

FISCAL NOTE
Requested by Legislative Council
12/20/2016

Bill/Resolution No.: SB 2046

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

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

Given the language of this bill (Section 1, 1d.), the DOCR is of the opinion that this legislation can be implemented with minimal or no fiscal impact to the DOCR.

- 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.*

n/a

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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

n/a

Name: Dave Krabbenhoft

Agency: Dept of Corrections and Rehabilitation

Telephone: 701-328-6135

Date Prepared: 01/05/2017

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2046

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

SB 2046

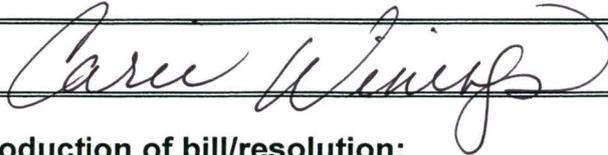
1/12/2017

Job Number 26836

Subcommittee

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota Century Code, relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date.

Minutes:

Attachments: 1-2

Chairman Poolman: Opened the hearing on SB 2046.

Representative Marvin E. Nelson, District 9: See Attachment #1 for testimony to explain the bill.

(4:40) Vonette Richter, Code Reviser, Legislative Council: See Attachment #2 for testimony in explanation of the bill. (The testimony provided is the report of the study that was requested of the interim committee and Vonette walked through the report)

(8:30) Donovan Foughty, District Court Judge, NE Judicial District: Testified in support of the bill. I have the Turtle Mountain Nation and the Spirit Lake Nation in my district. I have been a trial judge in the state of ND for about 30 years. My general observation of the juvenile system as it relates to tribal courts and state courts is that if you are a juvenile that commits a delinquent act in tribal court you receive less services than if you were to receive in the state court system. That is just my perception of what the reality is. I see this bill as a good start. This bill would assist a tribal court in getting services for a kid that has been doing criminal acts on the Indian Nation. This is a way to not ship kids off to other states. To illustrate what the problem; I had a juvenile that was in custody of the Spirit Lake Nation for years, he was a teenager and had been in foster care and many facilities and had been committing minor crimes etc. The last placement he had was in a youth facility with the state of North Dakota. He committed a bunch of delinquent acts to the facility so he was charged in District court with the state for a delinquent act. The referee (judge) could have referred him back to Spirit Lake but they refused to take the case back because the director of Social Services wanted that kid to get into the state system because they were aware the state has better services. They referred him back to Benson County, in my district, and we did the disposition and we are providing the services that are available. An Indian child that gets in trouble in Indian country does not have the same level of services that an Indian child that

commits delinquent acts of the Indian Nation. It is wrong. They should have the same services whether they live on or off the Indian Nation. They are citizens of the state of ND. Look at the state of Utah. They have embraced that idea. They have made a number of agreements with Tribal Nations with regard to providing services for kids that commit delinquent acts. I do not think the cost would not be much more than nominal. If we work together we can do a lot better job in helping youth and that is the goal.

(14:45) Senator Marcellais: I do not know if the Tribal State Relations Committee coordinated this with the Tribal judges or not. There is a separation power on the reservations. I am wondering if the judicial system on the tribal reservations have been approached on this bill? Are they in favor of or opposed to it?

Representative Nelson: It was a little bit of an arm's length. We were doing this through the tribal chairman. I do know that the tribal courts are aware. The tribal courts are in different situations on each of the five nations. That is why we need to go through these agreements instead of a blanket law that tries to treat them all the same. This process would assure the tribal court is on board with us otherwise there would be no reason to do such a memorandum of understanding without them being on board. They are aware but we did not have a lot of representation from them. In general we have received a fairly good feedback from them. We are basically looking at doing it with one. I think it will be a learning process on the part of both the state and tribal courts with this.

Chairman Poolman: It is important to clarify that this is optional. Obviously a tribe that is already sending kids to district court because they know the resource is there. Maybe there will be other tribes that are not interested. It sounds like you have been very thoughtful that it is not a blanket system for everyone.

Senator Marcellais: You mentioned that you are considering one nation. Is that Turtle Mountain I hope; because we have the largest population in the state?

Representative Nelson: I would not say that they are in seat number one at this point. I would point out that while this requires one, it does not limit to one if we had a strong response from some other nation. We had the agreement with Turtle Mountain so we do think we actually have to have this bill in order to permit agreements, but because of the problems we see, and some concern by executive agencies, that it is going to be perceived that they are overstepping and all, we wanted to make sure that we started moving ahead and that we got at least one in place so that we can see how this works.

Chairman Poolman: Closed the hearing on SB 2046.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2046
1/13/2017
Job Number 26875

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota Century Code, relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date.

Minutes:

No Attachments

Chairman Poolman: Opened SB 2046 for committee discussion and recapped what the bill was for. I asked Representative Nelson about a couple of my concerns. He assured me that it is all based on availability. We are just using existing services and it is not going to cost more money or jeopardize any one else's ability to get into that system.

Senator Bekkedahl: Is this just for one tribe of the four tribes?

Senator Marcellais: Yes, He did not say which tribe because they have not selected one yet.

Senator Bekkedahl: Is this independent of foster care services? We already have foster care services that extend in. I have seen the foster care system be successful but sometimes the tribe wants to reintegrate the child back into the reservation; obviously that is there right to do that. That is the only case that I can think of currently where we do something for children across the boundaries.

Chairman Poolman: Correct.

Senator Marcellais: You have to follow the Indian Child Welfare Act. We try to keep our children with Native American families. I sit on county social services board in Rolette County as a member and we get native children from Spirit Lake that Turtle Lake as foster children. Their population is smaller than ours and we have families that are able to take them in as foster children. This bill does not touch on foster care part.

Chairman Poolman: This would just be the youth correctional system.

Senator Vedaa: Is this for a child that gets in trouble on or off the reservation?

Senator Marcellais: It is for both. I got called to a meeting last year by one of my constituents who wanted me as a representative from the state. We have jurisdictions that we have to look at. He was concerned that his child was being sent to Arizona, an 18-hour drive in shackles in a van. The juvenile required medication. They were meeting with the Tribal Chairman at the time, and the local law enforcement that is now under the Department of Justice. That change in organization took away the authority from the local superintendent and the Chief of Police is under the Aberdeen area office and his supervisor was there and the deputy. I listened to multiple families that were concerned. The chairman said to me that it was not a political issue. My question was where the chief judge was. That is where the jurisdiction falls with the separation of powers. Actually the chairman kept bringing up the judicial board. They were not invited to the meeting. That is why I asked Representative Nelson is if they contacted the judges because my concern with this bill is that we are on the wrong side of it. They said they contacted to chairman and they have no decision really. It is the judges that are involved in this. I don't know where we want to go from here.

Chairman Poolman: The judge that we had here addressed that – the discrepancy in services. If they are off the reservation they already have access to our system, but if they are on or near it would address that and prevent them from having to go out of state so far from their families and just put somewhere with none very little rehabilitation. Our system really focuses on rehabilitation.

Senator Vedaa: So they are taken to a tribal or federal institution?

Senator Marcellais: It is a combination of both. I know of one that is in South Dakota but it is with the Bureau of Indian Affairs and that happened because our jail is overcrowded. The juveniles have to be separate from the adults.

Chairman Poolman: Asked the committee's wishes.

Senator Vedaa: Confirmed that the fiscal note is zero.

Senator Marcellais: Moved a Do Pass.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Marcellais will carry the bill.

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2046**

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 Marcellais Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE

SB 2046: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2046 was placed on the Eleventh order on the calendar.

2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2046

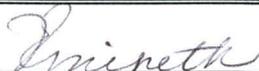
2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

SB 2046
3/2/2017
28600

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date

Minutes:

1-2

Chairman Kasper: Opened the meeting on SB 2046.

Rep. M. Nelson: SB 2046 comes to you from the Tribal Relations Committee.
(Attachment 1)

Rep. Koppelman: You said in the tribal court they have a choice of probation or incarceration. Is that probation or incarceration the cost for that tribal or state?

Rep. M Nelson: Every tribe is different. It goes into the federal system. The tribes don't pay for that. They use the federal system.

Rep. Johnson: How many juveniles are we talking about?

Rep. M. Nelson: We are not talking about a lot at any time. Putting juveniles in prison doesn't work. We are going to work with one tribe first to see how this is going to work.

Rep. Steiner: How would it work if the juvenile escapes, can the law bring them back into the system? Or does the BIA take over?

Rep. M Nelson: I am not sure but I don't know why that couldn't get taken care of in the agreement, I do believe escaping from the prison for whatever reason any state officer would have the ability to arrest.

Rep. Kasper: Who pays for the funding?

Rep. M. Nelson: We pay for this with because they are state citizens. We are taking over that responsibility and the long term payoff is to get treatment for these juveniles.

Rep. Kasper: You mention in your remarks that the process is that the juvenile goes out of state and the federal government pays for that is that correct?

Rep. M. Nelson: Yes, and that is partially because we did have some jails in the state for them but they did close them.

Rep. Kasper: Then you are implying that when these juveniles go out of state they are getting no help? Is the federal no good?

Rep. M. Nelson: That is what the testimony given in the committee summed up to.

Rep. Kasper: So they like to jail them but they don't like to help them? They don't have any programs in any other states beside Montana that help them?

Rep. M. Nelson: They have prisons and so they sit in a cell and that isn't the same as receiving counseling or evaluations?

Rep. Kasper: Do any of the tribes in North Dakota their own jail system located on the reservation?

Rep. M. Nelson: MHA has taken over so it's hard to keep track. MHA is working on their own System.

Rep. Kasper: So what we are doing with our juveniles who need to be incarcerated but need counseling and not the fact that the tribal court decides to counsel this juvenile instead of incarceration?

Rep. M. Nelson: There will always some subset like that. Our juvenile has gone away from long term incarceration because it is ineffective.

Rep. Kasper: Would you see the possibility that the juveniles could be referred to a treatment center some place in North Dakota? Or a counseling center without the incarceration?

Rep. M. Nelson: That is probably long term we are dealing with a law broken on the reservation it is not open under the current system for a tribal judge to directly refer a juvenile that way.

Rep. Kasper: The funding would state funded unless they would get some federal dollars through a joint?

Rep. M. Nelson: Yes that is nothing stopping us from getting federal help for this. This is probably native enough have a to some fair chance of that.

Rep. Koppelman: There is more data on the fiscal note for this. Do you have any numbers as to whether it is one tribe or another of the tribal juveniles that might apply to this? Do you have any idea what numbers those are and what those might cost per incident?

Rep. M. Nelson: No I don't have any numbers?

Rep. Louser: Do you foresee any issues treating these juveniles differently because of capacity in the court system?

Rep. M. Nelson: I would say that today we are treating them worse and the goal is to treat them more equally.

Rep. Olson: Do you have any idea of what capacity that juvenile's services have right now?

Rep. M. Nelson: They did not indicate there was going to be a problem dealing with one tribe. They didn't think that would be a problem.

Rep. Becker: Do you know how effective our current juvenile program is now?

Rep. M. Nelson: I don't have numbers for that.

Vonette Richter: Code Revisor for the Legislative Council; Rep. Nelson covered the meaning of the bill very well. What I am passing out to you is the excerpt from the following report presented to the committee. (attachment 2) If you will read this I think you will find this very helpful to understand the situation that was presented to the committee.

Rep. Kasper: Are you testifying for information purposes?

Vonette Richter: Yes I am testifying for information purposes to explain the bill.

Rep. Rohr. I noticed that there wasn't any referral to family references involvement and a lot of correction issues, family involvement in this program. How is that going to be intertwined in this concept?

Vonetter Richter: That would be part of the individual case depending on what the family members were involved.

Rep.Rohr: There are large extended families that care for these children also

Rep. Kasper: Was the Department of Corrections involved in this study and in this bill or are they here to testify one way or another in this bill?

Rep. Schneider: In the testimony and committee consideration section in the second paragraph it says that there are no adolescent psychiatric beds, no substance abuse treatment beds no safe beds, no detox beds, is that for tribal and non-tribal use?

Vonette Richter: That is how I understood it. That is from the district judge.

Rep. Kasper: 26:45 Let me express my disappointment about the Department of Corrections not willing to step up to the podium and give us your opinion one another of this bill. This is difficult for us as a committee to make a decision if the department isn't willing to give us pros and cons of what might or might not do in the capacity you have. I will ask one more time is

there any other person who want to testify in neutral position in this bill?

Anthony Kozojed: Deputy Director for The Division of Juvenile Services; My position with the Division of Human Services;

I receive the community case managers that are providing the case management services in this situation. I hear questions about capacity and how the bill is written. We would be able to provide case management services. Based on the restrictions to the numbers we would be able to provide case management which would include some of the things such as education services which we didn't talk about, radical services, and I believe what we were talking about was from not only would they be up in the correction center but we would also work with them outside of their case management services as they transition.

Rep. Koppelman: What is the cost on average per case in our state system and how many cases are on the reservations as a whole or as a pilot program?

Anthony Kozojed: It depends on ----- the courts give us the notes as far as the cost. It depends on the situation the risks and needs when they come to us.

Rep. Koppelman: Could you get us some information of the overall cost divided by the cases So there is some kind of average cost amongst them?

Anthony Kozojed: Yes.

Rep. Olson: I asked about capacity. Do you know what kind of capacity you would have right now?

Anthony Kozojed: Location has a little bit to do with it. At the youth correction center we do have some capacity.

Rep. Koppelman: I am talking about where ever you would this pilot program to take place. It sounds like there is an idea in mind of which tribe and location so I am wondering what capacity of those areas where the children would be directed? Have you had to turn any children away?

Anthony Kozojed: No we have not turned any children away. The Division of Juvenile Services has custody of them and we work with them. We are able to handle our caseloads In our region.

Rep. Rohr: Is transportation a cost for all of these services?

Anthony Kozojed: We have a transportation budget where we use the sheriff and reimburse them for mileage when we need to. If there is a security issue, we have staff that can do transports but they have state costs.

Rep. Schneider: Do you favor this program? Has the Department of Corrections weighed in on it as well?

Anthony Kozojed: Both myself and my director feel that this is important for the youth in North Dakota.

Rep. Olson: How confident are you in the program that is will help the youth in this program?

Anthony Kozojed: The Division of Juvenile Services is a branch that provides lots of services with youth from family to cognitive restructure to medical to individual counseling, I feel we are effective the majority of youth that we work with don't come back to our facility or to the Division of Juvenile Services.

Rep. Kasper: Did your department prepare the fiscal note or did Vonette prepare the fiscal note? Who prepared the fiscal note?

Anthony Kozojed: I am not sure who prepared the fiscal note.

Rep. Kopelman: Would it be reasonable if we find out the fiscal note was not provided by the Department of Corrections or possible to ask them to look at that and to do that again.

Rep. Kasper: It is.

Rep. Olson: It was prepared by the Department of Corrections and Dave Krabbenhoft On page 2.

Rep. Kasper: We will keep the bill open, and will close the meeting on SB 2046.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2046
3/9/2017
28975

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date

Minutes:

Chairman Kasper opened the meeting on SB 2046. The committee was concerned about no fiscal impact on this bill.

Lisa Bjergaard, Director of the ND Division of Juvenile Services, appeared.

Chairman Kasper: With adding duties that this bill does, do you see any fiscal impact on state agencies or the court system?

Lisa Bjergaard: Director of administration Krabbenhoft submitted a zero amount at my recommendation, because Senator Heckaman was so clear in committee that she wanted to make sure that this occurred within the resources appropriated.

Chairman Kasper: Did she have written testimony over on the Senate side?

Lisa Bjergaard: I had been invited to speak to a couple of interim committees. The original request was whether or not tribal court judges could be allowed to contract with the state ND Youth Correctional Center facility to place youth that they adjudicated into the facilities. I provided testimony that clarified the contracting process. I also suggested that I don't think it was in the best interest of kids to offer only prison. Perhaps if we were going to begin the process of providing services to kids on reservations, we should do something more appropriate and more preventive and more front end. After considerable discussion and testimony from Judge Foughty and representation from all four of the tribes, they came up with a motion that perhaps we could do some sort of pilot program to begin work with the tribes to see how the tribal juvenile court wouldn't _ in parallel to the state district courts so that they would have options for treatment services, case management, and placement of the youth that commit offenses that are not on reservations. Judge Foughty was pretty clear with the committee that he has a concern for the state of ND in that residents of the

reservation are citizens of ND, but they are not afforded the same services. He was very supportive of that committee to draft this proposal for a study.

Rep. B. Koppelman: There is no way the concept in the broad scope of things could have a zero fiscal impact. If they want to model their system to parallel our system and have some of the same things, then it sounds like that is a cooperation that we need to allow which maybe we could allow without a bill. This is something different than that. Would you agree?

Lisa Bjergaard: That certainly is a perspective. I might not be the best person to describe tribal court to you. That said, tribal court has at its disposal several resources which means if a youth on a reservation is detained, the _ might send that kid to Iowa. They might send them wherever they have their contracts for their beds. What happens when you have a youth who is really in need of some services, things get so fragmented and separated, and families are so far from their children that all of those things that we know about better care for kids and keeping families together just get so interrupted. They are just at the mercy of the BIA. The judge in working closely with the Turtle Mountain and Spirit Lake tribes really sees a disparity in what happens if a youth comes to the attention of a tribal court versus what is offered to kids that might come to the attention of state courts. To your point, it would be my best hope that it would help them develop some of the parallel track kinds of things that we do and learn more about how to make their court orders compliant with federal regulations so that they can access for youth funding or so that they can access some of the Medicaid funding that might be available to them if they were just to make some modifications in their system. I can't tell you exactly what that would look like, because it is a memorandum to get in there and see what happens. I am thinking maybe one tribe might try this. I would feel better if I had legislative support for spending that time at the table. Senator Heckaman felt pretty strongly that if this didn't come forth policy support first, there would be no way to come back around and look at whether there should be any appropriation support.

Chairman Kasper: What is disappointing we don't have Judge Foughty and the four tribes at our hearing which you indicated were at the Senate hearing.

Lisa Bjergaard: This was in the interim Tribal and State Relations Committee.

Chairman Kasper: Were you at the Senate hearing?

Lisa Bjergaard: Yes.

Chairman Kasper: Was there representation of the tribes or Judge Foughty there?

Lisa Bjergaard: Yes, and Judge Foughty was able to attend. What has happened in that judicial district is the court has suffered the loss of their judicial court referee, and one of the district judges is ill. He is just stacked into hearings and was not able to make it for the hearing the other day.

Rep. B. Koppelman: Which do you think? Are they really trying to learn from us so they can improve their system, or are they trying to put their youth in our system with or without the money to go with it?

Lisa Bjergaard: I really wish someone from that Tribal and State Relations Committee were here to answer these questions. I was not on the committee. I was asked once or twice to visit and provide testimony. What I am telling you today is what I testified to in front of that committee which was that were I involved, this is how I would envision this. I was not the drafter. I know that when Legislative Council drafted, they pulled some of these pieces just directly from the Uniform Juvenile Court Act as a way of sorting providing a platform or template for what we might contemplate as we work forward in memorandum. In my head, let us look and see what would work. I was pretty clear that I don't think a flat out contract to send kids to prison is the best thing that the tribes should contemplate.

Rep. B. Koppelman: If you look at all the youth that are admitted per year and divide out the cost to house them and to provide the program, do you know an average of what it is per bed per year?

Lisa Bjergaard: With the housing, of all the youth that come to the custody of the Division of Juvenile Services, we do an assessment with those kids and place them according to their needs. About 28% actually stay in the facility. The kids that go out across the system may go to a foster care setting. They may go to a residential setting. They may go to their own home. When any level of care other than the Youth Correctional Center is used, we have a very vigorous process of collecting whatever form or Medicaid dollars that we can to support the cost of their care. It is so individualized by youth and the level of service that they receive. We track by the service that they are providing, not by the kid.

Chairman Kasper: You have the capacity right now in your system and your staff to absorb all the additional work and effort and cost if this pilot program were initiated without any additional cost to the state?

Lisa Bjergaard: Absolutely not.

Chairman Kasper: Therefore, there is a fiscal impact that we have no idea what it is.

Lisa Bjergaard: I don't even know what my appropriation is for the next biennium is going to be. I would see the first year as probably conversations, and then after that if we have an arrangement and agreement with a tribe and want to try a case and it happens at that point and time that there is flexibility on the caseload to absorb a case or a kid, then we would do that. If we don't have the room on our caseload and the resources, the bill is clear that we don't spend the money.

Chairman Kasper: That is the problem with this bill. This should be turned into some type of a study or an opportunity for you to work with the tribes to come up with some idea for the next legislative session.

Lisa Bjergaard: The committee had this very debate. You would be better hearing from that committee than someone who is a guest at two of the meetings.

Chairman Kasper: You are giving us really good information. Don't get me wrong.

Rep. P. Anderson: In my recollection of the testimony, the judge was one of the primary people wanting to do a pilot program. He was seeing a difference between Devils Lake and Spirit Lake in those kids. Those Spirit Lake kids are in crisis at that reservation. I think we should go for it and try and come up with something.

Rep. Steiner: They are dual citizens, citizens on the reservation and citizens of ND. The tribal judges do not have access to the Division of Juvenile Services or the Youth Correctional Center. How would that be?

Lisa Bjergaard: The Uniform Juvenile Court Act does not allow it. It only allows judges within the state court system to remove custody from a parenting place to tell them the custody of the state agency.

Chairman Kasper: Is that because of sovereignty of the tribes? Is that what keeps the barrier there?

Lisa Bjergaard: I have no idea.

Chairman Kasper: I see problems in the bill and what it does without the answers to a lot of questions that you can't provide, because there is nothing put together yet. We have potential costs.

Rep. B. Koppelman: If we were to hoghouse this bill and write a paragraph that authorized you to have that sit down meeting with the tribes, how would that be worded?

Lisa Bjergaard: Much of that is here. It's negotiate a memorandum and stay within what we are appropriated to do.

Rep. B. Koppelman: Based on a caseload, it was cleverly crafted to move around that for the moment. I disagree with the concept of us absorbing all the cases at the state's cost from a court system that doesn't operate under state law.

Lisa Bjergaard: It was never my intent to be disingenuous. I can't put a cost to something I don't know how many kids we are talking about. I wasn't intending to maneuver around the legislature by agreeing with this. My intent was give me a chance to get in there and see what it looks like, and we can make some recommendations going forward on what they should do from there.

Rep. B. Koppelman: My apologies. I understood your answer. I see this bill going away, or I see this bill turned into the permissive language that allows you to have a working group and sit down at the table with the tribes and in the meantime for the duration of this biennium, there isn't going to be placement of kids from the tribe in our system regardless of capacity. Would you prefer one or another of those?

Lisa Bjergaard: There is a section of law that states the process a tribe goes through in contracting with the state. It requires that there be public meetings and all sorts of things that are just outside the organizational ability of tribal juvenile courts to accomplish. It was my

recommendation that they include that memo of understanding language in whatever we do so that we have a vehicle from which we can agree to do some things.

Chairman Kasper: What we could do is allow that process to go forward and put a delayed implementation date for you to come back in two years and tell us what you come up with and what the program would like that.

Lisa Bjergaard: That was the intent, either before the Tribal and State Relations Committee or yours if you prefer to hear it.

Chairman Kasper: I would rather it just be an independent process with you and the tribes' department directly with ideas that would be presented to us in two years.

Rep. P. Anderson: 20% of our population in prisons is Native Americans. We are paying for that as a state. That number will go down by doing something with youth and helping them with private programming. I don't know how we can't look at something that might reduce. How many kids do you case manage that aren't Native American that you think maybe don't end up in prison because of being involved in the juvenile process?

Lisa Bjergaard: Are you asking about recidivism?

Rep. P. Anderson: If we get involved with the juveniles with their first interaction with the court and doing what you are doing, how many do we keep out of the penitentiary?

Lisa Bjergaard: We are not the first stop of intervention. We are after the youth is already at a sort of exceling level of offense. If we were to go forward with this MOU process, we would fold in the juvenile court as a partner on this. In the Division of Juvenile Services which is youth corrections, we are typically at about 30% Native American kids. Those are kids under our custody that have committed their offenses off the reservation and have been processed through the district court.

Chairman Kasper: What entities in addition to the juvenile court should come to the table?

Lisa Bjergaard: I would think juvenile court and juvenile services division and any tribe that is willing to partner.

Chairman Kasper: That was the problem I observed when I was serving on the Tribal and State Relations Committee. Half the time when we had meetings and asked the tribes to participate, they wouldn't show up. If we went to the reservation to have a meeting, the people from that reservation showed up, but the other four reservations didn't participate.

Lisa Bjergaard: I think it was the judge's passion that we not allow that to be an excuse for not being aspirational and for not continuing to try to find ways to get over, around, or inside of that very intractable and long-standing issue.

Chairman Kasper: When does the tribe step up to the plate to begin to show leadership to help solve their own problem? That seems to me to be the crux of the problem in many cases. Would you be willing to send us a memo that would outline if this group were to be

put together, who should be at the table to talk about putting together a memorandum of understanding between the Department of Corrections and the tribes including the entities in the private part and the tribal part? How long would it take you to do that?

Lisa Bjergaard: It shouldn't take long.

Rep. Rohr: Who controls the purse strings for the tribal juvenile system?

Lisa Bjergaard: That is going to vary a little depending on which tribe you are working with. They have different mechanisms. She talked about a situation where they found if they were going to make an impact with case management, they had to go through child welfare at least with two of the reservations.

Rep. Rohr: To me child welfare is a stakeholder.

Lisa Bjergaard: I am fairly certain that I am going to need the ability to get some things written down and signed, because we do have a lengthy history of providing services to youth who have committed their offense on state land but have been adjudicated in state court but live on the reservation. Our reservations have tribal laws that say state government won't conduct business on the reservation.

The meeting was closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

SB 2046
3/16/2017
29349

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date

Minutes:

Attachment 1

Chairman Kasper opened the meeting on SB 2046. I passed out an email from Lisa Bjergaard. Attachment 1. (:01:06-:01:21)

Rep. Olson: I am not sure who the sponsor is.

Chairman Kasper: It came from the Tribal and State Relations Committee.

Rep. P. Anderson: My sister-in-law is a clerk of court in Benson County and works very close with Judge Foughty. She said you can't find a better person, and if he is behind this pilot program, she felt that it is worth looking at. He still wants to continue doing this with the amount of work he has with the cutbacks in our judicial system.

Rep. B. Koppelman: I am kind of disappointed Lisa Bjergaard did not make the effort to respond to us. If we aren't going to recognize their court system as one from a sovereign nation that is parallel to ours, much like we do a sovereign state next to ours, like South Dakota, we wouldn't ever enter into a reciprocity type of agreement. I am going to oppose this bill.

Vice Chair Louser: I am concerned from the standpoint of the state having resources and then six months later determines they don't have resources, and now we are treating the program differently. We have the same scenario happen to two different individuals, and they are treated differently in the state of North Dakota simply because the resources aren't available.

Rep. P. Anderson: 20% of the people in our penitentiary are Native Americans, and that is a huge cost. I don't see this study as costing any money at all. If we can reduce the 20% to 15% in five years, we have saved a lot of money.

Chairman Kasper: I don't think this is a study. This is a pilot program.

Rep. P. Anderson: A pilot program. I know they are on a reservation, and I get all that. They are still North Dakota kids, and I think they ought to give it another go if we have a judge like Judge Foughty wanting to make this work.

Rep. Vetter: The tribes aren't here and asking. It just doesn't seem like this is a priority for them.

Rep. Schneider: If you deem we have time, maybe we could get Judge Foughty on the phone with us. It seems like we are making a lot of negative assumptions here that may or may not pan out. If we could save a few of these kids from some of the misery that might happen to them over the next two to four years, we would be saving some money for the state and starting a project that really will have payoff both in finances and in personal gains for our state and the tribal kids.

Rep. B. Koppelman: We were told it was a fiscal note that the cost could not be determined. The reason why it was a four-year sunset was that they would spend the first biennium trying to work out a memorandum of understanding. In our budget situation I am concerned about the six or eight-year potential for cost to a program like this if we start it. I am concerned that once they receive the final budget, the department determines that there are not funds, why would they expend the effort to reverse a memorandum of understanding that they have no capacity to fill? Do we have the authority to push our way under the tribe? Does Judge Foughty have the jurisdiction being he is a judge in our court system, not in theirs? Shouldn't we be using his opinions to shoehorn our way on the reservation because of the disparity? I don't know that is our role.

Rep. C. Johnson: 20% of the prison population are Native American and approximately 5% of our total population. If we had intervention in the juvenile system and prevent some of those juveniles from actually entering into the penal system and spending time in jail, would that eventually lead to a cost savings to the state? I don't know how much it costs to incarcerate a person in the state prison as opposed to sending a juvenile to a juvenile detention center, but that might be a factor to consider.

Rep. B. Koppelman: I think the reason why people turn to crime often times has to do with their environment around them and what opportunities they feel they have so that they can pursue. There are many things that we might think, even if it is our opinion, are problematic with reservation life. There are probably many factors they deal with that have nothing to do with necessarily the incarceration time but have to do with what they return to. Do they return to opportunity or return to despair? I move for a DO NOT PASS on SB 2046.

Rep. Johnston seconded the motion.

Chairman Kasper: I have served on the tribal relations committee. It was always frustrating because of the lack of participation by the tribal side when we had those meetings. I understand the problems on the reservations. If this is going to work, we have to have the tribes want this, and we haven't really seen that.

House Government and Veterans Affairs Committee

SB 2046

3/16/17

Page 3

A roll call vote was taken. 12 Yeas, 2 Nays, 0 Absent.

Rep. B. Koppelman will carry the bill.

Date: 3-16-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2046

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 B. Koppelman Seconded By Johnston

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	X		Pamela Anderson		X
Scott Louser-Vice Chairman	X		Mary Schneider		X
Jason Dockter	X				
Craig A. Johnson	X				
Daniel Johnston	X				
Karen Karls	X				
Ben Koppelman	X				
Vernon Laning	X				
Christopher D. Olson	X				
Karen M. Rohr	X				
Vicky Steiner	X				
Steve Vetter	X				

Total (Yes) 12 No 2

Absent 0

Floor Assignment B. Koppelman

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

REPORT OF STANDING COMMITTEE

SB 2046: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
SB 2046 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2046

Representative Marvin E. Nelson, District 9

Chairman Tribal Relations Committee

Madam Chairman and members of the Senate Government and Veterans Affairs Committee,

SB2046 comes to you from the Tribal Relations Committee.

We have a problem of overrepresentation of Natives in our Prison population in ND. One thing we believe is creating that problem is the different judicial systems and how they treat juveniles.

Tribal courts have very few options, basically probation or incarceration. We heard about how youth are being handcuffed and riding in a car as far as Iowa and Arizona for a cell in the federal system. Most often they are taken to Montana. They do not receive services to intervene and help them with the problems which are resulting in their criminal activity. Basically they are locked up, separated from family and community until they are returned, usually with every problem they had and more.

The idea is to allow access to the state system by the Tribal Courts. There actually was such an agreement in place with Turtle Mtn. when Senator Marcellais was chairman but it required them to pay and due to financial difficulties the tribe withdrew. Council doesn't believe this legislation is actually required to do agreements today, but we were told by executive agencies that they feel it is necessary.

The agreement is set up such so as to respect Tribal sovereignty, allowing the Tribal Court to pull the juvenile out of the state system and it also respects the state in that there must be room available, the state is not required to take the juvenile if they do not have space available.

The hope is that tribal juvenile offenders can undergo evaluation and receive the help they need to break the cycle and keep them from later showing up in our criminal system as adults and costing the state many things including money.

We believe this would have many positive effects over time including a decrease in the overrepresentation of Natives in our prison population.

Thank you for your consideration.

The following information is an excerpt from the 2017 Final Report of the Legislative Management regarding the tribal youth study conducted by the Tribal and State Relations Committee.

Vonette Richter
Code Revisor
Legislative Council

TRIBAL AND STATE RELATIONS COMMITTEE

TRIBAL YOUTH STUDY North Dakota Juvenile Justice System

North Dakota has a two-tiered system in which services are provided by the juvenile court, a division of the state's judicial system; and by the Division of Juvenile Services, a division of the Department of Corrections and Rehabilitation, an executive branch agency.

The North Dakota juvenile justice system is largely defined through the role of the juvenile court under Chapter 27-20, known as the Uniform Juvenile Court Act. The Uniform Juvenile Court Act established the juvenile court as a division of the district court. The juvenile court has exclusive and original jurisdiction over any child who is alleged to be deprived, delinquent, or unruly. In North Dakota, youth ages 7 up to age 18 who are alleged to have committed a delinquent or unruly act fall under the jurisdiction of the juvenile court.

Generally, the juvenile offenders who commit more serious crimes or who are chronically involved in delinquent behavior are placed with the Division of Juvenile Services. Juveniles with less serious offenses are supervised in juvenile court either formally before a judicial officer or informally with a juvenile court officer. Whether a juvenile is with the Division of Juvenile Services or the juvenile court the philosophy of case management is the same--a continuum of care with comprehensive case management.

The Division of Juvenile Services operates eight regional offices in eight cities across the state providing services to all counties in the state. The Division of Juvenile Services does not provide direct services to the juvenile tribal courts. The juvenile court essentially provides the same services for juveniles except the services are provided within the community.

Testimony and Committee Considerations

In its study of 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, the committee received testimony and information from a district judge, the Director of the Division of Juvenile Services, a tribal judge, a tribal prosecutor, tribal council members, and tribal members.

The committee learned from the testimony that a great disparity exists between the state courts and the tribal courts in the level of services available to youth who are adjudicated in each court. In the Human Services Region III--which includes Ramsey, Benson, Towner, Rolette, Cavalier, and Eddy Counties--along with the Turtle Mountain Band of Chippewa Indians and Spirit Lake Sioux Tribe Reservations, there are no adolescent psychiatric beds, no substance abuse treatment beds, no safe beds for heightened, but not imminent-risk adolescents, no detox units, and no detention for delinquency.

The information indicated when dealing with juveniles in the state system, the goal is to be able to offer the services necessary to keep the juveniles out of juvenile court. Juvenile supervisors and juvenile probation officers try to keep youth out of court by using diversion programs. For those juveniles who become involved in the juvenile court system, the North Dakota Youth Correctional Center is an option. At the center, a juvenile has access to treatment, counseling, and educational programming.

When a tribal youth commits delinquent acts, the tribal judge does not have the same options as the juvenile court judge. Tribal judges do not have access to the Division of Juvenile Services or the Youth Correctional Center. In the tribal system the infrastructure does not exist to provide options other than detention. In most cases, that detention is for a long period of time and is far from the tribal youth's home. In the state system the effort is always made to return the youth to the youth's family, an option not available to tribal youth.

Testimony from a tribal prosecutor indicated as a result of the lack of treatment, education, counseling, and other services, tribal youth adjudicated in tribal court have a much higher rate of recidivism than youth adjudicated in the state system.

The committee reviewed a tribal-state agreement from Utah under which a tribal youth who commits a delinquent act can be sent to a state youth correctional center for services. Under the Utah system, the state provides services to delinquent tribal youth without cost to the tribe.

Testimony from a representative of the Division of Juvenile Services indicated the Youth Correctional Center and several of the tribes have entered informal agreements for the provision of services, both detention and longer term correctional placement, at various times over the years. The agreements allowed for the case-by-case analysis and placement of tribal youth at the Youth Correctional Center. It was noted in Chapter 54-40.2, which outlines the process for creating agreements between public agencies and Indian tribes, gives the Department of Corrections and Rehabilitation the authority to enter a memorandum of understanding to provide state services to juvenile youth.

During the course of the discussion of the need to provide services to tribal youth, the committee considered a bill draft to establish a pilot program to provide state services to juveniles adjudicated in tribal court. The bill draft would direct the Department of Corrections and Rehabilitation to offer to negotiate a memorandum of understanding with the government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for the custody, care, and treatment of tribal juveniles adjudicated in tribal court in accordance with tribal or federal laws. Testimony in support of the bill draft indicated although the option for the state and the tribes to collaborate is available without legislation, no action has been taken. The testimony suggested legislation is needed to get the process started.

Testimony from tribal representatives in support of the bill draft indicated the bill draft would formalize a process that would be in the best interest of tribal youth. The testimony noted a bill draft would be a positive step forward in repairing the relationship between the state and the tribes and would aid in a closer government-to-government understanding.

Recommendation

The committee recommends Senate Bill No. 2046 to establish a pilot program for providing state services to juveniles adjudicated in tribal court. The bill directs the Department of Corrections and Rehabilitation to offer to negotiate a memorandum of understanding with the government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for the custody, care, and treatment of tribal juveniles adjudicated in tribal court in accordance with tribal or federal laws.

Attachment 1

2046

3/2/17

SB2046

3/2/17

House Government and Veteran's Affairs

Chairman Representative Jim Kasper

Mr. Chairman and members of the Government and Veteran's Affairs Committee, SB2046 comes to you from the Tribal Relations Committee.

We have a problem in North Dakota, our Native American population is vastly overrepresented in our penal system. While approximately 5% of our population is Native American about 20% of our prison population is Native.

In our committee we received information on how juvenile justice was or maybe better, wasn't working on our reservations. Our state juvenile justice system has taken great strides to intervene, to find out what is the underlying problems and to deal with those. Things like drugs, abuse, and so on. The idea is to divert the juvenile from a life involved in the penal system, and while of course nothing is 100%, it can and does help reduce our adult prison population.

Contrasted with what is available to tribal courts. Basically a judge has the choice of probation or incarceration. We heard how normally the juvenile is taken out of state, often Montana, but sometimes to other states as far away as Arizona. There the juvenile doesn't receive much of anything in the way of counseling or evaluations and eventually they return with every problem they had when they left and often more. It is a system that seems designed to turn people into criminals.

The goal of this bill is to have a pilot program with a tribe to allow their tribal judges to put a juvenile into the state system. The agreement would respect the sovereignty of both the state and tribe. If the tribal court felt the need to pull the juvenile out, it could. At the same time, the state must have the available space and resources to take the juvenile, they are not required to take the juvenile.

For a period of time, there was a program with Turtle Mountain, it was when Senator Marcellais was chairman, but it collapsed because it required the tribe to pay daily fees and the financial difficulties of the tribe ended it. It does though provide us with a very good framework on which to build a new agreement. I should point out though that this is not a Turtle Mountain bill, the tribe we looked at the most was Spirit Lake due to relationships already built in the court system and the drug epidemic. Judge Foughty at Devils Lake provided valuable testimony of his observations and recommendations. Dept. of Corrections was also very supportive.

We need to do something to work towards reducing our prison population of Native Americans, it is hoped that this will be a successful program to work towards that goal. Thank you

Rep. Marvin E. Nelson, Dist. 9

1

The following information is an excerpt from the 2017 Final Report of the Legislative Management regarding the tribal youth study conducted by the Tribal and State Relations Committee:

TRIBAL AND STATE RELATIONS COMMITTEE

TRIBAL YOUTH STUDY North Dakota Juvenile Justice System

North Dakota has a two-tiered system in which services are provided by the juvenile court, a division of the state's judicial system; and by the Division of Juvenile Services, a division of the Department of Corrections and Rehabilitation, an executive branch agency.

The North Dakota juvenile justice system is largely defined through the role of the juvenile court under Chapter 27-20, known as the Uniform Juvenile Court Act. The Uniform Juvenile Court Act established the juvenile court as a division of the district court. The juvenile court has exclusive and original jurisdiction over any child who is alleged to be deprived, delinquent, or unruly. In North Dakota, youth ages 7 up to age 18 who are alleged to have committed a delinquent or unruly act fall under the jurisdiction of the juvenile court.

Generally, the juvenile offenders who commit more serious crimes or who are chronically involved in delinquent behavior are placed with the Division of Juvenile Services. Juveniles with less serious offenses are supervised in juvenile court either formally before a judicial officer or informally with a juvenile court officer. Whether a juvenile is with the Division of Juvenile Services or the juvenile court the philosophy of case management is the same--a continuum of care with comprehensive case management.

The Division of Juvenile Services operates eight regional offices in eight cities across the state providing services to all counties in the state. The Division of Juvenile Services does not provide direct services to the juvenile tribal courts. The juvenile court essentially provides the same services for juveniles except the services are provided within the community.

Testimony and Committee Considerations

In its study of 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, the committee received testimony and information from a district judge, the Director of the Division of Juvenile Services, a tribal judge, a tribal prosecutor, tribal council members, and tribal members.

The committee learned from the testimony that a great disparity exists between the state courts and the tribal courts in the level of services available to youth who are adjudicated in each court. In the Human Services Region III--which includes Ramsey, Benson, Towner, Rolette, Cavalier, and Eddy Counties--along with the Turtle Mountain Band of Chippewa Indians and Spirit Lake Sioux Tribe Reservations, there are no adolescent psychiatric beds, no substance abuse treatment beds, no safe beds for heightened, but not imminent-risk adolescents, no detox units, and no detention for delinquency.

The information indicated when dealing with juveniles in the state system, the goal is to be able to offer the services necessary to keep the juveniles out of juvenile court. Juvenile supervisors and juvenile probation officers try to keep youth out of court by using diversion programs. For those juveniles who become involved in the juvenile court system, the North Dakota Youth Correctional Center is an option. At the center, a juvenile has access to treatment, counseling, and educational programming.

When a tribal youth commits delinquent acts, the tribal judge does not have the same options as the juvenile court judge. Tribal judges do not have access to the Division of Juvenile Services or the Youth Correctional Center. In the tribal system the infrastructure does not exist to provide options other than detention. In most cases, that detention is for a long period of time and is far from the tribal youth's home. In the state system the effort is always made to return the youth to the youth's family, an option not available to tribal youth.

Testimony from a tribal prosecutor indicated as a result of the lack of treatment, education, counseling, and other services, tribal youth adjudicated in tribal court have a much higher rate of recidivism than youth adjudicated in the state system.

The committee reviewed a tribal-state agreement from Utah under which a tribal youth who commits a delinquent act can be sent to a state youth correctional center for services. Under the Utah system, the state provides services to delinquent tribal youth without cost to the tribe.

Testimony from a representative of the Division of Juvenile Services indicated the Youth Correctional Center and several of the tribes have entered informal agreements for the provision of services, both detention and longer term correctional placement, at various times over the years. The agreements allowed for the case-by-case analysis and placement of tribal youth at the Youth Correctional Center. It was noted in Chapter 54-40.2, which outlines the process for creating agreements between public agencies and Indian tribes, gives the Department of Corrections and Rehabilitation the authority to enter a memorandum of understanding to provide state services to juvenile youth.

During the course of the discussion of the need to provide services to tribal youth, the committee considered a bill draft to establish a pilot program to provide state services to juveniles adjudicated in tribal court. The bill draft would direct the Department of Corrections and Rehabilitation to offer to negotiate a memorandum of understanding with the government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for the custody, care, and treatment of tribal juveniles adjudicated in tribal court in accordance with tribal or federal laws. Testimony in support of the bill draft indicated although the option for the state and the tribes to collaborate is available without legislation, no action has been taken. The testimony suggested legislation is needed to get the process started.

Testimony from tribal representatives in support of the bill draft indicated the bill draft would formalize a process that would be in the best interest of tribal youth. The testimony noted a bill draft would be a positive step forward in repairing the relationship between the state and the tribes and would aid in a closer government-to-government understanding.

Recommendation

The committee recommends Senate Bill No. 2046 to establish a pilot program for providing state services to juveniles adjudicated in tribal court. The bill directs the Department of Corrections and Rehabilitation to offer to negotiate a memorandum of understanding with the government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for the custody, care, and treatment of tribal juveniles adjudicated in tribal court in accordance with tribal or federal laws.

Kasper, Jim M.

Attachment 1
2046

From: Bjergaard, Lisa J.
Sent: Friday, March 10, 2017 9:16 AM
To: Kasper, Jim M.
Subject: SB2046

3-16-17

Dear Representative Kasper:

In the committee hearing for SB2046, it was suggested that I should provide you with a memo regarding modifications to the current language of the bill.

Although I was glad to answer your questions yesterday, as best I was able, I will not be able to provide you with the memo you requested. As this is not an agency bill, it is the position of the DOCR that this further clarification should come from the bill's sponsor. The DOCR does not have an opinion on modifications to the bill. The DOCR was asked to submit a fiscal note, which has been provided.

Regards,

Lisa Bjergaard
North Dakota Division of Juvenile Services
North Dakota Department of Corrections and Rehabilitation