

2013 SENATE HUMAN SERVICES

SB 2285

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee Red River Room, State Capitol

SB 2285
1/29/13
Job Number 17895

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation; and to provide an appropriation.

Minutes:

Attached Testimony

Chairman J. Lee opened the hearing on SB 2285.

Senator Marcellais introduced SB 2285 to the committee. See attached testimony #1. Included with his testimony is a support letter from the Tribal Chairman Richard McCloud. He also stated that his constituents could not make it for the hearing but would like to have their testimony heard over video or in person if the bill could be held open.

Sen. J. Lee acknowledged the possibility of accommodating them the following week.

Senator Anderson referenced page 1, line 9 and asked for the purpose of the reference to the land on which the center is to be located.

Sen. Marcellais responded that what they were referring to is that you don't have to purchase the land; it is going to be donated by the tribe for this building. They are looking for the actual building.

Senator Axness asked if there had been any conversations between the tribes and current center for independent living.

Sen. Marcellais replied that there has been. It sounds like they are going to testify for the bill.

Senator Dever wanted to know why it is a 2 year pilot project.

Sen. Marcellais replied that the constituent wanted this pilot project. Committee will need to ask him why.

Senator J. Lee was concerned about the potential expansion and whether or not there was a way it could be delivered out of the main site over to the Reservation.

Sen. Dever wondered if there were existing services that could be enhanced rather than building a new building.

Sen. J. Lee asked why a building was needed.

Sen. Marcellais felt those were questions for the constituent.

Scott Burlingame, Executive Director Independence Incorporated - The Center for Independent Living that serves primarily 11 northwestern counties of ND. The Turtle Mountain Indian Reservation is in their service area. (Neutral testimony) He did not have prepared testimony. He just wanted to shed some light on their plans for expansion, what they have been able to do up in that area, and what they are proposing as a statewide plan in order to attain full coverage for independent living. (Ends at meter 0:12:04)

Sen. Dever asked if they were a federally funded or state funded program.

Mr. Burlingame explained that the Centers for Independent Living get funding from both the federal government and the state and they are 501c nonprofits. They are not a program within the DHS. They are private non-profit organizations - a vendor for the state. He was not sure how the funds would be allocated.

Sen. Larsen asked how many people they were currently servicing in the Rugby/Turtle Mountain area.

Mr. Burlingame told them they served 44 people in Rolette County last year. He didn't know Rugby off hand but they don't have to work hard to find people. There are a lot more people that need these services. Fort Berthold is mostly in their service area. Spirit Lake headquarters in East Grand Forks and has an office in Devils Lake.

Senator Anderson asked the department if they owned any facilities related to this.

Russel Cusack, Director of Vocational Rehabilitation, answered that the Dept. doesn't own any facilities providing independent living services at this time. Independent living services are provided primarily through lease space.

Sen. J. Lee wanted to know how the flow of support goes from the state.

Mr. Cusack explained the process. (Meter 0:19:29)

The hearing was recessed until the next week.

Committee discussion (meter 0:21:15) followed on whether there should be some conversation between the Centers of Independent Living and the dept. and how they could enhance and extend it to other reservations rather than creating a separate program. Maybe the committee should consider, through this bill, how policy should address the direction the appropriation in the governor's budget takes in enhancing those services.

Sen. J. Lee asked Mr. Cusack to return to the podium to give the committee a brief orientation on this item in the governor's budget since the policy side doesn't see that.

Mr. Cusack (meter 0:23:25) said there is \$800,000 in the department's budget to increase general funding for Centers for Independent Living in ND. That budget has been presented to the appropriations committee of the House. It is being reviewed in the House.

Discussion continued about the centers providing services in the community and helping individuals maintain their independence in their community and in their homes.

Committee discussion was closed for the day.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2285
2/4/13
Job Number 18214

Conference Committee

Committee Clerk Signature: 

Explanation or reason for introduction of bill/resolution:

To provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation.

Minutes:

Attached Testimony

Chairman J. Lee opened SB 2285 for continued testimony via IVAN (video conference) with individuals on the Turtle Mountain Indian Reservation.

Willie Davis testified in support of the bill. See attached testimony #2. He emphasized the need for an independent living center outreach center on the reservation.

Senator Axness explained that he works for an independent living center in Fargo. He asked Mr. Davis if he had a chance to look at the governor's budget and the money allocated for services and what his thoughts were if that was passed through the legislature.

Mr. Davis replied that he spoke with Scott out of Minot about this and was reassured that they would work on building an outreach office between Minot and Belcourt if funding is fully approved. However, the Reservation is not at the top priority and they need an outreach center.

Sen. J. Lee announced that Sen. Marcellais had just joined the group.

Donna Thomas introduced herself to the committee. She is the longest standing vocational rehabilitation director in the country for both state and American Voc/rehab services. She shared her own personal experience and why she is going to have to eventually move out of North Dakota due to her disability to work.

Senator Anderson pointed out that the bill talks about the money to build a center as opposed to using that funding for providing services. He asked why the actual center should be built on the Reservation as opposed to funding for direct services.

Ms. Thomas explained the issue with population, largely due to the oil boom, and provided an example of an individual on her case load.

Mr. Davis provided comments on the cultural aspect of this.

Senator Larsen had a question about the tribal government and the constant turnover. He asked if there is currently funding for the vocational rehab services and for the learning centers.

Ms. Thomas replied no, the grants only provide vocational rehab services. Independent living services come from another source of funding. It comes down from the feds but they have to compete with all the other Indian tribes.

Chairman J. Lee asked if they make use of the IPAT (assisted technology) services.

Mr. Davis is extensively involved in this.

Ms. Thomas uses the IPAT services weekly and recommends it to her clients.

Americans with Disabilities Act is on the Reservation as an active law - only 5 tribes in the US have adopted this.

No further questions from the committee.

Ms. Thomas offered to provide written testimony to the committee but it was never received.

Sen. J. Lee closed the hearing on SB 2285.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

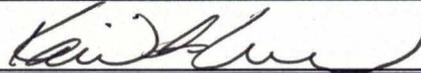
SB 2285

2/11/13

Recording Job Number: 18680

Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

To provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation.

Minutes:

You may make reference to "attached testimony."

Committee Discussion on SB 2285:

Senator Axness spoke with Scott Birlingame, Executive Director for Independence Incorporated, and updated the committee on thoughts from the Minot office. He explains that their intent is to at least get an outreach office that is within drivable distance to the reservation, with the governor's additional funding going to center for independent living. The goal is to make sure those services are extended out that direction. Senator Axness states that he has mixed feelings about the bill but wants to make sure the appropriation stays in the governor's proposal and that they let the locality decide how they want to use it.

Chairman Lee states that if there was another center it would dilute the funding for everybody.

Senator Larsen informed the committee that he also spoke with Mr. Birlingame on Saturday and that he was very open and in support of the services part of it. Providing the services will be more effective than building a new center.

Senator Larsen moves Do Not Pass.

Senator Axness seconded.

Roll call vote: 5-0, motion passes.

Senator Larsen is the carrier.

Date: 2/11/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2285

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Sen. Larsen Seconded By Sen. Axness

Senators	Yes	No	Senator	Yes	No
Chariman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Larsen

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

REPORT OF STANDING COMMITTEE

SB 2285: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

SB 2285

Testimony

SB 2285 - to provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation and to provide an appropriation
Human Services Committee
Senator Lee, Chairman
January 29, 2013

For the record my name is Richard Marcellais, Senator from District 9, Rolette County

The Center of Independent Living (CIL) is a pilot project for 2 years by providing training, networking and/or resources to individuals with disabilities, mobility impairments, those requiring special needs or elders who require these types of assistance.

Those coming to the Center of Independent Living (CIL) Outreach office will have the opportunity to gain independence, along with better outlook and improve self-image.

With the sum of nearly 2800 enrolled members living with some type of disability or requiring some form of medical assistance from ages 5 to 85 there is a vast need to help establish resources for the tribal members.

Therefore I am here today in support Senate Bill 2285.

Thank You Chairman Lee & Human Services Committee.
I will try an answer any questions you may have.

1

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

HIGHWAY #5 WEST
P.O. BOX 900
BELCOURT, ND 58316

(701) 477-2600
Fax: (701) 477-6836
Website: www.tmbci.net



January 16, 2013

Legislative Council
State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

Re: Letter of Support for need to develop Independent Living Center (CIL) on the Turtle Mountain Reservation

Dear Legislative Council:

It has come to our attention, as the duly newly elected Tribal Government for the Turtle Mountain Band of Chippewa Tribal members that there is a need with the vast number of (thousands) of members who are living with some type of a disability, from early childhood to elders. We support any and all efforts to establish an ILC Outreach office on the TM reservation & encourage the North Dakota legislatures to assist in any way they can, either the allocations of funds and/or collaboration with the development of such a facility.

We also, endorse the coordinating efforts of Mr. Willie Davis to continue to work with ND District Senator Richard Marcellais with the development of such a facility on the Turtle Mountain Indian reservation.

If you have any questions, please contact the Tribal Government at 477-2603.

Respectfully Yours,

A handwritten signature in cursive script that reads "Richard W. McCloud".

Richard W. McCloud
Chairman

NDLA, S HMS - Herrick, Kari

From: Davis Willie <sharkwheels@yahoo.com>
Sent: Friday, February 01, 2013 10:38 PM
To: NDLA, S HMS - Herrick, Kari; Lee, Judy E.; Marcellais, Richard; Willie
Subject: Re: SB 2285/Testimony from Willie Davis

Dear Senator Lee & Committee Members-

My testimony is in reference to Senate Bill 2285, introduced by a long time friend & very excellent District Senator Richard Marcellais, who helped in introducing the bill. Including all others who helped get the bill introduced and set up for Committee discussion. Thank you for your time.

My testimony is very simple and right to the point. For over the last 10 years I have been observing and working to improve the quality of life for persons living with a disability, requiring special needs or for that matter the elderly population all have struggled to find employment opportunities, a centrally located area for training or re-training and located assistance that may include a modification or assistive device that would improve their lives tremendously. The only real problem with that now on the Turtle Mountain Indian reservation in Belcourt is that outreach is hit and miss. Mostly taken on by individuals by referral process. We need to establish a community resource building that can provide these types of assistance. Mainly, the need for an Independent Living Center Outreach office.

You may ask, why then does not our tribal government leaders and/or other community leaders help coordinate or establish such a facility, including staff. The answer is mostly because there is a constant turnover in the tribal government, not allowing for any consistent support or dialogue for this development. I strongly believe The State of North Dakota needs to have a stronger, vested interest in the well being of it's disability residents, specially those underserved minority groups. And with the financial help to construct a ILC Outreach office and/or establish a better outreach to the reservation the quality of life with independent living skills for these individuals can improve.

You may ask where my knowledge and or experience comes from my testimony or experiences. I have been confined to a wheelchair since 1980. I have attended UND for 5 years, receiving a BSSW degree. I have served on many local committee's and State Boards, for instance the Satewide Indpendent Living Council (SILC) for 3 terms. I have also over 30 years of working for or on behalf of those living with a disability as an advocate. This has been my strongest passion over the last 25 years, to Advocate for those who need a Voice, cannot speak for themselves or are looking for Leaders who can make the difference. In closing, please consider not only my voice as testimony for the need for our ND State legislatures to get involved and represent Inclusion for All ND Members!