

**2019 SENATE HUMAN SERVICES**

**SB 2204**

# 2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

SB 2204  
1/30/2019  
Job # 31764

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to establishing a commission on children's health and well-being; to provide a report to the legislative management; and to provide an expiration date.

## Minutes:

No Attachments

**Madam Chair Lee:** Opens the hearing on SB 2204.

**(00:45) Senator Dick Dever from District 32 representing Bismarck. Introduces SB 2204 and gives a brief description.**

**(07:24-08:56) Representative Lisa Meier from District 32 representing Bismarck.** Testifying in favor of SB 2204. Testimony is as follows.

**Representative Meier:** I want to begin my testimony with a statement “children are the infrastructure of our state”. During the interim myself, Senator Dever, Senator Nelson, and along with other legislators who had done an interim committee called Alternative to Incarceration Committee. During the process of serving on this committee I felt there should be more of an emphasis on youth. After having a discussion with some individuals we thought it was a good idea to put together a working group of very seasoned and committed individuals, some of which are here to testify today, that if passed would make a significant difference for the betterment of our great state. The purpose of establishing a children’s caucus are to address important issues that are happening with our youth in our state. I believe it is time to take a comprehensive look on how the state is providing services in relation to our youth. I believe with this structure of this cabinet we would have a shift of change of a more positive outcome for our youth in our state. Let’s work together to protect our most important infrastructure, our children. Thank you.

**Senator Hogan:** You referenced the alternatives to incarceration study in the interim, was that a legislative initiative?

**Representative Meier:** Yes, it was.

**Senator Hogan:** Do you see this being a legislative initiative?

**Representative Meier:** It would be. That would be my vision.

**Madam Chair Lee:** I was just curious about having six legislators on this commission. Can you explain why you would think that would add to the mix appropriately.

**Representative Meier:** When we had gathered we thought that it would be important to look at who wanted to put forward legislation, and that is the intent to look at legislation for the upcoming session. We felt that was a good number to start with, if the committee feels that they would want that a little bit different, that is entirely up to this committee. We felt that was a good starting number.

**(10:52-13:20) Cory Peterson, Director of Juvenile Court. Testifying in favor of SB 2204.**  
Testimony is as follows.

Cory Peterson: I rise to support the bill. I did have a lot of conversations with Senator Dever, Pam Sagness, and Representative Meier regarding SB 2204. I think just a little historic perspective this is an exciting session for us. We are hearing a lot of children issues being brought to the fore front with taskforce, commissions, trauma screenings, etc. This is just momentum to put together a group of folks to get to the bottom of the crisis that we are in on a day to day basis in the communities with children in schools, courts, and social services. One thing I will address; we have been working on something like this probably for the last four years. The Council of State Government did come to this state and looked at juvenile justice issues and gave the court a number of recommendations in which we have implemented. We are a very small piece, as you heard in testimony yesterday, we shouldn't be the front door. When a child is in crisis, law enforcement should not be the mental health provider to get them to court house. The next phase where this recommendation came out of was the Dual Status Youth Initiative. We have been working on that for 18 months and starting to implement that in January and one of the recommendations from the RFK (Robert F. Kennedy) was to look at a cabinet or commission to look at policy makers to get to the fore front of what is going on in our laws for children and primarily that is in 20720, 20721 which is the Department of Corrections for kids. I just wanted to throw my support behind the bill.

**Senator Hogan:** Can you get us a copy of those RFK (Robert F. Kennedy) and the Dual Status Youth Initiative recommendations?

**Cory Peterson:** Yes, I can get you a copy of both of those.

**Senator O. Larsen:** Did they have any legislation that was brought forth from that group?

**Cory Peterson:** Yes, one of those bills started in the house to raise the age of the culpability of a child to be charged with a crime in ND from 7 to 10. Most of these recommendations were policy decisions within juvenile court that we could change without legislation.

**(15:17-15:50) Lisa Bjergaard, Director of the Division of Juvenile Services with the Department of Human Services. Testifying in favor of SB 2204.**

**Senator O. Larsen:** Do you have juvenile drug court with your group?

**Lisa Bjergaard:** The drug courts are run through the court and I'm with the department of corrections so we don't operate the drug courts.

**Senator O. Larsen:** Do you know anything about that, if there is a juvenile drug court.

**Lisa Bjergaard:** Yes, there are juvenile drug courts.

**Senator Hogan:** Do you see this commission as a two-year time limit or do you see it as a continuation of a long term structure.

**Lisa Bjergaard:** I think I would echo what Corey Peterson said just being excited that there seems to be some wind under the wings of child issues right now. I would hope that this would go on but certainly you should be able to tell in the next couple of years.

**Senator Hogan:** Senator Anderson just corrected me and showed me that in the bill it says to 2027. This is a very large group in terms of structure. Are you open to say can that group kind of work and having done this with the children's behavioral health taskforce two years ago, we learned people were fighting to get on it? Were you party to defining who should be on the list and how hard that is to do?

**Lisa Bjergaard:** That's part of the reason it looks the way it does. We could not support more of what you heard yesterday on SB 2313 about behavioral health just really needing time to develop its strategy to really get its footing before everyone is asking to get other things done. I couldn't support more of what they are doing. In the meantime, kids are going by us in the river and there are things that we could/should do. Often times you are asked to make decisions without data, I think that if you have a group that can devote itself to asking the right questions it can help us discover our priorities. If we are going to shut this back door or front door however you view it, we need more information and we need people who know what they are talking about. It would great if we could diminish the juvenile courts and I would love to shut the youth correctional center. In order to do that, public safety is always going to win out over this other stuff unless we get deliberate about it. We have some energy to do something about that now.

**Senator Hogan:** How do you see this compared to the children services coordinating committee because, I know you have been involved in those.

**Lisa Bjergaard:** I made a joke yesterday to Roxanne Romanick about; I hope they get that ADA issue fixed up here because I have a feeling we will be coming in with our walkers to still say, what are we doing for kids. The vision always was to get the regional local voice back up so that local regions can speak to what they see their needs are in their community. I think this could be a vehicle for that.

**Senator Anderson:** I noticed in this bill it says the designee of the Indian parish commissioner, I noticed that the bill we worked on the other day which had a slightly different purpose, we took that language out. The bill actually said one designee of each of the tribes and I would like to hear some comments about the pros and cons of that idea.

**(22:06) Brad Hawk, Indian Health Administrator for North Dakota Indian Affairs**

**Commission:** Just kind of thinking about the bill yesterday and also this bill and the context of how our tribal nations are involved in behavioral health. I've been in here for over five years now and so for me to say that we need to invite our tribes to be a part of this stuff and I totally agree with that but, just from the experience that I've had it's really tough. It's really tough to get buy-in and have that commitment from each of the tribes to have someone be apart that. From our office we work on different initiatives and we do get the buy-in on certain but obviously the priorities are different from each tribe and so it gets a little tough but I think if this is the path that the committee wants to take on changing that committee structure our office is fully supportive of that and we will work to get people to be on this committee. We have a few people in mind that could do this representing the tribes but it is going to take some work. What we see is a lot of our tribal providers are those that are working in this field are overworked and a lot of times it is hard for them to get away, thinking of policy and big picture stuff so they are trying to put out the fires and keep things going so that is kind of what we see.

**Madam Chair Lee:** When we were looking at making the change yesterday of pulling out the various executive branch department heads, we want you all to still be engaged. In each of those cases we want the departments of health, human service, DPI, and Indian services all to be kind of in the close concentric circle that's around this central hub to be a participant in this whole thing but trying to get some of the decision making involving other individuals that are directly involved. It isn't easy and I know it isn't easy with the tribes but that is sort of the vision, not saying that your involvement isn't important, I want you to know that I really want the India affairs commission to remain engaged in this.

**Brad Hawk:** In our office we get a lot of calls, we get calls on children that are struggling even if they are in a foster home they are having behavioral issue with the foster parents and all that so we get a lot of those calls. In my opinion we will be involved anyways. We will be here and we will continue to work on this.

**Madam Chair Lee:** Good, we welcome your participation.

**Senator O. Larsen:** When I used to teach at the job corps we used to get a lot of good people from all of the tribes that would come up. Has there ever been an outreach from the upper chairman or leadership to reach down to the young leaders, and I know that everyone is stretched but to ask the young leaders and say go to these meetings and go do that at the high school level or at the college level and say, we need you. When I was doing the job corps I would have these kids and they would be busy too and I would just say hey, I need you to go do this thing at the fair or I need you to come and hang out at the AG show, and when I would ask them they would enthusiastically say yes. I know that the leadership part of it, they are always being pulled but if there was some openness to ask the younger generations.

**Brad Hawk:** I think that is an option and we see that come up and down. There are youth groups that are very interactive and want to get stuff done and then as they go on to college your kind of lose that for a while. Right now we have a pretty active group in Turtle Mountain that is doing some youth group work and looking to change some policies in their schools. We also see it in Spirit Lake and Standing Rock also. We know that there are youth groups

that could do that, the hard part is trying coordinate on who would come and be a part of that. There are efforts happening locally but we just don't hear it.

**Madam Chair Lee:** Any further questions?

Closes the hearing on SB 2204

# 2019 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

SB 2204  
2/11/2019  
Job # 32505

- Subcommittee  
 Conference Committee

Committee Clerk:

## Explanation or reason for introduction of bill/resolution:

Relating to establishing a commission on children's health and well-being; to provide a report to the legislative management; and to provide an expiration date.

## Minutes:

No Attachments

**(56:58) Madam Chair Lee:** Now, we will entertain Senator Andersons motion.

**Senator Anderson:** I move a **DO NOT PASS** on **SB 2204**  
**Seconded Senator O. Larsen**

**ROLL CALL VOTE TAKEN**

**6 YEA, 0 NAY, 0 ABSENT**

**MOTION CARRIES DO NOT PASS**

**Senator Lee will carry SB 2204 to the floor.**

Date: 2/11/19  
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2204**

Senate Human Services 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 Anderson Seconded By Larsen

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. J. Lee

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

**REPORT OF STANDING COMMITTEE**

**SB 2204: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.