

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2014

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LaCosta Rickford
Operator's Signature

10/15/03
Date

2003 SENATE APPROPRIATIONS

SB 2014

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2014

Senate Appropriations Committee

Conference Committee

Hearing Date January 17, 2003

Tape Number	Side A	Side B	Meter #
#2	X		618-2269
Committee Clerk Signature <i>Jan Henderson</i>			

Minutes:

Senator Holmberg, chairman opened the hearing on SB 2014 (#618)

Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A) (Exhibit #1)

P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy and legal representation, protective services education & training, self-advocacy support, systems advocacy, information, and referral services. P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or family member, guardian) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

P&A receives federal funding, from different sources, for six (6) advocacy programs which are: Developmental Disabilities (DD); Mental Health (MH); Protection & Advocacy for Individual Rights (PAIR); Assertive Technology (AT); Beneficiaries of Social Security (SSA); and

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Page 2
Senate Appropriations Committee
Bill/Resolution Number SB 2014
Hearing Date January 17, 2003

Traumatic Brain Injury (TBI) which is a new program. North Dakota was one of 28 states P&A's to receive a competitive grant for advocacy for people with traumatic brain injury and their families.

Each year P&A develops priorities for its advocacy programs after receiving public input. This is a directive of the federal government in recognition of the fact that a P&A cannot be all things to all people. Abuse, neglect, and exploitation remain P&A's top priority. Ending 9/30/02 received 502 reports (or allegations) of abuse, neglect, exploitation. 431 of these have been closed and the remaining 71 are pending. Of the closed allegations, 13 were determined not to have merit, 5 were withdrawn or terminated by the client, 2 found other representation, 409 were resolved in favor of the client and 2 were not favorably resolved.

P&A is also involved in a number of proactive and systemic activities related to abuse and neglect. P&A also provides significant advocacy in education. There were 136 cases in 2002, which included behavioral supports & services, least restrictive environment, identification & evaluation, and assertive technology, which were largely successful in being resolved in favor of the client. Other priority cases problem areas addressed in the past year included community integration, health care, employment and criminal justice. Other services provided include; information & referral and distribution of written material.

P&A uses the ND Center for Persons with Disabilities (NDCPD) at Minot State University to conduct an ongoing third-party consumer satisfaction survey of its advocacy representation. For those who sign a release form which allows P&A to forward their name to NDCPD which in turn contacts them and ask a series of questions related to the quality of P&A services.(A copy of the data results for the fiscal year ending 9/30/02 is Attachment A to Exhibit 1)

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Page 3
Senate Appropriations Committee
Bill/Resolution Number SB 2014
Hearing Date January 17, 2003

The proposed budget for the 2003-05 biennium maintains P&A's 8 offices located across the state as well as the existing 24.5 FTE's. While the agency has grown in terms of responsibilities through additional federal grants over the years, the agency attempts to use contract services whenever they can versus requesting additional FTE's. They contract with Central Legal Research at the UND law school; private attorneys when practicable and other professionals to facilitate priority projects.

Attachment B of the testimony provides the committee with dollar amounts for each of the federal grants for the past several years.

Attachment C provides a chart of the federal funding sources and the total projected revenue for P&A for the 03-05 biennium.

Attachment D & E detail the spending for the current biennium as well as requested changes for the 03-05 biennium.

Other testimonies:

Exhibit 2--Janelle Olson, Disabilities Advocate with the North Dakota Protection and Advocacy Project. She lives in Williston and serves a five county area. (was ill and unable to give her testimony--was given to the committee by Teresa Larsen

Exhibit 3: Natalie Maychrzak, a member of the Governing Board for the North Dakota Protection and Advocacy Project.

Exhibit 4 -- Kathy Schmit, consumer volunteer for the P&A Advisory Council for Individuals with Mental Illness.

Exhibit 5 --Jon Larson, Executive Director of Enable, Inc. He also represented the North Dakota Association of Community Facilities (NDACF).

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Senate Appropriations Committee
Bill/Resolution Number SB 2014
Hearing Date January 17, 2003

Exhibit 6--Jack McDonald--Spoke on behalf of the ARC.

All testimonies were in support of SB 2014.

Several other people were in the audience and signed the registration sheet in favor of SB 2014.

With no other testimony, Senator Holmberg closed the hearing on SB 2014 (#2269)

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2014 Votes

Senate Appropriations Committee

Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
#2	x		#1249- 1708

Committee Clerk Signature *Jan Hendriksen*

Minutes

SB 2014 Protection and Advocacy Project was on the agenda next for vote.

Senator Holmberg, chair, stated that there were amendments for this bill.

Senator Kilzer moved to accept the amendments (attached), second was heard. (#1332).

Voice vote was taken on the motion to accept amendments. Motion passed.

Motion by Senator Andrist to do pass as amended, seconded by Senator Christmann. Roll call

vote was taken, which is attached. Motion carried with 14 yes, 0 noes. Senator Kilzer will be the carrier.

(#1708)

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LaCosta Rickford
Operator's Signature Date 10/15/03

38037.0101
Title.0200
Fiscal No. 1

Prepared by the Legislative Council staff for
Senate Appropriations
February 7, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, line 10, replace "3,259,812" with "3,234,714"

Page 1, line 11, replace "2,459,138" with "2,445,011"

Page 1, line 12, replace "800,674" with "789,703"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Protection and advocacy services	\$3,259,812	(\$25,098)	\$3,234,714
Total all funds	\$3,259,812	(\$25,098)	\$3,234,714
Less estimated income	<u>2,459,138</u>	<u>(14,127)</u>	<u>2,445,011</u>
General fund	\$800,674	(\$10,971)	\$789,703
FTE	24.50	0.00	24.50

Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL SENATE CHANGES
Protection and advocacy services	(\$25,098)	(\$25,098)
Total all funds	(\$25,098)	(\$25,098)
Less estimated income	<u>(14,127)</u>	<u>(14,127)</u>
General fund	(\$10,971)	(\$10,971)
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

Date: 2/11/03
~~2014~~
 Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 38037.0101

Action Taken do pass as amended

Motion Made By Andrist Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Kilzer

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 12:57 p.m.

Module No: SR-27-2398
Carrier: Kilzer
Insert LC: 38037.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "3,259,812" with "3,234,714"

Page 1, line 11, replace "2,459,138" with "2,445,011"

Page 1, line 12, replace "800,674" with "789,703"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action

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Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes

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¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

2003 HOUSE APPROPRIATIONS

SB 2014

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Operator's Signature

10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

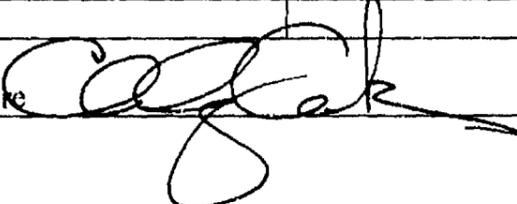
BILL/RESOLUTION NO. 2014

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date March 3, 2003

Tape Number	Side A	Side B	Meter #
One	XX	XX	

Committee Clerk Signature 

Minutes:

Chairman Delzer called the meeting to order with all members present except Rep. Kerzman.

Ms. Teresa Larsen, Executive Director, Protection and Advocacy Project, began testimony.

(see attached)

There was discussion regarding a grant received for traumatic brain injury (page one of testimony) and **Chairman Delzer** asked under what guidelines the agency applied for the grant. **Vice-Chair Warnke** asked whether or not the agency came to the budget section to discuss the issue. **Larsen** replied that they hadn't and that it was her understanding the agency didn't need permission from that body to apply for the grant. **Chairman Delzer** said that while they are not specifically required to do so, it would behoove the agency to keep the legislature informed of this development.

Larsen pointed out her agency's 70% survey response rate (attachment one of testimony).

Page 2
Human Resources Division
Bill/Resolution Number SB 2014
Hearing Date March 3, 2003

Chairman Delzer asked where the majority of general funds within her budget are used for.

Larsen stated the primary use of general fund dollars is administration. She stated that it is much easier for the agency to use general fund dollars for administration rather than federal because of stringent accounting constraints placed on federal funds. She provided the committee with an example of purchasing supplies used for various grants and the difficulty in splitting out costs associated with each grant.

Chairman Delzer asked whether or not there were administration costs that could feasibly be switched to federal dollars which would free up general fund dollars that could be used elsewhere within the Human Services budget to continue services. **Larsen** stated that she will research that issue and provide the committee with an amount.

In response to a question from **Rep. Kempenich**, **Larsen** stated that the \$25K salary increase is \$11K general and \$14K federal funds.

Chairman Delzer asked for a list of equipment and its funding source.

In response to a question from **Chairman Delzer**, **Larsen** stated that the increase in the travel line item was related to advisory council travel.

Jon Larson, Executive Director, Enable, Inc. testified in support of the bill. (see attached)

Jack McDonald, ARC, testified in support of the bill. (see attached)

Howard Snortland, AARP, testified in support of the bill. (see attached)

Carlotta McCleary, Federation of Families testified in support of the bill.

Mr. Jim Jacobson, Deputy Director, Protection and Advocacy, provided the committee an overview of how a case proceeds through the system. He stated that the agency provides a lot of

Page 3
Human Resources Division
Bill/Resolution Number SB 2014
Hearing Date March 3, 2003

training to providers and education, specifically to parents with children with special needs, and that their overall mission is to facilitate the rights of those with disabilities.

In response to a question from **Rep. Metcalf, Jacobson** responded that the agency conducts training at both scheduled time and as needed and is correlated mostly with staff turnover.

Chairman Delzer asked for an organizational chart.

In response to questions from **Vice-Chair Warnke, Larsen** responded that there is no match requirements for federal grants.

Larsen continued with "Funding Request by Reporting Level" (see attached)

Chairman Delzer asked about rollback and **Larsen** stated that the rollback is very little and that it is rebudgeted for the next biennium.

Chairman Delzer asked about the server that the department wants to purchase. **Corrine Hoffman, IT, Protection and Advocacy** stated that their current server is becoming technologically obsolete particularly in light of the planned implementation of new software that will facilitate their database management capacities.

Chairman Delzer asked if the department provides T1 lines to its employees and how much time employees spend using office equipment. **Hoffman** stated that the only staff that currently have T1's are in Bismarck and that it is difficult to determine how much time is spent, but that it varies according to location, use is probably associated with paperwork processing and that e-mail seems to be the primary online use.

Chairman Delzer asked whether or not servers could be shared among smaller agencies.

Hoffman stated that there are confidentiality issues and that a large portion of the server price tag is software. The server in question is \$7,000 and the software is \$2,500.

Page 4
Human Resources Division
Bill/Resolution Number SB 2014
Hearing Date March 3, 2003

In response to a question from **Chairman Delzer**, Hoffman stated that the department has never received and IT need questionnaire from ITD but had received a survey from the Auditor's office regarding IT needs.

Chairman Delzer asked for a general fund percentage of the IT budget.

Hoffman stated that currently the department is on a four year replacement cycle and plan to replace nine PC's at a cost of \$1,600 per unit.

In response to a question from **Chairman Delzer**, **Larsen** stated that the increase in the travel line item was not due to an increase in staff, but was instead related to motor pool mileage rate increases which are 25 cents for a sedan and 39 cents for a mini-van. In addition, the committee learned that the state motor pool rate fluctuates based on fuel prices.

Larsen said that the department's office is located in downtown Bismarck and pays \$9.00 per square foot and that includes parking for all staff. She also said that the booth rental represents three or four conferences that the department attends per year, such as the ND Association of Community Facilities. In addition, Larsen said that the NAPAS dues are .04% of the annual grant total.

Chairman Delzer asked for a breakdown of professional supplies used by the department.

Recess.

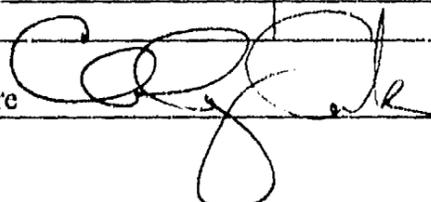
2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2014

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date March 7, 2003

Tape Number	Side A	Side B	Meter #
One	XX		
Committee Clerk Signature 			

Minutes:

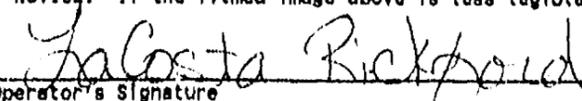
Chairman Delzer took the roll with all members present except Rep. Metcalf who walked in 5 minutes late.

Theresa Larsen, Executive Director, ND Protection and Advocacy, (see attached) began testimony with the organization chart of her department. She submitted information regarding a proposed pay plan (see attached), her operating budget (see attached), and an equipment list (see attached).

Susan Rae Helgeland, Regional Director, Mental Health Association of ND, (see attached)

Recessed.

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 10/15/03
Operator's Signature Date

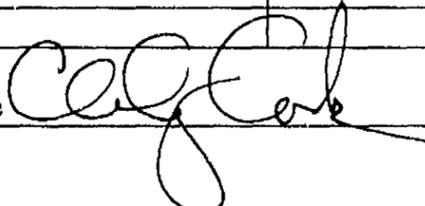
2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2014

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date March 27, 2003

Tape Number	Side A	Side B	Meter #
One	X		
Committee Clerk Signature 			

Minutes:

V-C Warnke called the meeting to order with all members present except Chairman Delzer.

Rep. Kempenich had questions regarding the IT line and learned that any changes will occur in full committee.

Rep. Bellew moved a do pass.

Rep. Kerzman seconded.

There was brief discussion regarding the \$40K decrease in general funding and the salary package (\$10,971 in general funds).

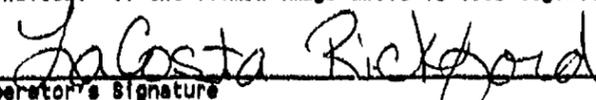
ROLL CALL VOTES

5 YES 0 NO 1 ABSENT

Rep. Kerzman will carry the bill.

Adjourned.

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 10/15/03
Operator's Signature Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2014

House Appropriations Committee

Conference Committee

Hearing Date 04-02-03

Tape Number	Side A	Side B	Meter #
2	X		8,9 - 12.3
Committee Clerk Signature <i>Chris S. Nyhus</i>			

Minutes:

Chairman Svedjan Opened SB 2014 for discussion. A quorum was present.

Rep. Kerzman I move amendment .0202 to SB 2014. 2nd by Rep. Metcalf.

Rep. Kerzman This bill is the Protection and Advocacy bill. These amendments reduce the health insurance premiums, and take out the 20% for technology. We didn't change it from the Senate other than those two amendments.

Motion Carries.

Rep. Kerzman I move a Do Pass As Amended. 2nd by Rep. Warnke

Rep. Kerzman This budget is for Protection and Advocacy. It is about 76% federal funds and 24% general. They do a good job looking out for people with disabilities.

Motion Carries 20-1-2. Rep. Kerzman will carry this bill on the floor.

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Operator's Signature

10/15/03
Date

38037.0202
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
House Appropriations
March 31, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, line 10, replace "3,234,714" with "3,208,929"

Page 1, line 11, replace "2,445,011" with "2,443,532"

Page 1, line 12, replace "789,703" with "765,397"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy Services	\$3,259,812	\$3,234,714	(\$25,785)	\$3,208,929
Total all funds	\$3,259,812	\$3,234,714	(\$25,785)	\$3,208,929
Less estimated income	<u>2,459,138</u>	<u>2,445,011</u>	<u>(1,479)</u>	<u>2,443,532</u>
General fund	\$600,674	\$789,703	(\$24,306)	\$765,397
FTE	24.50	24.50	0.00	24.50

Dept. 360 - Protection and Advocacy Project - Detail of House Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL HOUSE CHANGES
Protection and Advocacy Services	(\$2,683)	(\$23,102)	(\$25,785)
Total all funds	(\$2,683)	(\$23,102)	(\$25,785)
Less estimated income	<u>(1,478)</u>		<u>(1,479)</u>
General fund	(\$1,204)	(\$23,102)	(\$24,306)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$468.70 per month.

² This amendment reduces funding for information technology by \$23,102 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

Date: March 27, 2003
Roll Call Vote #: One

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House Appropriations - Human Resources Division Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Bellew Seconded By Rep. Kerzman

Representatives	Yes	No	Representatives	Yes	No
Rep. Jeff Delzer, Chairman					
Rep. Amy Warnke, Vice Chair	X				
Rep. Larry Bellew	X				
Rep. Keith Kempenich	X				
Rep. James Kerzman	X				
Rep. Ralph Metcalf	X				

Total (Yes) Five No Zero

Absent Rep. Delzer

Floor Assignment Rep. Kerzman

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

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Jacosta Rickford 10/15/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
April 3, 2003 1:57 p.m.

Module No: HR-60-6669
Carrier: Kerzman
Insert LC: 38037.0202 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "3,234,714" with "3,208,929"

Page 1, line 11, replace "2,445,011" with "2,443,532"

Page 1, line 12, replace "789,703" with "765,397"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Dept. 360 - Protection and Advocacy Project - Detail of House Changes

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL HOUSE CHANGES
Protection and Advocacy Services	(\$2,683)	(\$23,102)	(\$25,785)
Total all funds	(\$2,683)	(\$23,102)	(\$25,785)
Less estimated income	<u>(1,479)</u>		<u>(1,479)</u>
General fund	(\$1,204)	(\$23,102)	(\$24,306)
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

2 This amendment reduces funding for information technology by \$23,102 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

2003 SENATE APPROPRIATIONS
CONFERENCE COMMITTEE
SB 2014

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La Costa Rickford 10/15/03
Operator's Signature Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2014

Senate Appropriations Committee

Conference Committee

Hearing Date 04/21/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		265-350 #265

Committee Clerk Signature *Jan Henderson*

Minutes:

Senator Schobinger begins conference committee on SB 2014. Senators Schobinger, Christmann, Robinson and Representative Skarphol, Svedjan, Glassheim are all present.

Rep. Skarphol moves 0203 on SB 2014. Senator Christmann 2nds. Voice vote taken, motion carries.

Rep. Skarphol motions a Do Pass on SB 2014 as amended. Rep. Svedjan 2nd

Roll call taken all in favor.

Motion carries.

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La Costa Rickford
Operator's Signature

10/15/03
Date

38037.0203
Title.0400
Fiscal No. 1

Prepared by the Legislative Council staff for
Conference Committee
April 17, 2003

Jc3
4-21-03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

That the House recede from its amendments as printed on pages 1123 and 1124 of the Senate Journal and pages 1244 and 1245 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 10, replace "3,234,714" with "3,226,255"

Page 1, line 11, replace "2,445,011" with "2,443,532"

Page 1, line 12, replace "789,703" with "782,723"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Protection and advocacy services	<u>\$3,259,812</u>	<u>\$3,234,714</u>	<u>(\$8,459)</u>	<u>\$3,226,255</u>	<u>\$3,208,929</u>	<u>\$17,328</u>
Total all funds	\$3,259,812	\$3,234,714	(\$8,459)	\$3,226,255	\$3,208,929	\$17,328
Less estimated income	<u>2,459,138</u>	<u>2,445,011</u>	<u>(1,479)</u>	<u>2,443,532</u>	<u>2,443,532</u>	
General fund	\$800,874	\$789,703	(\$8,980)	\$782,723	\$765,397	\$17,328
FTE	24.50	24.50	0.00	24.50	24.50	0.00

Dept. 360 - Protection and Advocacy Project - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL CONFERENCE COMMITTEE CHANGES
Protection and advocacy services	<u>(\$2,683)</u>	<u>(\$5,776)</u>	<u>(\$8,459)</u>
Total all funds	(\$2,683)	(\$5,776)	(\$8,459)
Less estimated income	<u>(1,479)</u>		<u>(1,479)</u>
General fund	(\$1,204)	(\$5,776)	(\$8,980)
FTE	0.00	0.00	0.00

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment reduces funding for information technology by \$5,776 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 6 percent.

LaCosta Rickford
Operator's Signature

10/15/03
Date

REPORT OF CONFERENCE COMMITTEE

SB 2014, as engrossed: Your conference committee (Sens. Schobinger, Christmann, Robinson and Reps. Skarphol, Svedjan, Glasshelm) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1123-1124, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1123 and 1124 of the Senate Journal and pages 1244 and 1245 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 10, replace "3,234,714" with "3,226,255"

Page 1, line 11, replace "2,445,011" with "2,443,532"

Page 1, line 12, replace "789,703" with "782,723"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Protection and advocacy services	<u>\$3,259,812</u>	<u>\$3,234,714</u>	<u>(\$8,459)</u>	<u>\$3,226,255</u>	<u>\$3,208,929</u>	<u>\$17,326</u>
Total all funds	\$3,259,812	\$3,234,714	(\$8,459)	\$3,226,255	\$3,208,929	\$17,326
Less estimated income	<u>2,459,138</u>	<u>2,445,011</u>	<u>(1,479)</u>	<u>2,443,532</u>	<u>2,443,532</u>	_____
General fund	\$800,674	\$789,703	(\$6,980)	\$782,723	\$765,397	\$17,326
FTE	24.50	24.50	0.00	24.50	24.50	0.00

Dept. 360 - Protection and Advocacy Project - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL CONFERENCE COMMITTEE CHANGES
Protection and advocacy services	<u>(\$2,683)</u>	<u>(\$5,776)</u>	<u>(\$8,459)</u>
Total all funds	(\$2,683)	(\$5,776)	(\$8,459)
Less estimated income	<u>(1,479)</u>	_____	<u>(1,479)</u>
General fund	(\$1,204)	(\$5,776)	(\$6,980)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$5,776 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

SB 2014

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10/15/03
Date

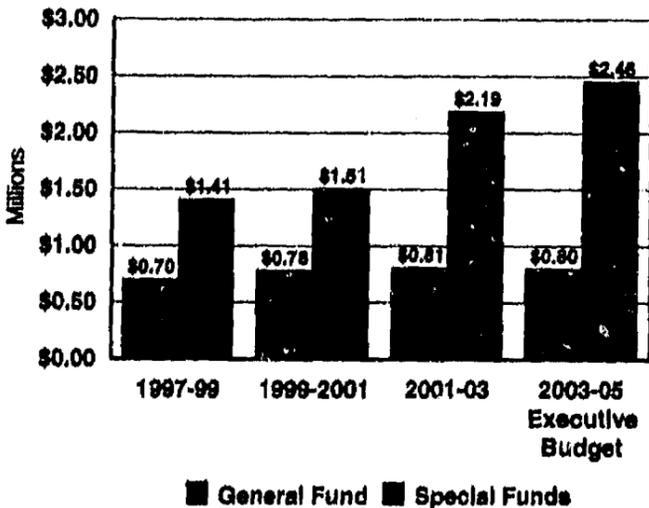
**Department 360 - Protection and Advocacy Project
 Senate Bill No. 2014**

	FTE Positions	General Fund	Other Funds	Total
2003-05 Executive Budget	24.50	\$800,874	\$2,459,138	\$3,259,812
2001-03 Legislative Appropriations	24.50	806,526 ¹	2,186,315	2,992,841 ²
Increase (Decrease)	0.00	(\$5,852)	\$272,823	\$266,971

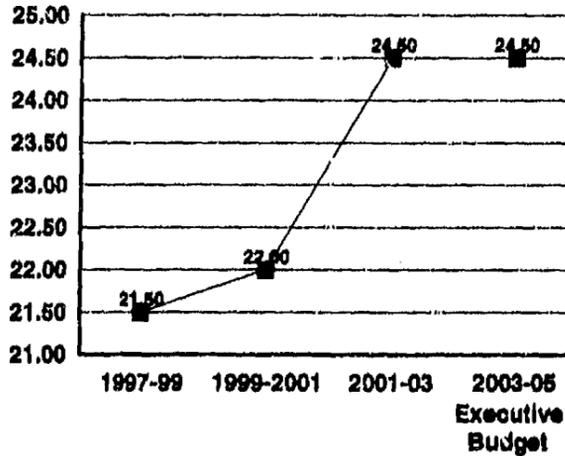
¹ The 2001-03 general fund appropriation is the amount appropriated by the 2001 Legislative Assembly and does not include a reduction of \$8,469 relating to the 1.05 percent budget allotment ordered by Governor Hoeven in July 2002.

² The 2001-03 appropriation amounts include \$44,745, \$29,978 of which is from the general fund, for the agency's share of the \$5 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

Agency Funding



FTE Positions



First House Action

Attached is a summary of the first house changes.

**Executive Budget Highlights
 (With First House Changes Noted)**

- | | General Fund | Other Funds | Total |
|--|--------------|-------------|-----------|
| 1. Provides a net increase for protection and advocacy services, including increases in travel (\$21,454), operating fees and services (\$92,537), professional services (\$34,149), professional supplies and materials (\$22,354), equipment (\$24,400), and a decrease in information technology telephone (\$20,654) | (\$40,326) | \$229,838 | \$189,512 |

Major Related Legislation

As of the date of this report, no major legislation has been introduced which affects this agency.

02/24/03

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Funding Summary

	Executive Budget	Senate Changes	Senate Version
Protection and Advocacy Project			
Protection and advocacy services	\$3,259,812	(\$25,098)	\$3,234,714
Total all funds	\$3,259,812	(\$25,098)	\$3,234,714
Less estimated income	2,459,138	(14,127)	2,445,011
General fund	\$800,674	(\$10,971)	\$789,703
FTE	24.50	0.00	24.50
Bill Total			
Total all funds	\$3,259,812	(\$25,098)	\$3,234,714
Less estimated income	2,459,138	(14,127)	2,445,011
General fund	\$800,674	(\$10,971)	\$789,703
FTE	24.50	0.00	24.50

Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action

	Executive Budget	Senate Changes	Senate Version
Protection and advocacy services	\$3,259,812	(\$25,098)	\$3,234,714
Total all funds	\$3,259,812	(\$25,098)	\$3,234,714
Less estimated income	2,459,138	(14,127)	2,445,011
General fund	\$800,674	(\$10,971)	\$789,703
FTE	24.50	0.00	24.50

Department No. 360 - Protection and Advocacy Project - Detail of Senate Changes

	Removes Recommended Salary Increase ¹	Total Senate Changes
Protection and advocacy services	(\$25,098)	(\$25,098)
Total all funds	(\$25,098)	(\$25,098)
Less estimated income	(14,127)	(14,127)
General fund	(\$10,971)	(\$10,971)
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

FUNDING SUBJECT BY REPORTING LEVEL

360 PROTECTION & ADVOCACY PROJECT
Version: 2003-360-B-01

Page: 1 of 2
Date: 12/13/2002
Time: 13:12:44

Program: PROTECTION AND ADVOCACY		Reporting Level: 00-360-100-00-00-00					
Object Code	Object Description	Expenditures 1999 - 2001 Biennium	First Year Expenditures 2001 - 2002	Present Budget Balance 2002 - 2003	Total Present Budget 2001 - 2003 Biennium	Requested Budget 2003 - 2005 Biennium	2003 - 2005 Biennium Incr. (Decr.)
1001	PROTECTION AND ADVOCACY SEI	1,374,030	784,782	910,896	1,695,678	1,712,496	16,818
1002	SALARIES	8,055	2,899	9,437	12,336	12,336	0
1008	TEMPORARY, OVERTIME & SHI BENEFITS	427,752	250,799	301,161	551,960	554,787	2,827
3002	IT-DATA PROCESSING	2,259	5,804	8,696	14,500	21,342	6,842
3003	IT-TELEPHONE	46,059	21,786	36,228	58,014	37,360	(20,654)
3004	TRAVEL	95,592	47,699	104,481	152,180	173,634	21,454
3005	IT-SOFTWARE/SUPPLIES	1,255	610	13,815	14,425	2,366	(12,059)
3007	POSTAGE	11,051	3,936	9,773	13,709	10,392	(3,317)
3008	IT-CONTRACTUAL SERVICES	10,815	2,193	11,966	14,159	22,296	8,137
3011	LEASE/RENT - EQUIPMENT	100	32	468	500	400	(100)
3012	LEASE/RENT - BLDG/LAND	97,449	69,723	59,854	129,577	139,974	10,397
3013	DUES & PROFESSIONAL DEV.	31,065	12,478	45,313	57,791	50,625	(7,166)
3014	OPERATING FEES & SERVICES	9,736	1,590	30,964	32,554	125,091	92,537
3016	REPAIRS	6,974	3,202	6,348	9,550	8,360	(1,190)
3018	PROFESSIONAL SERVICES	53,412	19,988	107,524	127,512	161,661	34,149
3019	INSURANCE	495	2,218	1,782	4,000	7,446	3,446
3021	OFFICE SUPPLIES	12,922	5,364	13,820	19,184	11,649	(7,535)
3024	PRINTING	9,049	4,242	15,357	19,599	20,404	805
3025	PROFESSIONAL SUPPLIES & M	6,192	3,399	9,451	12,850	35,204	22,354
3033	MISCELLANEOUS SUPPLIES	4,637	699	3,401	4,100	3,100	(1,000)
3034	OFFICE EQUIP-UNDER \$5000	13,573	4,688	14,725	19,413	17,950	(1,463)
3036	OTHER EQUIP-UNDER \$5000	1,220	0	0	0	0	0
3038	IT-EQUIP UNDER \$5000	1,476	21,452	7,798	29,250	29,080	(170)
5016	IT-EQUIP-OVER \$5000	0	0	0	0	9,400	9,400
5030	EQUIP- OVER \$5000	0	0	0	0	15,000	15,000
TOTAL		2,225,168	1,269,583	1,723,258	2,992,841	3,182,353	189,512
7091	PROTECTION AND ADVOCACY SEI	776,508	356,410	450,116	806,526	766,200	(40,326)
7092	GENERAL FUND	1,448,660	913,173	1,273,142	2,186,315	2,416,153	229,838
7093	SPECIAL FUNDS	0	0	0	0	0	0
TOTAL		2,225,168	1,269,583	1,723,258	2,992,841	3,182,353	189,512

Office of Management and Budget

R210

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Operator's Signature: *Jacosta Rickford* Date: *10/15/03*

FUNDING REQUEST BY REPORTING LEVEL

360 PROTECTION & ADVOCACY PROJECT

Version: 2003-360-B-01

2 of 2

Date: 12/13/2002

Time: 13:12:44

Program: PROTECTION AND ADVOCACY		Reporting Level: 00-360-100-00-00-00					
Object Description	Object Code	Expenditures 1999 - 2001 Biennium	First Year Expenditures 2001 - 2002	Present Budget Balance 2002 - 2003	Total Present Budget 2001 - 2003 Biennium	Requested Budget 2003 - 2005 Biennium	2003 - 2005 Biennium Incr. (Decr.)
REPORTING LEVEL LINE TOTAL		2,225,168	1,269,583	1,723,258	2,992,841	3,182,353	189,512
REPORTING LEVEL FUNDING							
GENERAL FUND	9991	776,508	356,410	450,116	806,526	766,200	(40,326)
FEDERAL FUNDS	9992	1,448,660	913,173	1,273,142	2,186,315	2,416,153	229,838
SPECIAL FUNDS	9993	0	0	0	0	0	0
REPORTING LEVEL FUNDING TOTAL		2,225,168	1,269,583	1,723,258	2,992,841	3,182,353	189,512
FTE EMPLOYEES		22.00			24.50	24.50	0.00

Office of Management and Budget

R210

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Operator's Signature LaCosta Rickford

Date 10/15/03

Exhibit #1

SB 2014
Senate Appropriations
January 17, 2003
Testimony by Teresa Larsen

Chairman Holmberg and members of Senate Appropriations, I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). During my testimony today I will highlight P&A's services and take you through our budget.

Services

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy and legal representation, protective services, education & training, self-advocacy support, systems advocacy, information, and referral services. P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or family member, guardian) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

P&A receives federal funding, from different sources, for six advocacy programs. These are: 1) Developmental Disabilities (DD), 2) Mental Health (MH), 3) Protection & Advocacy for Individual Rights (PAIR), 4) Assistive Technology (AT), 5) Beneficiaries of Social Security (SSA), 6) Traumatic Brain Injury (TBI). The last program is new. N.D. was one of 28 state P&A's to receive a competitive grant for advocacy for people with traumatic brain injury and their families.

Each year, after receiving public input, P&A develops priorities for its advocacy programs. This is a directive of the federal government in recognition of the fact that a P&A cannot be all things to all people.

As it has been every year, abuse/neglect/exploitation remains P&A's top priority. During the most recent fiscal year, ending 9/30/02, P&A received 502 reports (or allegations) of abuse/neglect/exploitation. At the end of the fiscal

year, 431 of these had been closed and the remaining 71 were pending. Of the closed allegations, 13 were determined not to have merit, 5 were withdrawn or terminated by the client, 2 found other representation, 409 were resolved in favor of the client, and 2 were not favorably resolved.

P&A is also involved in a number of proactive and systemic activities related to abuse & neglect. One example is the "level system". We have, for the past several years, partnered with DD Case Management and DD service providers to develop and pilot this project in response to provider concerns about resource intensive investigations. There are currently nine licensed DD service providers using the "level system". A second example is that P&A supplies information to the Disabilities Division of DHS on actual investigations. DHS, in turn, puts this information into a data base to track trends on abuse and neglect.

P&A also provides significant advocacy in the area of education. For fiscal year 2002, there were 136 such cases. Problems addressed included behavioral supports & services, least restrictive environment, identification & evaluation, and assistive technology. P&A has been largely successful in resolving these cases in favor of its clients (82% for DD, 95% for MH, 88% for PR).

Other priority case problem areas addressed by P&A in the last year include community integration, health care, employment and criminal justice. Of the 818 total case problems, 657 were closed at the end of the fiscal year and 601 (91%) of these were resolved in favor of the client.

Other services provided include: information & referral - 1,410; training - 179 sessions to 2,224 people; written materials distributed - 11,963.

P&A uses the N.D. Center for Persons with Disabilities (NDCPD) at Minot State University to conduct an ongoing third-party consumer satisfaction survey of its advocacy representation. Upon case closure, or at the one-year anniversary date of referral to P&A, the client (or parent or guardian) is asked to sign a release allowing P&A to provide their name and contact information to NDCPD. For those who agree, NDCPD contacts them and asks a series of questions related to the quality of P&A services. Attachment A provides the data results for the fiscal year ending 9/30/02.

At this time I had planned to introduce you to Janelle Olson, a Disabilities Advocate from our Williston office, who has been with P&A for over eighteen years. Unfortunately, Janelle is ill and could not be here today. I would like to provide you with her written testimony.

Budget

The proposed budget for the 03-05 biennium maintains P&A's eight offices located around the State, as well as our existing 24.5 FTE's. While our agency has grown in terms of responsibilities through additional federal grants over the years, we are attempting to use contract services when we can versus requesting additional FTE's. Examples of this include contracting with: 1) Central Legal Research at the University of N.D. Law School; 2) private attorneys when practicable; 3) other professionals to facilitate priority projects.

Attachment B provides you with dollar amounts for each of our federal grants for the past several years. For the DD, MH and PR programs, dollar amounts are still unknown for the 2003 fiscal year, which began 10/1/02. The 03-05 budget was built with the assumption of level funding for these programs, as well as the SSA and TBI programs. The future of the AT grant is unknown beyond 9/30/03, when the Technology Act is set to sunset in N.D. Dollars for the program beyond that date were not included in the proposed budget for 03-05.

The bottom chart on Attachment B provides you with a visual picture of the different fiscal years attached to each of our funding sources. There are a total of five.

Attachment C provides a chart of our federal funding sources and the total projected revenue for P&A for the 03-05 biennium. While the Governor's recommended budget contains \$2,459,138 in federal funds, our projected revenue of federal dollars is \$2,416,154, for a difference of \$42,984. I believe, however, that we can tighten our belts further for the remainder of this biennium and carry over the needed difference.

The bottom table of Attachment C shows the mix of Federal and State dollars for 99-01, 01-03, and the proposed budget for 03-05. As you can see, our State funds have remained fairly constant over these years.

Attachments D and E provide you with detail on our spending for the current biennium as well as requested changes for the 03-05 biennium. A few points on these:

- The IT budget for 03-05 is for maintenance - no new projects are planned. We are currently working on implementing our IT projects for the 01-03 biennium.
- Equipment purchases for 03-05 include the following major items: replacement of four office copy machines (\$28,500 total); replacement of the server (\$9,400); replacement of nine computers (\$14,400 total); fax machine for the administrative office (\$3,000); LCD projector (\$3,500).
- Travel is increased for 03-05 to accommodate a new Advisory Council for the TBI Advocacy Program as well as required out-of-state travel by some of our federal funding authorities. Travel dollars are also included for the MH and SSA Advisory Councils, as well as our governing board.
- Operating fees is increased to pay for the client satisfaction survey contract (previously this had been "free"), legal research from the UND Law School (previously this was under "professional services"), and increased educational activities such as conferences for Ticket to Work.
- Professional services is increased to allow for a joint project on criminal justice with the NDCPD and the State Council on Developmental Disabilities, a mental health transport project, contract legal work, and other priority projects as developed in our annual plans.
- There are decreases in a number of areas in the operating budget for the 03-05 biennium.

I ask you to support SB 2014 as recommended by the Governor. This concludes my prepared remarks. I thank you for your time, interest and support of the Protection & Advocacy Project. I will be glad to answer any questions.

Attachment A

Protection & Advocacy Project - Fiscal Year 2002 Consumer Satisfaction Results					
QUESTION	YES	NO	NO OPINION		TOTAL
1. Did P&A staff do a good job of learning about your (the Individual's) needs?	124 (93.2%)	8 (6%)	1 (.8%)		133
2. Did P&A staff treat you (the Individual) with dignity & respect?	130 (97%)	3 (2.2%)	1 (.7%)		134
3. Did P&A understand & appreciate cultural heritage issues?	51 (57.3%)	1 (1.1%)	37 (41.6%)		89
4. Are you (the Individual) getting better services from provider agencies because of P&A involvement?	89 (73.6%)	19 (15.7%)	13 (10.7%)		121
5. Did P&A staff help you (the Individual) learn things that will help if you have another problem?	114 (88.4%)	12 (9.3%)	3 (2.3%)		129
6. Would you use P&A services again?	131 (98.5%)	2 (1.5%)	0		133
	GREAT	OKAY	BAD		TOTAL
7. How effective was P&A at helping you understand legal rights and procedures?	64 (50%)	60 (46.9%)	4 (3.1%)		128
	VERY SATISFIED	SATISFIED	NOT SATISFIED	NO OPINION	TOTAL
8. How satisfied were you with P&A services?	57 (42.5%)	66 (49.3%)	5 (3.7%)	6 (4.5%)	134

A total of 134 Individuals participated in the survey. The survey pool includes advocacy cases only (not protective services). The vast majority of surveys are completed by phone call.

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Lacosta Rickford
Operator's Signature

10/15/03
Date

PROTECTION & ADVOCACY PROJECT

Federal Grant Information

Income Source	2000 Grant	2001 Grant	2002 Grant	2003 Grant
DD Grant	\$267,768	\$314,349	\$333,400	?
MH Grant	\$294,740	\$355,300	\$384,900	?
PR Grant	\$127,186	\$138,633	\$147,782	?
AT Grant	\$50,000	\$50,000	\$50,000	?
SSA Grant	\$0	\$66,667	\$100,000	\$100,000
TBI Grant	\$0	\$0	\$0	\$50,000
TOTAL	\$739,694	\$924,949	\$1,016,082	?

Federal Grant Cycles/Fiscal Years: 2003-2005 Biennium

	2003					2004					2005										
	J	A	S	O	N	D	J	F	M	A	M	A	S	O	N	D	J	F	M	A	J
DD																					
MH																					
PR																					
AT																					
SS																					
BI																					
ST																					

* status of the AT grant beyond 9/30/03 is unknown at this time; current grant cycle is April - March

1.16.03

Attachment B

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LaCosta Rickford
 Operator's Signature 10/15/03
Date

PROTECTION & ADVOCACY PROJECT**2003-2005 Biennium Revenue Projections**

Income Source	Projected Income	Carry-over from 03 Grants ^	Estimated Unspent \$: 03 Grants ^^	Estimated \$ from 01-03 Budget **	Total Projected Revenue
DD Grants *	583,345.00	83,350.00	33,184.00	43,354.00	743,233.00
MH Grants *	673,575.00	96,225.00	150,230.00	20,193.50	940,223.50
PR Grants *	258,618.50	36,945.50	84,362.00	12,731.00	392,657.00
AT Grants #	0.00	12,500.00		3,212.00	15,712.00
SSA Grants @	158,333.31	41,666.69	8,954.00	15,374.50	224,328.50
TBI Grants +	91,666.70	8,333.30			100,000.00
Federal Total	1,765,538.51	279,020.49	276,730.00	94,865.00	2,416,154.00
State	800,674.00	0.00	0.00	0.00	800,674.00
TOTAL	2,566,212.51	279,020.49	276,730.00	94,865.00	3,216,828.00

* projected income = 12 mo's of '04 grants (10/03-9/04) + 9 mo's of '05 grants (10/04-6/05); amount based on maintenance level of '02 grants (DD=\$333,400; MH=\$384,900; PR=\$147,782)

federal grant is currently projected to sunset in ND on 9/30/03

@ projected income = 12 mo's of '04 grant (12/03-11/04) + 7 mo's of '05 grant (12/04-6/05); amount based on maintenance level of '02 grant (\$100,000)

+ proj'd income = 12 mo's of '04 grant + 10 mo's of '05 grant (50,000/year)

^ 3 mo's of '03 grants for DD, MH & PR; 3 mo's of '03 grant for AT; 5 mo's of '03 grant for SSA; 2 mo's of '03 grant for TBI

^^ grant dollars not included in 01-03 appropriation/budget

** conservative projections as of 6/18/02 - funds that were budgeted for 01-03 that may be carried over

Federal vs. State Funding Participation

	99-01 biennium		01-03 biennium		proposal for 03-05 biennium	
Federal	1,507,492	66%	2,186,315	73%	2,459,138	75%
General	776,548	34%	806,526	27%	800,674	25%
TOTAL	2,284,040		2,992,841		3,259,812	

1.16.03

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Jacosta Rickford 10/15/03
Operator's Signature Date

P&A Operating Budget				
	01-03 Biennium Budget		Proposed for the 03-05 Biennium	
	budgeted	\$ spent thru 12/02*	% spent thru 12/02*	change from 01-03 total
salaries	1,695,678	1,198,980	71%	38,310
benefits	551,960	387,193	70%	58,794
temporary	12,336	4,156	34%	0
TOTAL WAGES	2,259,974	1,590,329	70%	2,357,078
TOTAL OPER.	684,204	\$369,948	54%	831,304
TOTAL EQUIP.**	48,663	35,446	73%	71,430
AGENCY TOTAL^	\$2,992,841	\$1,995,723	67%	\$3,259,812
FUNDING SOURCE	allocated			
general funds^	806,526	564,589	70%	800,674
federal funds	2,186,315	1,431,134	66%	2,459,138
TOTAL	\$2,992,841	\$1,995,723	67%	\$3,259,812

* thru 12/02 = 75% of the 01-03 biennium; some bills are behind on payment (eg. IDB's from motor pool, telephone)
 ^ P&A was allocated \$806,526 in general funds for the 01-03 biennium; \$8,469 was returned to the State in August 2002
 ** includes ALL equipment

1.16.03

P&A Operating Budget

	01-03			Notes
	budgeted	\$ spent thru 12/02*	% spent thru 12/02*	
IT/data process	14,500	9,694	67%	increased costs for 03-05 for maintenance of current services
IT/telephone	58,014	30,983	53%	one-time costs incurred this biennium for moving in Fargo, Jamestown & Bismarck (4,783)
travel	152,180	95,163	62%	for 03-05 includes: PABSS Adv. Council, TBI Adv. Council, Mental Health Adv. Council, & P&A board; some travel req'd by fed gov't
IT/softw & supp's	14,425	2,093	15%	\$ remains this biennium for time-keeping software project, software costs for secure e-mail & intranet software
postage	13,709	7,142	52%	
IT/cont. services	14,159	2,859	20%	\$ remains this biennium for time-keeping & intranet projects; increase for 03-05 is for maintenance & upgrading of IT projects
equipment lease	500	630	126%	
office/booth rent	129,577	102,716	79%	increases requested by landlords
dues/prof. dev.	57,791	35,152	61%	NAPAS dues, attorney licensing, conference registrations, stipends & care expenses for TBI Adv. Council, consumer stipends
operating fees	32,554	5,244	16%	client satisf. survey= 15,000 ("free" during 01-03); Westlaw= 3,000; UND/CLR= 45,000 (prev. under prof. serv's); PABSS conferences & town hall meetings
repairs	9,550	5,510	58%	includes service agreements for copy machines
prof. services	127,512	45,491	36%	crim. justice project w/ SCDD & NDCPD= 20,000; MH transport project; interpreter fees; other priority proj's; contract legal risk management.; property insurance
insurance	4,000	4,098	102%	
office supplies	19,184	8,764	46%	
printing	19,599	7,699	39%	
prof. supplies	12,850	5,671	44%	includes law reporters and other legal resources
misc. supplies	4,100	1,038	25%	
TOTAL	\$684,204	\$369,948	54%	\$831,304

* thru 12/02 = 75% of the 01-03 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone) 1.16.03

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Exhibit #
2

SB 2014
Senate Appropriations
January 17, 2003
Testimony by Janelle Olson

Chairman Holmberg and members of Senate Appropriations, my name is Janelle Olson. I am employed as a Disabilities Advocate with the North Dakota Protection and Advocacy Project. I live in Williston and serve a five county area.

Eighteen years ago when I first began this work, I came into the job with limited knowledge about the agency's role. First, I knew Protection and Advocacy worked with people who have disabilities. This field was familiar to me both personally and professionally because of my visual impairment and formal training in education. I had worked with children and adults with disabilities in school, residential and vocational settings. Secondly, I knew the work of the Project centered on legal and human rights. At first the name "Protection and Advocacy" was a bit confounding to this school teacher. I figured I was going to "protect and advocate" but I wasn't clear on what was meant by the words or how either would be accomplished. I quickly learned the role of Protection and Advocacy is to protect the rights of people with disabilities through individual advocacy, protective services, education and training. With that knowledge my work began.

To "advocate" means to speak on behalf of someone. When I first began, my advocacy efforts were on behalf of children and adults with developmental disabilities.

Today my fellow advocates and I also speak on behalf of those who have mental health issues and for other persons who may have acquired a disability as an adult. People who call for help have concerns about their

J. Costa Rickford
Operator's Signature

10/15/03
Date

involvement in many areas of life. P&A staff, through the intake process, evaluate the rights/concerns brought forth. Within the established priority areas, if a rights violation is present, I can begin speaking on the person's behalf to work toward resolution of the problem. Individual advocacy work is done in partnership with the person who calls asking for help. It is that person through his/her expressed wishes who directs the course of action, every step of the way to resolving it. I have helped people with individual advocacy cases in the areas of education, community integration and adult services to list a few.

Protection and Advocacy conducts protective service investigations involving adults with developmental disabilities and mental illnesses when there is suspicion of abuse, neglect or exploitation by a caretaker. This is a reactive approach. The facts are determined by conducting interviews with those involved in the matter. I also review records and review applicable laws, regulations and policies. Recommendations are made looking toward a change in practice or procedure to insure a substantiated allegation will not happen again, placing the same person or group of people at risk of harm in the future.

For the past few years, a second approach to protective services has been taken. It is a protective one. Protection and Advocacy, in partnership with the Developmental Disabilities Division and service providers across the state, uses the Level System as an approach to address allegations of abuse, neglect and exploitation. In the Level System, all allegations continue to be reported as mandated. Each report is addressed to assure the safety and well being of the person with the disability, but not all the reports result in a formal protective services investigation. This approach assures a quick response to reports and a timely resolution to the problem. The matter is addressed and quality services are assured. Hours of provider staff time that had been tied up

In the past conducting investigations can now be freed up to provide services. I feel very fortunate to be a part of the Level System process.

Finally, education and training is a very important part of Protection and Advocacy's work and is provided individually and to groups of people. Throughout the individual case advocacy process, people with disabilities are given information and tools in order that they may learn the skills to advocate for themselves. Training is also provided in a group setting to people with disabilities on rights and responsibilities; being free from abuse, neglect and exploitation as well as self-advocacy. Protection and Advocacy provides training to other agency staff on many topics to include abuse, neglect, exploitation and rights.

Once a week in several towns across the state during the legislative session people with disabilities, family members and others meet in a Legislative Working Committee to review and discuss upcoming legislation which will affect the lives of people with disabilities. Training is provided on the legislative process and how to contact you, the legislators. Obtaining the information about any issue is always the first step in self-advocacy.

"Common Ground" training brings parents and professionals together to learn about the importance of relationships and communication when looking at the educational needs of a student. This training takes place at many sites across North Dakota. I am one of the presenters. Parents and school personnel have told us this training was very useful. The approach of bringing people together to discuss concerns and learn new ways of working together for the common goal of meeting the needs of a student is highly effective.

In my entire advocacy work, the principle of least intrusive means to an end applies. If resolution to a rights concern can be achieved by giving someone information, there is no further need for action on the part of Protection and Advocacy. If people meet, discuss the problems, and it results

In the resolution of the problem, there is no need for court action. I provide the help that is needed to address the rights issues. I have grown with the job over the years, with the addition of programs and ongoing staff development and support from my supervisors. There are many of my friends and relatives who are still not too sure what I do when I go to work in the morning, but I do and I will continue to do it!

Thank you for the opportunity to come before this committee.

Janelle F. Olson

Protection & Advocacy Project

Exhibit
3

TESTIMONY
SB 2012 - DEPARTMENT OF HUMAN SERVICES
SENATE APPROPRIATIONS
RAY HOLMBERG, CHAIRMAN

Chairman Holmberg and members of the Senate Appropriations Committee, I am Natalie Maychrzak. I currently serve on the Governing board for the North Dakota Protection and Advocacy Project. I am here today to offer testimony in support of the proposed budget for this project.

The Protection and Advocacy Governing board is one board where everyone's voice counts. Not just the professionals, but everybody on the board has a chance to voice their concerns and give suggests.

P & A for many years has also been a friend to People First of North Dakota. People First is a self advocacy organization that is run by and for people with disabilities. They have contributed time and resources that assisted us to become an independent organization.

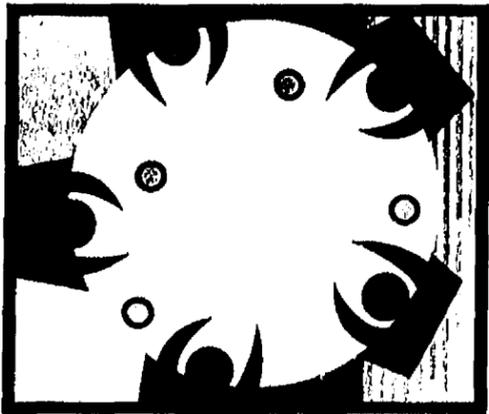
Another area that P&A has been a great help is in the area of education on the legislative process. There are Legislative Working Committees (LWCs) in many communities across the state. These committees help people with disabilities and others to get information on important legislation effecting people with disabilities. Protection and Advocacy Project helped to start these local committees and continues to insure that accurate and unbiased information is sent to LWCs each week during the session. P&A also provides public education on Ticket to Work, Medicaid Buy-in, agency services, abuse, neglect, exploitation, self-advocacy and other areas.

P&A has helped me to be more assertive when trying to advocate for myself. They have made me aware that I have a say in what happens in my life. Because of this I have become a more independent person. Therefore as a leader in the self advocacy movement, I would like to urge you to continue funding the Protection and Advocacy Project so they can do for others what they have done for me.

Thank you for your time.

Natalie Maychrzak
701-255-7625

LET'S NETWORK!



For more information on Legislative Working Committees, contact the Protection & Advocacy Project
Phone: 328-2950
Toll free: 1-800-472-2670
TDD relay: 1-800-366-6888
e-mail: panda@state.nd.us

making a difference
for people with disabilities
in North Dakota

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10/15/03
Date

The 2003 Legislative Session

The North Dakota Legislature meets every other year. The 2003 session starts on Tuesday, January 7th and will continue until mid to late April. During this time, hundreds of bills will be introduced proposing changes to State law.

Committees will hear testimony. Individual Legislators will receive letters, faxes, e-mails and phone calls. Discussion and debates will take place and, finally, the Senate and House will vote, one by one, on each bill and resolution.

Many of the bills introduced will have the potential to impact people with disabilities.

Appropriations bills will determine how much money is allocated to services for individuals with developmental disabilities, mental illness and other disabilities. Other bills will address health care, insurance, education, long-term care and support services, to name a few.

State Senators and Representatives make decisions on how to vote based on information provided to them by their electors. It is extremely important that, as individuals with disabilities, family members and advocates, we are informed about the issues and that we express our views to our Legislators. Legislative Working Committees were created to help us learn about the issues, the process, and how to communicate effectively.

The Pipeline



Legislative Working Committees are "the pipeline" for people with disabilities, family members and advocates to network and receive information about disabilities-related legislation. Each week, group facilitators will review new bills introduced, the status of pending bills and upcoming hearing schedules. Participants are encouraged to express their individual experiences and views to Legislators and will receive support and assistance, upon request, with contacting their individual Legislators or with preparing testimony.

Legislative Working Committees are not "owned" by any one group but are supported by many individuals and organizations that care about people with disabilities. The goal of the Legislative Working Committees is to educate people with disabilities, family members and advocates about the Legislative process, disability-related legislation, and the protocol for communicating with State Senators and Representatives.

Exhibit
5

**Testimony on SB 2014
Senate Appropriations Committee
January 15, 2003**

Chairman Holmberg, Vice-Chairman Bowman and members of the Senate Appropriations Committee, my name is Jon Larson. I am executive director of Enable, Inc., a developmental disabilities service provider in Bismarck and Mandan. I am also here today representing the North Dakota Association of Community Facilities (NDACF). I am here to testify in support of funding for the Protection and Advocacy Project.

NDACF is made up of 26 non-profit and for-profit agencies across the state. NDACF members provide services to some of the most vulnerable people in the State - those with mental retardation. Protection and Advocacy plays an important role in supporting the needs of these people.

Staff from Protection and Advocacy work in partnership with providers in assuring that needed services are advocated for and rights issues are appropriately addressed. Protection and Advocacy staff assist with training provider staff in preventing abuse, neglect, and exploitation. They are part of a comprehensive process for reporting concerns, conducting thorough investigations and developing procedures that prevent the concerns from reoccurring. This process helps providers to assure that issues that may effect the quality of services they provide are promptly identified and remedied.

Protection and Advocacy is seen as a vital partner in the service delivery system for people with disabilities. Their staff are well trained, professional and courteous. They work in a constructive, proactive manner with providers.

NDACF supports the full funding of the Protection and Advocacy budget.

Jon Larson, Executive Director, Enable, Inc. , NDACF

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10/15/03
Date

TESTIMONY

Exhibit
4

SB 2012 - DEPARTMENT OF HUMAN SERVICES
SENATE APPROPRIATIONS
RAY HOLMBERG, CHAIRMAN
January 17, 2003

Chairman Holmberg and members of the Senate Appropriations Committee. My name is Kathy Schmit. I am here today to offer testimony in favor of the budget for the North Dakota Protection and Advocacy Project (P & A).

I currently serve as a consumer volunteer for the Protection and Advocacy Advisory Council for Individuals with Mental Illness. During my time on this council I have seen many positive changes in how the staff of P & A deal with clientele. They strive to work quickly and efficiently to achieve the best possible results for the people they service.

One of the areas I feel that P&A has done a good job is in the area of systems advocacy. I have personally, as a member of the Advisory Council, had the opportunity to work with Project staff on the issue of how people with mental illness are transported to the State Hospital. Because of P&A bringing this issue forward we have seen an improvement in how people with mental illness are transported to the hospital. This issue has been near to my heart for many years. I have been a strong advocate for removing the stigma around mental illness. Removing stigma includes treating people of all disabilities with dignity and respect. Through systems advocacy like this we move toward removing the stigma and criminalization of mental illness.

P&A has also taken a leadership role in promoting the Ticket to Work program in North Dakota. This has been accomplished through ongoing education, collaboration, systems advocacy and information sharing. Bringing this program into North Dakota will allow people who want work to contribute to the economic growth of our state. I appreciate being self-sufficient and contributing to North Dakota. People with mental illness do want to work and I believe this program will allow them to do so.

Thank you for your time and I urge you to support the North Dakota Protection and Advocacy Project budget.

Kathy Schmit
701-355-4576

Exhibit #6

January 17, 2003

SENATE APPROPRIATIONS COMMITTEE
SB 2012-2014

CHAIRMAN HOLMBERG AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of The Arc. The Arc is an open membership organization made up of people with mental retardation and other related developmental disabilities, their families, friends, interested citizens, and professionals in the disability field.

The Arc's work with the disabled means that it also works closely on a day-to-day basis with the state agencies that care for these individuals, and chief among those is the Committee on Protection and Advocacy.

You've heard from others about the work of Protection and Advocacy. The Arc experiences the great things they do for North Dakota's disadvantaged every day.

The Arc strongly supports the P&A budget request and respectfully urges you to do likewise.

We understand this is a lot to ask. But a lot is needed for North Dakotans with disabilities. If you have any questions, I will be happy to try to answer them.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

**SB 2014
House Appropriations
March 3, 2003
Testimony by Teresa Larsen**

Chairman Delzer and members of House Appropriations, I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). During my testimony today I will highlight P&A's services and take you through our budget.

Services

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy and legal representation, protective services, education & training, self-advocacy support, systems advocacy, information, and referral services. P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or family member, guardian) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

P&A receives federal funding, from different sources, for six advocacy programs. These are: 1) Developmental Disabilities (DD), 2) Mental Health (MH), 3) Protection & Advocacy for Individual Rights (PAIR), 4) Assistive Technology (AT), 5) Beneficiaries of Social Security (SSA), 6) Traumatic Brain Injury (TBI). The last program is new. N.D. was one of 28 state P&A's to receive a competitive grant for advocacy for people with traumatic brain injury and their families.

Each year, after receiving public input, P&A develops priorities for its advocacy programs. This is a directive of the federal government in recognition of the fact that a P&A cannot be all things to all people.

*See attached
to Jan 17
testimony*
1

As it has been every year, abuse/neglect/exploitation remains P&A's top priority. During the most recent fiscal year, ending 9/30/02, P&A received 502 reports (or allegations) of abuse/neglect/exploitation. At the end of the fiscal year, 431 of these had been closed and the remaining 71 were pending. Of the closed allegations, 13 were determined not to have merit, 5 were withdrawn or terminated by the client, 2 found other representation, 409 were resolved in favor of the client, and 2 were not favorably resolved.

P&A is also involved in a number of proactive and systemic activities related to abuse & neglect. One example is the "level system". We have, for the past several years, partnered with DD Case Management and DD service providers to develop and implement this project in response to provider concerns about resource intensive investigations. There are currently nine licensed DD service providers using the "level system". A second example is that P&A supplies information to the Disabilities Division of DHS on actual investigations. DHS, in turn, puts this information into a data base to track trends on abuse and neglect.

P&A also provides significant advocacy in the area of education. For fiscal year 2002, there were 136 such cases. Problems addressed included behavioral supports & services, least restrictive environment, identification & evaluation, and assistive technology. P&A has been largely successful in resolving these cases in favor of its clients (82% for DD, 95% for MH, 88% for PR).

Other priority case problem areas addressed by P&A in the last year include community integration, health care, employment and criminal justice. Of the 818 total case problems, 657 were closed at the end of the fiscal year and 601 (91%) of these were resolved in favor of the client.

Other services provided include: information & referral - 1,410; training - 179 sessions to 2,224 people; written materials distributed - 11,963.

P&A uses the N.D. Center for Persons with Disabilities (NDCPD) at Minot State University to conduct an ongoing third-party consumer satisfaction

survey of its advocacy representation. Upon case closure, or at the one-year anniversary date of referral to P&A, the client (or parent or guardian) is asked to sign a release allowing P&A to provide their name and contact information to NDCPD. For those who agree, NDCPD contacts them and asks a series of questions related to the quality of P&A services. Attachment A provides the data results for the fiscal year ending 9/30/02.

Budget

The proposed budget for the 03-05 biennium maintains P&A's eight offices located around the State, as well as our existing 24.5 FTE's. While our agency has grown in terms of responsibilities through additional federal grants over the years, we are attempting to use contract services when we can versus requesting additional FTE's. Examples of this include contracting with: 1) Central Legal Research at the University of N.D. Law School; 2) private attorneys when practicable; 3) other professionals to facilitate priority projects.

Attachment B provides you with dollar amounts for each of our federal grants for the past several years. For the DD, MH and PR programs, dollar amounts are still unknown for the 2003 fiscal year, which began 10/1/02. The 03-05 budget was built with the assumption of level funding for these programs, as well as the SSA and TBI programs. The future of the AT grant is unknown beyond 9/30/03. Dollars for the program beyond that date were not included in the proposed budget for 03-05.

The bottom chart on Attachment B provides you with a visual picture of the different fiscal years attached to each of our funding sources. There are a total of five.

Attachment C provides a chart of our federal funding sources and the total projected revenue for P&A for the 03-05 biennium. While the Governor's recommended budget contains \$2,459,138 in federal funds, our projected revenue of federal dollars is \$2,416,154, for a difference of \$42,984. We are,

however, tightening our belts further for the remainder of this biennium and plan to carry over the needed difference.

The bottom table of Attachment C shows the mix of Federal and State dollars for 99-01, 01-03, and the proposed budget for 03-05. As you can see, our State funds have remained fairly constant over these years.

Attachments D and E provide you with detail on our spending for the current biennium as well as requested changes for the 03-05 biennium. A few points on these:

- The IT budget for 03-05 is for maintenance - no new projects are planned. We are currently working on implementing our IT projects for the 01-03 biennium.
- Equipment purchases for 03-05 include the following major items: replacement of four office copy machines (\$28,500 total); replacement of the server (\$9,400); replacement of nine computers (\$14,400 total); fax machine for the administrative office (\$3,000); LCD projector (\$3,500).
- Travel is increased for 03-05 to accommodate a new Advisory Council for the TBI Advocacy Program as well as required out-of-state travel by some of our federal funding authorities. Travel dollars are also included for the MH and SSA Advisory Councils, as well as our governing board and staff.
- Operating fees is increased to pay for the client satisfaction survey contract (previously this had been "free"), legal research from the UND Law School (previously this was under "professional services"), and increased educational activities such as conferences for Ticket to Work legislation.
- Professional services is increased to allow for a joint project on criminal justice with the NDCPD and the State Council on Developmental Disabilities, a mental health transport project,

contract legal work, and other priority projects as developed in our annual plans.

- There are decreases in a number of areas in the operating budget for the 03-05 biennium.

All P&A's will be receiving federal funds to complete work under the Help America Vote Act. Basically, this grant is for P&A's to assist with accessibility issues with voting for individuals with disabilities. Few specifics are known at this time, however, we do know that our grant for the first year is \$14,000. Because this is a small amount, we are not asking for any changes to the proposed budget to accommodate this grant.

I ask you to support SB 2014. This concludes my prepared remarks. I thank you for your time, interest and support of the Protection & Advocacy Project. I will be glad to answer any questions.

P&A Budget

	01-03 Budget			Gov's Budget: 03-05			Senate: 03-05		
	budgeted	\$ spent thru 1/03	% spent thru 1/03	change from 01-03	total	change from Gov's budget	total	change from 01-03 budget	
salaries	1,695,678	1,269,663	75%	38,310	1,733,988	(25,098)	1,708,890	13,212	
benefits	551,960	409,760	74%	58,794	610,754		610,754	58,794	
temporary	12,336	4,541	37%	0	12,336		12,336	0	
TOTAL WAGES	2,259,974	1,683,964	74.5%	97,104	2,357,078	(25,098)	2,331,980	72,006	
TOTAL OPER.	684,204	\$386,055	56%	147,100	831,304	0	831,304	147,100	
TOTAL EQUIP.**	48,663	35,906	74%	22,767	71,430	0	71,430	22,767	
AGENCY TOTAL^	2,992,841	2,105,925	70%	266,971	3,259,812	(25,098)	3,234,714	241,873	
FUNDING SOURCE	(allocated)								
general funds^	806,526	593,142	74%	(5,852)	800,674	(10,971)	789,703	(16,823)	
federal funds	2,186,315	1,512,783	69%	272,823	2,459,138	(14,127)	2,445,011	258,696	
TOTAL	2,992,841	2,105,925	70%	266,971	3,259,812	(25,098)	3,234,714	241,873	

** includes all equipment

Senate change: removes Gov's rec. for salary increases

P&A Operating Budget

	01-03			03-05		Notes
	budgeted	\$ spent thru 1/03*	% spent thru 1/03*	budget	% of ops	
IT/data process	14,500	10,299	71%	21,342	2.5	increased costs for 03-05 for maintenance of current services
IT/telephone	58,014	32,404	56%	37,360	4.5	one-time costs incurred this biennium for moving in Fargo, Jamestown & Bismarck (4,783)
travel	152,180	98,961	65%	173,634	21	for 03-05 includes: staff, PABSS Adv. Council, TBI Adv. Council, MH Adv. Council, & P&A board; some travel req'd by fed grantors
IT/softw & supp's	14,425	2,093	15%	2,366	.3	\$ remains this biennium for time-keeping software project, software costs for secure e-mail & intranet software
postage	13,709	8,000	58%	10,392	1.2	
IT/cont. services	14,159	3,201	23%	22,296	2.7	\$ remains this biennium for time-keeping & intranet projects; increase for 03-05 is for maintenance & upgrading of IT projects
equipment lease	500	630	126%	400	.05	
office/booth rent	129,577	108,173	83%	139,974	17	increases requested by landlords
dues/prof. dev.	57,791	25,307	44%	50,625	6	NAPAS dues, attorney licensing, conference registrations, stipends & care expenses for TBI Adv. Council, consumer stipends
operating fees	32,554	32,950	101%	125,091	15	client satisfaction survey= 15,000 ("free" during 01-03); Westlaw= 3,000; UND/CLR= 45,000 (prev. under prof. serv's); PABSS conferences & town hall meetings
repairs	9,550	6,121	64%	8,360	1	includes service agreements for copy machines
prof. services	127,512	29,551	23%	161,661	19.4	crim. justice project w/ SCDD & NDCPD= 20,000; MH transport project; interpreter fees; other priority proj's; contract legal
insurance	4,000	4,098	102%	7,446	0	risk management.; property insurance
office supplies	19,184	9,034	47%	11,649	1.4	
printing	19,599	8,479	43%	20,404	2.45	
prof. supplies	12,850	5,716	44%	35,204	4.2	includes law reporters and other legal resources
misc. supplies	4,100	1,038	25%	3,100	.4	
TOTAL	684,204	386,055	56%	831,304		

* thru 1/03 = 79% of the 01-03 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone) 3.2.03

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Sacosta Rickford
Operator's Signature

10/15/03
Date

PROTECTION & ADVOCACY PROJECT

Federal Grant Information

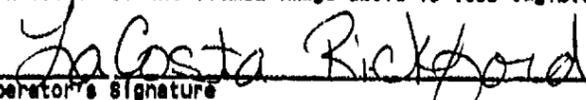
3.16.03

Income Source	2002 Grant	2003 Grant (Information previously submitted)	2003 Grant Budgeted (New Information)
DD Grant *	\$333,400	?	?
MH Grant *	\$384,900	?	\$400,000
PR Grant *	\$147,782	?	\$164,200
AT Grant ^	\$50,000	?	?
SSA Grant +	\$100,000	\$100,000	\$100,000
TBI Grant #	-0-	\$50,000	\$50,000
Voting %	-0-	\$14,000	\$14,000
TOTAL	\$1,016,082	?	?

Fiscal year:

- * October 1, 2002 - September 30, 2003
- ^ ? (P&A budgeted \$0 for the AT grant)
- + December 1, 2002 - November 30, 2003
- # August 1, 2002 - September 30, 2003
- % ?

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Senate Bill 2014
House Appropriations/Human Resources Division
Testimony of Teresa Larsen
March 7, 2003

As the Executive Director of the Protection & Advocacy Project, I thank you for the opportunity to provide additional information about P&A and its proposed budget. I believe we have pulled together all of the information that you requested on Monday. Your questions were:

- What is P&A's organizational structure?
 - A copy of P&A's organizational chart is being provided to you. The Committee on Protection & Advocacy, P&A's governing board, is made up of seven members. Two are appointed by the Governor, two are appointed by the Legislative Council, one by the Mental Health Association in N.D., one by The Arc of N.D., and one by People First of N.D.
- Where has P&A budgeted its General Funds?

As passed by the Senate, P&A's total budget for 03-05 is 76% Federal Funds and 24% General Funds. Three tables are being provided to you detailing:

 - Employee wages (76% Federal; 24% General)
 - Agency operating (75% Federal; 25% General)
 - Equipment (76% Federal; 24% General)
- What amount of Federal Funds can be used for administration?
 - It is allowable to use Federal Funds for administrative costs. To my knowledge, this can be done through: 1) a federally approved indirect rate, or 2) development and implementation of a cost allocation plan for administrative costs based on direct costs.
- Why has the travel budget been increased?
 - The total travel budget was increased by \$21,454. Of this amount, \$18,174 is for the new TBI Program (staff and advisory council). The remainder is for increased costs for mileage charged by motor pool.

- What are the dues for National Association of Protection & Advocacy Systems (NAPAS)?
 - Dues are .4% of our federal grants, estimated at approximately \$8,500 for the 03-05 biennium. These dues are paid with Federal Funds.
- What is included in the budget for professional supplies and materials?
 - A list is included in the notes accompanying the operating budget. As an agency that provides advocacy representation and legal services, it is imperative for staff to have current and comprehensive resources. Many of the resources in our offices are out-dated. This creates concerns with the provision of quality services as well as liability issues.
- Would it be more cost effective to share a public agency server managed by ITD?
 - P&A's IT Coordinator consulted with ITD on this. A hand-out is being provided to you with the information.
- Why does P&A budget \$1,600 per computer?
 - P&A's IT Coordinator has prepared a hand-out answering this question, which is being provided to you.

In addition to answering your questions, I'd like to make a few comments.

For the 93-95 biennium, P&A's allocation was \$1,326,777 in General Funds and \$1,370,447 in Federal Funds for a total of approximately \$2.7 million. We had 32 FTE's to address the responsibilities of three advocacy programs (Developmental Disabilities, Mental Health, and Protection & Advocacy for Individual Rights). During the 1995 Legislative Session, P&A's General Funds for the following biennium were cut to \$300,000 and FTE's to 22. As a result, approximately ten employees were terminated.

Today we have six advocacy programs (Developmental Disabilities, Mental Health, Protection & Advocacy for Individual Rights, Assistive Technology, Protection & Advocacy for Beneficiaries of Social Security, and Traumatic Brain Injury) and are adding a seventh (Voting). The proposed budget for 03-05, as

passed by the Senate, is only \$535,000 more than P&A's total allocation ten years ago. P&A's General Funds have gone from \$1.3 million (50% of our budget) to a proposed \$789,703 (24%) for the next biennium. During this time, we have requested, and received, only 2.5 more FTE's to fulfill our additional responsibilities.

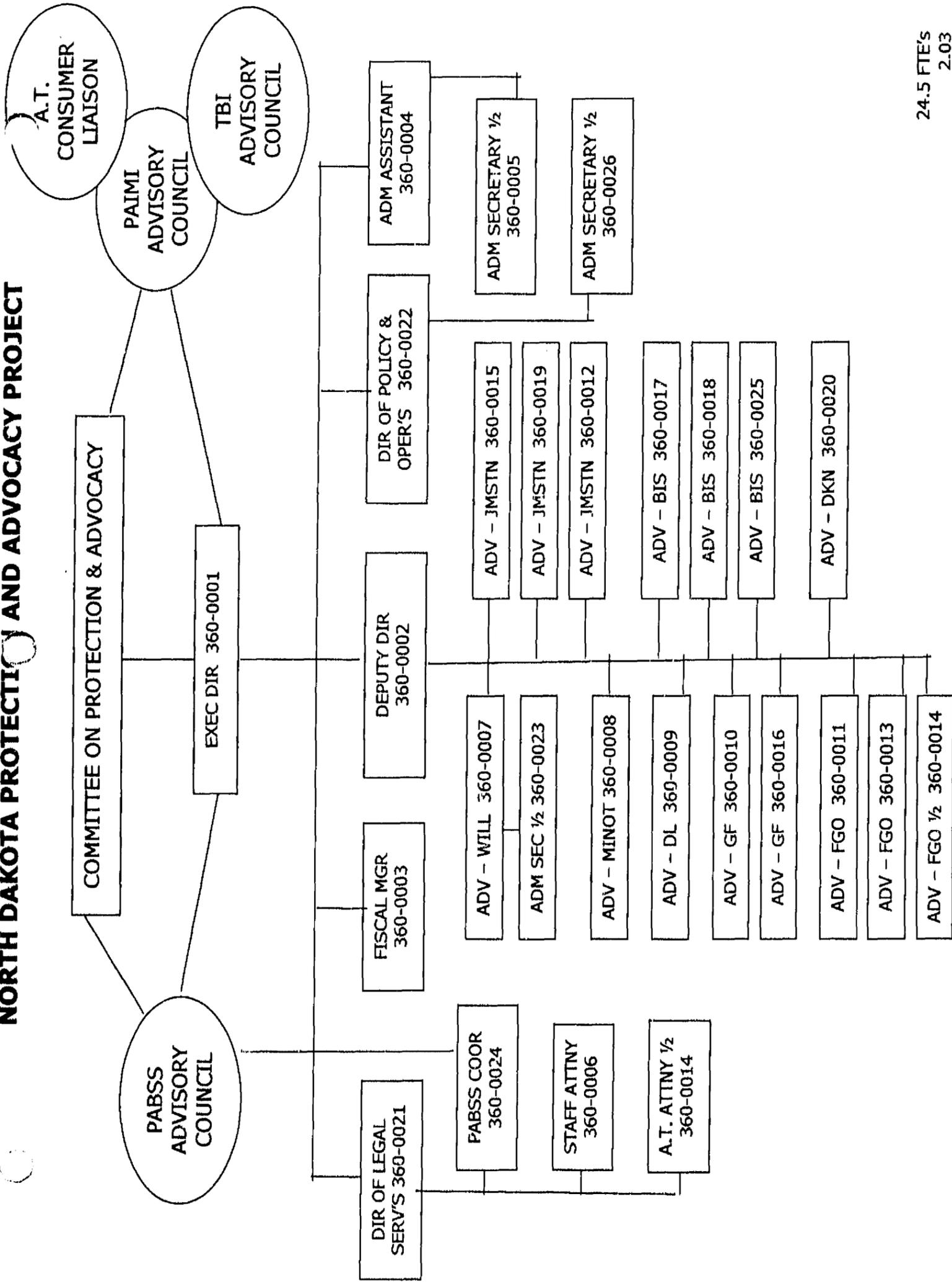
We are NOT complaining. We have made this work. We do use, and plan to accelerate the use of, contracted providers to help carry out our responsibilities. An example of this, which started this biennium, is the law enforcement project with Minot State University. This allows us to fulfill our mandate while being cognizant of not "growing government".

State matching funds are not required for the federal grants that P&A receives. However, we must be cognizant of the supplanting issue.

It is also important for me to reiterate with you that General Fund dollars help P&A address, proactively and reactively, protective services issues in North Dakota. Most other P&A's do NOT take on the responsibility of investigatory work and individual problem-solving that we do in North Dakota. The majority of other P&A's work is carried out through litigation. We do not believe this is the best model for our State. Our non-attorney Disabilities Advocates, housed throughout North Dakota, do protective services and individual advocacy representation to resolve problems in the least intrusive way possible. Generally, this allows us to avoid litigation. We believe the client satisfaction survey results (provided to you on Monday), along with testimony you have heard from others, verifies that this is a successful model.

If you need additional information, or have further questions, I will be glad to respond. Thank you.

NORTH DAKOTA PROTECTION AND ADVOCACY PROJECT



24.5 FTE'S
2.03

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 Operator's Signature Date

Proposed P&A Pay Plan: 03-05 Biennium as submitted by P&A to the Governor 3.5.03

Pos. #	Job class	FTE	Proposed salary	Proposed fringes	Total	Break down		
						General	Federal	
			\$	%	\$	%		
1	Appointed	1	109,344	28,639.51	137,983.51	137,983.51	100	
2	HSPA V	1	84,408	24,457.74	108,865.74	7,620.60	7	101,245.14 DD - 41; MH - 38; PR - 14
3	Acct/Bud Spec	1	62,712	20,608.26	83,320.26	83,320.26	100	
4	Adm Asst	1	47,904	18,124.96	66,028.96	66,028.96	100	
5	Adm Sec	.5	24,456	14,159.26	38,615.26	38,615.26	100	
6	Attorney	1	77,352	23,274.45	100,626.45			100,626.45 DD - 25; MH - 25; PR - 25; TBI - 25
7	Dis Adv	1	77,184	23,246.28	100,430.28			100,430.28 DD - 50; MH - 25; PR - 25
8	Dis Adv	1	66,480	21,451.22	87,931.22			87,931.22 DD - 60; MH - 20; PR - 20
9	Dis Adv	1	64,824	21,173.51	85,997.51	8,599.75	10	77,397.76 DD - 65; MH - 25
10	Dis Adv	1	72,888	22,525.84	95,413.84	14,312.08	15	81,101.76 DD - 85
11	Dis Adv	1	74,712	22,831.72	97,543.72			97,543.72 DD - 75; MH - 25
12	Dis Adv	1	62,928	20,855.54	83,783.54			83,783.54 DD - 50; MH - 25; PR - 25
13	Dis Adv	1	67,992	21,704.78	89,696.78			89,696.78 MH - 25; PR - 75
14	1/2 Att/1/2 Adv	1	72,168	22,405.10	94,573.10			94,573.10 DD - 15; MH - 65; PR - 20
15	Dis Adv	1	64,536	21,125.21	85,661.21			85,661.21 DD - 50; MH - 30; TBI - 20
16	Dis Adv	1	64,872	21,181.55	86,053.55			86,053.55 DD - 25; MH - 75
17	Dis Adv	1	70,920	22,195.80	93,115.80	13,967.37	15	79,148.43 MH - 85
18	Dis Adv	1	64,848	21,177.53	86,025.53	12,903.83	15	73,121.70 DD - 65; TBI - 20
19	Dis Adv	1	64,848	21,177.53	86,025.53			86,025.53 MH - 100
20	Dis Adv	1	65,496	21,286.20	86,782.20			86,782.20 DD - 50; MH - 25; PR - 25
21	Attorney	1	96,264	26,445.99	122,709.99	24,542.00	20	98,167.99 DD - 20; MH - 30; PR - 20; PABSS - 10
22	HSPA V	1	84,744	24,514.09	109,258.09	109,258.09	100	
23	Adm Sec	.5	18,168	13,084.01	31,252.01			31,252.01 DD - 50; MH - 25; PR - 25
24	HSPA IV	1	74,664	22,823.67	97,487.67			97,487.67 PABSS - 100
25	Dis Adv	1	62,928	20,855.54	83,783.54			83,783.54 DD - 20; MH - 50; PR - 30
26	Office Ass't	.5	14,856	12,517.66	27,373.66	27,373.66	100	
temp	Temp/driver	T	12,336	943.70	13,279.70			13,279.70 DD - 50; MH - 25; PR - 25
T			1,724,832	554,786	2,279,618	544,525	24	1,735,093
Gov bud			1,746,323	610,753	2,357,076	578,998	25	1,778,078

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Operator's Signature Lacosta Rickford Date 10/15/03

PAY PLAN NOTES:

- General Funds are used mostly for administrative positions (Director; Fiscal Manager; State office Administrative Assistant, Administrative Secretary, and Office Assistant; Director for Policy & Operations). The reason: these positions provide administrative support for all six P&A programs. It is more efficient to pay these positions, and their corresponding operating expenses with one funding source. For example, mileage for the Director's position, while working for all programs, would have to be charged out to six different programs. We did some checking with other P&A's in the country who also receive State Funds - they also use their State Funds for administrative support costs.
- The remainder of the positions provide direct services under specific programs. They can directly track their time to client services or supervision of Disabilities Advocates who provide direct client services. While they are "allocated" specific times to work under specific programs, client need may dictate otherwise. Staff still have to document all time worked under each program. They are paid according to program allocations. At the end of the month, time sheets are submitted and journal vouchers completed to correct any discrepancies between allocations and actual work.
- Some Disabilities Advocates are partially paid with General Fund dollars. The reason: 1) Some advocates have responsibility for covering Indian reservations. In doing so, they may do work under any number of programs. Using General Funds, one advocate can do the work required regardless of the individual's type of disability. 2) A small percentage of General Funds for salaries for regional Advocates provides some flexibility for program work. For example, we do not have sufficient funding under the PAIR program to meet the need across the State. We pay 15% of one Advocate's salary in Grand Forks with General Funds so that services can be provided to PAIR clients in that region.

LaCosta Rickford
Operator's Signature

10/15/03
Date

P&A Operating: 03-05

3.4.02

	01-03 Total	Change: 01-03 to 03-05	2003 - 2005 Biennium		
			Total	Federal	%
IT: data processing	14,500	6,842	21,342	9,651	45%
Increase is for WAN Hub and device charges in Bismarck & one-time desktop support charges for server setup & emergency or advanced desktop support					
IT: telephone	58,014	(20,654)	37,360	24,541	66%
Reduction includes absence of one-time costs for office moves that occurred 01-03 and reduced rates for phone charges					
Travel	152,180	21,454	173,634	111,971	64%
For board, 3 advisory councils, staff (including IT work); increase to address mileage hikes for motor pool, air fares, etc.					
IT: software & supplies	14,425	(12,059)	2,366	1,332	56%
01-03 included one-time costs for several IT projects: for 03-05 costs are for upgrades & maintenance only					
Postage	13,709	(3,317)	10,392	4,232	41%
IT: contract services	14,159	8,137	22,296	5,488	25%
Includes Jamestown Internet access; agency Website & Intranet maintenance; time accounting maintenance; Website hosting fees					
Equipment rental	500	(100)	400	400	100%
Rent	129,577	10,397	139,974	108,420	77%
Rent for 8 offices, including increases requested by landlords; room rental for board & advisory council meetings					
Dues & prof. dev.	57,791	(7,166)	50,625	39,048	77%
NAPAS dues (.4%; approx. \$8,500); attorney licensing; conference regis. for board, a.c.'s, & staff; stipends/care expenses for TBI adv. council members; stipends for individuals with disabilities to attend conferences; trainers for P&A staff					
Operating fees/serv's	32,554	92,537	125,091	114,381	91%
See below *					
Repairs	9,550	(1,190)	8,360	5,217	62%
Includes service agreements for each copy machine					
Professional services	127,512	34,149	161,661	140,661	87%
See below **					
Insurance	4,000	3,446	7,446		100%
Risk management; property insurance					
Office supplies	19,184	(7,535)	11,649	6,073	52%
Supplies for staff, governing board, advisory councils, materials for trainings provided					
Printing	19,599	805	20,404	18,492	91%
P&A copy mach. copies (as per serv. cont's); copies of records from others; letterhead; envelopes; brochures; reports; bus. cards					
Prof. supplies & mat's	12,850	22,354	35,204	34,404	98%
See below ***					
Misc. supplies	4,100	(1,000)	3,100	2,600	84%
Tripod (100)					
TOTAL:	684,204	147,100	831,304	626,911	75%
				204,393	25%

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To Costa Rickford
Operator's Signature

10/15/03
Date

*** operating fees and services:**

• Client satisfaction survey (NDCPD)	15,000
• Westlaw	3,000
• UND law school - Central Legal Research	45,000
• Courier services	2,400
• Janitorial (GF & Jamestown)	2,640
• Film processing (investigations)	375
• PABSS conferences/town hall meetings (all fed)	42,784
• Employee service awards	1,880
• Advertising (employee vacancies)	1,500
• Legal transcripts, etc.	4,000
• Other misc. fees	6,512
Total:	125,091

**** professional services:**

• Law enforcement project (NDCPD/SCDD) (General Funds - used as match for NDCPD & SCDD federal contributions)	20,000
• Interpreter fees	5,000
• MH transport project	20,000
• Community integration priority	40,000
• Health care priority	20,000
• Other annual priorities id'd in strategic plans	26,661
• Contract legal services	30,000
Total:	161,661

***** professional supplies & materials:**

• Law reporters (IDELR, NDLR, M&PDLR)	7,000
• PDR's (8)	560
• Legal Rights of Persons w/ Disabilities (8)	4,560
• Social Security Practice Guide	978
• Medical dictionaries (8)	320
• Legal dictionaries (8)	480
• LRP Spec. Educ. Nat'l Institute materials (7)	5,432
• Better Buys for Business subscription (IT, etc.)	300
• Nat'l Organization of Soc. Sec. Claimants' Rep's	978
• Employment Discrimination Law	575
• JC Journal on Quality Improvement (8)	2,320

Answer Book on Spec. Educ. Law (8)	352
JACHO standards/Mg'd Beh Healthcare (8)	1,800
Special Educ. Law & Litigation Treatise	600
Accreditation Council standards (8)	510
Clearinghouse Review	110
Merck Manual (8)	382
Answer Book on IEP's (8)	296
Answer Book on Discipline (8)	320
Answer Book on 504 (8)	238
Restraint video (3) for library	585
Other videos, tapes, books, etc. for library	6,458
TOTAL:	35,204

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Jacosta Rickford

Date

10/15/03

P&A Equipment: 03-05

Item	Total Cost	Federal	%	General	%
IT related:					
Server/power back-up	9,400			9,400	100%
Fax machine	3,000			3,000	100%
LCD projector	3,500			3,500	100%
CCTV (Williston)	3,500	3,500	100%		
Desktop comp's (10)^	16,000	15,038	94%	962	6%
Printer/fax/scanners (4) ^^	3,080	3,010	98%	70	2%
SUBTOTAL:	38,480	21,548	56%	16,932	44%
Other:					
Copy machines (4)*	28,500	28,500	100%		
Desk chairs (5)	1,750	1,400	80%	350	20%
File cabinet	400	400	100%		
Bookcases (3)	1,200	1200	100%		
Misc.	1,100	1,100	100%		
SUBTOTAL:	32,950	32,600	99%	350	1%
GRAND TOTAL:	71,430	54,148	76%	17,282	24%

^ Williston, Minot, DL, GF, Fargo (3), Bismarck (3)

^^ Minot, DL, GF, Fargo

* Minot, Devils Lake, Grand Forks, Bismarck

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10/15/03
Date

Why does P&A budget \$1600 per computer?

This is the median value of desktop computers purchased by P&A.

In actuality the price of computers purchased varies. Business applications needed and computer usage determine PC configuration (RAM, Memory, speed, and network/modem interface, vary. RAM is usually the most critical variable.) This determines price.

In 01-03 the desktop PCs purchased for staff ranged from \$1237.00 up to \$1939.00. At the high end were computers purchased for legal staff using special voice recognition and legal research tools intended to take the place of paralegal and secretarial support and, at the low end, were computers purchased for advocates primarily using computers for standard business correspondence, case documentation, internet, and email.

By basing our budget figures on a median value, we can ensure that we have adequately accounted for potential changes in staff needs, computer prices, and changes in hardware demands of software upgrades over the life cycle of the computer.

Consultations with ITD have confirmed that \$1600.00 is a reasonable and conservative budgetary figure for a desktop PC.

Would it be more cost effective for P&A to share a public agency server managed by ITD? No.

FILE AND PRINT SERVICE

ITEM	ITD MANAGED	P&A MANAGED
Hardware	0.00	7,200.00
Software	0.00	2,200.00
Setup fee	750.00	(est.) 635.00
Monthly fee	260.00	* 49.00
TOTAL 03-05 Cost	6,990.00	11,206.00
TOTAL 05-07 Cost	6,240.00	1,176.00
Hardware Lifecycle Cost (4 years)	13,230.00	12,382.00

EDMS DOCUMENT STORAGE**

ITEM	ITD MANAGED	P&A MANAGED
Hardware	+0.00	+0.00
Software	1,500.00	+0.00
Software Maintenance	Per year 150.00	0.00
Setup fee	275.00	0.00
Monthly fee	*** 88.00	0.00
TOTAL 03-05 Cost	4,037.00	0.00
TOTAL 05-07 Cost	2,262.00	0.00
Hardware Lifecycle Cost (4 years)	6,299.00	0.00

TOTAL COST ITD MANAGED = 19,529.00

TOTAL COST P&A MANAGED = 12,382.00

* 29.00/ mo device fee & 20.00/mo. Hub share.

** EDMS Document storage occurs on a separate ITD server with separate additional costs. The same P&A server would handle this function in a P&A managed setup.

*** 22.00/mo/user This would allow four users to store and access documents.

+ Scanner and software purchased in 01-03 biennium

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La Costa Rickford 10/15/03
Operator's Signature Date

MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA

Senate

BILL 2014 TESTIMONY

Before House Appropriations Committee - Human Resources Division

March 7, 2003

Mr. Chairman, members of the Committee, my name is Susan Rae Helgeland. I am the Regional Director for the Mental Health Association in North Dakota (MHAND). I am representing today, Allan Stenehjem, the executive director of MHAND, who is attending a meeting out of state.

MHAND is a nonprofit volunteer citizens organization affiliated with the National Mental Health Association which was founded over 90 years ago by a former state hospital patient, Clifford Beers. Our state organization has been active in ND for 50 years! One of the primary missions of MHAND is to ensure availability of appropriate, accessible, and adequately funded treatment and support services for people with mental illnesses throughout the state of North Dakota. During the last two decades, our organization has worked closely with the Legislature, the Department of Human Services, families, and consumers to move our state's delivery system from an over reliance on institutional or custodial care to a community-based system of care.

In furtherance of our mission, MHAND appears today to support the funding of Protection & Advocacy Services as contained in Senate Bill 2014. The Protection & Advocacy Project is designed to safeguard the rights of people suffering from mental illness. Unlike MHAND, a nonprofit advocacy association, Protection & Advocacy has the authority under federal law to pursue administrative, legal, and other remedies to protect the health, safety, and human and legal rights of these citizens. They can enforce appropriate standards of care, treatment, housing, and other services needed by individuals who are diagnosed as suffering from mental illnesses.

MHAND offers a 24-hour toll-free HELP-LINE service to the citizens of North Dakota who are experiencing difficulty in coping with mental illness. The calls we receive range from those simply seeking information about the availability of services, or asking for help in accessing needed services, to crisis calls from those contemplating suicide. When we

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Operator's Signature

Suzanne Richardson

10/15/03

Date

Mental Health Association in North Dakota
Testimony on SB 2014
House Appropriations Committee
March 7, 2003
Page 2

need immediate assistance in dealing with crisis calls, we are grateful that Protection and Advocacy staff are always there to help, regardless of the hour or day of the week.

In addition, the leadership of Protection & Advocacy has developed a collaborative working relationship with many diverse groups within the public and private delivery system in order to achieve a consensus to address problem areas and long-term service goals. An example of their participation in collaborative efforts is the North Dakota Disabilities Advocacy Consortium (NDDAC), a successful grassroots organization that advocates for people with disabilities. Another example is their participation in the Governor's Commission on Olmstead, a project to educate families, consumers, and advocates on the implications of the recent Olmstead Supreme Court decision. We are grateful to the Protection and Advocacy Project for their respectful and responsive approach to addressing not only the individual needs of a client but also the diverse perspectives of advocacy organizations and service providers.

It is important for the members of this committee to recognize that no one entity can adequately address the service needs of persons suffering from mental illnesses. Services must be provided by both the public and private sector. The ND Protection & Advocacy Project provides a needed and valuable service which is respected by both the service provider community and by the nonprofit advocacy community.

Our support is unqualified, except to the extent that the budget does not include any increased funding for additional staff to handle the needs of our citizens who suffer from the debilitating effects of serious mental illnesses. The Protection and Advocacy Project is vital for the citizens of North Dakota.

Thank you for your time and will remain available to answer any of your questions.

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LaCosta Rickford 10/15/03
Operator's Signature Date