

1999 SENATE APPROPRIATIONS
SB 2014

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2014

Senate Appropriations Committee

Conference Committee

Hearing Date 1/18/99

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|----------|
| 1 | | x | 2435-end |
| 2 | x | | 3-661 |
| 2/3/99 | x | | |
| Committee Clerk Signature <i>Claudia Anderson</i> | | | |

Minutes:

SENATOR NETHING: Opened the hearing on SB 2014, a BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

VERN WEGNER: Protection and Advocacy Committee, Chairman, to testify in support of SB 2014. (testimony attached) (tape 2435-3032)

SENATOR ANDRIST: Help us understand how a 6 percent salary package and the addition of one half-time equivalent position can translate to about a 12-15 percent increase in the general fund dollars.

VERN WEGNER: There is approximately \$10,000 for increase in pay raise, another \$10,000 for the director salary, an increase in health insurance and other compensation packages. The salary increases are in state funds, not in the federal fund portion.

TERESA LARSEN: Protection and Advocacy Project, Executive Director (testimony and year-end report attached) (tape 3190-4386).

SENATOR ST. AUBYN: We received information noting your organization has not addressed the Y2K issue. Will you address this?

TERESA LARSEN: We addressed this quite some time ago; however, we neglected to fill out the proper forms. It has been taken care of.

JOYCE SMITH: Protection and Advocacy Advisory Council, Chair, Mandan testified in support of SB 2014 (testimony attached) (tape 4670-4890).

MIKE AAMON: Bismarck Public Schools Special Education, Director to testify in support of SB 2014. (tape 5020-5488). We are very pleased with the responsibilities this agency has

assumed the past few years. They have served as advocates for learning disabled students to be placed in the least restrictive environment. They are also in protecting the rights of adults. They have gone beyond their mandated responsibilities in partnering with schools and in sharing their resources. They have been very supportive in advocating for those who cannot advocate for themselves.

ROSE STOHLER: Mental Health Association, Executive Director to testify in support of SB 2014. (tape 5525-5844). Spoke in support of the Protection & Advocacy's role in facilitating the voter training (in cooperation with the League of Women) of individuals with disabilities to vote during the recent election.

TOM NEWBERGER: Red River Human Services Foundation, Director to testify in support of SB 2014 (testimony attached) (tape 1 5912-end + tape 2, side A 3-65).

SENATOR SOLBERG: How would you compare this feelings toward your Agency with those 4-5 years ago?

TOM NEWBERGER: Since the 1980 ARC lawsuit alleging 14th amendment violations, roles have been redefined. It is no longer confrontational and has moved toward partnerships.

SENATOR SOLBERG: Protection and Advocacy Project, Board Member to testify in support of SB 2014. The Agency has struggled the past 4 years. They've been response to recent legislation. They now include teachers in their project input. Credit should be given to Vern and the Board members, as well as Teresa and her staff for being proactive in working with other service providers.

SENATOR NETHING: Closed the hearing on SB 2014. (tape 610).

=====

2/3/99

tape 1, side A

SENATOR NETHING: Reopened the hearing on SB 2014, and called for the motion on the amendment.

SENATOR ST. AUBYN: Moved do pass on the amendment to SB 2014

SENATOR SOLBERG: Seconded the motion

ROLL CALL: 12 YEAS; 1 NAY; 1 ABSENT & NOT VOTING

MOTION CARRIED ON THE AMENDMENT TO SB 2014

Yeas: Nething; Naaden; Solberg; Lindaas; Tallackson; Robinson; Krauter; St. Aubyn; Grindberg; Holmberg; Kringstad; Bowman

Nays: Tomac

Absent & Not Voting: Andrist

SENATOR NETHING: Called for the motion on SB 2014 as amended

SENATOR NAADEN: Moved do pass on SB 2014 as amended

SENATOR KRINGSTAD: Seconded the motion

Page 3
Senate Appropriations Committee
Bill/Resolution Number SB 2014.lwp
Hearing Date ~~1/28/99~~

2/3/99

**ROLL CALL: 12 YEAS; 1 NAY; 1 ABSENT & NOT VOTING
MOTION CARRIED ON SB 2014 AS AMENDED**

Yeas: Nething; Naaden; Lindaas; Tallackson; Tomac; Robinson; Krauter; St. Aubyn; Grindberg;
Holmberg; Kringstad; Bowman
Nays: Solberg
Absent & Not voting: Andrist

CARRIER: SENATOR KRAUTER

SENATOR NETHING: Closed the hearing on SB 2014 (tape 1, side A)

Date: 2/3/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2014

Senate APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

✓ Legislative Council Amendment Number 98036.0101

Action Taken DO PASS

Motion Made By SENATOR ST. AUBYN Seconded By SENATOR SOLBERG

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|----------|-----|----|
| Senator Nething, Chairman | ✓ | | | | |
| Senator Naaden, Vice Chairman | ✓ | | | | |
| Senator Solberg | ✓ | | | | |
| Senator Lindaas | ✓ | | | | |
| Senator Tallackson | ✓ | | | | |
| Senator Tomac | | ✓ | | | |
| Senator Robinson | ✓ | | | | |
| Senator Krauter | ✓ | | | | |
| Senator St. Aubyn | ✓ | | | | |
| Senator Grindberg | ✓ | | | | |
| Senator Holmberg | ✓ | | | | |
| Senator Kringstad | ✓ | | | | |
| Senator Bowman | ✓ | | | | |
| Senator Andrist | | | | | |

Total (Yes) 12 No 1

Absent 1

Floor Assignment _____

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

Date: 2/3/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2014

Senate APPROPRIATIONS Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS AS AMENDED

Motion Made By SENATOR NAADEN Seconded By SENATOR KRINGSTAD

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|----------|-----|----|
| Senator Nething, Chairman | ✓ | | | | |
| Senator Naaden, Vice Chairman | ✓ | | | | |
| Senator Solberg | | ✓ | | | |
| Senator Lindaas | ✓ | | | | |
| Senator Tallackson | ✓ | | | | |
| Senator Tomac | ✓ | | | | |
| Senator Robinson | ✓ | | | | |
| Senator Krauter | ✓ | | | | |
| Senator St. Aubyn | ✓ | | | | |
| Senator Grindberg | ✓ | | | | |
| Senator Holmberg | ✓ | | | | |
| Senator Kringstad | ✓ | | | | |
| Senator Bowman | ✓ | | | | |
| Senator Andrist | | | | | |

Total (Yes) 12 No 1

Absent 1

Floor Assignment SENATOR KRAUTER

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

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,282,345" with "2,255,977"

Page 1, line 12, replace "810,553" with "784,185"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment makes the following changes:

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|--------------------|------------------|----------------|------------------|
| Total all funds | \$2,282,345 | (\$26,368) | \$2,255,977 |
| Less special funds | <u>1,471,792</u> | _____ | <u>1,471,792</u> |
| General fund | \$810,553 | (\$26,368) | \$784,185 |
| FTE | 22.00 | 0.00 | 22.00 |

Detail of Senate changes to the executive budget include:

| | REDUCE COMPENSATION PACKAGE TO 2/2 | ADJUST HEALTH INSURANCE COST | DELAY DIRECTORS MARKET ADJUSTMENT TO JANUARY 1, 2001 ¹ | TOTAL SENATE CHANGES |
|--------------------|------------------------------------|------------------------------|---|----------------------|
| Total all funds | (\$23,348) | \$6,557 | (\$9,577) | (\$26,368) |
| Less special funds | _____ | _____ | _____ | _____ |
| General fund | (\$23,348) | \$6,557 | (\$9,577) | (\$26,368) |

¹ In addition to the 2 percent annual salary increases provides a market salary adjustment for the director of the Protection and Advocacy Project of \$438/month on January 1, 2001.

1999 HOUSE APPROPRIATIONS

SB 2014

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2014

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date March 11, 1999

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 1 | x | | 0-end |
| 1 | | x | 0-30.8 |
| Committee Clerk Signature <i>Paullette Gussis</i> | | | |

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

0.0 Chairman Svedjan opened committee hearing on SB 2014. All members present.

.6 Vern Wagner (Chairman of Protection and Advocacy and a former House Speaker) presented the bill to the committee.

6.5 Rep Delzer asked if they do have an agency in every region. Mr. Wagner stated that they do. Most of the regions have 1 FTE, although Jamestown has several because of the demand.

2.8 Teresa Larson (Executive Director of the Protection and Advocacy Project) went through the FTE's and the budget. See attached testimony.

25.7 Rep. Timm asked if they has to apply each year for their federal grant. Ms. Larson stated we have to complete assurances each year but we don't have to complete an application.

35.1 Rep. Timm asked when dealing with Human Services are the problems resolved. Ms. Larson states that the majority is resolved to the clients favor.

37.4 Rep. Bernstein asked what the source of funding for a private entity was. Ms. Larson states that they would receive the same federal grants that they receive, that relies on the population of the state.

Page 2

Human Resources Division

Bill/Resolution Number 2014

Hearing Date March 11, 1999

Tape 1, B, 4.0 Joyce Smith (Chair for Protection and Advocacy for Individuals with Mental Illnesses Advisory Council) spoke in support of SB 2014. See attached testimony.

6.0 Chuck Stevens (works at Independent Living Center) testified in support of SB 2014. See attached testimony.

.9 Marry Glaser (Parent of a child with Autism) testified in support of SB 2014. See attached testimony.

16.1 Rose Stoller (Executive Director of the Mental Health Association in ND) testified in support of SB 2014. See attached testimony.

18.9 Raylynn Hapip (Executive Director of People First of ND) testified in support of SB 2014. See attached testimony.

25.9 John Larson (Executive Director of Enable, Inc.) testified in support of SB 2014. See testimony.

**** Tom Newberger** (Director of Red River Human Service Foundation Fargo & Wahpeton) handed out testimony, see attachment.

31.7 Chairman Svedjan closed committee hearing for SB 2014.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

| | | | |
|---|--------|--------|---------|
| Date March 19, 1999 | | | |
| Tape Number | Side A | B Side | Meter # |
| 1 | x | | 0-30.6 |
| Committee Clerk Signature <i>Paulite Cassio</i> | | | |

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

Tape 1, A, 0.0 Chairman Svedjan opened committee work on SB 2014. All members present.

.6 Teresa Larson (Executive Director) went through information that the committee requested.

9.5 Chairman Svedjan asked if there is litigation if it come out of their budget. Ms. Larson states that it does come out of there budget but it is not often that they use it, because they hire attorney to keep us out of court not to go to court.

29.3 Rep. Bernstein asked if there was a required match between general and federal funds. Ms. Larson states that there is no match.

30.6 Chairman Svedjan closed committee work.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

| | | | |
|---|--------|--------|---------|
| Date March 25, 1999 | | | |
| Tape Number | Side A | B Side | Meter # |
| 1 | x | | 0-29.7 |
| Committee Clerk Signature <i>Paulette Gussias</i> | | | |

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

Tape 1, A, 0.0 Chairman Bernstein opened committee work on SB 2014.

2.2 Rep. Hoffner moved to adopt amendments 98036.0201, 2nd by Rep. Kerzman. The vote was 5 yes, 0 no, 1 absent.

3.2 Jim Smith walked the committee through the amendments.

6.5 Rep. Kerzman makes the motion to further amend the bill, the motion was to restore the .5 time FTE, 2nd by Rep. Hoffner. The vote was 2 yes, 3 no, 1 absent.

26.1 Rep. Delzer moves to further amend, the motion was to give the federal authority for the 13,000 dollars, 2nd by Rep. Timm. The vote was 5 yes, 0 no, 1 absent.

28.3 Rep. Timm moves for a do pass as amended, 2nd by Rep. Delzer. The vote was 5 yes, 0 no, 1 absent.

29.6 Chairman Bernstein closed the committee work of SB 2014.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

| Date March 25, 1999 | | | |
|--|--------|--------|-----------|
| Tape Number | Side A | B Side | Meter # |
| 2 | x | | 27.7-43.9 |
| | | | |
| Committee Clerk Signature <i>Casey Davis</i> | | | |

Minutes:

SB 2014

CHAIRMAN DALRYMPLE opened discussion on SB 2014.

2A: 27.7 REP. DELZER presented the HR subcommittee's recommendation and the proposed amendments 0202. He moved amendments 0202, and the motion was seconded by Rep. Timm.

2A: 32.7 REP. DELZER noted that ½ time FTEs receive full benefits, and that if the state were to stop giving ½ time FTEs full time benefits the state would save a great deal of money.

2A: 33.4 A voice vote was taken and the motion carried.

2A: 33.6 REP. KERZMAN moved to further amend by adding back the ½ time FTE. The motion was seconded by Rep. Gulleon.

2A: 34.4 REP. DELZER said that it would distort all other figures. The change is not \$1300. The shift is \$14,000.

2A: 35.6 JIM SMITH, Legislative Council, said it would require changes in other areas.

2A: 37.7 REP. KERZMAN said it is mostly federal funding. The person is doing an excellent job helping someone with a disability.

2A: 38.0 A roll call vote was taken and the motion failed.

2A: 39.8 REP. DELZER moved for a Do Pass as amended. The motion was seconded by Rep. Timm. A roll call vote was taken and the motion carried with 15 yeas, 4 nays, and 1 absent and not voting. Rep. Delzer will carry the bill to the House floor.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

| | | | |
|--|--------|--------|---------|
| Date March 26, 1999 | | | |
| Tape Number | Side A | B Side | Meter # |
| 2 | x | | 0-48.0 |
| Committee Clerk Signature <i>Paulita Cussias</i> | | | |

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of human services; to amend and reenact section 4 of chapter 561 of the 1991 Session Laws, as amended by section 18 of chapter 2 of the 1993 Session Laws, section 9 of chapter 34 of the 1995 Session Laws, and section 16 of chapter 12 of the 1997 Session Laws, relating to appropriation for projects at westwood park; to provide for the transfer of appropriations between agencies and institutions; to provide for reports to the budget section; and to declare an emergency.

Tape 2, A, 0.0 Chairman Svedjan opened committee work on SB 2012. All members present.

0.2 The committee went through **West Central Human Service Center**.

0.3 The committee went through the **OAR's**.

10.8 The committee went through the **vacant FTE's**.

11.3 The committee went through the **Manchester House**.

16.9 The committee went through the **operating fees and services line item**.

16.9 The committee went through the **Grants, Benefits and Claims line item**.

General Discussion

Page 2

Human Service, Appropriations

March 26, 1999

23.1 The committee went through the **Badlands Human Service Center.**

24.5 The committee went through the **OAR's.**

35.6 The committee went through the **vacant FTE's.**

36.1 The committee went through the **operating line item.**

41.0 The committee went through the **Grants, Benefits and Claims.**

46.6 Chairman Svedjan closed the committee work on SB 2012.

Date: 3-25-99
Roll Call Vote #: /

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House _____ APPROPRIATIONS _____ Committee

Subcommittee on _____ HUMAN SERVICES _____
or
 Conference Committee

Legislative Council Amendment Number 98036.0201

Action Taken Fails

Motion Made By Kerzman Seconded By Hoffner

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KEN SVEDJAN | | ✓ | | | |
| VICE CHAIRMAN LEROY BERNSTEIN | | ✓ | | | |
| REP. JEFF DELZER | | ✓ | | | |
| REP. SERENUS HOFFNER | ✓ | | | | |
| REP. JAMES KERZMAN | ✓ | | | | |
| REP. MIKE TIMM | | ✓ | | | |
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Total (Yes) 2 No 3

Absent 1 absent

Floor Assignment Further amend - add 1/2 FTE
If the vote is on an amendment, briefly indicate intent:

Date: 3-25-99
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House _____ APPROPRIATIONS _____ Committee

Subcommittee on _____ HUMAN SERVICES _____
or
 Conference Committee

Legislative Council Amendment Number 98036.0201

Action Taken pass

Motion Made By Hoffner Seconded By Kerzman Decker

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KEN SVEDJAN | | | | | |
| VICE CHAIRMAN LEROY BERNSTEIN | ✓ | | | | |
| REP. JEFF DELZER | ✓ | | | | |
| REP. SERENUS HOFFNER | ✓ | | | | |
| REP. JAMES KERZMAN | ✓ | | | | |
| REP. MIKE TIMM | ✓ | | | | |
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Total (Yes) 5 No 0

Absent 1

Floor Assignment except the amend
If the vote is on an amendment, briefly indicate intent:

Date: 3-25-99
Roll Call Vote #: 3

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House _____ APPROPRIATIONS _____ Committee

Subcommittee on _____ HUMAN SERVICES _____
or
 Conference Committee

Legislative Council Amendment Number 98036.0201

Action Taken pass

Motion Made By Delzer Seconded By Timm

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KEN SVEDJAN | | | | | |
| VICE CHAIRMAN LEROY BERNSTEIN | ✓ | | | | |
| REP. JEFF DELZER | ✓ | | | | |
| REP. SERENUS HOFFNER | ✓ | | | | |
| REP. JAMES KERZMAN | ✓ | | | | |
| REP. MIKE TIMM | ✓ | | | | |
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Total (Yes) 5 No 0

Absent 1

Floor Assignment Further Amend.
If the vote is on an amendment, briefly indicate intent:

Date: 3-25-99
Roll Call Vote #: 4

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House APPROPRIATIONS Committee

Subcommittee on HUMAN SERVICES
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Timm Seconded By Andrew Decker

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------------|-----|----|-----------------|-----|----|
| CHAIRMAN KEN SVEDJAN | | | | | |
| VICE CHAIRMAN LEROY BERNSTEIN | ✓ | | | | |
| REP. JEFF DELZER | ✓ | | | | |
| REP. SERENUS HOFFNER | ✓ | | | | |
| REP. JAMES KERZMAN | ✓ | | | | |
| REP. MIKE TIMM | ✓ | | | | |
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Total (Yes) 5 No 0

Absent 1

Floor Assignment Rep Decker

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

3.25-99

Date:

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken add back 1/2 time FTE

Motion Made By Kerzman Seconded By Gulleson

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------|--------------|----|-----------------|-----|----|
| Chairman Dalrymple | | x | Nichols | x | |
| Vice-Chairman Byerly | | | Poolman | | x |
| Aarsvold | x | | Svedjan | | |
| Bernstein | | x | Timm | | x |
| Boehm | 6 | x | Tollefson | | x |
| Carlson | | x | Wentz | | x |
| Carlisle | | x | | | |
| Delzer | | x | | | |
| Gulleson | x | | | | |
| Hoffner | x | | | | |
| Huether | x | | | | |
| Kerzman | x | | | | |
| Lloyd | | x | | | |
| Monson | | x | | | |

Total (Yes) 6 No 12

Absent 2

Floor Assignment _____

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

Date: 3-25-99
 Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House Appropriations Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 0202

Action Taken Do Pass As Amended

Motion Made By Delzer Seconded By Timm

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------|-----|----|-----------------|-----|----|
| Chairman Dalrymple | X | | Nichols | X | |
| Vice-Chairman Byerly | X | | Poolman | X | |
| Aarsvold | | X | Svedjan | | |
| Bernstein | X | | Timm | X | |
| Boehm | X | | Tollefson | X | |
| Carlson | X | | Wentz | X | |
| Carlisle | X | | | | |
| Delzer | X | | | | |
| Gulleson | | X | | | |
| Hoffner | | X | | | |
| Huether | X | | | | |
| Kerzman | | X | | | |
| Lloyd | X | | | | |
| Monson | X | | | | |

Total (Yes) 15 No 4

Absent 1

Floor Assignment Delzer

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

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,255,977" with "2,227,636"

Page 1, line 11, replace "1,471,792" with "1,507,492"

Page 1, line 12, replace "784,185" with "720,144"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

HOUSE - This amendment makes the following changes:

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--------------------|------------------|------------------|---------------|------------------|
| Total all funds | \$2,282,345 | \$2,255,977 | (\$28,341) | \$2,227,636 |
| Less special funds | <u>1,471,792</u> | <u>1,471,792</u> | <u>35,700</u> | <u>1,507,492</u> |
| General fund | \$810,553 | \$784,185 | (\$64,041) | \$720,144 |
| FTE | 22.00 | 22.00 | (0.50) | 21.50 |

Detail of House changes to the Senate version includes:

| | REMOVE FUNDING FOR COMPUTERS | REMOVE FUNDING FOR INTERNET HOME PAGE | CHANGE FUNDING FOR AUTOMATED CASE MANAGEMENT SYSTEM | REMOVE FUNDING FOR .5 FTE SUPPORT POSITION | ADD FUNDING FOR TEMPORARY SALARIES IN LIEU OF .5 FTE POSITION | REPLACE GENERAL FUND WITH SAVINGS FROM .5 FTE REMOVED |
|--------------------|------------------------------|---------------------------------------|---|--|---|---|
| Total all funds | (\$7,200) | (\$6,360) | \$0 | (\$25,781) | \$11,000 | \$0 |
| Less special funds | _____ | _____ | <u>35,700</u> | <u>(24,127)</u> | <u>11,000</u> | <u>13,127</u> |
| General fund | (\$7,200) | (\$6,360) | (\$35,700) | (\$1,654) | \$0 | (\$13,127) |
| FTE | 0.00 | 0.00 | 0.00 | (0.50) | 0.00 | 0.00 |
| | TOTAL HOUSE CHANGES | | | | | |
| Total all funds | (\$28,341) | | | | | |
| Less special funds | <u>35,700</u> | | | | | |
| General fund | (\$64,041) | | | | | |
| FTE | (0.50) | | | | | |

1999 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2014

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2014C

Senate Appropriations Committee

Conference Committee

Hearing Date April 6, 1999

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1 | X | | 1-3200 |
| 3 | X | | 1-1060 |
| | | | |
| Committee Clerk Signature <i>Kathryn C. Kottelnerock</i> | | | |

Minutes:

SENATOR SOLBERG: Opened the conference committee on SB2014.

ROLL CALL: Present; Senator Solberg, Senator Naaden, Senator Krauter, Representative Bernstein, Representative Delzer, Representative Kerzman.

SENATOR SOLBERG: Representative Bernstein, would you go over the changes the House made.

REPRESENTATIVE BERNSTEIN: We removed; \$7,200 for computers; \$6,360 for Internet Home Page; \$35,700 for a Case Management System and funding for .5 FTE support position. We added funding for temporary salaries in Lieu of the .5 FTE position and we replaced the general fund dollars with the savings from the .5 FTE removed. We have a problem with the .5 FTE. The .5 FTE, the purpose of the job is to assist the Advocate in Williston who has, while on the job, lost eyesight. A person that is handicapped and deserves to work as much as anybody else but, yet, to have to have a .5 FTE in addition to the full time FTE is something we had a hard time with. The main problem with the .5 FTE is that they are eligible for full benefits. The concern was with the benefits of the .5 FTE.

REPRESENTATIVE DELZER: I have a problem paying full time benefits to a .5 FTE. Why do we have an Advocate that isn't able to do the job?

SENATOR SOLBERG: Does anybody have any problems with the first three changes that the House made? Evidently we're ok on them three. We'll go back to the .5 FTE.

SENATOR SOLBERG: The letter from Teresa Larsen Larceny, P & A Executive Director, states on #4, that this was \$24,127 Federal funds and \$16,054 General funds. Is that correct.

REPRESENTATIVE DELZER: That's the way they funded it when it came. The P & A is off of a Federal funding grant. North Dakota is a maximum allotment State, we get everything we can. When they built the budget, they put it in as mostly Federal. When we removed that and put the \$11,000 in as temporary salary, it freed up \$13,000 from the General fund.

JIM SMITH: Legislative Council. The way the .5 position was funded: \$24,000 Federal funds with no matching requirement from the State; \$11,000 of Federal funds was added by the House for the temporary salaries needed for that person; \$13,127 Federal funds were available, so they put those back in and replaced General fund moneys with those. Again, we are going to get the minimum allotment of Federal funds.

REPRESENTATIVE DELZER: Has there ever been a situation of prorating of benefits?

JIM SMITH: Statutory requirements mandate a person that is working permanently and is a .5 FTE, the requirement is that the health insurance benefits be provided.

SENATOR KRAUTER: What we're saying is that we are still funding the position but, we're not funding the benefits?

SENATOR SOLBERG: Basically, your proposal is to do away with this and add \$11,000 for temporary with no benefits?

REPRESENTATIVE DELZER: That's correct, that's the way it is currently and the way it's been for four years now. This position was a .5 FTE permanent before 1995 and then when they were cut back in 1995, this went from a .5 FTE to a temporary with no benefits. If you except the House amendments it will go on the way it's been for the last four years.

SENATOR NAADEN: Can we have a temporary person for that long without having with health insurance?

CELESTE KUBASTA: OMB. I will make a call to central personal.

REPRESENTATIVE KERZMAN: I think we have to look at what some of the ramifications would be if we don't restore this position. We could lose this .5 FTE person and the consequences that we could lose the other and have to hire somebody at a higher rate. Basically, we've displaced two persons with one. I think we're getting a bargain here and we've gotten a bargain from this person who has stayed on for four years. I think we owe that person a little bit of a reward.

SENATOR SOLBERG: The way I read this, if we put this individual that is now temporary to a permanent part time, it would double the cost and the benefits?

REPRESENTATIVE DELZER: Health Insurance is \$360 a month, retirement and etc.

REPRESENTATIVE BERNSTEIN: What about the other benefits, sick pay, vacation and etc.? If we were talking health benefits without the holidays and etc., the whole thing would be much more palatable.

JIM SMITH: The individual would get 9% in retirement benefits, based on their salary level, the holiday pay would be based on half time, receiving a portion.

CELESTE KUBASTA: There is no real legal standing that says you can not keep a person on temporary status forever. As long as you've never switched this position into an FTE, once you flip it into an FTE, you can't go back. The statute says, on the health insurance, the person must be in a classified position and work at least twenty hours per week, then they receive full health insurance benefits. Those are the two tests for health insurance. The other benefits go with the same test.

SENATOR SOLBERG: I come up with \$9,500 not \$14,000.

JIM SMITH: I think part of the increase will be additional hours to reach that twenty hours a week.

SENATOR SOLBERG: Any other comments on that position? What I'd like, since we are in agreement with the first three, the Chair would entertain a motion that the Senate accede to the House amendments on the first three items.

SENATOR KRAUTER: Moved to have the Senate accede to the House amendments on the first three items.

REPRESENTATIVE DELZER: Seconded the motion.

ROLL CALL: 6 YEAS; 0 NAY; 0 ABSENT & NOT VOTING.

SENATOR SOLBERG: Motion passed.

SENATOR KRAUTER: I feel comfortable with putting the .5 FTE in and funding it with Federal dollars and basically reduce the General fund to make up the difference. That seems like a good compromise.

REPRESENTATIVE DELZER: That is a compromise position but, I'm not sure, we looked pretty closely at the operating costs. I'm not sure that they would agree that this would be the best way for them to go, to reduce operating further, to collect the benefits for this half time person. I don't plan to support it.

SENATOR KRAUTER: Jim, what's your recollection on the operating, this biennium compared to last biennium?

REPRESENTATIVE DELZER: These first three items did come out of operating. We did give them a Special fund authority on item three. But, that was General fund that we took out.

SENATOR SOLBERG: The \$7,200 they feel they can make up.

REPRESENTATIVE DELZER: They already bought those from surplus property.

REPRESENTATIVE DELZER: Do you know about job sharing?

CELESTE KUBASTA: In job sharing, they both receive the benefits.

REPRESENTATIVE KERZMAN: I think we have enough in the minimum allotment to cover this position.

REPRESENTATIVE BERNSTEIN: Moved that the House recede from the half time position and let it stand.

REPRESENTATIVE BERNSTEIN: I have a question of council.

SENATOR SOLBERG: Do you want a second on your motion or do you want to hold your motion of put it on the floor?

REPRESENTATIVE BERNSTEIN: Hold the motion.

REPRESENTATIVE BERNSTEIN: Jim, if we put back that .5 FTE, we have to put back that \$13,000 with it? Would that have to be part of the motion?

JIM SMITH: Well, you'd have to address the funding, whether you'd want to take out \$13,000 or leave it in, the Senate version has it in.

REPRESENTATIVE DELZER: It wouldn't have to, that's what we are discussing. You could take it out of operating and reduce the General fund by \$13,000 and allow them the Federal funding to go back up to the \$25,000 or whatever it was. The option is there.

REPRESENTATIVE KERZMAN: When it came over to us, it was all Federally funded except for \$13,075, that was the only General funds we had to come up with to fund this .5 FTE.

SENATOR SOLBERG: If this half time FTE was to be, it would be \$24,127 of Federal and \$16,054 of General. Is that correct?

JIM SMITH: That's correct. That is how the position was funded.

SENATOR SOLBERG: Adjourned the meeting until the call of the Chair.

4/7/99 **Tape 3, Side A, Meter 1-1060**

SENATOR SOLBERG: Reopened the conference committee on SB2014.

ROLL CALL: Present; Senator Solberg, Senator Naaden, Senator Krauter, Representative Bernstein, Representative Kerzman. Absent; Representative Delzer.

SENATOR SOLBERG: Distributed a letter from Dan LeRoy, Central Personal (attached). We are looking at the benefits of \$25,000 and I thought that was awful high. I also talked to Theresa Larsen and I guess she doesn't have any problem either way it goes, as long as she can continue to have her. The \$12,000 is more that what she is getting currently and \$11,000 would adequately cover her salary. The last meeting, we had as Celeste, Office of Management and Budget, about a full time position changing into temporary position. Celeste called Central Personal and their response was; There is no real legal standing that says you cannot keep a person on temporary status forever. as long as you've never switched this position into an FTE, once you flip it into an FTE, you can't go back, The statute says, on the health insurance, the person must be in a classified position and work at least twenty hours per week, then they receive full health insurance benefits. Those are the two tests for health insurance. The other benefits go with the same test. The way I'm reading that now, correct me if I'm wrong, if you make her an FTE now, we are not going to be able to switch it back to temporary. I don't think this has anything to do with what happened four years ago. It's is she goes on now.

REPRESENTATIVE BERNSTEIN: This person doesn't work twenty hours a week, can alternate from 15-17.

ARVY SMITH: When you look a the salary difference, the half time salary is around \$15,000 and the temporary without the .5 FTE was \$11,000. So, that indicates to me that was less hours.

REPRESENTATIVE BERNSTEIN: I myself is going to have a hard time just to leave it status quo like it is and let them have this individual as a temporary. I know she has been a good quality employee but, I also have a hard time with the \$8,400 over the biennium for health insurance. If we could adjust that somehow, I'd be much happier and I'd be willing to give it to her. I going to make a motion to leave it as it is, part time temporary. I know it isn't up to us here but, I would really like to see something done for all the half time FTE's to pro-rate benefits.

SENATOR SOLBERG: Any second? Motion dies.

REPRESENTATIVE KERZMAN: Moved to have the House Recede from the amendments to change that to temporary at the full \$24,127.

SENATOR KRAUTER: Seconded the motion.

SENATOR SOLBERG: I think I'll have trouble voting for this because I don't think if we do this, we don't need the \$25,700. I think we can get by with \$21,500, more in the line of that. With the \$11,000 that would fully cover that individual salary, and some of the others off, I think we can get by. How would we work that out as far as general, specials - how can we do that? Would we put back in that 1654 general?

JIM SMITH: I think you would have to adjust. There would end up being some general fund savings if you reduce the salary you are going to pay for that half-time position. If it goes to \$21,500 you save about \$4300, which in effect would free up some federal funds that would save the general fund some money.

SENATOR SOLBERG: Would that be favorable to your motions Rep. Kerzman?

REPRESENTATIVE KERZMAN: I would go along with that. It will reduce the salary.

REPRESENTATIVE BERNSTEIN: What if this individual don't work the full twenty hours? How would that be handled?

REPRESENTATIVE KERZMAN: I think she would have to work the twenty hours to qualify. I think it is pretty clear that they have to work 20 hours.

SENATOR SOLBERG: We will call the roll.

**ROLL CALL: 5 YEAS; 0 NAY; 1 ABSENT & NOT VOTING.
(REPRESENTATIVE DELZER).**

SENATOR SOLBERG: Motion passed. The Conference Committee was adjourned.

(Bill Number) SB 2014 (, as (re)engrossed):

Your Conference Committee

| Attendance | SENATORS | Vote |
|------------|----------|------|
| P | Solberg | Y |
| P | Naaden | Y |
| P | Krauter | Y |

| Attendance | REPRESENTATIVES | Vote |
|------------|-----------------|------|
| P | Bernstein | Y |
| P | Delzer | Y |
| P | Kerzman | Y |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (S_{723/724}/H_{725/726}) page(s) 935 - _____

and place _____ on the Seventh order.
727

, adopt (further) amendments as follows, and place
_____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/315

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 4, 6, 1999

CARRIER: Solberg

LC NO. 98036 . 0202 of amendment

LC NO. 980.36 . 0200 of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

(Bill Number) SB 2014 (, as (re)engrossed):

Your Conference Committee

| Attendance | SENATORS | Vote |
|------------|----------|------|
| P | SOLBERG | Y |
| P | NAADEN | Y |
| P | KRAUTER | Y |

| Attendance | REPRESENTATIVES | Vote |
|------------|-----------------|------|
| P | BERNSTEIN | Y |
| A/P | DELZER | A |
| P | KERZMAN | Y |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 8724/8726 8723/8725
the (Senate/House) amendments on (SJ/HJ) page(s) 935 - _____

and place _____ on the Seventh order.
727

. adopt (further) amendments as follows, and place
_____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4, 7, 99

CARRIER: _____

LC NO. 98036 . 0203 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2014, as engrossed: Your conference committee (Sens. Solberg, Naaden, Krauter and Reps. Bernstein, Delzer, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 935, adopt further amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on page 935 of the Senate Journal and pages 1028 and 1029 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 10, replace "2,255,977" with "2,238,136"

Page 1, line 11, replace "1,471,792" with "1,507,492"

Page 1, line 12, replace "784,185" with "730,644"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

CONFERENCE COMMITTEE - This amendment makes the following changes:

| | EXECUTIVE BUDGET | SENATE VERSION | CONFERENCE COMMITTEE CHANGES | CONFERENCE COMMITTEE VERSION | HOUSE VERSION | CONFERENCE COMPARISON TO HOUSE VERSION |
|--------------------|------------------|------------------|------------------------------|------------------------------|------------------|--|
| Total all funds | \$2,282,345 | \$2,255,977 | (\$17,841) | \$2,238,136 | \$2,227,636 | \$10,500 |
| Less special funds | <u>1,471,792</u> | <u>1,471,792</u> | <u>35,700</u> | <u>1,507,492</u> | <u>1,507,492</u> | _____ |
| General fund | \$810,553 | \$784,185 | (\$53,541) | \$730,644 | \$720,144 | \$10,500 |
| FTE | 22.00 | 22.00 | 0.00 | 22.00 | 21.50 | 0.50 |

Detail of Conference Committee changes to the Senate version includes:

| | REMOVE FUNDING FOR COMPUTERS | REMOVE FUNDING FOR INTERNET HOME PAGE | CHANGE FUNDING FOR AUTOMATED CASE MANAGEMENT SYSTEM | ALLOW .5 FTE SUPPORT POSITION AT TOTAL COST OF \$21,500 AND REDUCE FUNDING | REDUCE GENERAL FUND WITH FEDERAL FUNDS AVAILABLE FROM REDUCED COST OF .5 FTE | TOTAL CONFERENCE COMMITTEE CHANGES |
|--------------------|------------------------------|---------------------------------------|---|--|--|------------------------------------|
| Total all funds | (\$7,200) | (\$6,360) | | (\$4,281) | | (\$17,841) |
| Less special funds | _____ | _____ | <u>\$35,700</u> | <u>(4,281)</u> | <u>\$4,281</u> | <u>35,700</u> |
| General fund | (\$7,200) | (\$6,360) | (\$35,700) | \$0 | (\$4,281) | (\$53,541) |

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

1999 TESTIMONY

SB 2014

1

Vern Wegner,

During the 1995 session the Protection and Advocacy Project came under severe criticism from several sources. The State Auditor issued a very critical performance review.

The result of that turmoil was a one million dollar reduction in general fund appropriation, and a new method to name the governing committee. In addition ~~the~~ you directed the committee to adopt a formal complaint procedure, and to adopt rules and regulations. This has been accomplished.

2 gov appointments
2 reg
3 =
committee

In response to the legislators' ^{as} action, the committee hired a new Executive Director, reduced staff, and steered the P+A project in a new direction.

In changing direction we were ~~away~~ ^{aware} of the Auditor's report, review by the federal agency, providers concerns, your concerns, and most importantly the people we are required by law to serve.

3)

The emphasis by the Committee ~~was~~ is to make systemic changes, wherever possible, so as to reduce the necessity for confrontation.

Staff responded well. They have met, and continue to meet, with Special Education Directors, School Boards, Group Homes, and any other group where necessary.

Staff has been innovative in developing procedures, such as the "level system of complaint"

D.
which will be described later.

We believe we have been successful. The

number of complaints to the committee are down and court cases are ~~however~~ less.

However, we still have to move to enforce the law as it relates to the developmentally disabled, mentally ill, and physically disabled.

Some of the criticism directed at P + A should

(5)

better be directed at
the law itself

The committee also moved
much of the legal work
in-house. We believe
it has helped in better
supporting staff, and
furthering preventive effort.

All this has not been
without trauma. Staff was
concerned about reductions,
change in philosophy, and
general turmoil. It is my
impression that staff

4)

● morale is good, ~~and~~ stable, and committed to do the best job possible for the clients they are charged to serve.

● The Expenditure Budget, as contained in SB 2014, is a stay-even budget.

Passage of SB 2014 would allow completion of the recommendation by the State Auditor to computerize all eight offices.

● It would allow the retention of the advocate eliminated

**Senate Bill 2014
Senate Appropriations Committee
January 18, 1999**

**Testimony of Teresa Larsen, Executive Director
Protection and Advocacy Project**

The Protection and Advocacy Project was created in 1977 as the result of a federal mandate. There is a protection and advocacy system in each U.S. State and Territory. Initially charged with serving individuals with developmental disabilities, the federal government has continued to broaden the scope of protection and advocacy agencies. We now serve people of all ages, with all types of disabilities, including those with mental illness and physical challenges.

The overall purpose of our agency is to protect individuals with disabilities from abuse and neglect, as well as other rights violations, and to advocate for the provision of needed services. The Protection and Advocacy Project has the authority, under Federal and State law, to pursue administrative, legal and other appropriate remedies to assert the rights of people with disabilities. Our staff are committed, however, to attempting to resolve rights issues in a manner that is not adversarial to the parties involved whenever possible.

The Project is governed by a seven-member board. Appointments are made by the Governor, Legislative Council, and three advocacy organizations. Two advisory councils provide us with additional direction and support in the areas of mental health and assistive technology.

There is a table attached to my testimony that gives a brief description of the services we provide (protective services, case representation, information & referral, education, self advocacy activities, and systems advocacy). Generally, services fall under one of four programs established by the Federal government: 1) the Developmental Disabilities Advocacy Program, 2) the Protection & Advocacy Program for Individuals with Mental Illness Advocacy Program, 3) Protection and Advocacy of Individual Rights, 4) the Assistive Technology Advocacy Program. Each program has established priorities which are developed with consumer and public input. The Assistive Technology Advocacy Program is a contract through the Department of Human Services

and, generally, services under this program are in the form of systems advocacy.

The quantity of services that we have provided has been relatively stable over the last few years. Where there might be increases in some areas, there are generally some accompanying decreases in others. There is another table attached to my testimony that provides you with services data.

We resolve approximately 90% of closed case problem areas favorably to our clients, which speaks to the quality of our services and our staff. The case problem areas which are the most predominate are abuse/neglect/exploitation, education services, and treatment/habilitation services.

We have also received favorable comments on our training efforts, particularly "Common Ground". This is a training session specifically for students with disabilities, family members and guardians, as well as education personnel. We have successfully partnered with other advocacy entities, as well as special education personnel, to provide this training all over the State.

The Project continues to make changes and undertake activities that will promote better working relationships with others and as well as efficiency within the agency. I will hi-light some of these:

- 1) We have (again) changed the organizational structure. Three regional advocacy teams have been established for the State. Each team consists of 4-5 advocates plus the Deputy Director, who acts as the teams' leader. Each team is given an operating budget along with the overall goals and objectives for each advocacy program. They are given flexibility to develop activities that will meet each objective as well as the particular needs of their individual regions. The addition of State general funds to our budget also allows flexibility for teams to address program needs beyond what we can do with our Federal money. The teams have been operational for over a year. Staff are responding positively to the concept and have become very frugal in the ownership of their team budgets. This approach has also allowed staff to benefit from the experience and expertise of their co-workers.
- 2) We established a consumer satisfaction committee to develop an ongoing project to assess consumer satisfaction with our case representation

services. The committee includes consumers, advisory council representatives and Project staff. Following the committee's recommendations, a contract has been developed with a third party, the Center for Persons with Disabilities at Minot State University, to implement the project.

- 3) With staff from the Interagency Program on Assistive Technology and the consumer advisory council, Project goals were developed for the Assistive Technology Advocacy Program. We established an Assistive Technology Team, which includes a member of the advisory council, to implement goals and monitor progress.
- 4) During the 1997 Legislative Session, many developmental disabilities service providers expressed concerns and dissatisfaction to our governing board with how the Project responded to reports of alleged abuse and neglect in provider facilities. We held a series of meetings with provider representatives to discuss their concerns and, at the same time, worked with a provider to refine and pilot a "level system". Basically, under this system, the resources required to address a report coincide with the severity of the allegation. Several providers have been added to the pilot and feedback has been very positive.

We continue to work hard at "playing well with others". I believe we have strong support from individuals with disabilities, family members and other advocacy organizations for our work. I also believe that we have been making great strides in how we are perceived by policy makers, service providers and related professionals. We expend a significant amount of resources collaborating on systems change, self advocacy activities, and training efforts.

The very nature of advocacy supposes that we cannot make everyone happy. We work with numerous providers with whom we might have disagreements, but we can still communicate with each other as professionals. A few, on the other hand, do not accept that there is a place for advocacy. There are also consumers and family members who have unrealistic expectations of us to enforce matters for which there is no entitlement or right. Regardless, we will continue to examine our attitudes and actions, with the intent of promoting win-win situations while not compromising our mandate and mission.

The Project currently has 21.5 authorized full-time equivalents (FTE's). This biennium, we changed a position in the Jamestown office from secretarial to that of a disabilities advocate. A total of 13.5 FTE's are now dedicated to advocates. Other positions include 1.5 FTE's for clerical staff, a fiscal/grants manager, a community education coordinator, 2.5 FTE's for attorneys, a deputy director (who has supervisory and team leadership responsibility with the advocates), and an executive director.

We also have a half-time clerical person who was effected by the 1995 reduction-in-force. We rehired her as a temporary employee, as she is a "necessary accommodation" for one of our advocates with a disability. The proposed budget includes increasing our authorized FTE's by .5, for a total of 22, so that we may again make her permanent and provide the associated benefits. This action was viewed favorably by the Senate Appropriations Committee during the 1997 Legislative Session, but was not seen as acceptable in the House.

Advocates are located in eight offices around the State. We also have outreach offices at the State Developmental Center and the State Hospital. This diffusion allows accessibility to individuals with disabilities, service providers and others.

During the current biennium, we will spend approximately \$72,000 on technology for plan development & implementation, new equipment, software, and services. For the next biennium, our plans include the purchase of equipment (eg. upgrade remaining older computers), development of an automated case management program and maintenance of existing services.

We lost the majority of our support staff in 1995 based on the premise that an automated case management program was being developed, however, a successful program has yet to be produced and we believe we need to pursue this on our own. The program will allow for the input and compilation of required client services data, including outcomes. It will would also provide a mechanism for tracking the allocation of staff time to different federal programs as well as progress in meeting agency goals. The proposed budget includes \$31,200 for the development of this project along with approximately \$24,000 for technology maintenance (eg. lines, Internet and electronic mail service, mainframe access).

The proposed budget includes \$123,389 in Federal carry-over funds. The request for staffing increases is limited to making a half-time secretary permanent. Other than

technology costs, our equipment request is for a new copy machine in the Bismarck office. Again, other than technology costs, the operating budget is basically at a maintenance level. I ask that you look favorably upon the Governor's recommended budget for the Project. Thank you for your time and attention.

*page 6 15
Same as on
March 11*

| Protection and Advocacy Project - Services Data | | | | | | | | | |
|--|-----------------------------|-----------|-------------|-----------------------------|-----------|-------------|-----------------------------|-----------|-------------|
| | Fiscal Year 1996 | | | Fiscal Year 1997 | | | Fiscal Year 1998 | | |
| | DD | MH | PAIR | DD | MH | PAIR | DD | MH | PAIR |
| # clients served thru protective services & case representation | 278 | 68 | 25 | 317 | 225 | 55 | 297 | 172 | 100 |
| information and referral | 670 | 644 | 181 | 457 | 495 | 224 | 631 | 359 | 298 |
| written information disseminated | 9,735 | 4,513 | 1,980 | 9,663 | 6,910 | 4,495 | 9,904 | 5,820 | 5,252 |
| # of training sessions | 173 | 106 | 29 | 188 | 159 | 59 | 182 | 110 | 93 |
| # of individuals participating | 2,029 | 1,312 | 406 | 2,319 | 1,836 | 899 | 1,798 | 1,105 | 965 |
| # of self advocacy activities | 125 | 6 | 15 | 94 | 30 | 26 | 115 | 48 | 66 |
| # of individuals participating | 1,740 | 63 | 161 | 875 | 242 | 229 | 1,365 | 400 | 548 |

SB 2014
1/18/99

(3)

January 18, 1999

Testimony before the Senate Appropriations Committee re: SB 2014

Good morning, Chairman Nething and members of the committee.

My name is Joyce Smith and I'm from Mandan, ND.

I'm here in support of SB 2014. As a member of the Protection & Advocacy for Individuals with Mental Illnesses (PAIMI) Advisory Council for over 3 years, and the Chair for about a year, I have had the pleasure of working with Ms. Larsen and her staff. This has been a very positive experience and I would like to briefly share with you just a few examples of the activities we've collaborated on and participated in.

The PAIMI Council has worked with the P&A staff in soliciting public input from consumers, as well as developing a process to measure consumer satisfaction. This is part of a process that drives the direction the agency takes in setting goals and objectives to better serve individuals with disabilities in the state. We have also collaborated with other individuals and agencies such as the Mental Health Subcommittee of the Bismarck Legislative Working Group, the Mental Health Association of ND, Partners in Policymaking, the Dakota Center for Independent Living, the Department of Human Services/Division of Mental Health and Substance Abuse, Federation of Families, and the State Hospital in Jamestown, in addressing issues that affect individuals with mental illnesses. Some examples of these issues are children's mental health, the Children's Health Insurance Program (CHIP), depression, recipient liability, and the use of restraint during transport.

In all of these efforts, it has been my experience that Ms. Larsen leads her staff effectively and in a proactive manner, to serve individuals with disabilities in ND, and to seek resolution to those concerns and conflicts that do and will continue to arise. With that said, I would ask you to join me in support of SB 2014 and appropriate full funding to the Protection & Advocacy Project.

Thank you for your time and attention.

**TESTIMONY
SENATE BILL 2014
APPROPRIATIONS COMMITTEE
BY TOM NEWBERGER
JANUARY 18, 1999**

Senator Nething and members of the Committee, for the record, my name is Tom Newberger and I am the Director of Red River Human Services Foundation in Fargo and Wahpeton North Dakota. The Foundation provides residential, prevocational and vocational services to people with developmental disabilities. I am here to speak in favor of Senate Bill 2014 appropriating funds for Protection and Advocacy Services.

My experiences with Protection & Advocacy goes back to 1986. Since this time, I have seen the quality of their services increase to consumers, families and service providers. In addition, I've had the opportunity to serve on a task force to address positive changes for the entire system.

I have seen consumers and families become more educated as advocates from Protection & Advocacy train them on their rights and service delivery options. Through education, consumers and families are better able to make informed decisions about where and how services are delivered.

I have seen the quality of our services increase as staff from Protection & Advocacy train our staff on what constitutes abuse, neglect and exploitation, and what staff can do to prevent this.

In addition, advocates from Protection & Advocacy have helped facilitate or mediate discussions between a consumer's family and our agency. They help bridge a gap in a sometimes complex system. In other words, they help stabilize the service delivery system.

As Protection & Advocacy has matured, they have de-emphasized looking at paper and emphasized personal contacts. As advocates talk with consumers and staff, trust levels

**TESTIMONY
SENATE BILL 2014
APPROPRIATIONS COMMITTEE
BY TOM NEWBERGER
JANUARY 18, 1999**

increase, as does collaboration. However, in my opinion, the ability to work cooperatively with Protection & Advocacy has not compromised their professional judgement and stance on issues. This professionalism and candidness is appreciated and encouraged.

Because of these examples, I believe that Protection & Advocacy adds value to many people and organizations and therefore, I support the funding as contained in Senate Bill 2014. Thank you!

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

| BILL #/DEPARTMENT | LINE | EXECUTIVE BUDGET | SENATE VERSION | SENATE DIFF TO EXEC BUDGET | HOUSE VERSION | HOUSE DIFF TO EXEC BUDGET | DIFF BETWEEN HOUSE & SENATE |
|-----------------------------------|-------------------|------------------|----------------|----------------------------|---------------|---------------------------|-----------------------------|
| SB2014 PROTECTION AND ADVOCACY | PROTECTION AND AD | 2,282,345 | 2,255,977 | 26,368- | 0 | 0+ | 0+ |
| 360 | TOTAL | 2,282,345 | 2,255,977 | 26,368- | 0 | 0+ | 0+ |
| | SPECIAL FUNDS | 1,471,792 | 1,471,792 | 0+ | 0 | 0+ | 0+ |
| | GENERAL FUND | 810,553 | 784,185 | 26,368- | 0 | 0+ | 0+ |
| BILL TOTAL | TOTAL | 2,282,345 | 2,255,977 | 26,368- | 0 | 0+ | 0+ |
| SB2014 | SPECIAL FUNDS | 1,471,792 | 1,471,792 | 0+ | 0 | 0+ | 0+ |
| | GENERAL FUND | 810,553 | 784,185 | 26,368- | 0 | 0+ | 0+ |

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment makes the following changes:

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|--------------------|------------------|----------------|------------------|
| Total all funds | \$2,282,345 | (\$26,368) | \$2,255,977 |
| Less special funds | <u>1,471,792</u> | | <u>1,471,792</u> |
| General fund | \$810,553 | (\$26,368) | \$784,185 |
| FTE | 22.00 | 0.00 | 22.00 |

Detail of Senate changes to the executive budget include:

| | REDUCE COMPENSATION PACKAGE TO 2/2 | ADJUST HEALTH INSURANCE COST | DELAY DIRECTORS MARKET ADJUSTMENT TO JANUARY 1, 2001 ¹ | TOTAL SENATE CHANGES |
|--------------------|------------------------------------|------------------------------|---|----------------------|
| Total all funds | (\$23,348) | \$6,557 | (\$9,577) | \$26,368 |
| Less special funds | | | | |
| General fund | (\$23,348) | \$6,557 | (\$9,577) | \$26,368 |

¹ In addition to the 2 percent annual salary increases provides a market salary adjustment for the director of the Protection and Advocacy Project of \$438/month on January 1, 2001.

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

| | FTE Positions | General Fund | Other Funds | Total |
|------------------------------------|------------------|-----------------|----------------|-------------|
| 1999-2001 Executive Budget | 22.00 | \$810,553 | \$1,471,792 | \$2,282,345 |
| 1997-99 Legislative Appropriations | 21.50 | 697,047 | 1,410,787 | 2,107,834 |
| Increase (Decrease) | 0.50 | \$113,506 | \$61,005 | \$174,511 |

Major Items Affecting Protection and Advocacy Project 1999-2001 Budget

| | General Fund | Other Funds | Total |
|--|--------------|-------------|----------|
| 1. Allows for the conversion of a temporary part-time position to a permanent .5 FTE position (The Senate removed \$9,577 from the general fund to delay the market adjustment for the director of \$438 per month to January 1, 2001. A total of \$12,275 was included in the executive budget for this purpose.) | | \$25,781 | \$25,781 |

Major Legislation Affecting the Protection and Advocacy Project

No major legislation has been introduced at this time affecting this agency.

**TESTIMONY
SENATE BILL 2014
APPROPRIATIONS COMMITTEE
BY TOM NEWBERGER
MARCH 11, 1999**

Representative Svedjan and members of the Human Resources Division, for the record, my name is Tom Newberger and I am the Director of Red River Human Services Foundation in Fargo and Wahpeton, North Dakota. The Foundation provides residential, prevocational and vocational services to people with developmental disabilities. I am here to speak in favor of Senate Bill 2014 appropriating funds for Protection and Advocacy Services.

My experiences with Protection & Advocacy goes back to 1986. During the 1980's and early 1990's, staff were fearful of Protection & Advocacy. Staff knew if Protect & Advocacy were coming in, they were in trouble. The tactics used by the Advocates at this point in time were intimidation and threats. During the past four years, I have seen the quality of their services increase to consumers, families and service providers. In addition, I've had the opportunity to serve on a task force to address positive changes for the entire system. The reason for these positive changes are a clear sense of direction by Protection & Advocacy's Board of Directors and a strong Director, Teresa Larsen.

I have seen consumers and families become more educated as advocates from Protection & Advocacy train them on their rights and service delivery options. Through education, consumers and families are better able to make informed decisions about where and how services are delivered.

I have seen the quality of our services increase as staff from Protection & Advocacy train our staff on what constitutes abuse, neglect and exploitation, and what staff can do to prevent this.

In addition, advocates from Protection & Advocacy have helped facilitate or mediate discussions between a consumer's family and our agency. They help bridge a gap in a sometimes complex system. In other words, they help stabilize the service delivery system.

**TESTIMONY
SENATE BILL 2014
HUMAN RESOURCES DIVISION
BY TOM NEWBERGER
MARCH 11, 1999**

As Protection & Advocacy has matured, they have de-emphasized looking at paper and emphasized personal contacts. As advocates talk with consumers and staff, trust levels increase, as does collaboration. However, in my opinion, the ability to work cooperatively with Protection & Advocacy has not compromised their professional judgement and stance on issues. This professionalism and candidness is appreciated and encouraged.

Because of these examples, I believe that Protection & Advocacy adds value to many people and organizations and therefore, I support the funding as contained in Senate Bill 2014. Thank you!

**TESTIMONY ON
SENATE BILL 2014**

Representative Svedjan and members of the Human Resources Division, my name is Jon Larson. I am the executive director of Enable, Inc., a private non-profit agency located in Bismarck. We provide services to people with disabilities in residential and vocational settings. I am here to speak in favor of the funding contained in SB2014 for Protection and Advocacy Services.

Protection and advocacy provides a needed and valuable service to people with disabilities. As advocates, Protection and Advocacy often times can act as an informed neutral party to the interdisciplinary team in deciding what is best for the individual receiving services. As for their role in protecting the rights of people with disabilities, they serve a role in assuring that abuse and neglect accusations are properly investigated. These issues need to be handled by a party that is not connected directly to the provision of services or the purchase of those services. Protection and Advocacy fills that role.

Protection and Advocacy has also performed a much needed role in education regarding abuse and neglect issues, investigation strategies, consumer rights and advocacy and other issues.

I urge you to support the funding contained in this bill. Thank-you.

**TESTIMONY BEFORE THE HOUSE HUMAN RESOURCES DIVISION OF THE
APPROPRIATIONS COMMITTEE
REGARDING SB 2014
MARCH 11, 1999**

Chairman Svedjan and members of the Committee. I am Raylynn Hapip, Executive Director of People First of North Dakota. People First is a statewide organization working to enhance the quality of life for people with disabilities. Representatives from each participating local self-advocacy organization join together to unify efforts in addressing systemic issues.

The Protection & Advocacy Project has played a major part in establishing and providing a network of support to nurture the evolution of self advocacy in North Dakota. The local advisory support that staff members provide is the backbone that strengthens the local organizations. This support is necessary in order to accomplish the goals established by the self advocates on a state and local basis.

Currently, the Protection & Advocacy Project provides office space and technical assistance as in-kind match for our grant. Though the amount may be small in comparison to their entire budget, this amount allows People First the opportunity to operate on a more professional level.

Yet, the most important thing that Protection and Advocacy gives to People First and all of its members across the state, is the commitment of the staff that strive to enhance the quality of life for people with disabilities. They do not do this for accolades, but rather to provide the tools for people with disabilities to become their "own best advocate."

Each dollar that you allocate to fund the Protection & Advocacy Project is an investment in the future of those whose lives have been limited by attitudes, ignorance, and misconceptions of disabilities. People who have had limited life experience are now having an opportunity to participate at a greater level. In the words of one self advocate who was given the opportunity to attend a hearing . . . to tour the capitol . . . to see first hand our legislative process in action, "Thank you for opening the door for me." This statement sums up the work of Protection & Advocacy in the self advocacy movement in North Dakota.

Thank you for your time.

Respectfully,

Raylynn Hapip

MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA

SENATE BILL 2014 TESTIMONY

**Before House Appropriations Committee–Human Resources Subsection
March 11, 1999**

Mr. Chairman, members of the committee, my name is Rose Stoller. I am the Executive Director of the Mental Health Association in North Dakota. I appear today in support of Senate Bill 2014, the Protection and Advocacy Project budget.

Under the leadership of Vern Wagner, Board Chair, and Teresa Larsen, Executive Director, Protection and Advocacy remains a critical component of the service delivery system to persons with disabilities in North Dakota. Project staff provide individual and systems advocacy, legal help, and training in self advocacy.

I wish to highlight a recent example of collaboration and partnership between our Association and the Project. During the interim, advocacy groups, consumer groups, and legislators met to strategize ways to better educate consumers and families about the legislative process. These plans were put into action at the Mental Health Association in North Dakota's Annual Meeting in October where voter education and self advocacy training was provided. This training was taken back to other regions of the state to empower consumers and families to get involved. At the Fargo Social Center, members attended a meeting led by the local League of Women Voters who addressed voting rights, initiated measures, and information on local voting sites. In Jamestown, members of the Progress Community Center received help from the Stutsman County Auditor in learning the mechanics of casting a ballot, thus alleviating fears of something unfamiliar. Several members related their pride in having this basic right explained to them and in having the opportunity to vote, an experience some had never had.

It is through this collaboration, along with many others, that the Protection and Advocacy Project impacts consumers and families by teaching self advocacy. The Mental Health Association in North Dakota urges your continued support of this program.

Thank you.

SB 2014

Mr. Chairman and members of the appropriations committee. For the record my name is Chuck Stebbins, I work for a local Independent Living Center and I am here in support of SB 2014.

I have worked professionally in the Independent Living field for nine years now and for over sixteen years have had a personal experience with disability. When I first experienced my disability I was completely and totally ignorant of what kind of services were out there for people with disabilities. I've since learned a lot.

The P&A Project was my first indoctrination into the complexity of the human delivery service system. I volunteered a couple of hours a day for a short period of time back in 1986 while pursuing my degree in Social Work. It was an enlightening experience to say the least. The P&A Project at that time was dealing primarily with people with development disabilities coming out of the institutions because of the ARC lawsuit, which I'm sure you are all familiar with. This was a very significant time in North Dakota's history, because it set in motion a move that has only in recent years led to a more cost effective home and community based service delivery system. But, the most significant lesson I learned from that lawsuit was that people with disabilities should not be stuck away in institutions. The P&A Project assures that people with disabilities are protected and given the opportunity to live as independent a life as they choose with the proper supports and services available to them.

In my nine years of working in the Independent Living field, I have had contact with just about every aspect of the Human Service delivery system. I've learned that I have to develop a working relationship with the various human service agencies in order to improve the quality of life for the people I am trying to assist. Working with the staff at the P&A Project has proven to be the most solid relationship that I have experienced. I can assure you they are committed to the inclusion of people with disabilities into all aspects of society. Thank You.

**Senate Bill 2014
House Appropriations Committee
Human Resources Division
March 11, 1999**

**Testimony of Teresa Larsen, Executive Director
Protection and Advocacy Project**

Good morning Chairman Svedjan and members of the Committee. I want to thank you for the opportunity to present information relative to the Project.

The Protection and Advocacy Project was created in 1977 as the result of a federal mandate. There is a protection and advocacy system in each U.S. State and Territory. Initially charged with serving individuals with developmental disabilities, the federal government has continued to broaden the scope of protection and advocacy agencies. We now serve people of all ages, with all types of disabilities, including those with mental illness and physical challenges.

The overall purpose of our agency is to protect individuals with disabilities from abuse and neglect, as well as other rights violations, and to advocate for the provision of needed services. The Protection and Advocacy Project has the authority, under Federal and State law, to pursue administrative, legal and other appropriate remedies to assert the rights of people with disabilities. Our staff are committed, however, to attempting to resolve rights issues in a manner that is not adversarial to the parties involved whenever possible.

The Project is governed by a seven-member board. Appointments are made by the Governor, Legislative Council, and three advocacy organizations. Two advisory councils provide us with additional direction and support in the areas of mental health and assistive technology.

There is a table attached to my testimony that gives a brief description of the services we provide (protective services, case representation, information & referral, education, self advocacy activities, and systems advocacy). Generally, services fall under one of four programs established by the Federal government: 1) the Developmental Disabilities Advocacy Program, 2) the Protection & Advocacy Program for Individuals with Mental Illness, 3) Protection and Advocacy of Individual Rights, 4) the Assistive Technology Advocacy Program. Each program has established priorities which

are developed with consumer and public input. The Assistive Technology Advocacy Program is a contract through the Department of Human Services and, generally, services under this program are in the form of systems advocacy.

The quantity of services that we have provided has been relatively stable over the last few years. Where there might be increases in some areas, there are generally some accompanying decreases in others. There is another table attached to my testimony that provides you with service data. The table reflects the significant work completed by Project staff in the area of protective services to individuals with disabilities. I use the word "significant" as the State of North Dakota has not, to date, implemented a viable protective services program for vulnerable adults and the Project fills at least a part of this void. There are few, if any, protection and advocacy systems in other states that prioritize protective services to the extent that the Project does in North Dakota.

During fiscal years 1997 and 1998, we resolved between 94% and 95% of closed case problem areas in favor of our clients, which speaks to the quality of our services and our staff. The case problem areas which are the most predominate are abuse/neglect/exploitation, education services for school-age children and young adults, and treatment/habilitation services.

We have received favorable comments on our training efforts, particularly "Common Ground". This is a training session specifically for students with disabilities, family members and guardians, as well as education personnel. We have successfully partnered with other advocacy entities, as well as special education personnel, to provide this training all over the State.

The Project continues to make changes and undertake activities that will promote better working relationships with others and as well as efficiency within the agency. I will hi-light some of these:

- 1) We have (again) changed the organizational structure. Three regional advocacy teams have been established for the State. Each team consists of 4-5 advocates plus the Deputy Director, who acts as the teams' leader. Each team is given an operating budget along with the overall goals and objectives for each advocacy program. They are given flexibility to develop activities that will meet each objective as well as the particular needs of their individual regions. The addition of State general funds to our budget also

allows flexibility for teams to address program needs beyond what we can do with our Federal money. The teams have been operational for over a year. Staff are responding positively to the concept and have become very frugal in the ownership of their team budgets. This approach has also allowed staff to benefit from the experience and expertise of their co-workers.

- 2) We established a committee to develop an ongoing project to assess consumer satisfaction with our case representation services. The committee includes consumers, advisory council representatives and Project staff. Following the committee's recommendations, a contract has been developed with a third party, the Center for Persons with Disabilities at Minot State University, to implement the project.
- 3) With staff from the Interagency Program on Assistive Technology and the consumer advisory council, Project goals were developed for the Assistive Technology Advocacy Program. We established an Assistive Technology Team, which includes a member of the advisory council, to implement goals and monitor progress.
- 4) During the 1997 Legislative Session, many developmental disabilities service providers expressed concerns and dissatisfaction to our governing board with how the Project responded to reports of alleged abuse and neglect in provider facilities. We held a series of meetings with provider representatives to discuss their concerns and, at the same time, worked with one specific provider to refine and pilot a "level system". Basically, under this system, the resources required to address a report coincide with the severity of the allegation. Several providers have been added to the pilot and feedback has been very positive.

We continue to work hard at "playing well with others". I believe we have strong support from individuals with disabilities, family members and other advocacy organizations for our work. I also believe that we have been making great strides in how we are perceived by policy makers, service providers and related professionals. We expend a significant amount of resources collaborating on systems change, self advocacy activities, and training efforts.

The very nature of advocacy supposes that we cannot make everyone happy. We work with numerous providers with whom we might have disagreements, but we can still communicate with each other as professionals. A few, on the other hand, do not accept that there is a place for advocacy. There are also consumers and family members who have unrealistic expectations of us to enforce matters for which there is no entitlement or right. Regardless, we will continue to examine our attitudes and actions, with the intent of promoting win-win situations while not compromising our mandate and mission.

The Project currently has 21.5 authorized full-time equivalents (FTE's). This biennium, we changed a position in the Jamestown office from secretarial to that of a disabilities advocate. A total of 13.5 FTE's are now dedicated to advocates. Other positions include 1.5 FTE's for clerical staff, 1 FTE for a fiscal/grants manager, 1 FTE for a community education coordinator, 2.5 FTE's for attorneys, 1 FTE for a deputy director (who has supervisory and team leadership responsibility with the advocates), and 1FTE for an executive director.

We also have a half-time clerical person who was effected by the 1995 reduction-in-force. We rehired her as a temporary employee, as she is a " necessary accommodation" for one of our advocates with a disability. The proposed budget includes increasing our authorized FTE's by .5, for a total of 22, so that we may again make her permanent and provide the associated benefits. This employee has been most loyal, continuing to work for the State of North Dakota for almost four years after losing her benefits. The action to make her permanent was viewed favorably by the Senate Appropriations Committee during the 1997 Legislative Session and again during the current Session. I ask that you please give this special consideration.

Advocates are located in eight offices around the State. We also have outreach offices at the State Developmental Center and the State Hospital. This diffusion of resources allows accessibility to individuals with disabilities, service providers, related professionals and the public.

For the coming biennium our plans for technology include the following, for a total of \$79,316:

- purchase of equipment - \$7,200 We plan to upgrade four remaining older computers. The proposed budget does NOT include the purchase of eight laptops which were included in the technology plan submitted to ISD. Two

of the older computers were substituted with new laptops this biennium. We were also able to purchase two of your old laptops from Surplus Property at a bargain price. Thank you.

- development of an agency Internet home page - \$6,360 This will allow clients, family members and the public access to agency information and resources through the Internet.
- development of an automated case management program - \$35,700 We lost the majority of our support staff in 1995 based on the premise that an automated case management program was being developed, however, a successful program has yet to be produced and we believe it is time to pursue this on our own. The program will allow for the input and compilation of required client services data, including outcomes. It will also provide a mechanism for tracking the allocation of staff time to different federal programs as well as progress in meeting agency goals.
- automated legal research - \$5,000 This project will allow for the use of an on-line legal research system for remote access to legal databases.
- system maintenance - \$25,056 This includes costs for system support, such as dedicated lines for each computer, Internet access, ISD support, etc.

The General fund recommendation in the Governor's budget, excluding the compensation package, is \$968 under the 1997-1999 budget. The Senate passed the Governor's budget for our agency with the following changes:

- reduction to the compensation package from 3/3 to 2/2 - (\$23,348)
- adjustment to costs for health insurance - \$6,557
- delay of director's market adjustment to 1/1/01 - (\$9,577)

As passed by the Senate, the budget reflects a decrease in \$26,368 in General funds from what was recommended by the Governor, for a total of \$784,185. This is an increase of \$87,138 in General funds from the 1997-1999 biennium.

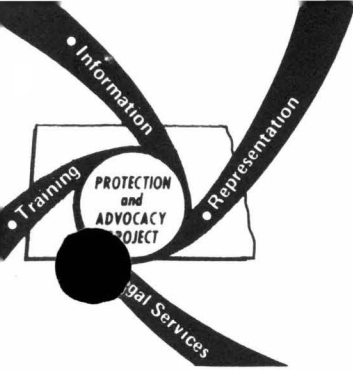
Thank you for your attention and consideration. I will be glad to answer any questions.

Service Provided by the Protection and Advocacy Project

| | |
|-----------------------------------|---|
| protective services | The investigation of reports of alleged abuse, neglect & exploitation of individuals with disabilities and the pursuit of necessary action to ensure protection from existing or future harm. The agency provides a 24-hour emergency on-call service to aid in the timely receipt of reports. |
| case advocacy | The representation of individuals with disabilities, by Project advocates and/or attorneys, whose rights are believed to be violated or who are not receiving services to which they are entitled. Eligibility criteria are used to determine if the agency will provide representation in response to individual complaints. |
| information & referral | The provision of information and assistance which will allow individuals to advocate on their own behalf or to pursue other appropriate services. |
| education | The provision of education activities facilitated by the agency as well as through collaboration with other advocacy and service agencies. Target audiences include individuals with disabilities, family members, guardians, service providers and related professionals. |
| self advocacy | The teaching of rights and skills which will promote and encourage individuals with disabilities, as well as their guardians and family members, to advocate on their own behalf. |
| systems advocacy | The promoting of change in governmental and service systems to address needs of individuals with disabilities. |

Protection and Advocacy Project - Services Data

| | Fiscal Year 1997 | | | Fiscal Year 1998 | | |
|---|---------------------|-------|-------|---------------------|-------|-------|
| | DD | MH | PAIR | DD | MH | PAIR |
| # clients served thru protective services & case representation | 317 | 225 | 55 | 297 | 172 | 100 |
| total # of case problem areas | 441 | 299 | 67 | 403 | 249 | 118 |
| # case problem areas closed | 351 | 222 | 29 | 301 | 97 | 61 |
| # of closed care problem areas resolved in the clients' favor | 343 | 194 | 24 | 295 | 88 | 52 |
| % of closed case problem areas resolved in the clients' favor | 98% | 87% | 83% | 98% | 91% | 85% |
| | | | | | | |
| # protective services investigations initiated/# completed by year's end | 200/ 167 | 65/46 | 6/6 | 213/ 195 | 35/24 | 2/2 |
| substantiated abuse/neglect/exploitation | 93 | 15 | 2 | 122 | 7 | 0 |
| % of substantiated a/n/e in completed investigations | 56% | 33% | 33% | 63% | 29% | 0% |
| | | | | | | |
| information and referral | 457 | 495 | 224 | 631 | 359 | 298 |
| written information disseminated | 9,663 | 6,910 | 4,495 | 9,904 | 5,820 | 5,252 |
| # of training sessions | 188 | 159 | 59 | 182 | 110 | 93 |
| # of individuals participating in above | 2,319 | 1,836 | 899 | 1,798 | 1,105 | 965 |
| # of self advocacy activities | 94 | 30 | 26 | 115 | 48 | 66 |
| # of individuals participating in above | 875 | 242 | 229 | 1,365 | 400 | 548 |



Protection and Advocacy Project

400 East Broadway - Suite 616
Bismarck, ND 58501-4073
(701) 328-2950

March 12, 1999

Chairman Svedjan, Chairman
Human Resources Division
House Appropriations
State Capitol
Bismarck, North Dakota 58505

Dear Chairman Svedjan:

During the hearing on SB 2014 yesterday, several questions were raised for which I did not have the information immediately available. Hopefully, the attached documents are responsive to the requests.

First, I believe I mistakenly said that our agency's technology plan was funded by a mixture of Federal and State dollars. This is incorrect. Upon review of the plan following the hearing, I discovered that it is funded only with State monies. I apologize for this error.

The attached documents include:

- P&A Project - Staff Funding Allocations
- P&A services data, by region, for federal fiscal year 1997
- P&A services data, by region, for federal fiscal year 1998

The last document, though not requested, provides information relative to the types of interventions used by the Project to address client problems. I am including this in response to several questions raised during the hearing specific to how we resolve client problems.

Please let me know if any of these items need further explanation or if additional information is needed. Thank you for the opportunity to respond and for allowing so much time for the hearing yesterday.

Sincerely,

Teresa Larsen
Executive Director

PROTECTION & ADVOCACY PROJECT - STAFF FUNDING ALLOCATIONS

| Employee | DD* | MH* | PR* | AT* | STATE |
|--|------------|------------|------------|-----------|------------------------------------|
| <u>Williston</u> 1 - Dis Advocate .5 - Secretary (temp) | 50% 50% | 40% 50% | 10% | | |
| <u>Minot</u> 1 - Dis Advocate | 40% | 40% | 10% | | 10% |
| <u>Devils Lake/State Dev. Ctr.</u> 1 - Dis Advocate | 60% | 10% | 10% | | 20% |
| <u>Grand Forks</u> 1 - Dis Advocate | 100% | | | | |
| <u>Fargo</u> 1 - Dis Advocate 1 - Dis Advocate 1 - Dis Advocate | 100% | 100% | 50% | | 50% |
| <u>Jamestown/St Hospital</u> 1 - Dis Advocate 1 - Dis Advocate .5 - Dis Advocate .5 - Attorney | 25% 50% | 60% 90% | 5% 50% | 100% | 15% 5% |
| <u>Bismarck</u> 1 - Dis Advocate 1 - Dis Advocate 1 - Dis Advocate | 100% | 90% 40% | 20% | | 10% 40% |
| <u>Dickinson</u> 1 - Dis Advocate | 50% | 30% | 20% | | |
| 1 - Self Adv Coordinator | 20% | 20% | 20% | 10% | 30% |
| 1 - Attorney 1 - Attorney | 25% 30% | 25% 30% | 15% 40% | 10% | 25% |
| .5 - Secretary 1 - Admin. Assistant 1 - Fiscal Manager 1 - Deputy Director 1 - Exec. Director | | | | 7% 10% | 100% 100% 93% 100% 90% |

* = Federal funding source

Protection and Advocacy Project – Services Data – 1997

| | Williston 1 advocate | Minot 1 advocate | DL/SDC 1 advocate | Gr Forks * 1 advocate | Fargo ** 3 adv's | Jamestown 2 adv's | Bis ** 3 adv's | Dickinson 1 advocate | Admin. |
|--|-------------------------|---------------------|----------------------|--------------------------|---------------------|----------------------|-------------------|-------------------------|--------|
| # clients served through protective services & case representation | 22 | 36 | 101 | 43 | 113 | 98 | 156 | 28 | N/A |
| Total # of case problem areas | 28 | 50 | 141 | 52 | 154 | 127 | 222 | 35 | N/A |
| # case problem areas closed | 22 | 33 | 133 | 41 | 97 | 105 | 144 | 28 | N/A |
| # of closed case problem areas resolved in the clients' favor | 22 | 33 | 129 | 41 | 79 | 100 | 129 | 28 | N/A |
| % of closed case problem areas resolved in clients' favor | 100% | 100% | 97% | 100% | 81% | 95% | 90% | 100% | N/A |
| | | | | | | | | | |
| Information and referral | 44 | 48 | 60 | 63 | 222 | 141 | 257 | 176 | 165 |
| Written information disseminated | 1089 | 873 | 3291 | 850 | 896 | 169 | 738 | 627 | 12,535 |
| # of training sessions | 40 | 39 | 62 | 14 | 58 | 19 | 10 | 31 | 133 |
| # of individuals participating in above | 533 | 468 | 389 | 154 | 453 | 439 | 123 | 167 | 2328 |
| # of self advocacy activities | 42 | 14 | 4 | 8 | 0 | 1 | 5 | 10 | 66 |
| # of individuals participating in above | 153 | 152 | 164 | 129 | 0 | 1 | 23 | 123 | 601 |

For fiscal year 1997, PAIR services were provided out of the Bismarck office for the western half of the State and the Fargo office for the eastern half of the State
 *Mental health serv's for the GF region were covered by the Fargo office **Fargo includes PAIR for western ND; Bismarck includes PAIR for eastern ND

Protection and Advocacy Project – Services Data – 1998

| | Williston 1 advocate | Minot 1 advocate | DL/SDC 1 advocate | Gr Forks * 1 advocate | Fargo 3 adv's | Jamestown 2 adv's | Bismarck 3 adv's | Dickinson 1 advocate | Admin. |
|--|-------------------------|---------------------|----------------------|--------------------------|------------------|----------------------|---------------------|-------------------------|--------|
| # clients served through protective services & case representation | 36 | 47 | 68 | 47 | 110 | 70 | 150 | 41 | N/A |
| Total # of case problem areas | 45 | 66 | 92 | 57 | 155 | 96 | 207 | 52 | N/A |
| # case problem areas closed | 25 | 53 | 75 | 37 | 112 | 75 | 115 | 31 | N/A |
| # of closed case problem areas resolved in the clients' favor | 20 | 52 | 72 | 37 | 95 | 55 | 82 | 28 | N/A |
| % of closed case problem areas resolved in clients' favor | 87% | 96% | 96% | 100% | 93% | 81% | 91% | 97% | N/A |
| | | | | | | | | | |
| Information and referral | 41 | 77 | 227 | 124 | 190 | 147 | 249 | 125 | 108 |
| Written information disseminated | 1042 | 1108 | 6696 | 1149 | 857 | 176 | 391 | 412 | 9145 |
| # of training sessions | 73 | 41 | 72 | 26 | 38 | 7 | 14 | 47 | 77 |
| # of individuals participating in above | 392 | 721 | 513 | 153 | 445 | 49 | 215 | 355 | 1025 |
| # of self advocacy activities | 48 | 18 | 10 | 11 | 2 | 1 | 2 | 13 | 124 |
| # of individuals participating in above | 172 | 264 | 216 | 420 | 13 | 3 | 16 | 113 | 1096 |

*Mental health services for the Grand Forks region were covered by the Fargo office

Intervention Strategies used to Address/Resolve Client Problems
(categories are determined by the federal government)

1998

| Strategy | DD | MH | PR | Total | % of Total |
|--------------------------------|-------|-------|-------|-------|------------|
| supervised referrals | ----- | ----- | 15 | 15 | 2% |
| counseling | ----- | ----- | 30 | 30 | 4% |
| short term assistance | 255 | 68 | ----- | 323 | 46% |
| technical assistance | ----- | 30 | ----- | 30 | 4% |
| tech. assist. in self advocacy | 7 | ----- | ----- | 7 | 1% |
| negotiation/mediation | 37 | 107 | 64 | 208 | 30% |
| administrative hearing/proc. | 4 | 6 | 4 | 14 | 2% |
| investigation | ----- | 61 | 3 | 64 | 9% |
| legal | 6 | 0 | 2 | 8 | 1% |
| other | ----- | ----- | ----- | 0 | 0% |

1997

| Strategy | DD | MH | PR | Total | % of Total |
|------------------------------|-------|-------|-------|-------|------------|
| supervised referrals | 7 | ----- | 4 | 11 | 2% |
| counseling | 10 | ----- | 7 | 17 | 2% |
| administrative hearing/proc. | 3 | 0 | 2 | 5 | 1% |
| negotiation/mediation | 67 | 121 | 4 | 192 | 28% |
| legal | 2 | 5 | 0 | 7 | 1% |
| short term assistance | ----- | 71 | ----- | 71 | 10% |
| investigation | 255 | 96 | ----- | 351 | 51% |
| technical assistance | ----- | 15 | ----- | 15 | 2% |
| other | 7 | 0 | 12 | 19 | 3% |

----- = category not applicable to this federal program

3.99

Protection and Advocacy Project

| | \$ spent to date* | \$ budgeted for 97-99 | comments |
|---------------------------|-------------------|-----------------------|---|
| salaries | 1,038,472 | 1,260,523 | |
| temp/OT | 12,836 | 25,278 | |
| benefits | 309,692 | 383,960 | |
| SUBTOTAL | 1,361,000 | 1,669,761 | 82% of budget spent thru 2/99 |
| data processing | 5,126 | 2,883 | Internet/e-mail access established 1/99. These two items were combined for the 99-01 proposed budget. |
| ISD | 21,183 | 34,593 | |
| travel | 53,466 | 85,773 | staff, governing board, advisory council. Increased travel to reservations. |
| utilities | 12,153 | 18,899 | Internet/e-mail access established 1/99. toll-free line. answering service. |
| postage | 8,023 | 13,163 | |
| leases | 77,486 | 99,614 | |
| prof. development | 6,925 | 18,777 | national dues (stipend pd. for 99). staff/board development. |
| operating fees & services | 2,002 | 5,529 | advertising, employee service awards, misc. |
| maintenance & repairs | 10,769 | 23,971 | service contracts for copy machines. overages moved to printing 99-01. |
| prof. services | 33,753 | 61,800 | technology plan, legal, audits, client satisfaction survey |
| insurance | 486 | 890 | |
| office supplies | 6,679 | 7,150 | |
| printing | 6,117 | 9,160 | |
| prof supplies | 4,404 | 9,450 | |
| misc. supplies | 3,081 | 9,227 | remainder for 2 fax machines, replace several printers, other misc. |
| SUBTOTAL | 251,653 | 400,879 | 63% spent thru 1/99 |
| equipment | 18,968 | 37,194 | 51% spent thru 1/99. \$7,000 for server. Remainder for 99-01 computers? |
| TOTAL | 1,631,621 | 2,107,834 | 77% of budget spent to date |

* salaries, temp, OT & benefits thru 2/99. other expenditures thru 1/99.

House Appropriation - Human resources

Representative Svedjan - Chairperson

March 22, 1999

Session B. 11

House Bill 2014

Chairman Svedjan and Committee members.

My name is Merry Glaser. I am a parent of a child with Autism.

I am here to ask you to vote yes to House bill 2014.

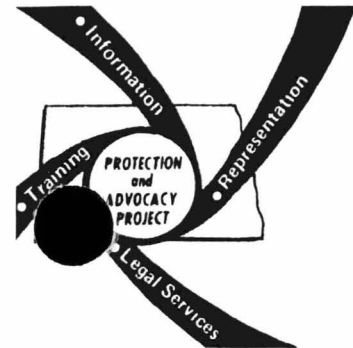
We moved here three years ago from out of state. At that time my son was to start 2nd grade. I had some knowledge of the Individual Disabilities Educational Act from the Federal Government and knew that least restrictive environment meant that the school my son should go to should be the same school if he were not special needs. This was important to me and my family since we were new in the neighborhood we wanted our children to meet other children in our neighborhood and those children would be playmates at school also. The schools Special Education Director had other ideas. I was told that my son was trainable not educatable and trainable special need children went to another school which was on the other side of town from where we lived. :If he were educatable he could go the school closes to our home but he was trainable. My comment was dogs are trainable and all children are educatable.

That is when I found Protection and Advocacy. They came with me and my husband to the next IEP meeting and my son does go to his neighborhood school. The children in our neighborhood do play with our son at school and outside of school. I feel this could only have happened because of PA's help.

Because of Protection and Advocacy I took a class called Partners in Policymaking. This program helped become more of an advocate for my child and helped find the necessary resources that I need to help meet my sons fullest potential at he grows into adulthood.

I hope you will sincerely consider a do pass for house bill 2014.


I will be happy to try to answer any questions you may have.



Protection and Advocacy Project

400 East Broadway - Suite 616
Bismarck, ND 58501-4073
(701) 328-2950

TO: Representative Svedjan, Chairman
Human Resources Division, House Appropriations

FROM: Teresa Larsen, Executive Director, P&A 

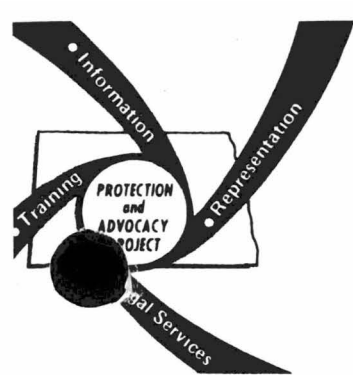
DATE: March 22, 1999

RE: SB 2014

Pursuant to your request on March 19th, I contacted W. Jeremy Davis, Dean of the Law School at UND. I was informed that the Law School has access to legal data bases through both Westlaw and Lexis. The Dean stated that existing written contracts prohibit another entity, such as the Protection and Advocacy Project, from accessing the data bases through the Law School.

Several years ago, the Protection and Advocacy Project did approach both Westlaw and Lexis about giving us access to their legal data bases, at no cost, in light of the type of work we do and who we represent. However, we were not successful in convincing them.

I would like to thank you for suggesting that I contact the Law School. I plan to meet with the Dean in the near future so that we can discuss other ways in which our two entities might collaborate.



Protection and Advocacy Project

400 East Broadway - Suite 616
Bismarck, ND 58501-4073
(701) 328-2950

TO: Senator Solberg Senator Naaden Senator Krauter
Representative Bernstein Representative Delzer Representative Kerzman

FROM: Teresa Larsen, P&A Executive Director

DATE: April 2, 1999 *gfl*

RE: SB 2014

As members of the conference committee for the appropriations bill for the Protection and Advocacy Project, I thought you might find the information in this memo helpful. I would be glad to talk with any or all of you if you have questions or concerns.

The version of SB 2014 passed by the House reflects the following changes from the version passed by the Senate:

- 1) Remove \$7,200 for computers. While we need to replace 4 computers to be Y2K compliant, we will find the funds this biennium to do this before July 1, 1999.
- 2) Remove \$6,360 for an Internet home page. We have an agreement for the Center for Persons with Disabilities at Minot State Univ. to develop and maintain our web page.
- 3) Remove \$35,700 in General funds dollars for an automated case management system but give federal spending authority for this should the funds become available. We are seeking other resources for development of a system, such as our national association.
- 4) Remove 0.50 FTE totaling \$25,781 (\$24,127 federal and \$1,654 General) and replace with \$11,000 in federal funds. The difference (\$13,127) is removed from General funds and added to the federal fund appropriation.

As some of you know, I actually presented items one and two to the Human Resources Division of House Appropriations as ways to save General fund dollars when the committee was looking for potential cuts. With regard to item three, our support staff were cut in 1995 with the expectation of development and implementation of an automated case management system. The realization of this system has not been forthcoming, however, we have reason to believe that our national association may be a realistic resource for this in the near future.

This leaves item four. I ask that you seriously consider including the 0.50 FTE, along with the necessary funds, to make the Williston clerical person permanent. She was the object of the agency's reduction in force in 1995 but has continued to work for us as a temporary employee, without benefits, since that time. Her position is "an accommodation" for one of our advocates who is legally blind.

Thank you for your consideration. Please call on me if I can be of assistance.



NORTH DAKOTA CENTRAL PERSONNEL DIVISION

A Division of the Office of Management & Budget
600 E. Boulevard - 14th Floor, Dept. 113
Bismarck, North Dakota 58505-0120

Information: 701-328-3290
TTY: 1-800-366-6888

Director: 701-328-3293
Fax: 701-328-1475

MEMORANDUM

TO: Senator Solberg

FROM: Dan LeRoy, Director 

SUBJ: Information as Requested

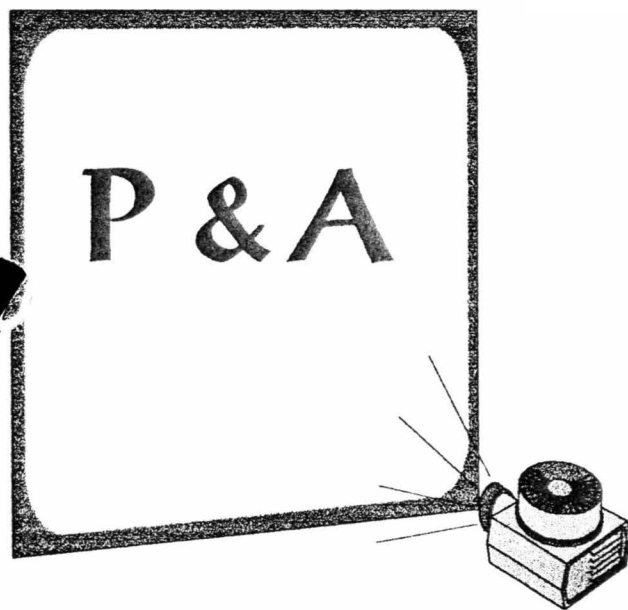
DATE: April 6, 1999

| | |
|------------------------------------|---------------|
| Half-time Salary @ \$6000/yr. = | \$12,000.00 |
| 3% second year = | 180.00 |
| + Social Security 7.65% | 932.00 |
| + Full-time rate Health 350 x 24 = | 8,400.00 |
| + Retirement 9.12% = | 1,100.00 |
| + Workers Compensation @ \$50 = | <u>100.00</u> |
| TOTAL | \$22,712.00 |

According to our benefits survey, benefit costs for the average state employee is 42.2 percent. In this case, the annual salary of \$6,000 is way below our average of \$27,000. The fixed cost of the health insurance premium is the major contributing factor. Therefore, the benefit percentage is especially high.

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North Dakota Protection and Advocacy Project



Review of the Year
Ending June 30, 1998