

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

4029

2007 HOUSE HUMAN SERVICES

SCR 4029

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4029

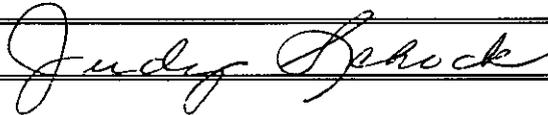
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 19, 2007

Recorder Job Number: 5266 & 5267

Committee Clerk Signature



Minutes:

**Chairman Price:** We will open the hearing on SCR 4029.

**Senator Tim Mathern, District 11 Fargo, ND:** See attached testimony. We had a study in the early 90's, and there were less people there. We have been having an increase in sex offenders. We need to look at what else we can do for mental illness.

**Jim Jacobson, director of Protective Services,** I am here to support the bill and I will read

**Corinne Hofmann Director of Policy and Operation for the Protection and Advocacy**

**Project** testimony attached.

Rep. Potter: I am curious with the greater utilization of existing regional research resources, possibly contracting. What kind of local places are there for these folks from the State hospital to go to.

**Mr. Jacobson:** I can't answer specifics; we certainly see instances where there is more development of regional services whether it is services that are at the human service center, and staff with H. S. center work with other staff that are in private practice. You may have heard of the wrap around services, those services did develop as I see as a better partnership between the public and private services.

**Alex Schweitzer, Superintendent of the ND State Hospital and Development Center of the Department of Human Services:** See testimony attached. We have 4-500 people in corrections.

**Rep. Conrad:** In the interim studying the prison, I was flabbergasted by the number of people in corrections compared to the state hospital population. Many constituents didn't even know we had a prison at Jamestown. They thought it was all hospital buildings. There is not even a sign on the highway that says it is a correctional facility. That might be something we should add.

**Chairman Price:** Any one else in favor, or opposition if not we will close the hearing on SCR 4029.

**Chairman Price:** Committee take out SCR 4029 for discussion and action.

**Rep. Porter:** I do have a problem with this. Over the years the Department of Corrections has increased our costs and separated our abilities to do treatment while incarcerated. Going in the direction of further fracturing is not the wisest. I don't like the resolution. Knowing our shortage of addiction counselors across the State is problems and gaps in that existing system. I won't be supportive of the study.

**Rep. Conrad:** During the interim, we went to all the facilities, plus more. There is no duplication for what is in Jamestown and what is in Bismarck. The people with addiction problems are in Jamestown and people are not. I don't think it is a problem with duplication. I think it is a great resolution.

**Chairman Price:** Staff on both sites has a shortage of providers.

**Rep. Hatlestad:** Is this leading us down the road to build a new state hospital?

**Chairman Price:** We need to continue to study all facilities. Could that be a recommendation? Yes.

**Representative Conrad** I move a do pass consent to calendar, seconded by **Representative Potter**. The vote was 9 yeas, 2 nays, and 1 absent. The bill will be carried to the floor by **Representative Conrad**.

Date: 3/19  
Roll Call Vote #:

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SCR 4029 Committee

Check here for Conference Committee

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

Action Taken Do pass Consent to Calendar

Motion Made By Rep. Conrad Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman		✓	Kari L Conrad		
Vonnie Pietsch - Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter		✓			
Gerry Ugiem					
Robin Weisz					

Total (Yes) 9 "Click here to type Yes Vote" No 2 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. Conrad

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

**REPORT OF STANDING COMMITTEE**

SCR 4029, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4029 was placed on the Tenth order on the calendar.

2007 SENATE APPROPRIATIONS

SCR 4029

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4029

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-22-07

Recorder Job Number: 3718

Committee Clerk Signature

*Alice Reiber*

Minutes:

**Vice Chairman Bowman** opened the hearing on SCR 4029 at 1:30 pm on February 22, 2007 regarding the feasibility and desirability of transferring the facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation.

**Senator Mathern, District 11, Cass County** stated he was here as a sponsor to SCR 4029 and submitted Proposed Amendments #0301(1) to the committee. He stated we have a responsibility to plan for services in both of these departments. You note that we had a decline in the State Hospital population which has been going down over the last 20 years or so and it's been going up recently in regards to sex offenders and also in regards the general population of persons with mental illness. It seemed appropriate that is the time now to study the issue again in terms of how we care for persons with mental illness. I believe our budget for the State Hospital is too high. However, this is not the fault of the administration of the State Hospital. I think it relates in great part to a massive institution and property to deal with that has to be some way managed within the context of a smaller population. Another concern I have is the negative stigma. 100 years ago the view of the public regarding criminals and persons with mental illness was quite similar. Now we recognize mental illness a specific disease and is not related at all to criminal behavior. In light of the facilities we have in

Jamestown we started to bring those things together again and I think that kind of adds to the negative stigma. Thirdly, there is the issue of hospital staff and the buildings, over half are dealing with either mental illness or drug abuse, every staff person, every building that right now is dedicated to the care of persons with mental illness could be used for the care and treatment of persons are in our corrections system. This resolution just suggests lets look at all these issues.

**Chairman Bowman** asked how this study will relate to building a new prison. Will we have two prisons?

**Senator Nething, District 12, Jamestown**, co-sponsor of the bill gave oral testimony in support of SCR 4029. He feels this study is very important.

**Chet Pulver, Public Policy Assistant Mental Health Association in North Dakota** presented written testimony (2) and gave oral testimony in support of SCR 4029. He stated that the North Dakota Mental Health Planning Council also supports the bill.

**Senator Kilzer** asked if they would rather see DOC move out of Jamestown back to Bismarck.

**Corinne Hofmann, Director of Policy and Operations for the Protection and Advocacy Project** presented written testimony (3) and gave oral testimony in support of the bill.

She made comments regarding the barb wire and the stigma it presents to the mental health patients at the facility.

**Senator Bowman** asked if there is any time that mental health patients need to be confined because of violent behavior. He was told some may act out, but on a general rule, no.

**Carlotta McCleary, Executive Director for the North Dakota Federation of Families for Children's Mental Health (NDFFCMH)** presented written testimony (4) and oral testimony in support of the bill.

**Senator Bowman** asked if the study would include properly educated people to take care of these people and will that be a part of the study.

**Alex Schweitzer, Superintendent of the North Dakota State Hospital and Developmental Center** presented written testimony (5) and oral testimony in support of the bill.

**Senator Mathern** suggested that reference to substance abuse should be added to the amendment.

**Senator Bowman** had questions regarding sex offenders and the problems they have.

**Senator Kilzer** stated that one thing has been left out, and that is public safety. This was a great concern for him.

**Senator Fischer** moved a **DO PASS ON THE AMENDMENT. Seconded by Senator Krauter. Motion carried.**

The hearing on SCR 4029 closed.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4029

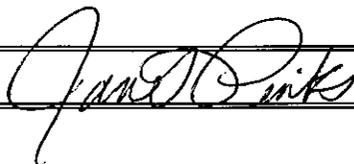
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02/26/07

Recorder Job Number: 3865

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SCR 4029.

**Senator Mathern** presented amendment .0302 discussing what it involved.

**Senator Mathern** moved a do pass on the amendment, **Senator Krauter** seconded. An oral vote was taken resulting in a do pass.

**Senator Fischer** moved a do pass on SCR 4029 as amended, **Senator Mathern** seconded, no discussion took place. A roll call vote was taken resulting in 11 yes, 0 no, 3 absent. The motion pass. **Senator Mathern** will carry the bill.

**Chairman Holmberg** closed the hearing on SCR 4029.

Date: ~~2-26-07~~ 2-22-07  
 Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0301

Action Taken do pass the Amendment

Motion Made By Fischer Seconded By Krauter

Senators	Yes	No	Senators	Yes	No
Chairman Ray Holmberg			Senator Aaron Krauter		
Vice Chairman Bill Bowman			Senator Elroy N. Lindaas		
Vice Chairman Tony Grindberg			Senator Tim Mathern		
Senator Randel Christmann			Senator Larry J. Robinson		
Senator Tom Fischer			Senator Tom Seymour		
Senator Ralph L. Kilzer			Senator Harvey Tallackson		
Senator Karen K. Krebsbach					
Senator Rich Wardner					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

~~Absent~~ motion carried.

Floor Assignment \_\_\_\_\_

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

73092.0302  
Title.

Prepared by the Legislative Council staff for  
Senator Mathern  
February 26, 2007

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4029

Page 1, after line 5, insert:

**"WHEREAS**, North Dakota Century Code Section 25-02-03 identifies the State Hospital as an institution serving specialized populations of the mentally ill, including persons suffering from drug addiction or alcoholism, and is one component of the North Dakota mental health delivery system; and"

Page 1, line 7, after "illness" insert ", services for individuals addicted to alcohol or other drugs"

Page 1, line 18, after "illness" insert "and individuals addicted to alcohol or other drugs"

Page 2, line 1, after "illness" insert ", care for individuals addicted to alcohol or other drugs,"

Renumber accordingly

Date:  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 4029

Senate Appropriations Committee

Check here for Conference Committee

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

Action Taken DR as amended

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Chairman Ray Holmberg	✓		Senator Aaron Krauter		
Vice Chairman Bill Bowman	✓		Senator Elroy N. Lindaas		
Vice Chairman Tony Grindberg	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Mathern

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

**REPORT OF STANDING COMMITTEE**

**SCR 4029: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.**

Page 1, line 2, after "transferring" insert "some of"

Page 1, after line 5, insert:

**"WHEREAS, North Dakota Century Code Section 25-02-03 identifies the State Hospital as an institution serving specialized populations of the mentally ill, including persons suffering from drug addiction or alcoholism, and is one component of the North Dakota mental health delivery system; and"**

Page 1, line 7, after "illness" insert ", services for individuals addicted to alcohol or other drugs"

Page 1, line 18, after "illness" insert "and individuals addicted to alcohol or other drugs"

Page 1, line 22, after "transferring" insert "some of"

Page 2, line 1, after "illness" insert "and care for individuals addicted to alcohol or other drugs"

Page 2, line 2, after "property" insert ", including the continuation of a state hospital in Jamestown to provide necessary services to individuals with mental illness and drug addiction and alcoholism"

Re-number accordingly

2007 TESTIMONY

SCR 4029

SCR 4029  
Human Services Committee  
March 19, 2007, 10 AM



Madam Chairman Price and Members of the Committee,

My name is Tim Mathern. I am the Senator from District 11 in Fargo and introduced SCR 4029. The resolution asks us to study the feasibility and desirability of transferring facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation. I received input from the Hospital and Senator Nething of Jamestown in putting the resolution together.

This resolution comes in response to concerns of families who have family members receiving treatment at the Hospital for mental illness and in consideration of testimony in the Senate Appropriations Committee regarding the increasing presence of prisoners and sexual offenders civilly committed and living on the state hospital grounds. There are two problematic consequences, 1. There is a negative stigma that mental illness is related to criminal behavior and, 2. That costs of maintaining a huge complex of the State Hospital grounds is not warranted to be borne by the Human Services budget.

Historically the average daily population of the State Hospital has been decreasing but the State Hospital has been experiencing an increase pressure from the sex offender population and the state's correction population. Physically the grounds are increasingly looking like a prison and not a health care facility. It is time to consider a fresh long-term plan for these facilities.

The Department of Human Services by law is to develop a plan for an integrated, multidisciplinary continuum of services for individuals with chronic mental illness, which must provide that an individual requiring treatment be submitted to the least restrictive available conditions necessary to achieve the purposes of treatment. This calls for more treatment in patient's home communities and less commitments to the State Hospital in Jamestown

We might consider for example transferring the facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation and build a new but smaller hospital. There are some special considerations including constitutional, legal, and financial issues related to a transfer and for the best use of the State Hospital facilities.

It is also clear that many persons in corrections have mental health and chemical addiction problems. Every staff person we have in Jamestown now is needed no matter what changes we might make. All of these issues require some in depth discussion not possible during a legislative session.

I ask for your Do Pass recommendation on SCR 4029.

Thank you for your attention and consideration.

TESTIMONY – PROTECTION AND ADVOCACY PROJECT  
SENATE CONCURRENT RESOLUTION 4029

HOUSE HUMAN SERVICES COMMITTEE  
March 19, 2007

Chairman Price and Members of the Committee, my name is Corinne Hofmann. I am Director of Policy and Operations for the Protection and Advocacy Project [P&A].

P&A supports passage of this study resolution.

Locating the James River Correctional Center at the State Hospital was probably a sound fiscal decision. North Dakota has a lot of money invested in institutional bricks and mortar. It makes sense to use the facilities. But it is also important to ensure we are using them effectively. This study resolution provides the legislature with a mechanism to do that.

North Dakota needs a continuum of services that ensures individuals receive appropriate care in the least restrictive environment. We are very concerned that individuals end up in inpatient care due to a lack of sufficient community resources and services. We need to look at ways to better meet people's needs in the community to lessen the need for inpatient services. If and when individuals require inpatient care, we need to consider how that can be done in or close to their community.

It is possible that the inpatient mental health needs of our citizens could be met in other ways, including greater utilization of existing regional resources through contracting or the establishment of small regional facilities.

We believe it is time, and perhaps overdue, that North Dakota takes a look at alternative ways, and perhaps better ways, to meet the needs of individuals that require inpatient treatment.

We strongly support the need to study this issue and ask you to recommend passage of Senate Concurrent Resolution 4029. Thank you.

**Senate Concurrent Resolution No. 4029**  
**House Human Services Committee**  
**Representative Price, Chairman**  
**March 19, 2007**

Chairman Price, members of the House Human Services Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and Developmental Center of the Department of Human Services.

The Department of Human Services has no issue with a review of the appropriate use of facilities for the treatment of people with mental illness and chemical dependencies. The Department also supports the concept of community based services and treatment as close to home as possible. The Department's eight (8) regional Human Service Centers currently provide effective community based services for people with mental illness and chemical dependencies.

The resolution was amended in the Senate to address the concern of the Department of Human Services that a public inpatient hospital must exist. We also support the amendment to add people with chemical dependencies to the study, as the hospital serves both people with mental illness and chemical dependencies.

It is clear when speaking with the Directors of Human Service Centers, that they feel strongly that the system needs a public inpatient facility. Also, as you may or may not be aware, the State Hospital is the only inpatient psychiatric facility in the Jamestown and Devils Lake region.

The State Hospital in 2006 served a traditional average daily population of 215 patients, which is only 13 patients, less than the average daily population served in 1997. Ninety of these 215 patients were served in the Tompkins Rehabilitation Center, a program for the treatment of chemically addicted patients referred from the Department of Corrections and Rehabilitation.

The State Hospital serves an additional 55 patients in the sex offender treatment program in the secure services unit.

The history of private psychiatric facilities in the State of North Dakota has been to serve the patient for their acute stage of illness and then transfer them to the State Hospital for long-term treatment and maintenance. Human Service Centers utilize the hospital when community based services are not an option. As such, the State Hospital is a necessary part of the continuum of care for people with mental illness and chemical dependencies.

The Department of Human Services believes it is vital that we long range plan the location, size and services of the North Dakota State Hospital and the appropriate utilization of its current facilities.

Thank you. I would be happy to answer any questions the committee may have.

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# MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA

*Works for a world free from discrimination against mental illness*



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organization concerned  
with all aspects of mental  
health for all citizens of  
North Dakota.*

## Testimony Mental Health Association in North Dakota

**Senate Concurrent Resolution 4029  
Directing the Legislative Council to study  
the feasibility and desirability of  
transferring the facilities and property of  
State Hospital from the Department of  
Human Services to the Department of  
Corrections and Rehabilitation.**

### Senate Appropriations

**Senator Holmberg, Chairman**

**February 22, 2007**

Chairman Holmberg and members of the Senate Appropriations Committee, my name is Chet Pulver, I am a Public Policy Assistant with the Mental Health Association in North Dakota.

The Mental Health Association in North Dakota is a nonprofit organization whose mission is to promote mental health through education, advocacy, understanding and access to quality care for all individuals.

The Mental Health Association in North Dakota (MHAND) supports SCR 4029.

MHAND has been opposed to the co-location of the North Dakota State Hospital and the prison from the beginning. We are concerned about the perception of

a prison co-located with a state hospital from both the patient and the patient's family members' point of view.

We have come a long way from the days of locking people up because of mental illness. We still have a long way to go in the area of stigma that still surrounds mental illness. A prison next door to the state hospital sends the wrong message and perpetuates the stigma. It is unacceptable that a prison and a hospital for people with mental illness are put together in the same location.

SCR 4029 will address our concerns and will offer hope to people with mental illness and their family members by telling them that the North Dakota state legislature cares enough about this unfortunate situation to study the issue and look for a solution.

The ND Mental Health Planning Council also supports this bill.

Thank you, Chairman Holmberg, for this opportunity to testify in favor of SCR 4029.

I would be glad to answer any questions that you might have or provide the committee with additional information.

③

**SENATE APPROPRIATIONS COMMITTEE**  
**February 22, 2007**

**Senate Concurrent Resolution 4029**

Chairman Holmberg and Members of the Committee, my name is Corinne Hofmann. I am Director of Policy and Operations for the Protection and Advocacy Project [P&A].

I began working for P&A in 1991 and spent 6 years providing advocacy services to patients at the State Hospital. That was prior to the facility's use as a location for the James River Correctional Center.

Locating the James River Correctional Center at the State Hospital was probably a sound fiscal decision. North Dakota has a lot of money invested in institutional bricks and mortar. It makes sense to use the facilities. However, I find it unsettling when I return to the State Hospital and see rolls of barbed wire around buildings.

I toured the James River Correctional Center with a group of legislators after the co-location was implemented. During the course of the tour I found myself walking across the campus with the State Hospital's Medical Director and asked him if the presence of the prison had affected the State Hospital patients in any way. He said that it had really changed the "therapeutic milieu". He said he felt he could not go for walks with staff or patients as he used to. He expressed regret about that.

Since then, Corrections has taken over even more of the State Hospital - buildings and services.

The barbed wire sends a clear message. The State Hospital Campus is no longer a nurturing, supportive environment focused on treatment and healing. What I knew as the State Hospital has shrunk to the interior of a few buildings.

We believe it is time, and perhaps overdue, that North Dakota takes a look at alternative ways, and perhaps better ways, to meet the needs of individuals that require inpatient care.

1

It is critical that North Dakota has a continuum of services that ensures individuals receive appropriate care in the least restrictive environment. We are very concerned that individuals end up in inpatient care due to a lack of sufficient community resources and services. We need to look at ways to better meet people's needs in the community in order to lessen the need for inpatient services. If and when individuals require inpatient care, we need to consider how that can be done in or close to their community.

We strongly support the need to study this issue and ask you to recommend passage of Senate Concurrent Resolution 4029.

This concludes my comments and I would be happy to answer any questions the committee might have. Thank you.

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TESTIMONY SCR 4029  
SENATE APPORPREATIONS COMMITTEE

SENATOR RAY HOLMBERG, CHAIRMAN

February 22, 2007

Chairman Holmberg and members of the Committee: my name is Carlotta McCleary. I am the Executive Director for the ND Federation of Families for Children's Mental Health (NDFFCMH). The NDFFCMH is a parent run organization that focuses on the needs of children and youth with emotional, behavioral and mental disorders and their families. The NDFFCMH supports children and youth birth through transition to adult services. On behalf of the NDFFCMH, I am here to testify in support of SCR 4029.

The NDFCMH believes children and youth and their families must receive supports necessary to remain with their families; out-of-home treatment must be viewed as temporary and an extension of the family. This treatment must be available close to the child and youth's home and family members must be involved in all decisions regarding their child.

The NDFFCMH supports studying the alternatives to the State Hospital. Services that an individual is requiring should be provided in the least restrictive environment necessary to achieve the purposes of treatment. Services should reflect the preference for treating individuals in or near the individuals' home community.

Thank you for your time.

Carlota McCleary, Executive Director  
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**Senate Concurrent Resolution No. 4029**  
**Senate Appropriations Committee**  
**Senator Holmberg, Chairman**  
**February 22, 2007**

Chairman Holmberg, members of the Senate Appropriations Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and Developmental Center of the Department of Human Services. I appear before you today in support of the amendment to Senate Concurrent Resolution No. 4029 as presented by Senator Nething.

The Department of Human Services has no issue with a review of the appropriate use of facilities for the treatment of mentally ill individuals. The Department also supports the concept of community based services and treatment as close to home as possible for people with mental illness. The Department's eight (8) regional Human Service Centers currently provide effective community based services for the mentally ill.

The resolution as written seems only to address the care of mentally ill individuals in the community and does not specifically address the location and provision of public inpatient psychiatric services. The amendment offered by Senator Nething clarifies the need for the study to address this concern.

**Page Two:           Senate Concurrent Resolution 4029**

It is clear when speaking with the Directors of Human Service Centers, that they feel strongly that the system needs a public inpatient facility. Also, as you are aware, the State Hospital serves as the only inpatient option for the Jamestown and Devils Lake region.

The State Hospital in 2006 served a traditional average daily population of 215 patients, which is only 13 patients, less than the average daily population served in 1997.

The history of private psychiatric facilities in the State of North Dakota has been to serve the patient for their acute stage of illness and then transfer them to the State Hospital for long-term treatment and maintenance. As such, a State Hospital is a necessary part of the continuum of care for the mentally ill. The size of the hospital and the scope of services provided in a public inpatient hospital can be determined by the study proposed in Senate Concurrent Resolution No. 4029.

Thank you. I would be happy to answer any questions the committee may have.