

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2069**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Government and Veterans Affairs Committee

Missouri River Room, State Capitol

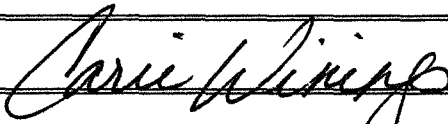
SB 2069

01/10/2013

Job Number 17063

☐ Conference Committee

Committee Clerk Signature



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

A BILL for an Act to create and enact an new section to chapter 25-04 of the North Dakota Century Cod, relating to directing the legislative council to change the name of the developmental center at Westwood Park, Grafton, to the life skills and transition center.

### Minutes:

**Chairman Dever:** Opened the hearing on SB 2069.

**Alex Schweitzer, Director of Field Services for the Department of Human Services:** See Attachment #1 in support.

(4:35) **Senator Cook:** I am surprised to see the specialized services for sex offending individuals, are these adults?

**Alex Schweitzer:** Yes they are adults. There are individuals that have an intellectual disability and they have had a history of sex offenses. Because of that, they do not function in community settings so we have a specialized program to deal with not only the issues of their sex offending but to provide a more secure environment for them so they do not continue to have that type of behavior.

**Senator Cook:** So they have offended but have not been sentenced to a prison term because of their intellectual disability?

**Alex Schweitzer:** That is correct; because of the fact that they would never be able to proceed into a criminal sense.

**Senator Cook:** That would keep them from going to Jamestown too then?

**Vice Chairman Berry:** How do those individuals arrive at the center? If they are not fit to proceed, does the court still have the authority to direct them to be housed there?

**Alex Schweitzer:** That is correct. The court can direct them, commit them to the facility. Other times they are referred by local Human Service centers. In most cases, a court order.

**Vice Chairman Berry:** Prior to any dismissal, is that based on the court's decision?

**Alex Schweitzer:** That decision is made by the court on our recommendation. Some individuals are transitioned into the community and have done very well living in the community. We have 21 individuals that have left the program at the state hospital that are not intellectually disabled and because of services we provide in the community they are able to function in the community. Certainly we would never want to discharge someone into the community unless we were sure they had the services and the protections were in place for them to not re-offend.

**Vice Chairman Berry:** What is the rate of return?

**Alex Schweitzer:** Out of the 21 at the state hospital, three have returned. Two went back to prison for non-sex offense and one came back because of sex offense.

**Vice Chairman Berry:** How about in Grafton?

**Alex Schweitzer:** No one has returned.

**Chairman Dever:** So this name change is not to change the mission of the center but to acknowledge the change that has already taken place.

**Alex Schweitzer:** That is correct. It is pretty common. If you look at the history of the developmental center, the name has changed name many times (gives examples). Most states try to reflect to what the current mission is. We felt life skills are what are about and we are a transition center for those with disabilities. The intent is not for them to remain their whole life but to provide services that enable them to return to a community setting.

**Chairman Dever:** This won't cause any confusion with any other kinds of programs like the life skills program in the Bismarck public schools system?

**Alex Schweitzer:** I hope not.

**Chairman Dever:** I think I saw that there are 392 employees at the developmental center?

**Alex Schweitzer:** Right around 400 that provide services external and in the community and at the campus.

**Chairman Dever:** How many of those would be at the campus? I am curious about your outreach across the state?

**Alex Schweitzer:** I can get that for you.

**Senator Nelson:** That is like a 5 to 1 ratio?

**Alex Schweitzer:** That is correct. We are a 24/7 and 365 day facility and we have to staff 3 shifts. A good number of those employees, around 290, do the day to day management of the individuals. Some are out in community but they need staff. Also, it is a pretty big campus and you have to maintain upkeep and all.

**Chairman Dever:** Are there efforts to continue to reduce population there?

**Alex Schweitzer:** That is correct. That is the intent with the name of the transition center; that we will continue to transition people. That they meet the criteria for community placement.

**Vice Chairman Berry:** In regards to the adult population, can you give us an idea of the different reasons people would be there?

**Alex Schweitzer:** There are a variety of intellectual disabilities that have a variety of levels of mental retardation (profound to borderline), deaf and blind, sex offenses, and we also serve kids with intellectual disabilities. We have eight kids/adolescents at this time. We serve those individuals until we can find an adequate community placement. Most of those in youth

transition have significant behavioral issues along with their intellectual disabilities. All of them have intellectual disabilities and meet the criteria under the state for developmentally disabled.

**Chairman Dever:** They are still in the center instead of in the community because their situation is more complicated?

**Alex Schweitzer:** That is correct. As we transition people out we are seeing that to provide community services is going to require a more intense level of staffing in the community.

(13:00) **Chairman Dever:** Any other testimony in Support, Opposed, Neutral?

**Chairman Dever:** Closed hearing.

**Senator Nelson:** Moved a Do Pass on SB 2069.

**Vice Chairman Berry:** Seconded.

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

**SB 2069 passed.**

**Senator Poolman:** Carrier.

Date: 1/10/13

Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. : 2069

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen Nelson Seconded By Sen Berry

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais		
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Poolman

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

**REPORT OF STANDING COMMITTEE**

**SB 2069: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2069 was placed on the Eleventh order on the calendar.

**2013 HOUSE POLITICAL SUBDIVISIONS**

**SB 2069**



# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Political Subdivisions Committee

Prairie Room, State Capitol

SB 2069  
March 7, 2013  
Job # 19537

☐ Conference Committee

Committee Clerk Signature



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

Relating to directing the legislative council to change the name of the developmental center at Westwood Park, Grafton, to the life skills and transition center.

### Minutes:

Testimony #1

**Chairman N. Johnson:** opened the hearing on SB 2069.

**Alec Schweitzer, Director of Field Services for the Dept. of Human Services:** (See testimony #1) 0:2800 - 3:40

**Rep. L. Meier:** How many individuals do you service in a year?

**Alec Schweitzer:** The 85 adults and 8 children that we have in the facility are considered long term population and then we probably do 15-20 respite services during a given year where they come in for a short period of time and then return to their home or community facility.

**Rep. Kathy Hogan:** What do you see for Grafton in five years? Do you think that 85 numbers will go down even more?

**Alec Schweitzer:** Yes, the goal for the end of this biennium is 67 individuals so we feel we will transition at least another 18 adult individuals to the community. That seems to be a need and of course service for sex offending individuals so there will be a population there, but it will be significantly smaller.

**Rep. Kathy Hogan:** Do you see that number of 60 being long term stable over the next five years.

**Alec Schweitzer:** It is hard to predict how much lower it will go at this point.

**Rep. Kathy Hogan:** What was your all time high?

**Alec Schweitzer:** It was around 3,000 between Grafton and Sand Haven.

**Rep. M. Klein:** Have you taken a look at the cost of stationary or signage beyond the approximately figure?

**Alec Schweitzer:** We would not change stationary; we would just use what we have in stock. We don't anticipate a lot of costs. That is why there is no fiscal note attached to this bill.

**Rep. Beadle:** I am looking through Chapter 25-04 and it obviously just deals with the whole life skills and transition developments etc. Why are we enacting a new section to the Chapter instead of telling council to just clean this up for us sometime instead of just going through line by line and making the changes ourselves? All we are doing is changing to developmental center and replacing it with life skills and transition center; why don't we just go on line and line making that change instead of putting in a new section at the bottom of the whole chapter saying council do this whenever we print new stuff?

**Alec Schweitzer:** You are correct. I can't answer that question.

**June Larent, Attorney, Department of Human Services:** The references are not contained in this chapter and sometimes they are contained in chapters that we don't deal with on a daily basis, but somebody else has seen fit to include them as part of a reference in one of theirs. This is a catch all. It is an easier way to do it.

**Rep. Beadle:** Since it is amending the Century Code down the line wouldn't we have to come back in and rectify some of those changes or vote on them? I know we have had bills that have come into here before to make that change. I don't know why this is the better way of doing this?

**June Larent:** For future reference we would avoid using the developmental center at Westwood Park. It doesn't mean everyone would. It gives the Legislative Council permission to make changes as they go in case something gets missed. If there is another bill that is enacted and somebody inserts the developmental center at Westwood park Grafton and that doesn't get caught because this bill is still in progress; it allows the Legislative Council to change it before they put it into the code. That is how that process is intended to work.

**Rep. Koppelman:** On the issue of skills and transition center we talk about the continuing decline in population there; is there a point where you look at the function and can be assimilate this population into other places; do we need to maintain this center; is it costing us more than it is worth.

**Alec Schweitzer:** Yes it is part of the strategic plan. You have to have services in the community. It could happen and it could go away.

**Rep. Koppelman:** When you talk about your strategic plan; is the objective to make it useful or is it to say we are running a large operation here is something that is a drain on that system versus a vital part of it. How do you deal with that?

**Alec Schweitzer:** Part of the strategic plan is to involve the local community. I was in Grafton talking about the centers so we are working with the local community to look at options. The campus has become a little inefficient so we are working with the local community statewide to see if there are some other uses for the campus.

**Rep. Hatlestad:** You say you have the big campuses and you are downsizing now; are we destroying buildings and selling off property?

**Alec Schweitzer:** The State Hospital Campus is full because of the medium security prison is out there. On the developmental campus we have two buildings however that are in budget right now that would be destroyed this biennium if it was approved through this legislature. These buildings are in complete disrepair. We have two really good buildings there that should be utilized for something because they are setting empty and we heat them, but we have no services in them.

**Rep. Koppelman:** You mentioned in your testimony you deal with sexual offenders etc. Can you walk us through how that works?

**Alec Schweitzer:** The department provides services for people are either voluntary for services that have sex offenses or they are committed. The only way we would interact with the prisoners that they refer people through the court system to us. They are criminally committed, of course. We have three programs. We have an outreach program through the regional human service centers that provide sex offending services for people in the community. We have the program for sexually dangerous at the State Hospital; these are individuals with personality disorders and sexual disorders and we have close to 70 individuals in that program. At Grafton these are individuals that are specific intellectual developmental disabilities and there is about eight of them. We serve them there because they are so vulnerable that you would not dare place them in a program at the state hospital.

**Rep. J. Kelsh:** What if legislative council doesn't want to do this? On line 9 shouldn't it be shall?

**Alec Schweitzer:** I hope they do. I don't have any control over that.

Opposition: None

Hearing closed.

**Rep. Kathy Hogan:** Is Grafton one of the institutions referenced in the constitution?

**Rep. Klemin:** I think the mission is also arcade if I recall; something like feeble minded.

**Motion made to amend SB 2069, line 9; delete may and replace it with shall or must; what would be appropriate; Seconded by Rep. L. Meier.**

**Voice vote carried.**

House Political Subdivisions Committee

SB 2069

March 7, 2013

Page 4

**Do Pass As Amended Motion Made by Rep. A. Maragos; Seconded by Rep. L. Meier**

**Vote:            15   Yes     0   No     0 Absent   Carrier: Rep. A. Looyen**

Closed.

13.8109.01001  
Title.02000

Adopted by the Political Subdivisions  
Committee

March 7, 2013



PROPOSED AMENDMENTS TO SENATE BILL NO. 2069

Page 1, line 9, replace "may" with "shall"

Renumber accordingly

Date: 3-7-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2069

House Political Subdivisions Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Maragos Seconded By Rep. L. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein			Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looyen					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

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

Absent \_\_\_\_\_

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

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

line 9, must

voice  
vote  
carried?



Date: 3-7-13  
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO 2069

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.8109.01001

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Maragos Seconded By Rep. L. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Looyen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Looyen

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

**REPORT OF STANDING COMMITTEE**

**SB 2069: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "may" with "shall"

Renumber accordingly



**2013 TESTIMONY**

**SB 2069**

**Testimony  
Senate Bill 2069 - Department of Human Services  
Senate Government and Veterans Affairs Committee  
Senator Dever, Chairman  
January 10, 2013**

Chairman Dever, members of the Senate Government and Veterans Affairs Committee, I am Alex C. Schweitzer, Director of Field Services for the Department of Human Services. I am here today to testify in support of Senate Bill 2069, introduced at the request of the Department of Human Services.

Senate Bill 2069 would direct the Legislative Council to change the name of the North Dakota Developmental Center at Westwood Park, Grafton, to the Life Skills and Transition Center.

The North Dakota Developmental Center (NDDC) provides residential, work and day activity, medical, clinical, and outreach services for individuals with intellectual disabilities at a campus located in Grafton, North Dakota.

The NDDC has seen significant changes in its population and mission over the past seven years. The NDDC, by legislative mandate, has transitioned individuals with intellectual disabilities from the residential center to the community. The adult population of the NDDC has been reduced from 143 to 85 since 2005. While the NDDC has carried out the mandate of transitioning adults with intellectual disabilities to appropriate community settings, the NDDC has also transformed its services.

The transformation process has changed the NDDC from strictly a residential center to a comprehensive provider of services for individuals with intellectual disabilities. The residential center continues to provide medical, health and behavioral services, specialized services for sex offending individuals, brief respite care services, and youth transition services. In addition, over the last five years, the NDDC has started to provide outreach services that support individuals in independent living arrangements, clinical and consultation services to support community providers and their clients, and by providing specialized community-based therapeutic services across the state.

The Department appears before you today to request your consideration of the name change of the NDDC to the "Life Skills and Transition Center" to better reflect the current mission of the NDDC. NDDC residents are no longer considered life-long residents, as life skills training, transformation and transition services provided by the employees of the NDDC, have enabled clients to be served in the community either by private providers or the NDDC.

Thank you. I would be happy to answer any questions.

**Testimony**  
**Senate Bill 2069 - Department of Human Services**  
**House Political Subdivisions Committee**  
**Representative Johnson, Chairman**  
**March 7<sup>th</sup>, 2013**

Chairman Johnson, members of the House Political Subdivisions Committee, I am Alex C. Schweitzer, Director of Field Services for the Department of Human Services (Department). I am here today to testify in support of Senate Bill 2069, introduced at the request of the Department.

Senate Bill 2069 would direct the Legislative Council to change the name of the North Dakota Developmental Center at Westwood Park, Grafton, to the Life Skills and Transition Center.

The North Dakota Developmental Center (NDDC) provides residential, work and day activity, medical, clinical, and outreach services for individuals with intellectual and developmental disabilities at a campus located in Grafton, North Dakota.

The NDDC has seen significant changes in its population and mission over the past seven years. The NDDC, by legislative mandate, has transitioned individuals with intellectual and developmental disabilities from the residential center to the community. The adult population of the NDDC has been reduced from 143 to 85 since 2005. While the NDDC has carried out the mandate of transitioning adults with intellectual and developmental disabilities to appropriate community settings, the NDDC has also transformed its services.

The transformation process has changed the NDDC from strictly a residential center to a comprehensive provider of services for individuals with intellectual and developmental disabilities. The residential center continues to provide medical, health, and behavioral services, specialized services for sex offending individuals, brief respite care services, and youth transition services. In addition, over the last five years, the NDDC has started to provide outreach services that support individuals in independent living arrangements, clinical and consultation services to support community providers and their clients, and by providing specialized community-based therapeutic services across the state.

The Department appears before you today to request your consideration of the name change of the NDDC to the "Life Skills and Transition Center" to better reflect the current mission of the NDDC. NDDC residents are no longer automatically considered life-long residents, as life skills training, transformation and transition services provided by the employees of the NDDC, have enabled clients to be served in the community either by private providers or NDDC staff.

Thank you. I would be happy to answer any questions.