductions.

**Mission Statement** – Julian presented a proposed mission statement to the committee. Suzanne suggested that language be changed to reflect action verbs. Mission statement was adopted, with suggested changes. Julian will forward the mission statement to the Elder Law Governing Council for posting on the website and the E-Newsletter.

**Legislative Proposals to the MSBA** – The deadline to submit legislative proposals from sections are due by October 31, 2008. After discussion, the committee determined that it will not bring forth any legislative proposals to the Elder Law Governing Council, for this legislative session. The committee continues to foster relationships with the Real Estate section and Probate and Trust section in support of legislative proposals brought forward by these sections as they relate to elder law.

**Preview of the 2009 Legislative Session** – Julian provided a brief historical background of the legislative process. It will be difficult to get any new legislative proposals through the upcoming session because of looming budget deficits and new legislators and committee assignments not in place prior to January 2009.

**Repeal of Minn. Stat. § 501B.895** – The committee discussed the current status of Minn. Stat. § 501B.895. Suzanne made a motion and Peter seconded that the Elder Law section continue to support the efforts of the Probate and Trust Law section to repeal or revise the statute by which irrevocable trusts are not treated as revocable for purposes of medical assistance eligibility. Motion passed.

**Pet Trusts** – The committee discussed the current state of proposals for trust for pet legislation. The committee does not have a draft of a current proposal to review at this time, but the Elder Law Section has supported previous proposals. Peter made a motion and Suzanne seconded that Elder Law section continue to support the efforts of the Animal Law section to pass trust for pet legislation. Motion passed.

**Legislative Proposal to Amend Minn. Stat. § 256B.15 to Conform to the Barg Decision** – The committee discussed the impact of the Estate of Francis Barg decision. Some courts are starting to follow Barg because the decision has not been stayed. However, it was reported that DHS will not follow the decision of Barg until it is final law. If the decision in Barg stands, then Minn. Stat. § 256B.15 will need to be amended to conform to Barg. The committee discussed potential resources to perform an in-depth analysis of the statute, relative to Barg. Scott will talk with the President of the William Mitchell Elder Law student group to determine whether they may have an interest in performing the legal research on this topic. Julian will talk with Kim Dayton to discuss the availability of the section's law clerk to perform similar legal research.

**TODD Technical Amendments** – Julian informed the committee that the Real Estate section will be proposing technical amendments to the new TODD statute to clarify any questions or inconsistencies. A couple of CLEs on the new legislation will be presented in the near future.

**Tentative schedule of the next meeting** – Because of the need to have telephone conferencing available the next meeting will be held at the law offices of Boggio and Garvey. Tentative date is Tuesday, November 19, 2008 at noon.