

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2136

2007 SENATE JUDICIARY

SB 2136

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2136

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 10, 2007

Recorder Job Number: 908

Committee Clerk Signature *Moina L Solberg*

**Minutes:** Relating to transfer of ownership regarding civil commitment of sexually dangerous individuals to the Gronewald Middleton building on the grounds of state hospital

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

#### Testimony In Support of Bill:

**Alex C. Schweitzer**, Super of ND State Hospital and Dev. Center of the Dept. of Human Services. (meter 0:01) Gave testimony – Att. #1a provided committee a map of the Jamestown ND State Hospital-Att. #1b

**Sen Lyson** sited his concerns in taking a person who had committed a criminal act vs a civil act and how this could have constitutional issues would arise housing them in the same location. (They can not be housed in the same place)

**Sen Olafson** asked for the detail on how the civil commitment process works with people in treatment (meter 10:20) These are people in and asking for treatment.

**Sen. Nelson** questioned what type of "stigma" will follow these people when they get out having been housed in this facility. **Mr. Schweitzer** spoke of the stigma they have regardless of where they were located and the problems they face. (meter 11:46)

Discussion was the issue is the security of the staff not the "treatment" part. Spoke of several occasions where staff were injured. We can only add security up to a certain level or we will be in violations. This facility is set up different then the hospital setting. Discussion (15:33) of how different facilities run there security. Sex offenders need to be in a maximum security and can only go to other parts of the facility under and escort. Discussed appropriation of bill.

**Ryan Bernstein**, Governor's Office – stated that this is not of "punitive" nature that the individuals are there, It is not punitive it is treatment based-They volunteer to be at treatment, once they are done, they leave. This is the Department of correction and REHABILITATION. There was discussion on the constitutionality of bill Att. # 2 Brief.

**Sen. Lyson** sited that he did not care what the Federal Constitution states he is concerned about the State Constitution.

**Testimony in Opposition of the Bill:**

**Aaron Burst** – Assoc. of Co. (meter 21:50) States Attorney's Association. Spoke of pro's and cons of bill gave no new information.

**Testimony Neutral to the Bill:**

None

**Senator David Nething**, Chairman closed the hearing requesting the Attorney Generals opinion on the state constitutional issues of this bill.

**Additional Testimony Submitted**

Jessica McSparron Bien, Sex. Assault Prog. & Policy Coord, ND. Council on Aboused Women's Service and Coalition. Att. #3

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2136**

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 7, 2007

Recorder Job Number: 3053

Committee Clerk Signature *Marie L Solberg*

**Minutes:** Relating to transfer of ownership regarding civil commitment of sexually dangerous individuals to the Gronewald Middleton Building on the grounds of the state hospital.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Ryan Bernstien**, Legal Council for the Governors Office Originally we came to you with 2136 and the Governor thinks this is the right plan. Spoke of safety concerns causing us to want to move to Dept. of Corrections. Spoke of committees concern of constitutional issues; we will work with you on that with the amendments – Att. #1 to work with the structure and the training of employees.

**Sen. Nething** stated that the amendment (meter 2:00) clarifies that the corrections has the responsibility for the property and the security of the civilly committed sex offenders and the State Hospital has the responsibility for the treatment programs. The amendment will accomplish this by agreement.

**Mr. Bernstien** said that after a review of the amendments we have concerns with them (meter 3:00) We could support section 3. That is the only part. Discussion of the amendments Mr. Bernstien does not think these amendments accomplish what the bill was set out to do. The committee discussed more on the “constitutional” issues and the A.G.’s office amendment Att.

#1. Why is the transferring of land so difficult? (meter 7:40) This does not help the security issues and it will cause funding and appropriation issues. If we use the dept. of corrections to help the security issues and they already have the money.

**Carol Olson** Dept. of Human Services (meter 8:51) I agree with Mr. Bernstiens – J.A.C.O.H.O. regulations. Due to the hospital aspect we have to follow Federal regulations that they have. If the whole program is moved to DOCR, they would not have to follow the JACOHO regulations. This would be the primary reason to do so. If you do amendment 1 & 2 you still have to follow JACOHO requirements. There may be a conflict between the treatment staff and the security staff. Referred to the rapid growth of our state hospital. (meter 10:50) Spoke of the building being divided and how would they have growth issues and management issues. Section three is the only workable part in the amendment that we would find workable.

**Sen. Nething** talked among the two (meter 14:52) of what would need to be done to make the security issues of the bill covered and how it would also not have constitutional issues.

**Sen. Nething** stated that why do we even need the bill. Why do we not kill the bill and let the two departments' work it out and also spoke of the mandate part of the bill "shall" study.

**Sen. Nething** will visit with the Attorney General's office with the amendments his concerns are the JACO requirements and the security issues.

**Senator David Nething**, Chairman closed the hearing.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2136**

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 12, 2007

Recorder Job Number: 3355

Committee Clerk Signature *Monica L. Solby*

**Minutes:** Relating to transfer of ownership regarding civil commitment of sexually dangerous individuals to the Gornewald Middleton building on the grounds of the State Hospital.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work: (meter 18:21)

Sen. Nething reviewed the amendment presented to the committee -- Att. #1 (meter 18:21)

**Senator David Nething**, Chairman closed the hearing.

**Sen. Lyson** made the motion to Do Pass and **Sen. Nelson** seconded the motion.

**Discussion:** **Sen. Fiebiger** questioned (meter 20:48) how detailed, in section 1, do we need to be in the training etcetera or is that in agreement the departments will have with each other. Yes, it will be interdepartmentally made. It was discussion of the Governors office and the Attorney Generals office on there views of the amendment.

All members were in favor and the motion passes.

**Sen. Lyson** made the motion to Do Pass SB 2136 as amended and **Sen. Nelson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Nething**

**Senator David Nething**, Chairman closed the hearing.



**FISCAL NOTE**  
**Requested by Legislative Council**  
03/01/2007

Amendment to:           Engrossed  
                                  SB 2136

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed SB2136 directs the DOCR and the DHS to enter into an interagency agreement. The agreement is to direct the DOCR to provide security and safety provisions to DHS in the operation of the of the civil commitment of sexually dangerous individuals program.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Engrossed SB2316 is estimated to have no fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

07-09 executive recommendation for the operation of the civil commitment of sexually dangerous individuals program is in SB2012 - Dept of Human Services appropriation bill.

<b>Name:</b>	Dave Krabbenhoft	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6135	<b>Date Prepared:</b>	03/01/2007

# FISCAL NOTE

Requested by Legislative Council

02/14/2007

Amendment to: SB 2136

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed SB2136 directs the DOCR and the DHS to enter into an interagency agreement. The agreement is to direct the DOCR to provide security and safety provisions to DHS in the operation of the of the civil commitment of sexually dangerous individuals program.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Engrossed SB2316 is estimated to have no fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

07-09 executive recommendation for the operation of the civil commitment of sexually dangerous individuals program is in SB2012 - Dept of Human Services appropriation bill.

<b>Name:</b>	Dave Krabbenhoft	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6135	<b>Date Prepared:</b>	02/21/2007

# FISCAL NOTE

Requested by Legislative Council

01/02/2007

Bill/Resolution No.: SB 2136

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2136 transfers 1)the responsibilities for the commitment of sexually dangerous individuals; 2)the Gronewald Middleton building; and 3)appropriation; from the ND Human Services to the Department of Corrections and Rehabilitation.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

SB2316 is estimated to have no fiscal impact beyond what is currently recommended in the 07-09 ND Human Services budget for the operation of the civil commitment of sexually dangerous individuals program. It is anticipated, at this time, that no additional funding or positions will be necessary to complete the transfer. However if during the transition period, it is determined that the amount to be transfered (staff and/or funding)is not adequate, the DOCR will request a deficiency appropriation for the legislative assembly. The bill provides that the actual transfer of the program will take effect on the earlier of July 1, 2008 or the date on which the department of human services and the department of corrections and rehabilitation jointly certify to the legislative council that the transfer is complete.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

07-09 executive recommendation for the operation of the civil commitment of sexually dangerous individuals program is in SB2012 - Dept of Human Services appropriation bill.

<b>Name:</b>	Dave Krabbenhoft	<b>Agency:</b>	DOCR
<b>Phone Number:</b>	328-6135	<b>Date Prepared:</b>	01/08/2007

Att #1  
2-7-07

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2136**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the transfer of ownership of the Gronewald Middleton building on the grounds of the state hospital; to require an inter-agency agreement between the department of human services and the department of corrections and rehabilitation relating to the operation, management and security of the Gronewald Middleton Building; and to require a master security plan and report to the legislative council.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. TRANSFER OF LAND AND BUILDING** Ownership of the Gronewald Middleton building on the grounds of the state hospital must be transferred to the department of corrections and rehabilitation. The department of corrections and rehabilitation must first approve any current or proposed construction on the Gronewald Middleton building before the construction may commence. Any authorized construction must be paid for from any remaining moneys appropriated to the department of human services for that purpose.

**SECTION 2. INTER-AGENCY AGREEMENT BETWEEN THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF CORRECTIONS AND REHABILITATION.** The executive director of the department of human services and the director of the department of corrections and rehabilitation shall enter into an inter-agency agreement effective August 1, 2007, which must provide that the department of human services shall use the Gronewald Middleton building on the grounds of the state hospital for the placement of individuals for evaluation or civil commitment and treatment under chapter 25-03.3. The inter-agency agreement must provide that the department of corrections and rehabilitation shall be responsible for the provision and enforcement of safety and security procedures for the Gronewald Middleton building, for all individuals placed at the Gronewald Middleton building for evaluation or civil commitment and treatment under chapter 25-03.3, and for all staff, visitors and volunteers on the premises of the Gronewald Middleton building. The inter-agency agreement must provide that the executive director of the department of human services shall continue to be responsible for the custody and care of the individuals placed in the Gronewald Middleton building for evaluation or civil commitment and treatment under chapter 25-03.3, including responsibility for all assessments, evaluations, and treatment required under chapter 25-03.3, the provision of all necessary staffing, including maintenance staff, and the provision of all daily care and health care.

**SECTION 3. MASTER PLAN-LEGISLATIVE COUNCIL REPORTS.** The department of human services and the department of corrections and rehabilitation shall develop a master plan for the operation, management, security and construction at the Gronewald Middleton building and any other buildings on the grounds of the state hospital which may be used for the evaluation, civil commitment and treatment of

individuals under chapter 25-03.3 and shall present a report to the legislative council no later than July 1, 2008.

Renumber accordingly.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2136

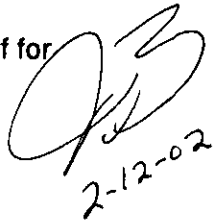
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an agreement between the department of human services and the department of corrections and rehabilitation; and to provide for the department of human services to report to the legislative council regarding individuals committed to the department's care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. Interagency agreement between the department of human services and the department of corrections and rehabilitation.** The executive director of the department of human services and the director of the department of corrections and rehabilitation shall enter an interagency agreement effective August 1, 2007. The agreement must provide that the department of corrections and rehabilitation is responsible for the provision and enforcement of safety and security procedures at state-owned facilities for all individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3 and for all staff, visitors, and volunteers at those facilities. The interagency agreement must provide that the executive director of the department of human services shall continue to be responsible for the custody and care of the individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3, including responsibility for all assessments, evaluations, and treatment required under chapter 25-03.3, the provision of all necessary staffing, including maintenance staff, and the provision of all daily care and health care.

**SECTION 2. REPORT TO LEGISLATIVE COUNCIL.** Before March first of each even-numbered year, the department of human services shall report to the legislative council on services provided by the department of corrections and rehabilitation relating to individuals at the state hospital who have been committed to the care and custody of the executive director of the department of human services."

Renumber accordingly



Handwritten signature and date: 2-12-02

PROPOSED AMENDMENTS TO SENATE BILL NO. 2136

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an agreement between the department of human services and the department of corrections and rehabilitation; and to provide for the department of human services to report to the legislative council regarding individuals committed to the department's care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. Interagency agreement between the department of human services and the department of corrections and rehabilitation.** The executive director of the department of human services and the director of the department of corrections and rehabilitation shall enter an interagency agreement effective August 1, 2007. The agreement must provide that the department of corrections and rehabilitation is responsible for the provision and enforcement of safety and security procedures at state-owned facilities for all individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3 and for all staff, visitors, and volunteers at those facilities. The interagency agreement must provide that the executive director of the department of human services shall continue to be responsible for the custody and care of the individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3, including responsibility for all assessments, evaluations, and treatment required under chapter 25-03.3, the provision of all necessary staffing, including maintenance staff, and the provision of all daily care and health care.

**SECTION 2. Report to legislative council - Individuals committed to state hospital.** Before March first of each even-numbered year, the department of human services shall report to the legislative council on services provided by the department of corrections and rehabilitation relating to individuals at the state hospital who have been committed to the care and custody of the executive director of the department of human services."

Renumber accordingly



Date: 2-12-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2136

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee \_\_\_\_\_

Check here for Conference Committee

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

Action Taken Do Pass Amendment Att #1 2/12

Motion Made By Sen. Lyson Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	/		Sen. Fiebiger	/	
Sen. Lyson			Sen. Marcellais		
Sen. Olafson			Sen. Nelson		

Total Yes 6 No 0

Absent 0

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

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

Date: 2-12-07

Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2136

Senate \_\_\_\_\_ Judiciary \_\_\_\_\_ Committee

Check here for Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Sen. Lyson Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Nething

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

**REPORT OF STANDING COMMITTEE**

**SB 2136: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an agreement between the department of human services and the department of corrections and rehabilitation; and to provide for the department of human services to report to the legislative council regarding individuals committed to the department's care.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. Interagency agreement between the department of human services and the department of corrections and rehabilitation.** The executive director of the department of human services and the director of the department of corrections and rehabilitation shall enter an interagency agreement effective August 1, 2007. The agreement must provide that the department of corrections and rehabilitation is responsible for the provision and enforcement of safety and security procedures at state-owned facilities for all individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3 and for all staff, visitors, and volunteers at those facilities. The interagency agreement must provide that the executive director of the department of human services shall continue to be responsible for the custody and care of the individuals placed at those facilities for evaluation or civil commitment and treatment under chapter 25-03.3, including responsibility for all assessments, evaluations, and treatment required under chapter 25-03.3, the provision of all necessary staffing, including maintenance staff, and the provision of all daily care and health care.

**SECTION 2. Report to legislative council - Individuals committed to state hospital.** Before March first of each even-numbered year, the department of human services shall report to the legislative council on services provided by the department of corrections and rehabilitation relating to individuals at the state hospital who have been committed to the care and custody of the executive director of the department of human services."

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SB 2136

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2136

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 3956

Committee Clerk Signature

*Judith Schock*

Minutes:

**Chairman Price:** We will open the hearing on SB 2136.

**Ryan Bernstein, legal council for the Governor:** I am here to explain the bill and offer an amendment. See attached testimony with proposed amendments.

**Representative Schneider:** What were some of the constitutional concerns of the Senate Judiciary committee?

**Mr. Bernstein:** My understanding was it is a complete transfer of the local committee programs to the Department of Corrections verses the Department of Human Services.

**Representative Weisz:** the constitutional issue from your perspective will there be issues of transfer?

**Tom Trenbeath, Attorney General's Office:** The flags that went out most of our attorneys had to do a double jeopardy situation. We removed from writing Human Services to ( couldn't understand) Also the packet which has to do with punishing people who committed crimes that were not crimes at that time. I have not seen the proposed amendments.

**Representative Potter:** Can you give me an example of an individual that might fit into something on this order?

**Mr. Trenbeath:** This has to do with the violent sexual predator, where the person has completed incarcerated for the criminal sentence, but it is felt through another part of the law that he is a person in need of further treatment, than he is committed to civil. He could be a danger to himself as well as others.

Representative Conrad: How many people for the record are in treatment? How many have you brought in, in the last year?

**Alex Schweitzer, superintendent of ND State Hospital:** Currently we have 40 committed, 16 recommended for commitment and an additional 3 in evaluation. It has grown rapidly during the last 3 years. We are projecting on this year's budget to grow from 62 beds to 82 beds.

**Chairman Price:** anyone else in favor of SB 2136? Any opposition to the bill? Hearing none we will close the hearing on SB 2136

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2136

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 4016

Committee Clerk Signature

*Judy Lebeck*

Minutes:

**Chairman Price:** Take out SB 2136 for discussion. Trendbeck and Bernstein were going to look at amendments, right? Is there anything else the committee needs?

**Representative Weisz:** I don't really see there is anything in the language that would cause (could not understand) I see it making even less of a concern because you are deleting the must provide part. You took out the language of providing and said you're going to train staff.

**I move the amendments, seconded by Representative Hatlestad.** A vocal role was taken with 11 yeas, 0 nays, and 1 absent.

The committee had discussion on what happens with people when they are released from incarceration, and Human Services is not necessarily aware they were released.

**Representative Hofstad** moves a do pass as amended, seconded by **Representative Hatlestad.**

**Representative Conrad:** I would like to see an interim study connected with this issue

**Representative Weisz:** this bill, from what i gather from the testimony were about some issues having to do with safety and security of the personal so put it into the department of corrections because they may be more able to deal with those issues. It really isn't about the

whole process of civil commitment it is merely to address a problematic issue of DHS being uncomfortable.

The role was taken with 11 yeas, 0 nays, 1 absent. **Representative Conrad** will carry the bill to the floor.



78108.0201  
Title.0300

Adopted by the Human Services Committee  
February 27, 2007

**House Amendments to Engrossed SB 2136 (78108.0201) - Human Services Committee  
02/27/2007**

Page 1, line 10, replace "is responsible for" with "shall train, consult, and assist the department  
of human services with"

Renumber accordingly

Date: 2/27  
Roll Call Vote #: 1

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

House HUMAN SERVICES SB 2136 Committee

Check here for Conference Committee

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

Action Taken House Amendment

Motion Made By Rep. Weisz Seconded By Rep. Hallestad

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. Hallestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. \_\_\_\_\_

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