

2001 HOUSE APPROPRIATIONS

HB 1014

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1014

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date: **FRIDAY, JANUARY 12, 2001**

Tape Number	Side A	Side B	Meter #
1-12-01 1014	X-1		00-6215
		X-1	00-6200
	X-2		00-149

Committee Clerk Signature *Mickie Schmidt*

Minutes: **CHAIRMAN KEN SVEDJAN, VICE-CHAIRMAN JEFF DELZER,
REP. KEITH KEMPENICH, REP. JAMES KERZMAN,
REP. AMY KLINISKE, REP. JOHN M. WARNER**

Roll Call: We have a quorum.

00-Chairman Svedjan: Today we have the **HB 1014** before us on **PROTECTION AND
ADVOCACY.**

49-Cindy Vollmer: Acting Chair of the Committee on P & A. (attachment # 1 & 2)

380-Vice-Chairman Delzer: How many groups are out there doing the same job? And what
does P & A do that they don't?

431-Cindy: ARC, Federation for Families and Mental Health Association. P & A has the
attorneys that do research for them, legal support, direction to families. There are 2-1/2 lawyers
working for P & A.

572-Vice-Chairman Delzer: How long has it been since you've been involved in a law suit?

603-Teresa Larson: Executive Director of P & A. We have 2 attorneys on our staff since 1995.

Recently we had a 3 year old that had a stroke. Their insurance company would not continue to provide for therapy. The family paid for that. P&A represented and helped them get reimbursed by their insurance company.

706-Vice-Chairman Delzer: From a stroke? What caused a stroke? Why was P & A involved with something like that?

715-Teresa: We represent individuals with disabilities of all ages. We don't know what caused her stroke at age 3, but it did result in a severe disability for this child.

764-Vice-Chairman Delzer: If there were revenues and resources made available, not through P & A, but available to be tapped and used by these other groups to do the same job, how much different would it be as compared to having the state P & A?

792-Teresa: Every state and territory in the country has a P & A and are basically required to do so in order to receive other federal grant money for the state for people with disabilities. We are authorized to provide legal representation. We're designated by the Governor. If you would look at redesignation of a state entity to private non profit, there are requirements in the federal law about what needs to be done to do that and the decision is up to the Governor.

909-Chairman Svedjan: Do you get involved in administrative hearings or litigation's for only those who qualify for state services or is this for anyone?

929-Teresa: We have eligibility criteria that people have to meet in order to receive advocacy representation.

950-Chairman Svedjan: Could you tell us what those include?

956-Teresa: For advocacy representation, they have to meet the definition of a person with a disability. And those are outlined differently for each of our programs, developmental; mental

illnesses; and for other types of disabilities. It also requires our staff to do an intake; to actually interview, look at records, assess the situation and determine if there is a fact of life violation.

We look at resolution in the problem area.

1040-Chairman Svedjan: So in the case of the 3 year old who had a stroke, if it were determined that the parents of that child would not qualify for services, then you probably wouldn't advocate for that?

1065-Teresa: That's correct. The eligibility is actually pointed to the child.

1408-Chairman Svedjan: So while it appears that financial eligibility is not applied, it also sounds like the work of P&A goes beyond determining the question of rights. You said you settled a case with an insurance company. Is that part of what P&A is for?

1471-Teresa: In the last year there were fewer than 8 cases where we actually provided legal representation. The majority of the time, our attorneys are working to assist advocates with legal research.

1561-Chairman Svedjan: How many clients do you serve in a years' time? Of the total number of clients served in a year, how many are determined not eligible?

1599-Teresa: In fiscal 2000, we provided advocacy or legal representation to 721 cases. Several dozen of those are what we call class actions, where we went in and investigated that involved a group of individuals who were allegedly abused or neglected.

1643-Chairman Svedjan: Would that group be only North Dakotans?

1650-Teresa: Yes.

1659-Chairman Svedjan: Do you keep track of how many people are determined to be not eligible for the services of P&A?

1675-Teresa: I don't know.

Page 4

Human Resources Division

Bill/Resolution Number 1014

Hearing Date: FRIDAY, JANUARY 12, 2001

1735-Vice-Chairman Delzer: Cindy, are you one of the Governor's appointees on the board?

1742-Cindy: No, I'm the ARC of ND.

Vice-Chairman Delzer: The Governor's appointees, what kind of background do they have?

1755-Cindy: There is a bill that is composed this year to state that Governor's appointees will be within a family member, a guardian or someone who has a direct interest.

1870-Teresa: Currently the appointees on our governing board are Betsy Dalrymple and Jim Boatman. They are people with a background of some degree in disability issues.

1971-Rep. Warner: Could you comment on the relative cost effectiveness of maintaining staff attorneys as opposed to contract legal representation?

1984-Teresa: Contracted for legal services, we paid \$60.00 per hour. Having our attorneys on staff is that they do a lot of work with our advocates so they can resolve cases without having the attorneys represent.

2044-Rep. Warner: What work does the UND law students do for you? Is it paid by stipend or part of their school project?

2059-Teresa: (attachment #3-11) We have a contract with UND Law School. Our contract is about \$21,000 a year with 20 hours a week of research.

2142-Chairman Syedjan: Thank you Cindy.

2215-Teresa Larsen: Executive Director of the Protection and Advocacy Project. (refer to attachment #3-11 p.)

2501-Chairman Syedjan: With regard to the DD program in chart attachment B, in every fiscal year you've closed more cases than you opened?

2532-Teresa: This chart is confusing. If you look across for the DD programs, we resolved 295 case problem areas out of 307 total.

2574-Chairman Svedjan: If you resolved the problem, wouldn't you close the case?

2588-Teresa: Yes, but there are times when the case is closed, and we did not resolve the problem.

3226-Chairman Svedjan: To what extent do you keep reasonableness on your agenda?

3324-Teresa: It's very high on our agenda. We also deal with parents who have what we may call an unreasonable request, or believe that their child is entitled to things that they really are not by law. If we stay involved with that case, we will represent the and best interests of the child, not the best wishes of the parent.

3823-Chairman Svedjan: Non case activities?

3829-Teresa: We have our client cases where we are required to collect certain demographic information for the federal government, and non case activities are what we do for as far as information referral services, education and training.

4263-Chairman Svedjan: Are all your positions filled at the moment?

4272-Teresa: Yes

4276-Vice-Chairman Delzer: When you're talking that kind of money, they have the ability to transfer between line items below \$50,000?

4297-Arvy: Several sessions ago, it was turned into a lump sum budget.

4331-Vice-Chairman Delzer: How do you fund your FTE's? Are they mostly Fed. fund?

4354-Teresa: We have to track how all of our Fed. money is spent. The majority of our employees are funded by 2-5 different funding streams. There is not a match requirement.

4553-Chairman Svedjan: On the golden rod sheet, the first footnote talks about salary increases for the director. It says the total increase required for Biennium including benefits of

Page 6

Human Resources Division

Bill/Resolution Number 1014

Hearing Date: **FRIDAY, JANUARY 12, 2001**

\$7966, but shows a spread of \$10,313 all in general funds. The remainder of the salary adjustments are in footnote #3. Why the difference on the first footnote?

4682-Arvy: First one relates to the Director's position. ??????

4772-Joc-LC: There is more than necessary.

4824-Chairman Svedjan: Why did you ask for more?

4850-Teresa: Don't know. (see attachment C)

5623-Chairman Svedjan: You show 22 FTE's, but you also have temporary help that are non approved FTE's?

5649-Teresa: Our temp. help consists of a driver in our Williston office. We have an individual who is legally blind.

5740-Rep. Warner: Do you pay for her normal business commute?

5757-Teresa: No.

5824-Vice-Chairman Delzer: Do you have 1/2 time fTE's?

5879-Teresa: We have 2-1/2 time FTE's. One is the secretary in our Williston office. The other one is secretary in Administrative office in Bismarck.

00-Teresa: Tape 1, side B. "Continued"

36-Vice-Chairman Delzer: Your IT costs are way up. What's this going to do for you that you can't do already?

74-Teresa: The increases are high. Will ask Corinne.

105-Rep. Warner: Do we have a policy on whether we lease or buy?

121-Chairman Svedjan: They have to complete an analysis.

160-Rep. Warner: Just Human Services or all agencies?

166-Chairman Svedjan: I can only presume that that's the practice. Did you conduct that comparative analysis on the purchase of copiers versus leasing?

198-Teresa: We just purchased a copier and it was cheaper to buy. (With regard to attachment D) (refer to)

724-Chairman Svedjan: Are you doing any of those things now, the two area's that you sited for purposes for which this grant can be used. Are you providing information and advice on obtaining vocational rehabilitation employment services now?

744-Teresa: No. We've made referrals to those individuals to VocRehab. For the Kliner Assistance program, which is part of VocRehab.

759-Chairman Svedjan: And the same is true for the second point you make?

763-Teresa: True. This will help them to go back to work.

820-Chairman Svedjan: Is it specified in the law that P&A is to receive this money versus VocRehab or DD?

833-Teresa: Yes. There are other of portions of money under TWWIA (Ticket to Work and Work Incentives Improvement Act) which will go to other entities. And some of those are made on a competitive application basis, which private entities may apply.

865-Chairman Svedjan: We've not heard anything about the Work Incentive Improvement Act.

1027-Vice-Chairman Delzer: Are you expecting that there be match requirements on that?

1038-Teresa: No, there will be none.

1070-Vice-Chairman Delzer: Do you think you can do this without hiring people?

1080-Teresa: It's been rumor that it will be about \$100,000 a year. We would hire one FTE at the most.

1128-Vice-Chairman Delzer: When you have a grant like that, do you still have to apply for it?

1145-Teresa: We still have to put in an application, it's non competitive application the money is designated to P&A.

1302-Corinne Hofmann: Lead IT Coordinator and Staff Attorney for P&A: (attachment #12-17)

1410-Vice-Chairman Delzer: Are you going to be hooked up to the T1 Lines? Is this something that you have to do?

1420-Corrine: We have already hooked up in several offices with the State wide network. We currently have state T1 lines which were put in several years ago. There have been sharp increases in network charges because of changes made throughout the state. We are being impacted by those changes. They went from \$300-\$800 per month. The user fee has gone from \$15-\$27 per month.

1680-Vice-Chairman Delzer: Can't you combine with someone else? You're renting a Hub Charge for one or two computers.

1697-Corrine: We do. All of our offices that are on the state wide area network are CO-located with another state agency. The price is negotiated with the other agencies. So we aren't paying the full price in any of those offices on that are on the state network. In 4 communities, state dial up access, which is less, and only available in larger communities. We only have one office that is neither using state dollar or state network, and that is our Williston office, and there we used a local Internet Provider.

2123-Chairman Svedjan: Are the contract services you just referenced relate to that entire list of things that is in the testimony before that? And are those contract services paid to the ITD on state level?

2143-Corinne: Yes. Some are and some are not.

2419-Rep. Warner: There are numerous references in here to greater than \$750 or less than \$750. Is that a reporting threshold?

2434-Arvy: That is the requirement of whether something belongs in the equipment line item or in operating line item.

2452-Corinne: (see attached #12)

2587-Vice-Chairman Delzer: Teresa's testimony shows that the total equipment expenditures are 44%. Are you planning to use any of that to replace computers this biennium?

2623-Corinne: We do not have current plans to replace computers this biennium, unless they break down.

2651-Vice-Chairman Delzer: What happens to your roll over money?

2677-Teresa: What we would do is look in our schedule to purchase some of the computers this biennium. The majority of the funds for this biennium is delegated for a copy machine for our Administrative office, which we've purchased. We got it for under \$10,000, cheaper than we had planned.

2770-Vice-Chairman Delzer: Have you forecast returning general fund money to the gen. Fund this biennium?

2783-Teresa: We sent in a form requesting that information. And at that time, we didn't believe we'd be returning back much.

2821-Rep. Warner: Commercial grade computers or personal grade computers? Replacement cycle?

2871-Corinne: The computers that are needed to be replaced are the older ones, already 4 years old.

3060-Chairman Delzer: What price did you use when you built your budget?

