

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2014

2007 SENATE APPROPRIATIONS

SB 2014

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-22-07

Recorder Job Number: 1511

Committee Clerk Signature

Minutes:

Chairman Holmberg opened the hearing at 11:00 am on January 22, 2007 regarding SB 2014 in reference to the appropriation for defraying the expenses of the **Committee** on Protection and Advocacy (PA)

Written Testimony (1) was distributed to the Committee from Jack McDonald, on behalf of The Arc of North Dakota. He was not here to testify.

There was a slight delay in further testimony as the Protection and Advocacy Department had the wrong time on their records for presenting testimony. The Legislative Council hands out a tentative schedule and the times may change.

James Jacobson Director of Protection and Advocacy Projects, the Protective Services Unit asked for the Committee's support for this bill. Case loads have become stable or rising through the years and we also see an increase of funding on the federal level which has been very helpful to our department. Funding has been provided by the federal government for the Assistant Technology Program and the Traumatic Brain Injury Program. We work very cooperatively with the State Department of Human Services (DHS) to try to receive funding for wages for people in that population. We see a continued need for our Protection and Advocacy Services and I am available for any questions the committee may have.

Chairman Holmberg asked if the Department was aware of two new FTE's in the budget on the federal level and since they are involved in the funding do we have a choice on the state level whether to participate in this funding.

Senator Christmann asked questions regarding the federal funding, is there a mandate that these funds be used for federal employees only and requested an explanation in the responsibilities of the person hired in reference to the Help America Vote Act.

Corinne Hoffman, Director of Policy and Operations of the Protection and Advocacy Project (P AND A) had written testimony (2) and gave oral testimony giving the highlights of the services of her department and a budget review. She stated the Protection and Advocacy agency is governed by an independent 7 member board, 2 are appointed by the Governor, 2 by the Legislative Council and three by advocacy organizations. The Agency receives federal funding for 7 advocacy programs by grants or other sources. Our primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. Written testimony (3) was distributed and the Protection and Advocacy Project Budget Analysis for 2007-2009 (4) was also distributed to the Committee

Jon Larson, Executive Director of ENABLE, INC. presented written testimony (5) in support of the SB2014 and gave oral testimony in support of the bill.

Chairman Holmberg stated all they require is in the budget and requested all interested parties at the hearing to sign the Registration Sheet. Those present in support of the bill but did not testify were James Moen, Joyce Smith, Connie Hofmann, Dotty Simes, Pamela Mack and Elaine Grasl. Ms. Grasl submitted written testimony (6) after the hearing was completed.

The hearing on SB 2014 was closed by Chairman Holmberg.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

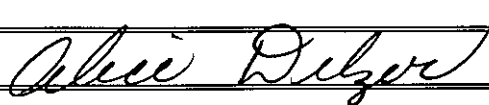
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-25-07

Recorder Job Number: 1954

Committee Clerk Signature



Minutes:

Vice Chairman Grindberg opened the hearing on SB 2014 regarding the OMB Budget on January 25, 2007. Senator Holmberg was called out to testify regarding other bills. He stated that he didn't believe there were any requests for any amendments but just note that there are two FTE's that are federally funded, one for Advocate for Disabilities and one for the Help America Vote Act. Could Council verify this for the committee. He was informed that one is federally funded and one is partially federally funded.

Senator Robinson moved a DO PASS, Senator Seymour seconded. Senator Grindberg asked for discussion.

Senator Christmann asked the question that it appears it is a game to move one of the new positions to one fund and the other one to another fund. Not so sure he completely convinced it is necessary for the Help America Vote position, but will go along with it. OMB gave further explanation regarding this position. No further discussion.

A roll call vote was taken resulting in 12 yeas, 0 no, 2 absent. The motion carried.

Senator Robinson will carry the bill. The hearing on SB 2014 closed.

Date: 1-25-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

do pass

Motion Made By

Robinson

Seconded By

Seymour

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm			Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes)

12

No

0

Absent

2

Floor Assignment

Robinson

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

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the
Eleventh order on the calendar.

2007 HOUSE APPROPRIATIONS

SB 2014

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2014

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: February 26, 2007 - Time: 2:15 pm

Recorder Job Number: 3893

Committee Clerk Signature

Donna Kramer

Minutes:

Rep. Chet Pollert, Chairman 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. All

division members present: **Representatives Larry Bellew, Vice Chairman, James**

Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.

Teresa Larsen, Executive Director of the Protection & Advocacy Project, testified highlighted P&A's services and reviewed the budget request for the biennium. (Written testimony provided)

Questions were asked about the number of full-time attorneys ... 2 new positions ...

disappearance of federal dollars ... DD providers advocates ... Developmental Center - 30 individuals to be discharged this biennium.

Teresa handed out written testimony from a parent of a disabled person.

Questions were asked regarding "Help America Act" and the rise in utilization of on-going services.

Chairman Pollert stated the spend down would be reviewed at a later date.

Adjournment.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2014

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: March 8, 2007 - Time: 8:30 am

Recorder Job Number: 4624

Committee Clerk Signature

Donna Kramer

Minutes:

Rep. Chet Pollert, Chairman 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. All

division members present: **Representatives Larry Bellew, Vice Chairman, James**

Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.

Teresa Larsen, Executive Director of the Protection & Advocacy Project, introduced

Christina McComish who spoke in support of Protection and Advocacy. (Written testimony attached) She used a machine equivalent to a laptop which is in Braille to help her give her testimony and explained what the machine could do. She said she was visually impaired.

Teresa handed out information about the office in Belcourt and some case summaries of the work of the work that is being done there.

Question was asked about the authority of P&A on the reservation and Teresa responded by saying they do have some authority in certain areas. Some of students are covered under IDEA and so they do have authority to work those children. She said they do networking.

Teresa began explaining and reviewing the spend down budget. (Copy of her testimony is attached) Questions were asked regarding the salaries and computers.

Corrine Hoffman explained the IT equipment costs, rate changes and services. Questions were asked about the IT costs - telephone and there was some discussion about long distance calling.

Teresa continued with Professional Development and answered questions. Fees for professional services was explained and includes using legal services that are contracted for as well as interpreters and consultants. The funds were moved over and are kept in reserve.

Representative Kerzman asked how much was in the reserve now and the answer was \$203,500 in the line item for the next biennium which are all federal funds.

The last item was Grants and this was explained. The total operating will decrease by \$52,329 and total budget increases by \$335,709.

Laurie of OMB stated the salaries of the 2 FTEs were \$34,000 and \$13,000 for benefits for a total of \$47,975.

Teresa continued answering questions as to what the two FTEs would do and this was explained. The number of the caseload was to be submitted later. Questions were asked about the Help America Vote Act and the Secretary of State office. Teresa explained they worked with the Secretary of State's office to make sure that voting is accessible for disabled persons. Continued discussion regarding operating funds and FTEs on HAVA program. A breakdown of federal funds report was requested.

Adjournment.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2014

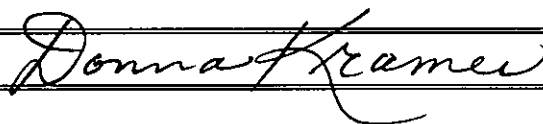
House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: March 19, 2007 - Time: 8 am

Recorder Job Number: 5280

Committee Clerk Signature



Minutes:

Rep. Chet Pollert, Chairman 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. All division members present: **Representatives Larry Bellew, Vice Chairman, James**

Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.

Representative Bellew submitted two amendments to SB 2014. (Attachments) Amendment 78038.0101 removing the new FTE for the HAVA program which is handled through the Secretary of State's office. Amendment 73038.0102 removes the new position if Federal funds go away.

Motion from Representative Bellew to approval of 0101. Seconded from Representative Kreidt. Questions and discussion followed as the number 3 position on the green sheet ... whether this had been coordinated with the Secretary of State office. Funds were mentioned and it was stated there were already dollars allocated towards this project.

Roll call vote was taken. 4 yes, 3 no and 1 absent. Approved.

Motion from Representative Bellew and second from Representative Wieland to approve

Amendment 0102. Discussion on intent ... the program would have to be justified ... if Federal dollars go away, the position would have to be funded by General funds.

Page 2

House Appropriations Committee

Human Resources Division

Bill/Resolution No. 2014

Hearing Date: March 19, 2007

Discussion with **Teresa Larsen, Executive Director of the Protection & Advocacy Project**, and she stated there was an understanding about the Federal funds.

Roll call vote on Amendment 78038.0102. Six 6 and 1 No and 1 absent. Approved.

Representative Bellew moved for a "Do Pass As Amended" on SB 2014. Seconded by Representative Wieland.

Roll call vote: 7 yes and 0 no and 1 absent.

Carrier: Representative Bellew

Adjournment.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2014

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 21, 2007

Recorder Job Number: 5387

Committee Clerk Signature

Mark N. And

Minutes:

Chm. Svedjan opened the hearing on SB 2014.

Rep. Bellew distributed amendment .0103 (Attachment A).

Rep. Bellew motioned to adopt amendment .0103. **Rep. Pollert** seconded the motion.

Rep. Bellew: This is a budget called the Protection and Advocacy budget (PA). As you can see it is mostly federally funded. What these amendments do is that it adds one FTE to assist with help America Vote Act. My contention was because that we have the funds in the Secretary of States' office. Both PA and the Secretary of State disagree with that. However I would like the amendment to stand to remove the position. I don't know that they justified increasing this position. The second amendment we added was one that says the federal funding goes away from some of these positions and the position goes away too. With that, those are the amendments.

Rep. Kempenich: That all goes to the counties anyway, what does this person do? How are they going to work this?

Rep. Bellew: I don't remember the total discussion.

Rep. Kempenich: I was just curious as to what that one person was going to work that.

Rep. Wieland: It has to do with handicap.

Rep. Kreidt: It was in regards to handicap accessibility and we don't know how that was going to come down.

Rep. Nelson: I can add something to the discussion on that. The funding was a 50/50 state and federal match. The \$51,000 would mean an offset of \$51,445 for federal funds in that position as well.

Chm. Svedjan: The reduction to the federal fund is \$51,000.

Rep. Pollert: I'm just going to read off a testimony we got. This position will be designed to absorb additional administrative demands created by an increase in the number of federal grants received and changes in state administrative requirements and processes. The employee in this position will also work on voting activities while funds remain available or the grant be refunded. It's to help a little bit for administrative programs for voters or people with disabilities but that was only part of what it was. We felt that they hadn't brought forward to us for the whole reason why. It was more to help with the administrative. I think the feeling of most on the Section was it wasn't as much as helping disabilities was as to help administratively.

Chm. Svedjan: Is there any more discussion?

Rep. Metcalf: I realize there are two sections basically with this addition of the legislative intent. Is there anyway that we can vote for the legislative intent but not for the reduction of the position?

Chm. Svedjan: We can move to adopt these amendments and we can move to further amend.

The motion to adopt amendment .0103 carried by voice vote and the amendment was adopted.

Rep. Bellew motioned for a Do Pass as Amended. Rep. Kreidt seconded the motion. The motion for a Do Pass as Amended carried by a roll call vote of 15 ayes, 8 nays and 1 absent and not voting. Rep. Bellew was designated to carry the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, line 14, replace "335,709" with "232,821"

Page 1, line 15, replace "233,892" with "182,449"

Page 1, line 16, replace "101,817" with "50,372"

Page 2, line 1, replace "4,056,688" with "3,953,800"

Page 2, line 2, replace "3,142,778" with "3,091,335"

Page 2, line 3, replace "913,910" with "862,465"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy Project	<u>\$4,056,688</u>	<u>\$4,056,688</u>	<u>(\$102,888)</u>	<u>\$3,953,800</u>
Total all funds	\$4,056,688	\$4,056,688	(\$102,888)	\$3,953,800
Less estimated income	<u>3,142,778</u>	<u>3,142,778</u>	<u>(51,443)</u>	<u>3,091,335</u>
General fund	\$913,910	\$913,910	(\$51,445)	\$862,465
FTE	27.50	27.50	(1.00)	26.50

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

	REMOVES 1 FTE POSITION ¹	TOTAL HOUSE CHANGES
Protection and Advocacy Project	<u>(\$102,888)</u>	<u>(\$102,888)</u>
Total all funds	(\$102,888)	(\$102,888)
Less estimated income	<u>(51,443)</u>	<u>(51,443)</u>
General fund	(\$51,445)	(\$51,445)
FTE	(1.00)	(1.00)

¹ This amendment removes funding for 1 FTE position that was included in the executive budget to assist with the Help America Vote Act program.

Date: 03-19-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House HUMAN RESOURCES DIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 78038.0101

Action Taken Approved

Motion Made By Bellew Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollet	X		Rep. Nelson		X
Vice Chairman Bellew	X		Rep. Kerzman		
Rep. Wieland	X		Rep. Metcalf		X
Rep. Kreidt	X		Rep. Ekstrom		X

Total (Yes) 4 No 3

Absent 1

Floor Assignment _____

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

Removes new FTE position

Approved

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, line 2, after "advocacy" insert "; and to provide legislative intent"

Page 2, after line 3, insert:

**"SECTION 4. LEGISLATIVE INTENT - FEDERALLY FUNDED DISABILITIES
ADVOCATE.** It is the intent of the sixtieth legislative assembly that if federal funds are
not available for the new disabilities advocate position provided for in this Act, the
position will not be filled and will be eliminated in the agency's 2009-11 budget request."

Renumber accordingly

Date: 03-19-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House HUMAN RESOURCES DIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 78038.0102

Action Taken Approved

Motion Made By Bellew Seconded By Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollet	X		Rep. Nelson	X	
Vice Chairman Bellew	X		Rep. Kerzman		
Rep. Wieland	X		Rep. Metcalf	X	
Rep. Kreidt	X		Rep. Ekstrom		X

Total (Yes) 6 No 1

Absent 1

Floor Assignment _____

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

New position goes if Federal funds go.

Date: 03-19-07
Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House HUMAN RESOURCES DIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended

Motion Made By Bellew Seconded By Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollert	X		Rep. Ekstrom	X	
Rep. Bellew	X		Rep. Kerzman		
Rep. Kreidt	X		Rep. Metcalf	X	
Rep. Nelson	X				
Rep. Wieland	X				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Bellew

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

Passed

Date: 3/2/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 78038.0103

Action Taken Adopt amend. 0103

Motion Made By Bellew Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulletson		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote - Carries

Date: 3/21/07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 78038.0103

Action Taken No Pass as amended

Motion Made By Bellew Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold		✓
Representative Monson	✓		Representative Gulleon		✓
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim		✓
Representative Carlisle	✓		Representative Kroeber		✓
Representative Skarphol	✓		Representative Williams		✓
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom		✓
Representative Bellew	✓		Representative Kerzman		✓
Representative Kreidt	✓		Representative Metcalf		✓
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 15 No 8

Absent 1

Floor Assignment Bellew

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

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after "advocacy" insert "; and to provide legislative intent"

Page 1, line 14, replace "335,709" with "232,821"

Page 1, line 15, replace "233,892" with "182,449"

Page 1, line 16, replace "101,817" with "50,372"

Page 2, line 1, replace "4,056,688" with "3,953,800"

Page 2, line 2, replace "3,142,778" with "3,091,335"

Page 2, line 3, replace "913,910" with "862,465"

Page 2, after line 3, insert:

"SECTION 4. LEGISLATIVE INTENT - FEDERALLY FUNDED DISABILITIES ADVOCATE. It is the intent of the sixtieth legislative assembly that if federal funds are not available for the new disabilities advocate position provided for in this Act, the position will not be filled and will be eliminated in the agency's 2009-11 budget request."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Total all funds	\$4,056,688	\$4,056,688	(\$102,888)	\$3,953,800
Less estimated income	<u>3,142,778</u>	<u>3,142,778</u>	<u>(51,443)</u>	<u>3,091,335</u>
General fund	\$913,910	\$913,910	(\$51,445)	\$862,465
FTE	27.50	27.50	(1.00)	26.50

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

	REMOVES 1 FTE POSITION 1	TOTAL HOUSE CHANGES
Protection and Advocacy Project	<u>(\$102,888)</u>	<u>(\$102,888)</u>
Total all funds	(\$102,888)	(\$102,888)
Less estimated income	<u>(51,443)</u>	<u>(51,443)</u>
General fund	(\$51,445)	(\$51,445)
FTE	(1.00)	(1.00)

1 This amendment removes funding for 1 FTE position that was included in the executive budget to assist with the Help America Vote Act program.

A section is added to provide legislative intent that if federal funds are not available the new disabilities advocate position will not be filled and will be removed from the agency's 2009-11 budget request.

2007 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2014

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

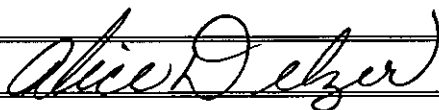
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-09-07

Recorder Job Number: 5849

Committee Clerk Signature



Minutes:

Chairman Fischer opened the Conference Committee Hearing on SB 2014. All committee members were present. They are: Senators Krebsbach and Robinson; Representatives Bellew, Kreidt, and Ekstrom. Becky Keller, Legislative Council and Sheila Peterson, OMB were also present. Chairman Fischer asked Representative Bellew to explain the amendment #.0103.

Representative Bellew stated this was the second amendment added to the bill. Section 4 refers to the Legislative Intent regarding the Federally funded Disabilities Advocate and basically it says if the federal funding is not available the position will not be filled and will be eliminated in the agency's 2009-11 budget request. The second amendment says "This amendment removes funding for 1 FTE position that was included in the executive budget to assist with the Help America Vote Act program". Those were the two amendments the House added to the bill.

Chairman Fischer asked for further explanation regarding the federally funded.

Representative Bellew explained Disability Advocate is in the Bismarck office. This position is funded with federal dollars. The reason why we removed the second one is it says also included is 1 FTE for administrative position in the Bismarck office. This position is designed to absorb additional administrative demand created by an increase in the number of federal

grants received that changes the administrative requirements and process. We took that to mean that this position was going to be an administrative position. He continued to explain the employee in this position will also work on voting activities. It was our position that this employee would work on the voting activities as a secondary activity. And we thought that since this position is half funded some of us felt that this position should be more of a voting activity type of position.

Chairman Fischer stated would they rather have a Help America Vote Act position rather than an administrative position. He was told yes, even though half the funds are federal and half state. Chairman Fischer commented that this is partnered with the Secretary of State to have funds.

Senator Robinson said it was his understanding from testimony we heard they were making good use of the position. They were being good stewards and getting the most out of the resources that they invest in the position. There was question on our side as well about the addition here but after explanation and justification we came away thinking they were doing the right thing.

Representative Ekstrom stated the other aspect of this given these are federal dollars, the feds don't lightly give us grants and tell us we can do what we want with them. They give this money and tell us what they want us to do. As in the intention of Protection and Advocacy is to use it the way the federal government says we must and it seems to me we will be leaving federal dollars on the table by not refunding this position.

More discussion followed regarding the federally funded positions and the fact that there would be dual roles during voting activities for the administrative person.

Senator Robinson made comments regarding the agency and the things that happened within that agency in the past with this agency going through unusual scrutiny and the budgets

were reduced and FTE's were reduced and at that time I resisted those changes but they were made and personally I think we have an agency here that has responded and covered a lot of important basis. We had a lot of questions on the positions here but we came away feeling there was a justification for it.

Senator Krebsbach asked if there were 2 employees and the House cut out 1. Basically out of the two employees $\frac{3}{4}$ of the money would be coming from federal. What we are talking about is $\frac{1}{4}$ of money that the state would be giving up. I certainly understand the concern about the federal funds being reduced or eliminated but I think when that time comes that is when we have the opportunity to say either cut out the position or rework. She stated she thinks there is justification for two employees and I would like to see us continue those two employees.

Chairman Fischer commented about his involvement when serving as chairman of a board of a private provider and the action that takes place. His comment was he doesn't know how they do with what they have. He stated he has a special interest in Protection and Advocacy, not only because of the work they do but the amount of it that they do. I, like Senator Krebsbach feels, that the risk to the general funds in overall is not something we'd be willing to take to reduce these positions because these positions administratively can be dealing with those incidents that happen within homes.

Representative Ekstrom stated the other discussion that we've had overall in all these budgets is that to a great extent we're trying to get back into community based service. Moving people out of Grafton and into a community based situation and when we do that we do have to have this added protection, so again I think they are doing a lot with very little. But as a public policy we've really made the decision and we've tried to become community based.

Senator Robinson concurred with the comments made by Representative Ekstrom. He also shared his experiences in reference to this issue. (12.43) He made comments about the graying population and the demand for their services is growing. The need for P and A is going to be there even more tomorrow than it is today. He said he would hope for the small investment we support Senator Krebsbach and the request to keep the two employees in. There was discussion regarding the HAVA Act.(14.07)

Theresa Larson, Director of Protection and Advocacy explained the funding, stating the HAVA funds are a grant directly from the federal government. She said that the grant does not allow for fully funded position. (17.38) She stated they worked with the Secretary of State on issues like training and education, they do not tell people how to vote but will assist them, set up the voting machines for the disabled and train and educate people in using these voting machines. Our office does that around the state.

Chairman Fischer thanked her for coming in and answering questions for the committee. He stated he would entertain a motion.

Senator Krebsbach moved that the HOUSE RECEDE FROM THEIR AMENDMENT ON SB 2014. Seconded by Senator Robinson.

Representative Bellew asked what happens to the bill. He was told it goes back to the Senate version.

A roll call vote was taken resulting in 4 yeas, 2 nays. The motion failed.

Chairman Fischer stated we are adjourned until next meeting.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

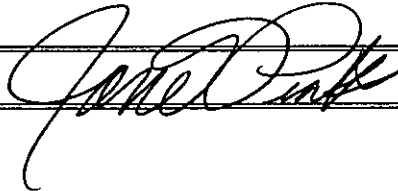
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-11-07

Recorder Job Number: 5886

Committee Clerk Signature



Minutes:

Senator Fischer opened the conference committee on SB 2014. All conferees are present.

Representative Kreidt made the motion that what ever the department can do with the federal dollars they do that and not put any general funds to this, Representative Bellew seconded. Discussion was held.

Senator Fischer indicated what you are saying is to use only federal funds available and no general funds. The response was that no general funds would be applied to the FTE.

Becky, Legislative Council indicated there is no match to the federal funds.

Senator Fischer indicated that means there is \$51,000.

Senator Robinson indicated that does not support that agency as they have demonstrated the need for the position. It is not realistic to find someone for part time position and expect full time work. He then indicated he would like to see a resolution to that. Having an aging population, we will see more need for this position, not less.

A vote was taken, resulting in four no and two yes. The motion failed.

Senator Robinson move approval of the request for \$49 400 in general funds, Senator Krebsbach seconded. Discussion was held.

Representative Ekstrom read thru some testimony and indicated they are serving a large portion in this agency. This is a non issue they should get the appropriation.

Page 2

Senate Appropriations Committee

Bill/Resolution No. "Click here to type Bill/Resolution No."

Hearing Date: "Click here to type Hearing Date"

SB 2014
4-11-07

A roll call vote was taken and the motion failed with 4 yes, 2 no.

Senator Fischer adjourned the conference committee.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-12-07

Recorder Job Number: 5945

Committee Clerk Signature

Nice Dehner

Minutes:

Chairman Fischer opened the Conference Committee on SB 2014 at 10:00 am on April 12, 2007 regarding the Protection and Advocacy Agency. Let the record show all conferees are present. They are Senators Krebsbach and Robinson; Representatives Bellew, Kreidt, and Ekstrom. Becky Keller from Legislative Council and Lori Laschkewitsch from OMB were present. He asked if there had been any changes.

Senator Robinson had changes in his amendment concerning the \$ amount involved. The actual difference here is \$51,445.00.

Representative Ekstrom presented written testimony (1) Efficiency of the Protection and Advocacy agency which gave an overview of their budget, including special and general funds, they have 9 offices across the state and currently have 25.5 FTE's. The information given also shared the information regarding the caseload. She stated this agency is doing an in creditably efficient job with the money they've been given.

Representative Bellew stated he would like to make a motion in the spirit of cooperation. He stated he thought the House would be willing to give up Section 4 if the Senate would agree to keep the employee out. This would be for Section 4 of the engrossed bill with House amendments. Seconded by Representative Kreidt. Discussion was asked for. Representative Bellew stated this is our offer in spirit of trying to move this forward.

Senator Krebsbach stated she appreciates the offer and the spirit of cooperation here.

However, I have difficulties with Section 4 in the fact that I think the Legislature in the next biennium would have that right to do so. By putting it in here we're really tying their hands because maybe the Legislature will feel this is really serving the needs we have but they wouldn't be able to do it because they won't have the funds.

Representative Bellew said he thought on Section 4 was if the federal funds do go away then the department could come back to the Legislature and ask for state funds.

Chairman Fischer stated they would have to come back to the Legislature and in the mean time in the biennium they would lose the position.

Representative Bellew stated there is still the emergency commission on the budget section.

Senator Robinson stated he can't support this motion. He stated he thought that what we do here is a two year program and we'll look at this very carefully. For some reason this budget has been scrutinized for the small budget it is. I can only say that the services that are embedded in this budget are services that's lets hope we never have to use but if we need them they're there.

Senator Fischer asked for the roll to be taken.

A Roll Call Vote was taken on the motion with 2 yeas, 4 nays. Motion Failed.

The Conference Committee hearing was adjourned.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-16-07

Recorder Job Number: 6061 recorder blank.

Committee Clerk Signature

Jane D. Pink

Minutes:

Senator Fischer called the conference committee to order on SB 2014 with all conferees in attendance.

He asked if the House had any amendments and was told they had nothing new to offer.

Senator Fischer adjourned the conference committee in 20 seconds.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

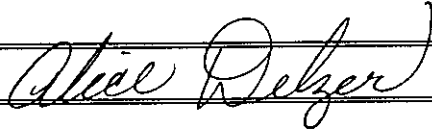
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-17-07

Recorder Job Number: 6081

Committee Clerk Signature



Minutes:

Chairman Fischer opened the Conference Committee hearing on SB 2014 regarding Protection and Advocacy at 1:35 pm on Tuesday, April 17, 2007. The record showed that all conferees were present. Becky Keller from Legislative Council and Lori Laschkewitsch, OMB were also present. He asked if there were any changes. He commented that he felt the Senate would not be changing their minds regarding this bill.

Senator Krebsbach made the motion that the House Accede to the Senate amendments. Seconded by Senator Robinson. Further discussion followed and it was noted that the Senate had not made any amendments on this bill.

Senator Krebsbach then moved to change her motion to say the HOUSE RECEDE FROM THEIR AMENDMENT. SECONDED BY SENATOR ROBINSON. A ROLL CALL VOTE WAS TAKEN RESULTING IN 4 YEAS, 2 NAYS. THE MOTION FAILED.

The hearing on SB 2014 was adjourned.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

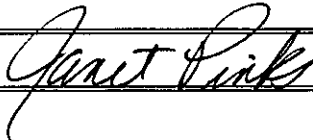
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-19-07

Recorder Job Number: 6154

Committee Clerk Signature



Minutes:

Senator Fischer opened the conference committee On SB 2014.

Representative Bellew indicated if the Senate would go along with the House version this could be settled.

Representative Kreidt agreed.

Senator Fischer indicated that if there was no consensus and no amendments he would close the hearing.

Senator Krebsbach indicated she would bring forth a motion but it didn't sound like it would fly.

Senator Fischer closed the committee hearing on SB 2014.

1.17 seconds

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

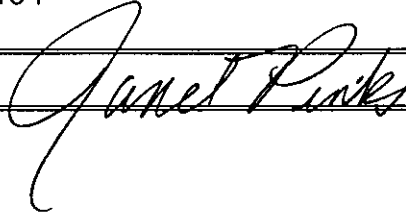
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-20-07

Recorder Job Number: 6194

Committee Clerk Signature



Minutes:

Senator Fischer opened the conference committee on SB 2014 with roll call all Representative Ekstrom was absent.(She came in at end of conference)

Senator Fischer said we should move this along.

Representative Bellew indicated the House would accede to the Senator amendments and takes SB 2014 to the House floor for a vote and let the chips fall where they may. At the time, the House floor did not accept the full time position and if it passes this time, it is a done deal. We would like language about federal funding in the bill. If fed funds go away position has to go away

Senator Fischer is that not the difference we are talking about.

Senator Fischer stated in essence if the federal funding goes away general funds would not replace them.

Representative Bellew moved to recede from the House amendments. Representative Kreidt seconded.

Discussion was held.

Representative Kreidt stated Representative Representative Bellew referred to is section 14 in the House version where legislative intent is, this will be eliminated in the 2009 budget.

Senator Krebsbach finds that language not necessary in view of the fact the next legislative session will review, just as we have had the opportunity to review the budgets. If funding from federal is cut back we will make that choice then.

Representative Kreidt stated that was just for information.

Senator Fischer if 61st legislative session decided to fund totally with general funds, it could.

Senator Krebsbach stated that for a point of clarification, will the conferees on the House side support or fight this on the floor. What will be your suggestion?

Representative Bellew will bring this to the House floor.

Senator Fischer questioned then you will give them a neutral option?

Representative Bellew will bring this to the House floor.

A roll call vote was taken resulting in 6 yes votes. The motion passed.

Senator Fischer dissolved the conference committee.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2014

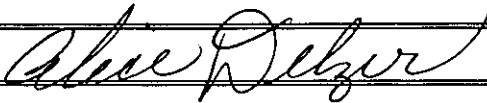
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-21-07

Recorder Job Number: 6262

Committee Clerk Signature



Minutes:

Chairman Fischer opened the Conference Committee Hearing on SB 2014 at 5:30 pm on April 21, 2007. The record will show that all conferees are here which include Senator O'Connell. There is a new committee appointed. They are as follows: Senators Grindberg and Krauter. Representatives stayed the same and they are Bellew, Kreidt, and Ekstrom. Senator O'Connell sat in for Senator Krauter on this hearing. Comments were made if there were any changes and your floor action.

Representative Bellew said it would be proper if the House made the motion.

Representative Ekstrom moved the **HOUSE RECEDE** from the House amendments.

Seconded by Senator Grindberg. The committee was asked if they had any discussion.

Representative Bellew expressed concerns about using federal funds to hire employees.(meter 01.47)

A roll call vote was taken resulting in 5 yeas, 1 nay. The motion carried.

Representative Ekstrom stated we had an unfortunate incident in the House. I am assuming that Representative Bellew will carry the bill. She was informed that Representative Kreidt will carry it with the recommendation that the bill pass.

Chairman Fischer thanked the Conference Committee members and closed the hearing on SB 2014.

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

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

Date: 4-06-07
4-9-07

Your Conference Committee Appropriations

For the Senate:

For the House:

<i>chair</i> Sen. Fischer	<input checked="" type="checkbox"/>	<i>A</i>	<i>4/9 vote</i>	Rep. Bellew	<input checked="" type="checkbox"/>	<i>A</i>	<i>4/9 vote</i>
Sen. Krebsbach	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>yes</i>	Rep. Kreidt	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>no</i>
Sen. Robinson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>yes</i>	Rep. Ekstrom	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>yes</i>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____ and place _____ on the Seventh order.

_____, 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.

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

DATE: _____

HOUSE CARRIER: _____ SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Krebsbach
 SECONDED BY: Robinson
 VOTE COUNT: _____ YES _____ NO _____ ABSENT

Motion failed

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

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

Date: 4-11-07

Your Conference Committee Appropriations

For the Senate:

For the House:

	A	4/11	vote		A	4/11	vote	
no Sen. Fischer	✓	✓	yes	Rep. Bellew	✓	✓	no	yes
no Sen. Krebsbach	✓	✓	yes	Rep. Kreidt	✓	✓	no	yes
no Sen. Robinson	✓	✓	y	Rep. Ekstrom	✓	✓	y	no

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____ and place _____ on the Seventh order.

_____, 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.

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

DATE: _____

HOUSE CARRIER: _____

SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT: ____ YES ____ NO ____ ABSENT

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

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

Date: ~~4-06-07~~
4-12-07

Your Conference Committee Appropriations

For the Senate:

For the House:

A			vote	A			vote
Sen. Fischer			NO	Rep. Bellew			yes
Sen. Krebsbach			NO	Rep. Kreidt			yes
Sen. Robinson			NO	Rep. Ekstrom			NO

recommends that the (SENATE/HOUSE) (~~ACCEDE~~ to) (~~RECEDE~~ from)

except removal of Section 4 by House Amendment
the (Senate/House) amendments on (SJ/HJ) page(s) ---

--- and place --- on the Seventh order.

---, 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.

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

DATE: ---

HOUSE CARRIER: ---

SENATE CARRIER: ---

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Bellew
SECONDED BY: Kredit
VOTE COUNT: 2 YES 4 NO --- ABSENT

motion failed

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

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

Date: 4/17/07

Your Conference Committee Sen approp.

For the Senate:

For the House:

	4/9	4/17	Vote		4/9	4/17	Vote
Sen Fischer	✓		yes	Rep Bullew	✓		no
Sen Kriebach	✓		yes	Rep Kreidt	✓		no
Sen Robinson	✓		yes	Rep Ekstrom	✓		yes

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____ and place _____ on the Seventh order.

_____, 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.

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

DATE: _____

HOUSE CARRIER: _____ SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Kriebach motion failed
 SECONDED BY: Robinson
 VOTE COUNT: 4 YES 2 NO ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2014: Your conference committee (Sens. Fischer, Krebsbach, Robinson and Reps. Bellew, Kreidt, Ekstrom) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1193-1194 and place SB 2014 on the Seventh order.

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

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

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

Date: 4/21/07

Your Conference Committee Sen approp

For the Senate:

For the House:

<i>Fischer</i>	<i>✓</i>	<i>yes</i>	<i>Bell</i>	<i>✓</i>	<i>NO</i>
<i>Grumbine</i>	<i>✓</i>	<i>yes</i>	<i>Kreigh</i>	<i>✓</i>	<i>yes</i>
<i>Krauter</i>	<i>✓</i>	<i>yes</i>	<i>Ekstrom</i>	<i>✓</i>	<i>yes</i>
<i>Connell</i>					

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____ and place _____ on the Seventh order.

_____, 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.

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

DATE: _____

HOUSE CARRIER: _____

SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Ekstrom
 SECONDED BY: Grumbine
 VOTE COUNT: 3 YES 1 NO 0 ABSENT

*motion carried on
House recede House
amend.*

*page
1504
SS.*

Revised 4/22/05

REPORT OF CONFERENCE COMMITTEE

SB 2014: Your conference committee (Sens. Fischer, Grindberg, O'Connell and Reps. Bellew, Kreidt, Ekstrom) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1504 and place SB 2014 on the Seventh order.

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

2007 TESTIMONY

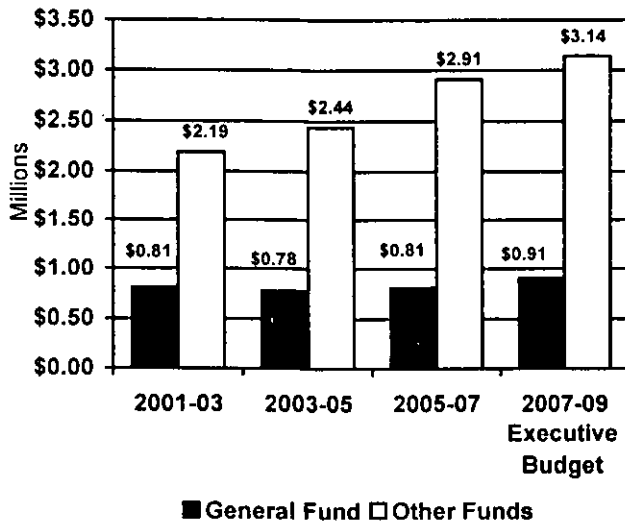
SB 2014

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

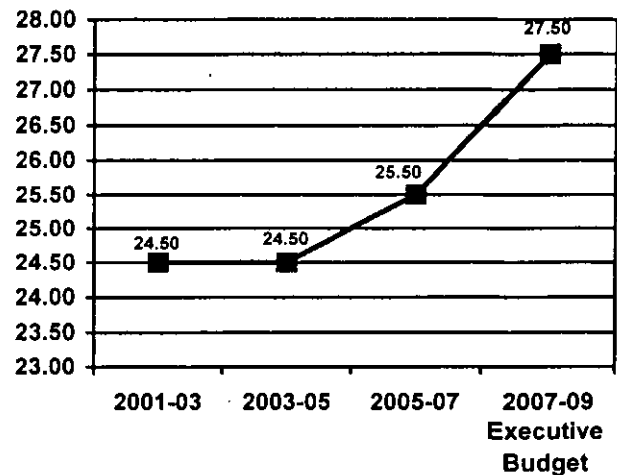
	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	27.50	\$913,910	\$3,142,778	\$4,056,688
2005-07 Legislative Appropriations	25.50	812,093	2,908,886	3,720,979 ¹
Increase (Decrease)	2.00	\$101,817	\$233,892	\$335,709

¹The 2005-07 appropriation amounts do not include \$1,000,000 of additional federal funds authority resulting from Emergency Commission action during the 2005-07 biennium.

Agency Funding



FTE Positions



Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides additional general fund support to replace federal funds for operating expenses	\$91,481	(\$150,748)	(\$59,267)
2. Adds 1 federally funded disabilities advocate FTE position		\$95,950	\$95,950
3. Adds 1 new FTE position to assist with Help America Vote Act (HAVA) program	\$51,445	\$51,443	\$102,888

Continuing Appropriations

No continuing appropriations for this agency.

Major Related Legislation

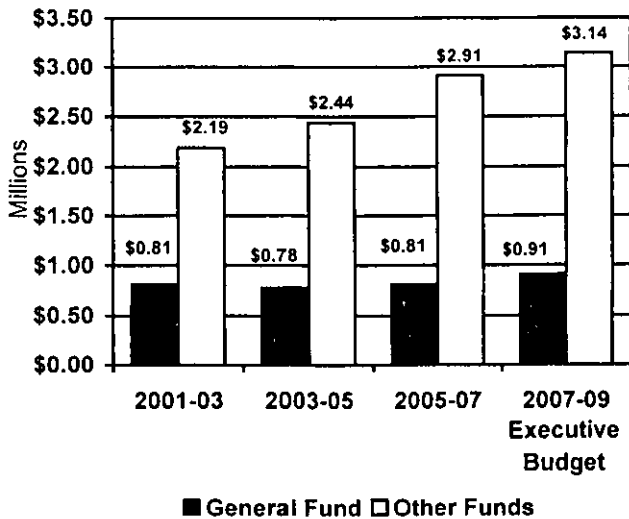
At this time, no major legislation has been introduced affecting this agency.

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

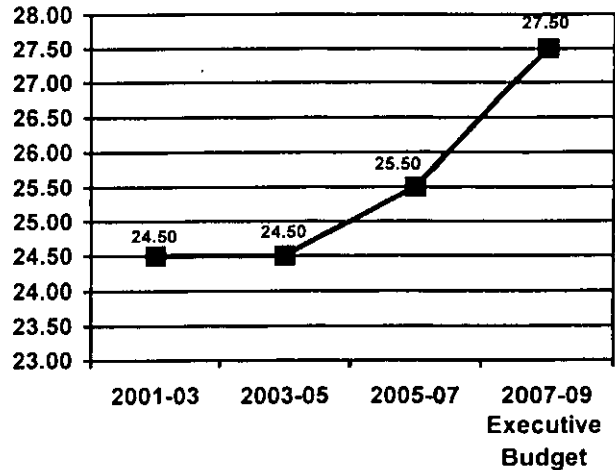
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¹The 2005-07 appropriation amounts do not include \$1,000,000 of additional federal funds authority resulting from Emergency Commission action during the 2005-07 biennium.

Agency Funding



FTE Positions



First House Action

Attached is a summary of first house changes.

Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
1. Provides additional general fund support to replace federal funds for operating expenses	\$91,481	(\$150,748)	(\$59,267)
2. Adds 1 federally funded disabilities advocate FTE position		\$95,950	\$95,950
3. Adds 1 new FTE position to assist with Help America Vote Act (HAVA) program	\$51,445	\$51,443	\$102,888

Continuing Appropriations

No continuing appropriations for this agency.

Major Related Legislation

House Bill No. 1347 - This bill provides for appointment of a member of the Committee on Protection and Advocacy by a North Dakota nonprofit advocacy group of people with disabilities and staggers the terms of committee members.

ATTACH:1

02/19/07

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2014 - Funding Summary**

	Executive Budget	Senate Changes	Senate Version
Protection and Advocacy Project			
Protection and advocacy project	\$4,056,688		\$4,056,688
Total all funds	<u>\$4,056,688</u>	<u>\$0</u>	<u>\$4,056,688</u>
Less estimated income	<u>3,142,778</u>	<u>0</u>	<u>3,142,778</u>
General fund	\$913,910	\$0	\$913,910
FTE	27.50	0.00	27.50
Bill Total			
Total all funds	\$4,056,688	\$0	\$4,056,688
Less estimated income	<u>3,142,778</u>	<u>0</u>	<u>3,142,778</u>
General fund	\$913,910	\$0	\$913,910
FTE	27.50	0.00	27.50

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

The Senate did not change the executive budget recommendation for Protection and Advocacy.

2

SB 2014
Appropriations for the Protection & Advocacy Project
Senate Appropriations
January 22, 2007

Good afternoon Chairman Holmberg and members of the Committee. I am Corinne Hofmann, Director of Policy and Operations of the Protection & Advocacy Project (P&A). During my testimony today, I will highlight P&A's services and review its budget.

I. SERVICES

There is a protection and advocacy system for individuals with disabilities in every state and territory. While most are private, non-profit organizations, the North Dakota system is a State agency governed by an independent seven-member board - the Committee on Protection & Advocacy. Two of the members are appointed by the Governor, two by the Legislative Council, and three by advocacy organizations.

P&A receives federal funding, from different sources, for seven advocacy programs:

Federal Funding Source	Grant
Dept. of Health & Human Services/Administration for Children & Families/Administration on Developmental Disabilities	<ul style="list-style-type: none">• P&A for Persons with Developmental Disabilities (DD)• P&A to Help America Vote (HAV)
Dept. of Health & Human Services /Substance Abuse & Mental Health Services Administration/Center for Mental Health Services	<ul style="list-style-type: none">• P&A for Individuals with Mental Illness Act(MH)
Dept. of Health & Human Services /Health Resources and Services Administration	<ul style="list-style-type: none">• P&A for Individuals with Traumatic Brain Injury (TBI)
Dept. of Education/Office of Special Education and Rehabilitative Services/Rehabilitation Services Administration	<ul style="list-style-type: none">• P&A for Individual Rights (PR)• P&A for Assistive Technology (AT)
Social Security Administration	<ul style="list-style-type: none">• P&A for Beneficiaries of Social Security (SS)

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

Each year, after receiving public input, P&A develops priorities for its programs. This is a directive of the federal government in recognition of the fact that a P&A cannot be all things to all people. Current priorities include abuse/neglect/exploitation, accessibility, community integration, criminal justice, education, employment, and healthcare. P&A develops a strategic work plan for each area to ensure we are pursuing and achieving measurable outcomes. Progress is regularly monitored and evaluated.

During the last two federal fiscal years, P&A provided an impressive number of services to individuals across the State, including those on the reservations. Advocacy and legal representation were provided to 1,218 individuals or groups with disabilities. 93.5% of the problems resolved were resolved in the clients' favor. Information & referral was provided to 5,553 individuals. 6,985 people participated in one of the agency's educational events and 42,043 written materials were distributed.

FY Year	Cases	% favorably resolved	I&R	# Trained	Written Materials
2005	591	94%	2721	3733	17,632
2006	627	93%	2832	3252	24,411
Total	1218	93.5%	5553	6985	42,043

While numbers are important for measuring outcomes and accountability, P&A staff is also involved in many activities that lead to

systemic change for people with disabilities. These include a number of task forces, committees, and advisory councils that address issues such as state compliance with the Olmstead decision, reducing the number of residents at the Developmental Center, state emergency preparedness and planning for vulnerable populations, criminal justice issues, educational services for students with disabilities, and employment.

P&A has been effective in working with other state entities to address disability-related issues. For example, P&A has partnered effectively with the Secretary of State's Office and the ND Association of Counties on implementation of the Help America Vote Act. P&A also partners effectively the Long Term Care Ombudsman program, Child Protective Services, Vulnerable Adult Services, and other agencies addressing the needs of our most vulnerable citizens that may be subject to abuse, neglect, or exploitation.

P&A is equally committed to working collaboratively with other advocacy entities to address issues, including such groups as the Mental Health Association of ND, the ND Association for the Disabled, the Interagency Project for Assistive Technology, the Centers for Independent Living, the Arc of ND, and other private non-profit groups committed to assisting people with disabilities. We believe this is an effective and efficient way to maximize the use of resources.

II. BUDGET FOR 2007-2009

Congress has not concluded the appropriations process for federal fiscal year 2007 and money is being provided at level funding under a continuing resolution. P&A's budget for the 2007-2009 biennium was developed with the assumption of level funding for four of its seven programs (DD, AT SS, and TBI). Based on the funding pattern for the previous two federal fiscal years, a 1% annual cut was budgeted for two of P&A's federal grants (MH, PR). Funding through the Help America Vote Act is predicted to continue through September 2007, but new funding was not included beyond that date.

The proposed budget for the 07-09 biennium maintains nine offices located around the State (Williston, Minot, Belcourt, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, and Dickinson). The office in Belcourt serves the Turtle Mountain reservation area.

A. Position Funding

The governor's executive budget includes increasing FTE's from 25.5 to 27.5. One additional FTE is for a Disabilities Advocate position in our Bismarck office. This adds an additional \$68,088 (\$95,950 with benefits) to P&A's position funding budget for 07-09. This is funded with federal dollars.

Also included is an additional FTE for an administrative position in our Bismarck office. This position will be designed to absorb additional administrative demands created by an increase in the number of federal grants received and changes in state administrative requirements and processes. The employee in this position will also work on voting activities while funds remain available or longer, should the grant be re-funded. This adds an additional \$68,088 (\$95,950 with benefits) to our position funding budget for 07-09, of which 50% (\$47,975) is general fund dollars.

With the additional FTE's, P&A employees will include: 16 disabilities advocates, 3 attorneys, 2 program/advocate supervisors, 1 fiscal manager, 2.5 support staff, 1 administrator, 1 operations/policy administrator, and an executive director.

An increase of \$196,138 is included in the 07-09 budget to fund existing salaries and benefits. This maintains salary increases provided in the 05-07 and covers additional increases for salaries and benefits in the 07-09 biennium. The 07-09 biennium budget for temporary salaries was decreased \$40,959.

B. Operations

The Executive budget includes \$991,262 for operating. This is a decrease of \$52,329 from our 05-07 budget. P&A made significant cuts in a number of areas to achieve this decrease and free money for position funding.

P&A decreased its budget for operating fees and services (\$32,806), grants (\$20,000), printing (\$10,450), other equipment under \$5000 (\$9,712), professional services (\$9,500), travel (\$2,772), IT contract services and repairs (\$3,350), IT telephone (\$2,981), postage (\$1,050), miscellaneous supplies (\$250), and equipment rent (\$50).

Increases are included for IT-data processing (\$18,490), office rent (\$15,199), IT equipment under \$5000 (\$10,222), repairs (\$1,975), dues and professional development (\$1,814), office supplies (\$1550), IT software/supplies (\$779), office equipment and furniture (\$775), and insurance (\$258).

C. Summary

While the proposed budget for 07-09 entails a small increase for P&A, it closely maintains the percentage of federal dollars funding P&A services, as indicated in the following table:

Funding Source	03-05*		05-07**		Executive Budget for 07-09	
Federal	2,443,532	76%	2,908,886	78%	3,142,778	77.5%
State	782,723	24%	812,093	22%	913,910	22.5%
TOTAL	3,226,255		3,720,979		4,056,688	

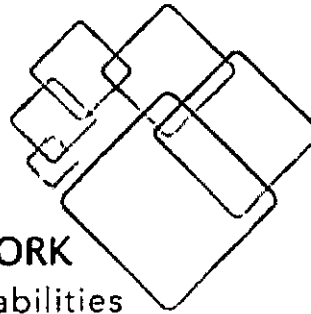
*does not include the federal AFLP pass through funds of \$1,272,981

***does not include the federal AFLP pass through funds of \$1,000,000

P&A provides a valuable service to North Dakota's citizens and communities. We appreciate the legislatures' recognition of this and the support provided to the Protection & Advocacy Project. Thank you for your time. I will be happy to answer any questions you might have.

SB 2014 (3)

NATIONAL DISABILITY RIGHTS NETWORK



Protection & Advocacy for Individuals with Disabilities

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P&A Enabling Laws

Protection & Advocacy for Persons with Developmental Disabilities (PADD)

Statute: Developmental Disabilities Assistance and Bill of Rights (DD) Act of 2000 [[Rich Text version](#)]

Regs [[Rich Text](#)]

Revised Monitoring and Technical Assistance Review System Guidelines

- Recommendations to the Administration on Developmental Disabilities Concerning Amendments to the DD Act Regulations (PDF) (August 2002)
- Analysis of the DD Act (December 2000)

Client Assistance Program (CAP)

Statute: Rehabilitation Act of 1973, as amended, Title I, Part B, Sec. 112; 29 U.S.C. 732. [[Rich Text version](#)]

Regs [[Rich Text](#)]

General Information on the CAP statutory program, including staff contacts at the Rehabilitation Services Administration (RSA) and funding levels

- [NDRN](#)
- [P&As/CAPs](#)
- [When to Contact Your State P&A/CAP](#)
- [TASC](#)
- [Staff](#)
- [Jobs & Internships](#)
- [Amicus Activity](#)
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- [Press Room](#)
- [Public Policy](#)
- [Regulatory Activity](#)
- [Resources](#)
- [Links](#)
- [Boutique](#)
- [Search Public Site](#)

[Website Accessibility](#)

Protection & Advocacy for Individuals with Mental Illness (PAIMI)

Statute [Rich Text]: Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, as amended in 2000

Regulations Implementing the PAIMI Act
General Information about the PAIMI Program, and related Articles, Web Links and Resources (**Link to Center for Mental Health Services, Department of Health and Human Services**)
[Rich Text version]

Implementing Authority under the PAIMI Act to Serve Persons with Mental Illness Living in the Community – Analysis of Policy and Management Implications (2001)

Community Services Authority Under the PAIMI Act – Summary of Strategy Discussion by P&A CEOs (2001)

ALR article: Validity, Construction, and Operation of Protection and Advocacy For Mentally Ill Individuals Act, 191 A.L.R. Fed. 205,

Protection & Advocacy for Individual Rights (PAIR)

Statute[Rich Text]: Protection and Advocacy for Individual Rights (PAIR) Program of the Rehabilitation Act

Regulations Implementing the PAIR Program
[Rich Text]

General Information on the PAIR Program, including Staff Contacts at the Rehabilitation Services Administration (RSA) and Funding Levels (link to RSA, Department of Education)

Protection & Advocacy for Assistive Technology (PAAT)

Statute: Public Law 108-364: The Assistive Technology Act of 2004 [Rich Text]

Protection & Advocacy for Beneficiaries of Social Security (PABSS)

Statute: Ticket to Work and Work Incentives

Improvement Act of 1999, as amended
("TWWIIA"), 42 U.S.C. § 1320b-21 [[Rich Text
version](#)]

**Regulations Implementing the Ticket to Work
and Self-Sufficiency Program under TWWIIA,**
20 CFR Part 411, 66 CFR § 67370

**Protection & Advocacy for Individuals with Traumatic
Brain Injury (PATBI)**

Statute: Title XIII of the Tramatic Brain Injury
Act, as part of the Children's Health Act of 2000
(Public Law 106-310) [[Rich Text version](#)]

Protection & Advocacy for Voting Access (PAVA)

Statute [[Rich Text](#)]: Protection and Advocacy for
Voting Access program of the Help America
Vote Act

National Disability Rights Network
900 Second Street, NE, Suite 211
Washington, DC 20002
Phone: 202-408-9514
Fax: 202-408-9520
TTY: 202-408-9521
General inquiries: info@ndrn.org
Website feedback: webmaster@ndrn.org

SB 2014

4

**PROTECTION & ADVOCACY PROJECT
BUDGET ANALYSIS FOR '07-'09**

12.07.06

	05-07 BIENNIUM	07-09 BIENNIUM		
	Current appropriation	P&A's request to the Governor, Including OAR	Governor's recommendation	Difference between P&A request & Gov's recc'd budget
BUDGET				
Wages	2,677,388	2,852,904	3,065,426	212,522*
Operating	1,043,591	991,262	991,262	0
TOTAL	3,720,979	3,844,166	4,056,688	212,522
FUNDING SOURCES				
DD	821,513	864,304	923,737	59,433
MH	986,333	992,430	1,051,567	59,137
PR	490,568	406,114	430,005	23,891
AT	109,159	166,882	172,716	5,834
SS	223,090	251,135	263,756	12,621
TBI	118,258	122,659	129,883	7,224
HAVA	143,940	168,475	171,114	2,639
Sub-total Federal	2,908,886	2,971,999	3,142,778	170,779
State	812,093	872,167	913,910	41,743
TOTAL	3,720,979	3,844,166	4,056,688	212,522
# STAFF	25.5 FTE's	27.5 FTE's	27.5 FTE's	

* includes an increase of \$70,672 for benefits (health insurance); of the \$70,672, \$58,111 is federal funds and \$12,561 is State general funds; also includes \$141,850 for salary increases at 4% and 4% for the biennium, as well as associated increases for benefits (e.g. retirement); of the \$141,850, \$112,668 is federal funds and \$29,182 is State general funds

3

Testimony on SB 2014
Senate Appropriations Committee
January 22, 2007

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

NDACF is made up of 28 non-profit and for-profit agencies across the state. NDACF members provide services to some of the most vulnerable people in the State – those with developmental disabilities. Protection and Advocacy plays an important role in supporting the needs of these people.

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

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

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

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

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Senate Bill 2014--Committee on Protection and Advocacy

Senate Appropriations Committee--Senator Ray Holmberg, Chair

January 22, 2007

Chairman Holmberg and members of the committee, I am Elaine Grasl, a Member of district 47. I am here in support of 2014, a bill for an appropriation to defray the expenses of the Committee on Protection and Advocacy.

My regret about P & A is that I didn't learn about it sooner and that I let Fear of the unknown allow me to hesitate, even a little while, before I made Contact. Fear, however, can be one of the driving forces which causes many Individuals with a disability and/or their families to hesitate (fear of the unknown, fear of judgment, fear of failure, fear from previous experiences...).

Protection and Advocacy provides a voice and a presence for those who traditionally have not had one--or a microphone, so to speak, for those who have not been heard. More importantly, I feel, they listen respectfully to individuals, while they demonstrate to them how to project their own voices for their own benefit. (I envision) voice by voice, individuals can join to form a chorus serving to educate the populace about the realities of sharing one's life with a disability(ies).

People want the spectrum of possibilities and free choice. Worthwhile and Worthy individuals, who happen to have a disability, should, I feel, be seen As individuals first; only one facet of them is their disability. I believe P and A recognizes the possibilities. I believe P & A recognizes people as valuable Individuals. I believe P & A more than deserves the dollars that it requests And are excellent stewards of those dollars.

Elaine Grasl
223-8149

January 22, 2007

SENATE APPROPRIATIONS COMMITTEE
SB 2014

CHAIRMAN HOLMBERG AND COMMITTEE MEMBERS:

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

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

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

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

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

THANK YOU FOR YOUR TIME AND CONSIDERATION.

SB 2014
Appropriations for the Protection & Advocacy Project
House Appropriations/Human Resources Division
February 26, 2007

Good afternoon Chairman Pollert and members of the Committee. I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). During my testimony today, I will briefly highlight P&A's services and review the budget request for the 07-09 biennium.

I. SERVICES

There is a protection and advocacy system for individuals with disabilities in every state and territory. While most are private, non-profit organizations, the North Dakota system is a State agency governed by an independent seven-member board - the Committee on Protection & Advocacy. Two of the members are appointed by the Governor, two by the Legislative Council, and three by advocacy organizations.

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy & legal representation, protective services, education & training, systems advocacy, and information & referral services. Most of these services are provided by Disabilities Advocates located around the state, as I will explain in more detail later in my testimony.

P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or family member, guardian) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

P&A currently receives federal funding, from different sources, for seven advocacy programs:

Federal Funding Source	Grant	1st Year
DHHS/Administration for Children & Families /Administration on Developmental Disabilities	<ul style="list-style-type: none"> • Developmental Disabilities (DD) • Help America Vote (HAVA) 	<ul style="list-style-type: none"> • 1979 • 2003
DHHS/Substance Abuse & Mental Health Services Administration/Center for Mental Health Services	<ul style="list-style-type: none"> • Mental Health (MH) 	<ul style="list-style-type: none"> • 1986
DHHS/Health Resources & Services Administration	<ul style="list-style-type: none"> • Traumatic Brain Injury (TBI) 	<ul style="list-style-type: none"> • 2002
Department of Education	<ul style="list-style-type: none"> • Individual Rights (PR) • Assistive Technology (AT) 	<ul style="list-style-type: none"> • 1992 • 1994
Social Security Administration	<ul style="list-style-type: none"> • Beneficiaries of Social Security (SS) 	<ul style="list-style-type: none"> • 2001

Each year, after receiving public input, P&A develops priorities for its programs. This is a directive of the federal government in recognition of the fact that a P&A cannot be all things to all people. Current priorities include abuse/neglect/exploitation, accessibility, community integration, criminal justice, education, employment, and healthcare. Abuse/neglect/exploitation is always the highest priority.

Because there is no "typical case", I'd like to give you a few examples of our work with individual clients.

- Scott has a developmental disability, is in his late 20's and resides in a group home. On one occasion, it was discovered that staff failed to provide a dose of his medication which resulted in Scott having a major seizure. P&A's investigation substantiated neglect but, more importantly, provided recommendations to improve the plan of action developed by the service provider to prevent future problems.
- Peggy is 62 years old and has a diagnosis of mental illness. She relies upon a trustee in another state to appropriately manage her finances. Extensive investigation by P&A led to the determination that Peggy's medical and mental health care needs were not being addressed in a timely manner due to failure by the trustee to pay

for needed services. Steps were taken to resolve the issue with the trustee so that Peggy can access services in a timely manner.

- John is a 5th grade student with developmental disabilities. He attends a rural school. P&A's investigation found that John was being unnecessarily physically forced to a seclusion room resulting in him being injured and becoming afraid of going to school. P&A substantiated abuse based on excessive use of seclusion and restraint. The school re-evaluated John's behavioral issues and the seclusion was removed from his program plan.
- Jane is 19 years old and has a developmental disability. P&A received a report that she was sexually assaulted by a family friend. P&A verified that a report was made to law enforcement and there was a criminal investigation. P&A's role became that of helping the law enforcement community understand the impact of Jane's disability upon her ability to understand and respond to the alleged assault and ensure that Jane received counseling. P&A provided support to Jane throughout the court proceedings.
- Peter, who has MS and is dependent on a ventilator, moved into an institutional setting in 2003 when it was determined that community services were not available to provide the level of support he required. The move was intended to be temporary – until community resources could be secured. While such services were not made available in North Dakota, P&A and Options Center for Independent Living were eventually able to secure the required services for community placement in a state of Peter's choosing. Less than 2 weeks ago, Peter moved to a residential home in Minnesota.
- Joey, along with his twin brother, was born 14 weeks premature. Joey's condition became life-threatening because he could not tolerate nutrition. After 4 surgeries, the prognosis continued to deteriorate. Joey was, in essence, starving to death. Physicians informed the family of a drug that was in the "testing stages". The

drug could not, however, be sold directly to the medical facility as it was still experimental. P&A assisted the family with locating a non-profit agency that could fill the role of intermediary in order to obtain the medication. P&A also provided legal services for needed contractual agreements. After eight weeks of being on the medication, Joey was recently able to move home from the hospital. He is now accepting nutrition and doing well.

Since my last report to you, over the last two federal fiscal years, P&A provided an impressive number of services to individuals across the State, including those on the reservations. Advocacy and legal representation were provided to 1,218 individuals or groups with disabilities. 93.5% of the problems resolved were resolved in the clients' favor. Information & referral was provided to 5,553 individuals. 6,985 people participated in one of the agency's educational events and 42,043 written materials were distributed.

FY Year	Cases	% favorably resolved	I&R	# Trained	Written Materials
2005	591	94%	2,721	3,733	17,632
2006	627	93%	2,832	3,252	24,411
Total	1,218	93.5%	5,553	6,985	42,043

Numbers are important, and necessary, for accountability and measuring outcomes. P&A provides detailed reports annually to the federal government for each of its federal advocacy programs.

P&A staff is also involved in many activities that lead to systemic changes for people with disabilities. These include a number of task forces, committees, and advisory councils that address issues such as state compliance with the Olmstead decision, reducing the number of residents at the Developmental Center, state emergency preparedness and planning for vulnerable populations, criminal justice issues, educational services for students with disabilities, and employment.

P&A has been effective in working with other state entities to address disability-related issues. For example, P&A has partnered effectively with the Secretary of State's Office and the N.D. Association of Counties on implementation of the Help America Vote Act. P&A also partners effectively the Long Term Care Ombudsman program, Child Protective Services, Vulnerable Adult Services, and other agencies addressing the needs of our most vulnerable citizens that may be subject to abuse, neglect, or exploitation.

An example of advocacy partnership occurred when P&A was notified that a basic care facility was being closed. Its residents included many individuals with developmental disabilities, mental illness, and other types of disabilities. They all needed a place to live along with individualized services. P&A coordinated a meeting with the facility's social worker, area county social services offices, and other stakeholders. Discussion took place regarding available options, the understanding of "consent", and the role each entity could play to help. P&A also met with the facility residents to help them understand what was happening and to understand their rights. P&A's role helped to ensure smooth planning, transition, and due process.

II. BUDGET FOR 2007-2009

P&A's budget for the 2007-2009 biennium was developed assuming that the annual federal grants will be approximately the same as those received in federal fiscal year 2006. One exception is funding for P&A through the Help America Vote Act. This was predicted to continue through September 2007 and new funding was not included in the budget beyond that date.

A. Position Funding

The proposed budget for the 07-09 biennium maintains nine offices located around the State (Williston, Minot, Belcourt, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, and Dickinson). The office in Belcourt serves the Turtle Mountain reservation area. The regional office model

allows P&A staff to be more available to individuals with disabilities in the provision of advocacy, protective services, and pro-active work.

The budget includes increasing FTE's from 25.5 to 27.5. One additional FTE is for a Disabilities Advocate position in our Bismarck office. This adds an additional \$68,088 (\$95,950 with benefits) to P&A's position funding budget for 07-09. This is funded with federal dollars.

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With the additional FTE's, P&A employees will include: 16 disabilities advocates, 3 attorneys, 2 program/advocate supervisors, 1 fiscal manager, 2.5 support staff, 1 administrator, 1 operations/policy administrator, and an executive director.

An increase of \$196,138 is included in the 07-09 budget to fund existing salaries and benefits. This maintains salary increases provided in the 05-07 and covers additional increases for salaries and benefits in the 07-09 biennium. The 07-09 biennium budget for temporary salaries was decreased \$40,959.

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The budget includes \$991,262 for operating. This is a decrease of \$52,329 from our 05-07 budget. P&A made significant cuts in a number of areas to achieve this decrease and free money for position funding.

P&A decreased its budget for operating fees and services (\$32,806), grants (\$20,000), printing (\$10,450), other equipment under \$5000 (\$9,712), professional services (\$9,500), travel (\$2,772), IT contract services and repairs (\$3,350), IT telephone (\$2,981), postage (\$1,050), miscellaneous supplies (\$250), and equipment rent (\$50).

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C. Summary

In summary, the table below provides information on costs for the major variance items:

MAJOR VARIANCE ITEMS		General Funds	Federal Funds	TOTAL
A	Sub-total for wages includes: <ul style="list-style-type: none"> • Benefits increase • 4% + 4% • New FTE (Dis. Adv.) • New FTE (Admin.) 	89,718	298,320	388,038
B	Operating/Grants	12,099	(64,428)	(52,329)
	TOTAL:	101,817	233,892	335,709

While the proposed budget for 07-09 entails a small increase for P&A, it closely maintains the percentage of federal dollars funding P&A services, as indicated in the following table:

Funding Source	03-05*		05-07**		07-09 Executive Budget (passed by the Senate)	
Federal	2,443,532	76%	2,908,886	78%	3,142,778	77.5%
State	782,723	24%	812,093	22%	913,910	22.5%
TOTAL	3,226,255		3,720,979		4,056,688	

*does not include the federal AFLP pass through funds of \$1,272,981

***does not include the federal AFLP pass through funds of \$1,000,000

SB 2014 was passed unanimously by the Senate without amendments. Thank you for your time and consideration. I will be happy to answer any questions you might have for me.

PROTECTION AND ADVOCACY
SB 2014
BISMARCK REGION INFORMATION

For the 2005 and 2006 fiscal years, the Bismarck region generated **333** cases. Referrals are high for a number of reasons:

- Current advocates were very involved in the provider system for a number of years before coming to P&A and are well known and respected.
- Advocates conduct extensive outreach to the Standing Rock Reservation. One advocate travels there 1-2 times per week.
- Bismarck is our largest and most visible office due to co-location with the agency's state office. State office staff is involved in many state level systemic activities which are "rain makers" for the regional staff.

By comparison, our Grand Forks and Fargo regions together generated **285** cases. Advocates in these regions are very busy, but have manageable case loads.

PROTECTION & ADVOCACY PROJECT
SB 2014
OFFICE LEASE INFORMATION
2005-2007 BIENNIUM
March 9, 2007

OFFICE LOCATION	PRICE/SQUARE FOOT/YEAR	MONTHLY COST
Williston	\$ 7.50	\$ 183.12
Minot	\$10.50	\$ 195.00
Devils Lake	\$ 4.50	\$ 150.00
Belcourt*	\$20.86	\$ 200.00
Grand Forks	\$11.11	\$ 500.00
Fargo	\$12.00	\$ 866.00
Jamestown	\$ 9.50	\$ 750.00
Dickinson	\$ 9.77	\$ 285.00
Bismarck	\$ 9.90	\$3,845.33

*the office space is small (115 square feet) but ACCESSIBLE!

**PROTECTION & ADVOCACY PROJECT
SB 2014
FEDERAL GRANT INFORMATION
March 9, 2007**

Federal Funding Source	Grant	Annual Dollars
DHHS/Administration for Children & Families /Administration on Developmental Disabilities	Developmental Disabilities (DD)	365,950
	Help America Vote (HAVA)	70,000
DHHS/Substance Abuse & Mental Health Services Administration/Center for Mental Health Services	Mental Health (MH)	402,700
DHHS/Health Resources & Services Administration	Traumatic Brain Injury (TBI)	50,000
Department of Education	Individual Rights (PR)	160,311
	Assistive Technology (AT)	50,000
Social Security Administration	Beneficiaries of Social Security (SS)	100,000

Federal Fiscal Years

[illegible]

Good morning Chairman Pollert and committee members. My name is Christina McComish. I am 19 and I currently live independently in an apartment in Bismarck. I am a Junior attending Century High School.

My parents and I will be forever grateful for all the help that Protection and Advocacy gave us. Last year my prior school district tried to once again send me to a 24 – 7 residential institution in South Dakota. I was informed that I had less than 2 weeks to pack my bags. We contacted Protection and Advocacy. They were able to help keep me from being forced to leave my parents, my home, my community and my neighbors.

Without their intervention, my education would once again be counting 10 nuts and bolts and putting them in bags for resale. I would now be having someone plan out my entire life for me, without my input.

How do I know that this would have been my future? I was at this institution already for 4 years, from age 10 and it was an absolute nightmare for my entire family to live through. P & A helped me return home in 2002.

I am now 19 and living by myself. I pay my own bills, buy my own groceries, use the CAT bus system, clean my own apartment, do laundry and cook my meals, all while attending high school full time. My classes include Geometry, English and History. I also decide what I will do on my free time.

I strongly encourage you to fund this necessary agency. Thanks to them, I now have my life back and am looking forward to college. P & A has helped many others improve or retain their lives. They help people of all ages. Luckily I was one of the people that they helped last year. With funding they can continue to help others.

Please help insure that Protection and Advocacy has the needed funding to help others as they have helped me.

Thank you very much for your time.

Senate Bill 2014-Committee on Protection and Protection

House Appropriations Committee-Chairman, Ken Svedjan
Human Resources Division-Chairman, Chet Pollert

Chairman and members of the committee, I am Elaine Grasl, I am a member of District 47. I am in support of SB 2014, a bill for an appropriation to defray the expenses of the Committee on Protection and Advocacy.

(This is mainly the same testimony that I provided previously to the senate, but I think it bears repeating.)

My regret about P & A is that I didn't learn about it sooner and that I let fear of the unknown allow me to hesitate, even a little while, before I made contact. I feel that fear of the unknown, fear of being judged, fear of failure, fear from previous experiences, (and so on) however, can be a force which can cause individuals with a disability and /or their families to hesitate to ask for help.

Protection and Advocacy provides a voice and a presence for those who traditionally, have not had one-or a microphone, so to speak, for those who have not been heard. More importantly, I feel, they listen respectfully to individuals, while they demonstrate to them how to project their own voices for their own benefit. (I envision) voice by voice, individuals can join to form a chorus serving to educate the populace about the realities of sharing one's life with a disability(ies).

People want the spectrum of possibilities and free choice. Worthwhile and worthy individuals, who happen to have a disability, should, I feel, be seen as individuals first; only one facet of them is their disability. I believe P & A recognizes the possibilities. I believe P & A recognized people as valuable individuals. I believe P & A more than deserves the dollars that it requests and are excellent stewards of those dollars.

Can you imagine someone ^{who} that you love is vulnerable, and there no voice for them? There is more yet to do.

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Conf Com: ①

Efficiency of the Protection & Advocacy Agency

Total Budget: \$4.05 million

Special Funds: \$3.1 million (78%)

General Funds: \$900,000 (22%)

They have 9 offices across the state. And currently have 25.5 FTEs

Caseload:

They handled 1,218 cases in this biennium (93.5% were favorably resolved)

They gave information and referrals to 5,553 people.

They provided education to 6,985 and distributed 42,043 pieces of literature.

If you do not include the literature distributed, they helped 13,756 people. That translates to a caseload of 539.

The increase of 2.0 FTE in the Executive budget reduces the caseload to 500 people. The population is aging – the caseloads are going to go up. This is a very efficient operation.