

2021 HOUSE JUDICIARY

HB 1034

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1034
1/13/2021

Relating to preliminary treatment and involuntary treatment hearings and references to an individual who is chemically dependent; and to provide a penalty. .

Chairman Klemin called the hearing to order at 9:00 AM.

Representatives	Attendance
Representative Lawrence R. Klemin	P
Representative Karen Karls	P
Representative Rick Becker	A
Representative Ruth Buffalo	P
Representative Cole Christensen	P
Representative Claire Cory	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Jeffery J. Magrum	A
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Shannon Roers Jones	P
Representative Bernie Satrom	P
Representative Steve Vetter	P

Discussion Topics:

- Timely reporting
- Court process
- Hospital program Odyssey
- Email or fax options for reporting

Samatha Kremer, Senior Counsel Legislative Counsel: Introduction: Testimony #642 (9:02)

Gregory la Rounge: Attorney in Bismarck. Testimony #627 (9:04)

Opposition:

Rosalie Etherington, Chief Clinics Officer for the Human Service Centers of the Department of Human Services Department. Verbal testimony 9:20

Gregory la Rounge: (9:38) Oral testimony

Chairman Klemin closed meeting at 9:21

House Judiciary Committee
HB 1034
Jan. 13, 2021
Page 2

Delores Shimek, Committee Clerk



North Dakota Legislative Council

Prepared for by the Legislative Council staff
LC# 21.9597.01000
January 2021

#642

TESTIMONY - HOUSE BILL NO. 1034 HOUSE JUDICIARY JANUARY 13, 2021

My name is Samantha Kramer, Senior Counsel, Legislative Council. This testimony is provided to explain House Bill No. 1034 (2021), which was introduced by the Legislative Management at the request of the 2019-21 interim Judiciary Committee. House Bill No. 1034 is the result of the interim Judiciary Committee's study the state's civil commitment laws and procedures under North Dakota Century Code Chapters 25-03.1 and 35-03.2 and the behavioral health and civil justice systems to determine whether steps could be taken to prevent and to decrease the incidence of violence committed by persons who are mentally ill.

EXPLANATION OF THE BILL

House Bill No. 1034 would require all parties in a civil commitment proceeding to receive a copy of the medical report pertaining to an involuntary treatment hearing at least 24 hours before the hearing and updates references to coincide with existing definitions.

HOUSE BILL NO. 1034

January 13, 2021

9:00 a.m.

Mr. Chairman and members of the House Judiciary Committee:

My name is Gregory Ian Runge. I am an attorney here in the Bismarck/Mandan area. I have been practicing law for little more than thirty years and have been practicing mental health under Section 25-03.1 of the North Dakota Century Code for that same amount of time, as well.

During this period of time I have represented, on average fifteen to twenty-five individuals a month on involuntary commitments.

I come here to speak in favor of House Bill No. 1034. As you can see, most of Bill No. 1034 pertains to changes in terminology. These changes are to have the statute come into agreement with the terminology of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5)(the bible of the psychiatric profession).

So as you can see on page 2, lines 6-7, line 16, line 29; page 5, lines 14-17; page 7, lines 12-13; page 8, lines 8-9; all have changes

from the term “Chemical dependency,” to “substance use disorder.”

Next, for sometime now, it has been a problem in getting the Report of Examination (F-2) and the Report Assessing Availability and Appropriateness of Alternative Treatment (F-2A) in a timely manner, that is, in time to discuss these reports with the respondent and to prepare for court. In the past, I have been handed these documents as I passed the Clerk of Court’s office on my way into the courtroom.

I can only believe that this may also be a problem in other parts of the state, as well. To this end, page 3 Lines19-21 and page 4, lines 23-25 seems to be the best solution to this problem.

If you have any question, I’ll be happy to answer them.

Gregory Ian Runge
Attorney at Law
Attorney for the Respondent

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1034
1/18/2021

Relating to preliminary treatment and involuntary treatment hearings and references to an individual who is chemically dependent; and to provide a penalty. .

Chairman Klemin called the meeting to order at 3:31PM.

Representatives	Attendance
Representative Lawrence R. Klemin	P
Representative Karen Karls	P
Representative Rick Becker	A
Representative Ruth Buffalo	P
Representative Cole Christensen	P
Representative Claire Cory	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Jeffery J. Magrum	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Shannon Roers Jones	P
Representative Bernie Satrom	P
Representative Steve Vetter	P

Discussion Topics:

- Amendment.

Motion Made to adopt amendment 21.0038.01001 by Rep. Roers Jones; Seconded by Rep. K. Hanson

Voice vote carried.

Do Pass As Amended Motion Made to by Rep. Roers Jones; Seconded by Rep. Satrom

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	A
Representative Ruth Buffalo	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	Y

Roll Call Vote: 12 Yes 1 No 1 Absent Carrier: Rep. Roers Jones

Chairman Klemin closed the meeting at 3.51.

Delores Shimek, Committee Clerk

January 18, 2021

DP 1/18/21
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1034

Page 1, line 17, after "court" insert "and immediately sent to the petitioner and the respondent"

Page 3, line 19, replace "The" with "Except for good cause, the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1034: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1034 was placed on the Sixth order on the calendar.

Page 1, line 17, after "court" insert "and immediately sent to the petitioner and the respondent"

Page 3, line 19, replace "The" with "Except for good cause, the"

Renumber accordingly

2021 SENATE JUDICIARY

HB 1034

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1034
2/10/2021

A BILL for an Act to amend and reenact sections 25-03.1-11, 25-03.1-17, 25-03.1-19, 25-03.1-26, 25-03.1-27, 25-03.1-30, 25-03.1-34, and 25-03.1-42 of the North Dakota Century Code, relating to preliminary treatment and involuntary treatment hearings and references to an individual who is chemically dependent; and to provide a penalty

Meeting called to order, all Senators present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson** [9:30]

Discussion Topics:

- Applicable penalties for chemical dependency
- Status of involuntary confinement

Samantha Kramer, Senior Counsel, Legislative Counsel provided neutral testimony[9:31]

Aaron Birst, Association of counties provided neutral testimony [9:32]

Senator Dwyer moved amendment
[LC 21.0038.02001] [9:35]

Senator Myrdal seconded the motion [9:35]
Vote passed 7-0-0

Vote to Amend HB 1034	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Senator Dwyer moved a DO PASS AS AMENDED
[9:37]

Senator Myrdal seconded the motion [9:37]
Vote Passed 7-0-0

Senator Dwyer Carried the bill

DO PASS AS AMENDED HB 1034	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Meeting adjourned [9:40]

Jamal Omar, Committee Clerk

February 10, 2021

CS
2/16
1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1034

Page 4, line 25, replace "The" with "Except for good cause, the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1034, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1034 was placed on the Sixth order on the calendar.

Page 4, line 25, replace "The" with "Except for good cause, the"

Renumber accordingly