

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3006

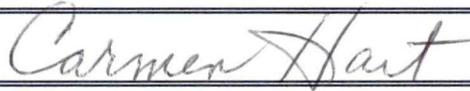
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HCR 3006
1/23/2015
22437

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Study the feasibility and desirability of state, federal, and tribal collaboration in providing services for tribal youth in the state who are adjudicated in tribal courts.

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HCR 3006.

Rep Dennis Johnson, District 15, appeared in support. This past interim I chaired the State Tribal and Relations Committee. One of the proposals we had was a study of a youth assessment center. There is a breakdown of services for youth adjudicated in tribal courts. With the different testimonies we had, we want to move forward to provide services for youth.

Rep. M. Johnson Yesterday we passed that justice reinvestment initiative bill. This would dovetail nicely into that, because that whole thing is to seek federal funding to do an intense study of corrections, etc. to see where we can streamline. Do they also include something federal?

Rep. Dennis Johnson I would defer that question to the attorney's opinion on how this would dovetail into that bill. We had several issues but this is the one that really surfaced.

Vice Chair Rohr At the meeting with representation of all the tribal chairs, was there any particular tribe that had more issues with that than any of the others?

Rep. Dennis Johnson The testimony we had from the judge from Devils Lake where he has personally has bought into this concept of trying to get something going here.

Vonette Richter, Legislative Council, Staff Council for the Interim Tribal State Relations Committee, appeared in support. Attachment #1. (5:42-6:58) It is a fairly broad study. The issue of a youth assessment center in the Devils Lake area is where this began, but that is just one element of what they would like to explore to see if it is possible to provide more services to tribal youth

Rep. B. Koppelman When you do a study through a resolution rather than a bill, will this be a study or one that Legislative Management will consider?

Vonette Richter It's kind of the reverse. In a resolution, they are all essentially shall consider. They are prioritized by the Legislative Management at the end of the session. If a bill says shall consider, it is a mandatory study. If it says shall consider studying it basically becomes a resolution and put into the pile with those to be prioritized.

Chairman Kasper This is not mandatory?

Vonette Richter It is not mandatory.

No Opposition or Neutral.

The hearing was closed.

Chairman Kasper I served on the Tribal and State Relations Committee several times during the legislature. More and more, the leaders of the tribes are coming forward asking the state to help them resolve issues on the reservation. I think this is a really good move.

Rep. Schneider made a motion for a DO PASS AND TO BE PUT ON THE CONSENT CALENDAR.

Rep. Laning seconded the motion.

A roll call vote was taken. 14 Yeas, 0 Nays, 0 Absent

Rep. M. Johnson will carry the bill.

Date: 1-23-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3004**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Schneider Seconded By Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Johnson

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

REPORT OF STANDING COMMITTEE

HCR 3006: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the
Tenth order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3006

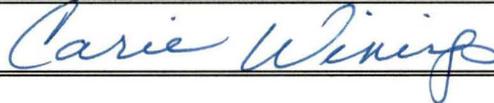
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HCR 3006
3/27/2015
Job # 25527

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of state, federal, and tribal collaboration in providing services for tribal youth in the state who are adjudicated in tribal courts.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HCR 3006.

Representative Johnson, District 15: Testified as chairman of interim committee and in support of the bill. This is a study resolution to see if there is a need for a youth assessment center. The conversation that we had in our committee is that there is a need for this in the Turtle Mountain and Spirit Lake areas with the amount of youth that are getting in trouble that are adjudicated and put in holding without any services. It is a place to be with no educational or any type of services. It has gotten to the point where a lot of these youth that are picked up are sent out of state to South Dakota or Iowa. They will go down on a Friday and they will have to bring them back home on a Monday. One example is a young fellow that was sent out of state like that and he went back down Monday and they did not have the right paperwork because of how he was processed so they had to come home and go back a few days later with the right paperwork. We came forward with this study resolution to study the issue of how it can work with this population and get the agreements between everyone involved.

(2:15)Chairman Dever: So tribal youth can be adjudicated in state court, in tribal court, or in federal court. The tribal courts might vary from tribe to tribe.

Representative Johnson: That is obviously part of the issue. Certainly there is a need for something like this. The judge from Devils Lake has researched and it worked with the youth there and he is probably the strongest advocate for the need for something like this with the amount of youth he deals with. They need these agreements between the groups that are players at the table. There is a lot of frustration in the process as it works now.

Chairman Dever: The resolve says to study the feasibility and desirability of state, federal, and tribal collaboration. Does that suggest that the collaboration does not currently exist?

Representative Johnson: No it does not mean to suggest that.

(4:53) Vonette Richter, Legislative Council: See Attachment # 1 for information on the bill.

(8:05) Chairman Dever: Was it a part of the work of the interim committee to study these issues?

Vonette Richter: The committee was charged with a statutory requirement and it is a very broad charge including economic development and social issues etc. We heard everything from issues related to the land around Lake Sacagawea to child support and foster care. This was just one of many issues that came before the committee.

Chairman Dever: Does this seek to universalize the adjudication or the services that are available?

Vonette Richter: I believe it was primarily on the services that were available. Adjudication is certainly part of that. The emphasis was on the disparity in services and the need for some type of services in the Devils Lake area of a youth assessment center. There is just no place for those youth to be housed when they are waiting placement, their court appearance, or whatever the case may be.

Chairman Dever: Are the decisions of tribal courts appealable to district courts?

Vonette Richter: I do not think they are.

Senator Marcellais: Tribal courts have an appellate court that we appeal to in the tribal court system.

Chairman Dever: As a part of the tribal court system?

Senator Marcellais: Right.

Vonette Richter: As I understand, there are two completely separate state courts and tribal courts have no connection. There are no moving cases between those two.

Chairman Dever: They might do that differently between the tribes?

Vonette Richter: That is correct.

Chairman Dever: So if a youth tribal member wants to get in trouble, they are probably better off doing that off the reservation? When you are talking about 60 days of incarceration without any facilities or treatment, it seems to me that some of those things even though it is adjudicated in a tribal court, might be a violation of their rights as an American citizen and a citizen of the state.

Vonette Richter: That is possible. They are tribal members and they are also members of the state. It is very complicated and I do not pretend to understand it all.

Chairman Dever: Maybe the problem is that there is no one that understands it all. There are those implications that we have never really addressed.

Vonette Richter: Right. Any time the state is dealing with a sovereign nation it creates issues that are difficult to understand.

Senator Marcellais: I think the intentions here are to set up a state detention center so these youth do not have to be sent out of state. I believe that is what the judge from Devils Lake had mentioned to me? Would it be to have a detention center maybe in Devils Lake because it would be centrally located. Is that the intent?

Vonette Richter: Yes, that was the basis behind this. It is probably a broader issue too. There may be some additional steps that need to be taken to allow the state to fund that or some type of cooperation between the state and the tribes as to who can be placed there.

Vince Gillette, Director, Sioux County Social Services: Testified in support of the bill. We are one of only 8 counties in the nation that is totally encompassed on an Indian reservation. This is a huge issue. I do not serve on any committees with the tribe and I am not here representing the tribe. I know the problems because I work with it every day. I am here to say that there are huge issues with what to do with those juvenile delinquents and where to send them. It is true that they sent out of state. They get no educational opportunities and there are no treatment opportunities. They are basically just housed and something needs to be done with that. Way back in the day when I started my career in human services, I started at the industrial school which is now the youth correctional center. We had tribal kids there. I do not know how that worked. That is a good place to start if someone is looking for a suggestion. That would be mine. It exists already and it is an assessment center.

(15:18)Chairman Dever: Are you on the county commission?

Vince Gillette: No.

Senator Cook: I am familiar with the correctional center and there is the prairie learning center in Raleigh, North Dakota that is not far from you. It is another excellent facility. What I am hearing is that your juveniles and troubled youth do not end up going there and they are going out of state. If that is the case, why do they not end up going there?

Vince Gillette: The money. The root of every question is money. The tribe can utilize those facilities but they have to pay for it.

Senator Cook: And they don't if they send them out of state?

Vince Gillette: No, that is why they send them out of state. It does not send them any money to send them to BIA facilities. Prairie Learning Center costs \$7000 per month per child.

Senator Marcellais: I think the history of this is maybe the boarding schools used to be the resolution to the whole thing but that has kind of died out. Would you agree with that?

Vince Gillette: Yes, it has died out but the boarding schools do still exist.

Senator Cook: Do we still have a boarding school in Wahpeton?

Vince Gillette: Yes we do. There are a few of boarding schools in South Dakota.

Chairman Dever: I think part of the answer with the youth correction center depends on the level of discipline necessary.

Vince Gillette: They do a 30 day assessment there and that would be a start.

Chairman Dever: I have been involved with a program with Youth Works and I know that Native Americans represented 47% of the youth they were working with in that program in the city.

Vince Gillette: Burleigh County has one of largest native populations in the state of North Dakota.

Chairman Dever: I think my district is the district with the highest Native population outside of a reservation.

Vince Gillette: That would be my guess.

Chairman Dever: Closed the hearing on HCR 3006.

Senator Nelson: Moved a Do Pass.

Senator Poolman: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Marcellais will carry the bill.

Date: 3/27
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3004**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Nelson Seconded By Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE

HCR 3006: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3006 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HCR 3006

PROVIDED BY VONETTE RICHTER, LEGISLATIVE COUNCIL

TRIBAL YOUTH

The committee received extensive testimony regarding tribal youth who are adjudicated in tribal court and the need for the establishment of a youth assessment center. The testimony indicated three tribal nations have housed delinquent juveniles in a regional jail where the youth were subject to 60 or more days of incarceration without having access to treatment, counseling, or educational services. The testimony stressed the disparity in the level of service provided to youth who are convicted of delinquent acts in state courts and for those who are convicted in tribal courts in the state. The state has a two-tiered system with services provided by the juvenile court, which is a part of the court system, and by the Division of Juvenile Services (DJS), which is a division of the Department of Corrections and Rehabilitation. The Division of Juvenile Services operates eight regional offices in eight cities across the state providing services to all counties in the state. It was noted DJS does not provide direct services to juvenile tribal courts. The testimony indicated many areas in the state do not have adolescent psychiatric beds, substance abuse treatment beds, safe beds for "heightened but not imminent risk" adolescents, or detox services for adolescents, nor are detention facilities available for delinquency. The committee learned tribal courts do not have access to DJS nor to Youth Correctional Center placements. The testimony suggested the need for a regional adolescent assessment and treatment center that could hold juveniles for up to 60 days for assessment to determine what services a child and family needs and could provide a safe place for runaways, for juveniles who leave foster care, and for juveniles waiting for court hearings. It was suggested a second unit could be used to serve youth with severe behavioral and mental health needs, physical aggression, sexual behavior issues, or self-injury.

Committee Consideration

During the course of the discussion of the needs of tribal youth, the committee considered a concurrent resolution directing a study of need for collaboration between the tribes and the state in providing services for tribal youth who are adjudicated in the tribal courts. Testimony in support of the concurrent resolution indicated a study would be helpful in determining whether there is a way for tribal youth to qualify for state services. The testimony urged collaboration between tribal and state courts in formal and informal juvenile dispositions to ensure that assessments are completed and services are provided. It was suggested the concurrent resolution be amended to include the federal government in the parties involved in the study.

Recommendation

The committee recommends House Concurrent Resolution No. 3006 to study the feasibility and desirability of state, federal, and tribal collaboration in providing services for tribal youth in the state who are adjudicated in tribal courts.

HOUSE CONCURRENT RESOLUTION NO. 3006

(EXCERPT FROM TRIBAL AND STATE RELATIONS COMMITTEE FINAL REPORT)

PROVIDED BY VONETTE RICHTER, LEGISLATIVE COUNCIL

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