

**2013 SENATE HUMAN SERVICES**

**SB 2271**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Human Services Committee Red River Room, State Capitol

SB 2271

1/29/13

Recording Job Number: 17896

Conference Committee

Committee Clerk Signature:



### Explanation or reason for introduction of bill/resolution:

Relating to committee on employment of people with disabilities.

### Minutes:

You may make reference to "attached testimony."

**Chairman Lee** opens hearing on SB 2271.

**Senator Axness** introduces the bill to the committee. This is reinstating something that was previously being done that the Governor was directed to appoint members to. Somewhere along the way, those appointments stopped and the committee stopped its work. There are still barriers to employment for people with disabilities. Senator Axness references page 3, line 5 in regards to "competitive employment", and line 10 regarding "integrated setting."

Senator Anderson recognizes that the fee sums have been ongoing and questions the accumulation of that money. Senator Axness states that they have been receiving the funds but the purpose of the funds haven't been utilized in years.

Chairman Lee questions a fiscal note and Senator Axness states that he feels this is budget neutral and proceeds to explain the funding.

**(0:05:10) Senator Heckaman** testifies in support. See attached testimony #1.

**(0:07:35) Tom Alexander**, Project Director at North Dakota Center for Persons with Disabilities (NDCPD) located on the campus of Minot State University, provides information on the Employment First Initiative and to give history of NDCC's 5-06. 1-16 and 39-01-15(5). See attached testimony #2, including recommended amendments.

**(0:18:50 - 0:23:30)** - Discussion between the committee and Mr. Alexander on the specifics/purpose of the funding.

**Scott Burlingame**, Executive Director of Independence Inc., a Center for Independent Living with a home office in Minot, presents testimony in support. See attached testimony #3.

**(0:29:26 - 0:35:03)** Discussion: State Rehabilitation Council vs. Vocational Rehabilitation on Employment First, the groups represented on the State Rehab Council (Mr. Burlingame provided this list after the hearing - see attachment #3 after testimony), employers that hire people with disabilities, and the Medicaid buy in program.

**Barb Murry**, Executive Director of the ND Association of Community Providers, states that the association strongly supports this bill.

Chairman Lee asks for Ms. Murry's thoughts on removing the section calling for a full-time director. Ms. Murry concurs with Mr. Alexander's testimony and feels it would be managed well.

**(0:37:15)** **Denise Harvey**, Director of Program Services at Protection and Advocacy, presents testimony on behalf of **Vickay Gross**, Disabilities Advocate for the Protection & Advocacy Project who is in support of the bill. See attached testimony #4.

**(0:39:56)** **Terry Peterson** from Velva, ND who works with Rehab Services, Inc. is in support of the bill. See attached testimony #5.

No further testimony in favor.

**Russell Cusack**, Director of the Vocational Rehabilitation Division for the Department of Human Services, provides information on the bill. See attached testimony #6. He also notes that he received a request for a fiscal note this morning, as well as wanted the committee to know that ND historically is the leader in the percentage of individuals with disabilities in the workforce.

**(0:44:30)** - Discussion on what the accumulating money has been spent on, the impact on services, clarification that the funding is for administrative support and a full-time director, and more thoughts on the amendment suggesting the elimination of the full-time director position.

No further questions and no further testimony.

The hearing is closed.

Additional testimony provided post hearing (see attachments labeled "additional").

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee  
Red River Room, State Capitol

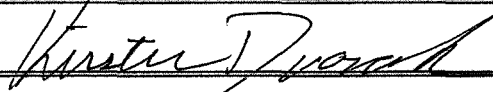
SB 2271

2/6/13

Recording Job Number: 18383

Conference Committee

Committee Clerk Signature:



## Explanation or reason for introduction of bill/resolution:

Relating to committee employment of people with disabilities.

## Minutes:

You may make reference to "attached testimony."

Committee Discussion on SB 2271:

**Senator Axness** suggests an amendment on page 3, lines 17-28 regarding the appointment of the full-time director. This would eliminate the fiscal impact, besides the revenue that's already being generated for this committee.

**Senator Axness** moves the amendment to remove lines 17-28 on page 3.

**Senator Anderson** seconds.

Discussion: Senator Dever points out that the changes need to be deleted, not the full lines, due to the existing language. Committee proceeds to take a closer look at the language. Chairman Lee supports the idea of getting rid of the full-time director and thinks it would be appropriate to move the amendment on before they vote on the bill to Russell Cusack, Director of the Vocational Rehabilitation Division, to see if he sees any challenges with it. Committee decides that they would like to have Mr. Cusack provide more information and provide/explain the fiscal note that he mentioned he was working on in his original testimony.

**Senator Axness** moves to table the amendment awaiting further discussion/information.

**Senator Larsen** seconds.

**Voice vote: all committee members are in favor**

Discussion is closed.

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Human Services Committee Red River Room, State Capitol

SB 2271

2/6/13

Recording Job Number: 18449

Conference Committee

Committee Clerk Signature:



### Explanation or reason for introduction of bill/resolution:

Relating to committee on employment of people with disabilities.

### Minutes:

You may make reference to "attached testimony."

Discussion continued on SB 2271:

**Russel Cusack**, Director of the Vocational Rehabilitation Division for DHS, is back at the request of the committee to answer questions.

**Senator Axness** explains to Mr. Cusack his previous motion to amend page 3, lines 17-28 and that the committee is interested in hearing what observations he has on this.

**(0:04:50 - 0:10:39)** Mr. Cusack explains the roles of the State Rehabilitation Council and talks about what some of the states in the region do in terms of the committee. He reiterates what the money has been spent for and states that, in the late 90's, the committee was transferred from the governor's office over to DHS and subsequently to the division of Vocational Rehabilitation.

Discussion: Communication between the two groups would be useful. The Rehab Council is the all-encompassing committee and then there is a committee that is administratively supported by the same people that would be dealing with the employment of people with disabilities. The importance of competitive integrated employment and how it needs to be at the forefront is stressed.

**(0:13:30)** Senator Anderson references line 3 on page 2 and suggests alternate language. Mr. Cusack thinks that this suggestion may reduce duplication of effort of people attending different meetings, etc. Discussion continues on the fiscal note.

**(0:16:33 - 0:19:53)** Chairman Lee states that she spoke with the director of the Board of Vocational Training Center in Fargo (she's a board member) and shares their suggestions with the committee: on page 2, line 9 - strike "one community rehab provider" and replace with "the Executive Director of the NDACP" (the organization for all of the community providers). Brief committee discussion on the amendment follows. Senator Anderson

thinks that making it a subcommittee of the State Rehabilitation Council seems like the only practical solution, unless they add a lot more appropriations.

**(0:21:25 - 0:26:38)** Mr. Cusack distributes and explains information comparing the State Rehabilitation Council to the Committee of Employment of Persons with Disabilities. See attachment #7.

Discussion on the purpose of these committees follows. Senator Axness stresses the need to keep the language on page 2. Senator Dever agrees and suggests overstriking the language on lines 17-20 that is not already overstruck.

**Senator Dever** moves this amendment.

**Senator Axness** seconds.

For procedural purposes, Chairman Lee references the previous motion made by Senator Axness that was tabled. Since it was tabled, they do not need to reconsider the motion.

**Roll Call Vote:** 5-0, motion passes.

There is further discussion on the amendments with Mr. Cusack. Chairman Lee states that she is not in a rush to vote on this amendment so Senator Anderson requests that Mr. Cusack take a look at the rest of the language to be sure all these things can be done with the money that is being put in. Mr. Cusack agrees to do this.

Discussion is recessed until 2/11.

# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Human Services Committee**  
Red River Room, State Capitol

SB 2271

2/6/13

Recording Job Number: 18453

Conference Committee

Committee Clerk Signature:

## **Explanation or reason for introduction of bill/resolution:**

Relating to committee on employment of people with disabilities.

## **Minutes:**

You may make reference to "attached testimony."

**Vickay Gross** with the ND Protection & Advocacy project, and one of the original people who put the committee together to promote the Employment First concept within the state of ND, briefly speaks to the committee and asks them to address any further questions about the bill to Tom Alexander as opposed to Russell Cusack.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee  
Red River Room, State Capitol

SB 2271  
2/11/13

Recording Job Number: 18679

Conference Committee

Committee Clerk Signature:



## Explanation or reason for introduction of bill/resolution:

Relating to committee on employment of people with disabilities.

## Minutes:

You may make reference to "attached testimony."

Continued discussion on SB 2271:

**Tom Alexander**, ND Center for Persons with Disabilities, explains the chart that was distributed to the committee. See attachment #8.

Chairman Lee and the committee review the amendment from last week. Chairman Lee references the recommendation from a community provider that on page 2, line 9 replaces "one community rehab provider" with "the Executive Director of the NDACP" and that this wasn't addresses in the original amendment. Barb Murry, Executive Director of the NDACP Association, steps up to further address this proposed change and states that this would be acceptable to them. Chairman Lee suggests the language "Executive Director or designee."

**Senator Anderson** moves to adopt this amendment.

**Senator Larsen** seconds.

Discussion on how secure the Director position is in regards to this language.

**Roll Call Vote:** 5-0, motion passes.

**Senator Anderson** moves Do Pass as Amended and Rerefer to Appropriations.

**Senator Dever** seconds.

**Roll Call Vote:** 5-0, motion passes.

**Senator Dever** is the carrier.



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/28/2013**

Bill/Resolution No.: SB 2271

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$12,000		\$12,000
Expenditures			\$209,305	\$12,000	\$204,563	\$12,000
Appropriations			\$209,305	\$12,000	\$204,563	\$12,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2271 amends NDCC relating to the committee on employment of people with disabilities, with the possible appointment of a director for the committee and for the DHS Division of Vocational Rehabilitation to provide administrative services to the committee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of SB 2271 directs a portion of the fees collected for handicapped parking certificates be appropriated to the Department of Human Services for use by the committee on employment of people with disabilities. Section 2 of the bill provides for the appointment of a director for the committee on employment of people with disabilities and for the Department of Human Services Division of Vocational Rehabilitation to provide the committee with administrative services. Costs for the committee consists of: salary and benefits for the director \$159,519, reimbursement to public members of the committee for loss of salary incurred while attending to committee duties \$4,936, operating expenses for the committee \$56,850 which would consist of travel for the director and the public members of the committee, printing of the annual report, office rent for the director, and other miscellaneous expenses required for the operation of the committee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Other fund revenue consists of fees collected from handicap certificate issuances.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fiscal impact to the Department of Human Services for the 2013-2015 biennium is comprised of: The salary and fringes for the director of the committee 159,519, honorariums for public members of the committee \$4,936,

operating costs of \$56,850 for travel, printing, rent, supplies and other needed operating expenses. One FTE would be needed if the governor elects to appoint a director for the committee. The fiscal impact to the Department of Human Services for the 2015-2017 biennium reflects the above items with a reduction in operating costs due to one-time office equipment and furnishings that would occur in the 2013-2015 biennium for a total of \$216,563.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funding needed to perform the requirements provided for in SB 2271 are not included in the Department of Human Services appropriation bill (HB 2012) therefore the department would need a general fund appropriation of \$209,305 for the 2013-2015 biennium and \$204,563 for the 2015-2017 biennium. A continuing appropriation for the other funds received from the Employment of People with Disabilities fund is provided for in the Bill.

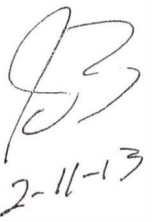
**Name:** Debra McDermott

**Agency:** DHS

**Telephone:** 328-3695

**Date Prepared:** 02/05/2013

February 7, 2013



Handwritten signature and date: 2-11-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2271

Page 2, line 9, replace "One community rehabilitation provider" with "The executive director of the North Dakota association of community providers or a designee of the director"

Page 3, line 16, remove the underscored colon

Page 3, line 17, remove "a. With"

Page 3, line 17, overstrike "the approval of the governor,"

Page 3, line 17, remove "may"

Page 3, line 17, overstrike "appoint a full-time director to serve at"

Page 3, line 18, overstrike "the pleasure of the governor. For administrative purposes,"

Page 3, line 18, remove "a"

Page 3, line 18, overstrike "director"

Page 3, line 19, remove "appointed under this subdivision"

Page 3, line 19, overstrike "is an unclassified employee of the department"

Page 3, line 19, remove "of"

Page 3, line 20, remove "human services"

Page 3, line 20, overstrike "and is not included in the classified service."

Page 3, line 28, after the overstruck period insert an underscored colon

Page 3, line 29, replace "b." with "a."

Page 3, line 30, replace "c." with "b."

Page 4, line 19, replace "d." with "c."

Renumber accordingly

Date: 2/6/13  
Roll Call Vote #: 1

(morning discussion)

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2271

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Sen. Axness Seconded By Sen. Anderson

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee			Senator Tyler Axness		
Vice Chairman Oley Larsen					
Senator Dick Dever					
Senator Howard Anderson, Jr.					
<i>Motion tabled awaiting further discussion/information</i>					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2/6/13  
 Roll Call Vote #: 1

*Afternoon discussion*

2013 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2271

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Sen. Dever Seconded By Sen. Axness

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

Total (Yes) 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

*\*Vote is put on hold until 2/11\**

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

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2271

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Sen. Anderson Seconded By Sen. Larsen

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

Total (Yes) 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

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

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2271

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Sen. Anderson Seconded By Sen. Dever

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

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Dever

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

**REPORT OF STANDING COMMITTEE**

**SB 2271: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "One community rehabilitation provider" with "The executive director of the North Dakota association of community providers or a designee of the director"

Page 3, line 16, remove the underscored colon

Page 3, line 17, remove "a. With"

Page 3, line 17, overstrike "the approval of the governor,"

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Page 3, line 18, overstrike "the pleasure of the governor. For administrative purposes,"

Page 3, line 18, remove "a"

Page 3, line 18, overstrike "director"

Page 3, line 19, remove "appointed under this subdivision"

Page 3, line 19, overstrike "is an unclassified employee of the department"

Page 3, line 19, remove "of"

Page 3, line 20, remove "human services"

Page 3, line 20, overstrike "and is not included in the classified service."

Page 3, line 28, after the overstruck period insert an underscored colon

Page 3, line 29, replace "b." with "a."

Page 3, line 30, replace "c." with "b."

Page 4, line 19, replace "d." with "c."

Renumber accordingly



**2013 SENATE APPROPRIATIONS**

**SB 2271**

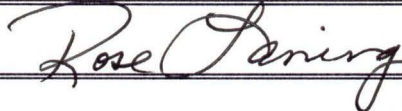
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2271  
February 18, 2013  
Job # 19099

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A bill relating to the committee on re-establishing employment of people with disabilities.

### Minutes:

Testimony attached # 1

Legislative Council - Brady Larson

OMB - Lori Laschkewitsch

Chairman Holmberg opened the hearing on SB 2271. All committee members were present.

### Senator Axness - District 16, Fargo & West Fargo

Bill Sponsor

This re-establishes the committee on Employment for People with Disabilities. He says the purpose of this committee is to identify what the barriers are in the State for people with disabilities to have employment that is integrated. He gives a brief history of the committee.

**Chairman Holmberg** - Says if we were to pass this bill we would have to look at the fiscal part and we should pass the bill and we'll look at it again when the human services budget is here in March or April.

### Vickay Gross - Disabilities Advocate with the ND Protection & Advocacy Project

Testified in favor of SB 2271

Testimony attached # 1

**Chairman Holmberg** - Asks if she had an opportunity to suggest this to the policy committee.

**Gross** - Replies, she doesn't know if it was in the original bill.

**Senator Warner** - Expressed surprise - if we're going to move it, it should go to P & A.

**Gross** - Explains that was never the thought. This is a national movement to make employment a priority. She says this is thought of as Human Services but unemployment touches all people.

**Senator Mathern** - Remarks, you say either, but you prefer it to be Dept. of Labor.

**Gross** - Replies either would be fine. She says from a national perspective the Dept. of Labor has been very active in addressing groups that have difficulty with unemployment.

**Chairman Holmberg** - closed the hearing on SB 2271

**Senator Carlisle moved Do Pass on SB 2271.**  
**Senator Warner seconded.**

**Discussion**

Senator Carlisle questions for the policy committee.

**A roll call vote was taken. Yea: 12 Nay: 0 Absent: 1**  
**The bill goes to Human Services and Senator Dever will carry the bill.**

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2013**

Amendment to: SB 2271

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$12,000		\$12,000
<b>Expenditures</b>			\$27,594	\$12,000	\$27,594	\$12,000
<b>Appropriations</b>			\$27,594	\$12,000	\$27,594	\$12,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2271 amends NDCC relating to the committee on employment of people with disabilities and for the DHS Division of Vocational Rehabilitation to provide administrative services to the committee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of SB 2271 directs a portion of the fees collected for handicapped parking certificates be appropriated to the Department of Human Services for use by the committee on employment of people with disabilities. Section 2 of the bill provides for the Department of Human Services Division of Vocation Rehabilitation to provide the committee with administrative services. Costs for the committee consists of: reimbursement to public members of the committee for loss of salary incurred while attending to committee duties \$4,936, operating expenses for the committee \$34,658 which would consist of travel for the public members of the committee, printing of the annual report and other miscellaneous expenses required for the operation of the committee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Other fund revenue consists of fees collected from handicap certificate issuances.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fiscal impact to the Department of Human Services for the 2013-2015 biennium is comprised of: the honorariums for public members of the committee \$4,936, operating costs of \$34,658 for travel, printing, supplies and other needed operating expenses. The fiscal impact to the Department of Human Services for the 2015-2017 biennium reflects the above items for a total of \$39,594.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funding needed to perform the requirements provided for in SB 2271 are not included in the Department of Human Services appropriation bill (HB 1012) therefore the department would need a general fund appropriation of \$27,594 for the 2013-2015 biennium and \$27,594 for the 2015-2017 biennium. A continuing appropriation for the other funds received from the Employment of People with Disabilities fund is provided for in the Bill.

**Name:** Debra McDermott

**Agency:** Human Services

**Telephone:** 328-3695

**Date Prepared:** 02/13/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/28/2013**

Bill/Resolution No.: SB 2271

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

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The fiscal impact to the Department of Human Services for the 2013-2015 biennium is comprised of: The salary and fringes for the director of the committee 159,519, honorariums for public members of the committee \$4,936,

operating costs of \$56,850 for travel, printing, rent, supplies and other needed operating expenses. One FTE would be needed if the governor elects to appoint a director for the committee. The fiscal impact to the Department of Human Services for the 2015-2017 biennium reflects the above items with a reduction in operating costs due to one-time office equipment and furnishings that would occur in the 2013-2015 biennium for a total of \$216,563.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funding needed to perform the requirements provided for in SB 2271 are not included in the Department of Human Services appropriation bill (HB 2012) therefore the department would need a general fund appropriation of \$209,305 for the 2013-2015 biennium and \$204,563 for the 2015-2017 biennium. A continuing appropriation for the other funds received from the Employment of People with Disabilities fund is provided for in the Bill.

**Name:** Debra McDermott

**Agency:** DHS

**Telephone:** 328-3695

**Date Prepared:** 02/05/2013

Date: 2-18-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 2271

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass

Motion Made By Carlisle Seconded By Warner

Senators	Yes	No	Senator	Yes	No
Chariman Ray Holmberg	✓		Senator Tim Mathern	✓	
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell	✓	
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson	✓	
Senator Ralph Kilzer			Senator John Warner	✓	
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle	✓				
Senator Gary Lee	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment AS Dever

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



**REPORT OF STANDING COMMITTEE**

**SB 2271, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2271 was placed on the Eleventh order on the calendar.

**2013 HOUSE HUMAN SERVICES**

**SB 2271**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee  
Fort Union Room, State Capitol

SB 2271  
March 12, 2013  
Job 19811

Conference Committee

Kristi Metzler

## Explanation or reason for introduction of bill/resolution:

A bill relating to the committee on employment of people with disabilities.

## Minutes:

Testimony 1,2,3,4,5

**Chairman Weisz:** Opened the hearing on SB 2271.

**Sen. Tyler Axness:** Introduced and supported the bill.

**Tom Alexander:** 3:35 Project Director at ND Center for Persons with Disabilities in Minot testified in support of the bill. (See Testimony #1) Tom handed out testimony from AARP. (See Testimony #2) 14:40

**Rep. Fehr:** Can you explain how the committee functions and operates with or differently than Vocational Rehabilitation?

**Alexander:** It was a separate entity through the Governor's office in the 1980's. The committee members asking to be on this committee provide a variety of different departments, DPI, Director of DHS, Public Instruction. It is broader than what Voc. Rehab can offer

**Rep. Fehr:** Does it tend to be more policy and not specifically to serving individuals?

**Alexander.** It is more related to policy. The committee seems to be floating around in statute and not existing for the last 10 to 12 years.

**Rep. Mooney:** How much balance was on hand?

**Alexander:** As of 11-30-12 total revenue was total was in the somewhere around \$64,000. I also have testimony from AARP to hand in. 19:00

**Don Brunette:** Chief Operating Officer of Friendship, Inc. testified in support of the bill. (See Testimony #3)

House Human Services Committee

SB 2271

March 12, 2013

Page 2

**Scott Burlingame:** 26:45 Executive Director of Independence Inc. in Minot testified in support of the bill. (See Testimony #4)

**Vicky Gross:** Testified in support of the bill, I will be sending an email to the committee.

**Chairman Weisz:** Closed hearing.

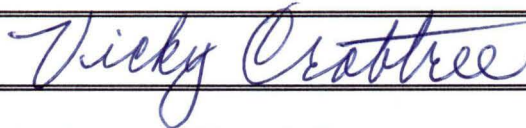
# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Human Services Committee Fort Union Room, State Capitol

SB 2271  
March 20, 2013  
Job #20265

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to the committee on employment of people with disabilities.

### Minutes:

Chairman Weisz: Let's look at 2271. There was a transportation bill that we currently have in committee that deals with the same issue; which are the funds that come out of that handicap parking fee. Basically the fund has been robbed for I don't know how long. The fund had almost \$60,000 in it then it got spent down. On the Transportation Committee there is a bill that specifies specifically that the \$2.00 goes back into the fund and only to be used for disability purposes.

Rep. Oversen: If both bills were to pass then those funds would be used for this committee again.

Chairman Weisz: That would utilize those funds and I think the numbers didn't agree. I think the funds in Transportation were about double then what they are saying here. I think in Transportation it said it raises about \$6500. Those funds could be used by this group.

Rep. Oversen: There was a fiscal note on here, but didn't someone testify they didn't need the funding in the fiscal note because of the funds already existing or they didn't need that much funding?

Chairman Weisz: I have \$27,594 plus \$12,000 in other funds that comes to \$39,000. They were paying the director of the committee a \$159,000. Operating expenses \$56,000. It got trimmed. If you look at the current fiscal note it should be self-sustaining once it gets established.

Rep. Silbernagel: I feel this is a good effort to help the get developed disabled back to work. I motion a Do Pass on SB 2271.

Rep. Mooney: Second.

Rep. Fehr: I don't recall any testimony against this bill. It is essentially to revive the committee. I don't remember while it wasn't operating for a while.

Chairman Weisz: I can't answer that. They will have some funding to do their functions if they get that money from the handicap parking.

Rep. Fehr: In Dickinson they have a city committee that is operating for local individuals. I don't know if this is a statewide effort, but I'm not opposed to giving the bill a shot and see what it does.

Chairman Weisz: At least with language in the bill we have given them a direction. This is for employment.

Rep. Silbernagel: I'm a supporter of this bill because the person who brought it to me had a personal interest in trying to make strides in this area. If the leadership is there it happens, if not, it doesn't. I think in this case the leadership is there and the money isn't. I think it would be good to give them an opportunity to do some good things.

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED

Bill Carrier: Rep. Oversen

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/12/2013**

Amendment to: SB 2271

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$12,000		\$12,000
<b>Expenditures</b>			\$27,594	\$12,000	\$27,594	\$12,000
<b>Appropriations</b>			\$27,594	\$12,000	\$27,594	\$12,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2271 amends NDCC relating to the committee on employment of people with disabilities and for the DHS Division of Vocational Rehabilitation to provide administrative services to the committee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of SB 2271 directs a portion of the fees collected for handicapped parking certificates be appropriated to the Department of Human Services for use by the committee on employment of people with disabilities. Section 2 of the bill provides for the Department of Human Services Division of Vocation Rehabilitation to provide the committee with administrative services. Costs for the committee consists of: reimbursement to public members of the committee for loss of salary incurred while attending to committee duties \$4,936, operating expenses for the committee \$34,658 which would consist of travel for the public members of the committee, printing of the annual report and other miscellaneous expenses required for the operation of the committee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Other fund revenue consists of fees collected from handicap certificate issuances.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fiscal impact to the Department of Human Services for the 2013-2015 biennium is comprised of: the honorariums for public members of the committee \$4,936, operating costs of \$34,658 for travel, printing, supplies and other needed operating expenses. The fiscal impact to the Department of Human Services for the 2015-2017 biennium reflects the above items for a total of \$39,594.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funding needed to perform the requirements provided for in SB 2271 are not included in the Department of Human Services appropriation bill (HB 1012) therefore the department would need a general fund appropriation of \$27,594 for the 2013-2015 biennium and \$27,594 for the 2015-2017 biennium. A continuing appropriation for the other funds received from the Employment of People with Disabilities fund is provided for in the Bill.

**Name:** Debra McDermott

**Agency:** Human Services

**Telephone:** 328-3695

**Date Prepared:** 02/13/2013



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/28/2013**

Bill/Resolution No.: SB 2271

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$12,000		\$12,000
<b>Expenditures</b>			\$209,305	\$12,000	\$204,563	\$12,000
<b>Appropriations</b>			\$209,305	\$12,000	\$204,563	\$12,000

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2271 amends NDCC relating to the committee on employment of people with disabilities, with the possible appointment of a director for the committee and for the DHS Division of Vocational Rehabilitation to provide administrative services to the committee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of SB 2271 directs a portion of the fees collected for handicapped parking certificates be appropriated to the Department of Human Services for use by the committee on employment of people with disabilities. Section 2 of the bill provides for the appointment of a director for the committee on employment of people with disabilities and for the Department of Human Services Division of Vocation Rehabilitation to provide the committee with administrative services. Costs for the committee consists of: salary and benefits for the director \$159,519, reimbursement to public members of the committee for loss of salary incurred while attending to committee duties \$4,936, operating expenses for the committee \$56,850 which would consist of travel for the director and the public members of the committee, printing of the annual report, office rent for the director, and other miscellaneous expenses required for the operation of the committee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Other fund revenue consists of fees collected from handicap certificate issuances.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The fiscal impact to the Department of Human Services for the 2013-2015 biennium is comprised of: The salary and fringes for the director of the committee 159,519, honorariums for public members of the committee \$4,936,

operating costs of \$56,850 for travel, printing, rent, supplies and other needed operating expenses. One FTE would be needed if the governor elects to appoint a director for the committee. The fiscal impact to the Department of Human Services for the 2015-2017 biennium reflects the above items with a reduction in operating costs due to one-time office equipment and furnishings that would occur in the 2013-2015 biennium for a total of \$216,563.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funding needed to perform the requirements provided for in SB 2271 are not included in the Department of Human Services appropriation bill (HB 2012) therefore the department would need a general fund appropriation of \$209,305 for the 2013-2015 biennium and \$204,563 for the 2015-2017 biennium. A continuing appropriation for the other funds received from the Employment of People with Disabilities fund is provided for in the Bill.

**Name:** Debra McDermott

**Agency:** DHS

**Telephone:** 328-3695

**Date Prepared:** 02/05/2013

Date: 3-20-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2271**

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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

Motion Made By Rep. Silbernagel Seconded By Rep. Mooney

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. MOONEY	✓	
VICE-CHAIRMAN HOFSTAD	✓		REP. MUSCHA	✓	
REP. ANDERSON	✓		REP. OVERSEN	✓	
REP. DAMSCHEN	✓				
REP. FEHR	✓				
REP. KIEFERT	✓				
REP. LANING	✓				
REP. LOOYSEN	✓				
REP. PORTER	✓				
REP. SILBERNAGEL	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Oversen

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

**REPORT OF STANDING COMMITTEE**

**SB 2271, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2271 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**SB 2271**

SB 2271

Chairman Lee and Members of the Senate Human Services Committee:

I am Senator Joan Heckaman from New Rockford and I represent District 23.

I am here to support SB 2271 which addresses the committee on employment of people with disabilities. My understanding is that this committee has not been as active as it should be under the current code. I support the make- up of the committee as spelled out in this bill.

But more importantly, I support Sections 3 and 4 which delineate the duties of the committee.

The passage and implementation of SB 2271 will be important to the employment of people with disabilities and I ask for your favorable consideration of this bill.

I would defer any questions to the prime sponsor or others in the room.

Thank you for your attention today.

Senator Joan Heckaman

SB 2271 Testimony  
Senate Human Services Committee  
Senator Judy Lee, Chairman  
January 29, 2013

Chairman Lee and members of committee, my name is Tom Alexander from Minot and I am a Project Director at ND Center for Persons with Disabilities (NDCPD) located on the campus of Minot State University (MSU). I am here today as the Project Director of Employment First (EF) Grant Project and a representative of the Employment First Task Force (EFTF). I am also here to provide information on the Employment First Initiative and to give you the history of NDCC's 50-06.1-16 and 39-01-15(5).

The ND Medicaid Infrastructure Grant (MIG) organized and facilitated ND's EF initiative approximately three years ago. What is EF?? In 2010 the national APSE project adopted the tag line, "Employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working-aged citizens with disabilities, regardless of level of disability." EF has come to mean,

- Expecting, encouraging, providing, creating, and rewarding integrated employment in the workforce,
- As the first, and preferred outcome of working-age youth and adults with disabilities, and
- Particularly in support of people with significant disabilities unlikely to benefit from traditional job development approaches.

EF initiatives are driven by unique characteristics, priorities, and qualities of each state's leadership. Some states focus on specific disability populations such as individuals with intellectual or developmental disabilities while others are cross-disability initiatives. Some states are pursuing Executive Orders by their Governor while others are pursuing formal legislative policies. EF initiatives are often grassroots driven while others are driven by public governmental bodies. Currently, there are about 20 states currently pursuing EF initiatives.

North Dakota Employment First partners include people with disabilities, advocates, and employment service providers. They embrace a national movement to focus on improving employment outcomes for all North Dakotans.

### **The Opportunity**

People with disabilities have demonstrated ability and are untapped resource for businesses. Employment First is about raising expectations. The real engine of social change is not money but expectations. Without higher expectations, people with disabilities won't see improved employment outcomes.

EF focuses on holding individuals with disabilities to the same employment standards, responsibilities, and sets of expectations as any other working age adult. People with disabilities can and should be part of the solution for the existing workforce shortage in ND.

Individuals with disabilities in the labor force have a positive financial impact on our economy, generating income that is ultimately returned in the form of tax revenues and purchase of goods and services. Despite this



knowledge, individuals with disabilities continue to have the highest unemployment rates of any minority group in our country.

### **The Challenge**

- In ND, 78.5% of all people of working age are employed. However, only 49.57% of people with any disability are employed and only 40.2% of people with intellectual disabilities are employed (ICI, 2011). In addition, many people with disabilities who are employed are underemployed.
- There are currently over 20,000 open positions listed through Job Service ND.
- Currently work is not an assumed outcome and competitive employment is not perceived as a reality for many North Dakotans with disabilities.

People with disabilities want and deserve the opportunity to advance economically and become more productive members of society. But it's not just about the money, although the earnings can help them rise out of poverty. No, it's more of an entry into their own community. Like all of us, people with disabilities want to live as full citizens.

### **The Why**

It's the smart thing for government to do. Individuals with disabilities are often reliant on government benefits. When people with disabilities are employed and living more independently, they are less reliant on government payments and are more like to contribute to the economy.

It makes good business sense. Individuals with disabilities are a valuable asset for business. People with disabilities can be a vital part of a

rich vibrant workforce. There are business models throughout the US with proven results.

Competitive employment is a highly valued activity in our society. Not only does it provide meaningful activity and personal resources, it also opens the door to allow the development of real relationships with others. For many, it is fundamental to quality of life.

Educators, vocational rehabilitation counselors, and job coaches have stories to prove it: with support, people with disabilities can succeed in competitive jobs. And for young men and women with disabilities, a competitive job, a “real” job is life-changing. In a world where people with disabilities are disproportionately unemployed – often because employment has not been an expectation – employment specialists have found strategies that work. There is no secret formula, but evolving methods are showing success. Done right, the process helps both the employer and the employee with disabilities. People with disabilities find competitive jobs and help employers fill jobs that meet their needs.

There have been many misconceptions of what EF is and what its core purpose, goals and intent are. EF is **NOT** about,

- Closing down sheltered workshops,
- Forcing or coercing employment options,
- Promoting employment only, and
- Advancing a monolithic policy or strategy.

ND’s EF initiative has been grassroots driven with a variety of professionals from providers to state agencies participating and creating the EFTF. To date, the ND EFTF has sponsored two summits. The first summit focused on educating others on EF and what is working in ND. The

second summit goal was to build consensus and strategies around EF policy development for the state of ND. SB 2271, that you have in front of you today is the direct result of the second summit.

In the beginning stages of drafting SB 2271 the EFTF initially thought the draft was “new” language. When the proposed legislation was submitted to the ND Legislative Council (LC) for bill drafting the LC came across NDCC Section 50-06.1-16 which creates the Committee on Employment of People with Disabilities and NDCC 39-01-15(5) which provides a continuing appropriation to the committee. Here is the language taken from NDCC.

**"50-06.1-16. Committee on employment of people with disabilities Appointment Expenses Director Duties.**

There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee, with the approval of the governor, shall appoint a full-time director to serve at the pleasure of the governor. For administrative purposes, the director is an unclassified employee of the department and is not included in the classified service. The committee shall coordinate activities and serve as a

clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform follow up duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities.

***NDCC Section 39-01-15(5), which addresses handicapped parking permits***

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five dollar fee received for the issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the employment of people with disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the committee on employment of people with disabilities of the department of human services for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.

It was also reported by LC that the current balance of the fund was approximately \$348,700. Additional research indicated that the ND DHS PeopleSoft report indicated that this fund had a balance of \$285,240. Due to the discrepancy we conducted further research. The account is shared with PeopleSoft by DOT and DHS, with each department only being able to see their own activity. Therefore, the revenues of the account reported by DOT are accurate at \$348,700 and the \$285,240 reported by DHS was actually expenditures prior to 2004 leaving a current fund balance of approximately \$63,000. As reported by DHS, the following chart is the most current activity of the fund. As you'll see, the only activity of the fund since 2004 has been revenues. It was reported by DHS via email correspondence and as noted by the asterisk in the chart that they plan to use all revenues generated during the 2011-13 biennium on VR Extended Services. To my knowledge, expenditures of this fund have never previously been used for VR Extended Services. It is the belief of EFTF that there is legislative intent stated NDCC Section 39-01-15(5) that the revenues generated are to be used by the committee on employment of people with disabilities. Therefore, it is our recommendation that any future revenues generated by NDCC Section 39-01-15(5) after January 1, 2013 be used strictly for the committee on employment of people with disabilities.

#2

**North Dakota Department of Human Services  
FUND 254 - Employment of People with Disabilities**

Beginning balance: (brought forward from previous accounting system October 2004)      \$    10,060

Revenue by state fiscal year:

2004	\$    4,659
2005	5,017
2006	5,376
2007	5,673
2008	5,627
2009	5,980
2010	6,488
2011	6,641
2012	6,456
YTD 2013 as of 11/30/2012	<u>2,660</u>
Total Revenue	<u>54,577</u>

Total revenue available      \$    64,637

Expenditures:

Total projected expenditures 11-13	<u>\$    64,637</u>
Projected fund balance 6/30/2013	<u><u>\$           -</u></u>

\*It is the department's intention to spend all revenue generated during the 2011-2013 biennium on VR Extended Services.

Since the committee on employment of people with disabilities has been inactive since the early 2000's the EFTF recommended amending the current legislation in statue and would also like to recommend further amendments to the bill that was introduced. Page 3, strike through lines 17-20 removing section 4 (a) and change (b) to (a) and (c) to (b). EFTF does not think a full time director is required.

#2

The EFTF strongly supports this legislation and we would recommend a “do pass” recommendation. Thank you for the opportunity to testify today. I would be happy to answer any questions.

#2

13.0182.01000

Sixty-third  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2271**

Introduced by

Senators Axness, Heckaman, Wanzek

Representatives Mooney, Silbernagel, Steiner

1 A BILL for an Act to amend and reenact subsection 5 of section 39-01-15 and section  
2 50-06.1-16 of the North Dakota Century Code, relating to the committee on employment of  
3 people with disabilities.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 39-01-15 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 5. Except as provided in this subsection, two dollars of each fee for issuance of a  
8 certificate and one dollar of each fee for issuance of an additional certificate under this  
9 section must be deposited in the state highway department fund for purposes of  
10 defraying the cost of issuing the certificate. The rest of the fee, and the five dollar fee  
11 received for the issuance of an additional certificate under subsection 4, must be  
12 deposited in the state treasury and credited to the employment of people with  
13 disabilities fund. The fees deposited in the fund are hereby appropriated on a  
14 continuing basis to the department of human services for use by the committee on  
15 employment of people with disabilities ~~of the department of human services for~~  
16 ~~development of job opportunities for disabled individuals in this state to accomplish the~~  
17 committee's statutory duties provided under section 50-06.1-16. If a certificate is lost,  
18 mutilated, or destroyed, the person to whom the certificate was issued is entitled to a  
19 replacement. The person shall furnish proof satisfactory to the director that the  
20 certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of  
21 three dollars.

22 **SECTION 2. AMENDMENT.** Section 50-06.1-16 of the North Dakota Century Code is  
23 amended and reenacted as follows:



#2

Sixty-third  
Legislative Assembly

1       **50-06.1-16. Committee on employment of people with disabilities - Appointment -**  
2 **Expenses - Director - Duties - Annual report.**

- 3       1. There is established a committee on employment of people with disabilities. The-  
4       committee consists of three members.
- 5       a. The governor shall appoint each member for a term four members of the public to  
6       serve as committee members with terms of three years, staggered so ~~that~~ the  
7       term ~~terms~~ of ~~one member expires~~ at least one but no more than two members  
8       expire July first of each year:
- 9               (1) One community rehabilitation provider;  
10              (2) One community employer representative;  
11              (3) One individual with a disability; and  
12              (4) One family member of an individual with a disability.
- 13       b. The following five individuals shall serve on the committee as ex officio members:
- 14              (1) The director of the department of commerce division of workforce  
15              development, or the director's designee;  
16              (2) The director of the department of human services division of vocational  
17              rehabilitation, or the director's designee;  
18              (3) The superintendent of public instruction's director of special education, or  
19              the director's designee;  
20              (4) The director of the protection and advocacy project, or the director's  
21              designee; and  
22              (5) The head of the department of human services developmental disabilities  
23              programs, as identified by the executive director of the department of  
24              human services.
- 25       c. A vacancy occurring other than by reason of the expiration of a term must be  
26       filled in the same manner as original appointments, except that the appointment  
27       may be made for only the remainder of the unexpired term.
- 28       2. The public members of the committee are entitled to be paid for mileage and actual  
29       expenses incurred in attending meetings and in performance of their official duties in  
30       amounts provided by law for other state officers and employees.

Sixty-third  
Legislative Assembly

1       3. The goal of the committee is to remove barriers in reaching and identify how to further  
2       the goal of public and private employers considering competitive and integrated  
3       employment as the first option when supporting individuals with disabilities who are of  
4       working age to obtain employment. As used in this section:

5       a. "Competitive employment" means work in the competitive labor market which is  
6       performed on a full-time or part-time basis in an integrated setting, and for which  
7       an individual is compensated at or above the minimum wage, but not less than  
8       the customary wage and level of benefits paid by the employer for the same or  
9       similar work performed by an individual who does not have a disability.

10      b. "Integrated setting" means with respect to an employment outcome, a setting  
11      typically found in the community in which applicants or eligible individuals interact  
12      with individuals who do not have a disability, other than individuals who do not  
13      have a disability who are providing services to those applicants or eligible  
14      individuals, to the same extent that individuals without a disability in comparable  
15      positions interact with others.

16      4. The committee, with:

17      ~~a. With the approval of the governor, shall may appoint a full-time director to serve at~~  
18      ~~the pleasure of the governor. For administrative purposes, the a director~~  
19      ~~appointed under this subdivision is an unclassified employee of the department of~~  
20      ~~human services and is not included in the classified service. The committee shall~~  
21      ~~coordinate activities and serve as a clearinghouse for information relating to the~~  
22      ~~employment of people with disabilities. The committee shall prepare for and~~  
23      ~~perform followup duties in connection with state, regional, and national~~  
24      ~~conferences, encourage interest, participation, and cooperation with state~~  
25      ~~departments, agencies, and other organizations in developing needed services,~~  
26      ~~facilities, and opportunities, and provide consultant help to local organizations~~  
27      ~~created for the purpose of coordinating activities for the employment of people~~  
28      ~~with disabilities.~~

29      a. ~~b.~~ At the call of the chairman, shall meet at least quarterly.

30      b. ~~c.~~ Shall collaborate, coordinate, and improve employment outcomes for  
31      working-age adults with disabilities, including:

#2

Sixty-third  
Legislative Assembly

- 1           (1) Reviewing and aligning policies, procedures, eligibility, and enrollment and  
2           planning for services for individuals, with the objective of increasing  
3           opportunities for community employment for North Dakotans with  
4           disabilities.
- 5           (2) Developing cross-agency tools to document eligibility, order of selection,  
6           assessment, and planning for services for individuals with disabilities.
- 7           (3) Identifying best practices, effective partnerships, sources of available  
8           federal funds, opportunities for shared services among existing providers,  
9           and means to expand model programs to increase community employment  
10          opportunities for individuals with disabilities.
- 11          (4) Identifying and addressing areas where sufficient support is not currently  
12          available or where additional options are needed to assist individuals with  
13          disabilities to work in competitive employment in integrated settings.
- 14          (5) Establishing interagency agreements to improve coordination of services  
15          and allow for data sharing as appropriate to assist individuals with  
16          disabilities.
- 17          (6) Setting benchmarks for improving community employment outcomes and  
18          services for individuals with disabilities.
- 19          d. Before January first of each year, shall issue an annual report. The committee  
20          shall submit the annual report to the governor and the legislative management.  
21          The report must detail the committee's activities, the committee's goals, and the  
22          progress the committee has made in reaching these goals. State agencies shall  
23          cooperate with the committee on the creation and dissemination of the annual  
24          report. The annual report must include identification of barriers to achieving the  
25          committee's goals and must include identified strategies and policies that can  
26          help the committee realize its goals.
- 27          5. The department of human services division of vocational rehabilitation shall provide  
28          the committee with administrative services.

Testimony

Senate Bill 2271- Committee on Employment of People with Disabilities.

Senate Human Services Committee

Senator Judy Lee, Chairman

January 29, 2013

Chairmen Lee and Members of the Senate Human Services Committee, my name is Scott Burlingame, and I am the Executive Director of Independence Inc., a Center for Independent Living with a home office in Minot. Independence Inc. is a disability rights organization and our mission is to advocate for the freedom of choice for individuals with disabilities to live independently through the removal of all barriers. I am here today to ask for your support for SB2271 and its proposed amendments to the committee on the employment of persons with disabilities.

One of the primary goals at Independence Inc., and at all Centers for Independent Living is to remove the barriers that prevent people with disabilities from being full participants in their communities. We have a lot of work to do. One of the "score cards" we have used in this process is a Harris interactive survey that is commissioned by the National Organization on Disability that measures the community participation of people with disabilities and compares their participation levels with their non-disabled peers. The most recent of these survey's, from 2010, shows that as a group, people with disabilities are significantly more likely to live in poverty, less likely to socialize with their peers, less likely to receive proper medical treatment, and not surprisingly, they are less likely to be satisfied with their lives in general. However, the area in which people with disabilities and their non-disabled peer have the highest level of disparity is employment.

The employment rates have only gotten marginally better over the past 30 years and the overall employment picture for people with disabilities remains a national embarrassment. According to this survey, only 21% of working-age people with disabilities reported working full or part-time, compared to 59% of people without disabilities -- a gap of 38 percentage points.

I am a firm believer that if we can improve employment outcomes for people with disabilities, so many other key indicators of life satisfaction will get better. Everybody knows that with employment comes a salary, however, employment is often also a precursor for health insurance, for a social life, and for a life that allows people with disabilities to leave a life of charity and public assistance behind.

However, I think it is very important to remember, that I am not just an advocate for employment of people with disabilities, but I am also an employer. According to federal law, as a Center for Independent Living, over half of the staff are people with disabilities. For the last 12 years, I have been involved in dozens of interviews for employment in which I have actively been trying to hire qualified people with disabilities.

It is really from this facet of my life that I was forced me to challenge my personal beliefs on how we as a society have been viewing the importance of employment for people with disabilities. Being an employer has really shown me that even when I am aggressively trying to hire people with disabilities, far too often they are not being properly prepared for the workforce.

However, I have seen many stories of people who have overcome huge disability related barriers in order to become productive employees. I have long believed that the secret to unlocking the employment potential for all people with disabilities exists in a few of these amazing people I have worked with.

First off, people with significant disabilities who become successfully employed almost always had a parent, teacher, or some other mentor in their lives who told them that they should expect to be employed. These people refused to accept the advice of anybody who told them that they should not work in order to protect their benefits, or that they could not work because of the severity of their disability. These people refused to listen to the well-established societal norm that being a person with a disability means that you cannot or should not work.

But sadly, the numbers show us the stories of people who overcome a life of economic dependency to live fully independent lives as part of the workforce is far too rare. I believe the time has come for a change in how we think about employment and people with disabilities. For far too long, it has been accepted that disability is an excuse not to be part of the workforce. For far too long, employment has been seen as

something that is out of reach for far too many people. The cost of this in terms of lost human capital and increased support services is unacceptable and avoidable.

That is the first thing I like about SB 2271 is it begins to address this very issue, by making it very clear that employment is the first and preferred outcome for the provision of services in North Dakota. Quite simply, it is a statement by this legislative body that people with disabilities can and should work.

Secondly, this bill begins the process of bringing together several state agencies, including agencies that provide support, education, and employment services with a clear directive to do better. My hope is by doing this, we can remove some of the bureaucratic and societal barriers that far too often reward and support the decision to stay out of the competitive workforce. Bringing these agencies together, we can identify process and practices that can truly change the employment outcomes of North Dakotan's with disabilities.

In conclusion, Independence Inc., has taken the position that employment should be the first and preferred outcome for all people with disabilities. We believe that this employment should be in an intergraded, community based setting at a competitive wage. This goal is not easy, but we must begin moving towards it. This bill is a major step in that direction. I hope you will support it, and I would be glad to answer any questions you may have.

SB 2271

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**NDLA, S HMS - Herrick, Kari**

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**From:** Lee, Judy E.  
**Sent:** Tuesday, January 29, 2013 6:08 PM  
**To:** NDLA, S HMS - Herrick, Kari; NDLA, Intern 02 - Myles, Bethany  
**Subject:** FW: Info on State Rehabilitation Council

Copies for books, please.

Senator Judy Lee  
1822 Brentwood Court  
West Fargo, ND 58078  
home phone: 701-282-6512  
e-mail: [jlee@nd.gov](mailto:jlee@nd.gov)

**From:** Scott Burlingame [<mailto:scottb@independencecil.org>]  
**Sent:** Tuesday, January 29, 2013 6:01 PM  
**To:** Lee, Judy E.; Larsen, Oley L.; Axness, Tyler; Anderson, Jr., Howard C.; Dever, Dick D.  
**Subject:** Info on State Rehabilitation Council

Chairman Lee and members of the Human Services Committee,

I promised you today that I would get you a list of the required members of the State Rehabilitation Council (SRC). Here is that information directly from the Rehabilitation Services Administration.

In accordance with Section 105(b)(1)(A) of the *Rehabilitation Act* and regulations at 34 CFR 361.17(b)(1), states may appoint more than the minimum 15 members to the SRC, so long as the membership includes all of the representatives described below:

- at least one representative of the Statewide Independent Living Council (SILC) – who must be either the chairperson or another designee of the SILC;
- at least one representative of a parent training and information center established pursuant to Section 682(a) of the *Individuals with Disabilities Education Act (IDEA)*;
- at least one representative of the Client Assistance Program (CAP) who must be either the CAP director or another individual recommended by the CAP;
- at least one qualified VR counselor with knowledge of and experience with the VR programs. This individual serves as an ex-officio, nonvoting member if he or she is employed by the designated state agency;
- at least one representative of a community rehabilitation program;
- four representatives of business, industry and labor;
- representatives of disability advocacy groups: (a) representing a cross section of individuals with physical, cognitive, sensory and mental disabilities; and, (b) representing

#3

individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves.

- at least one former or current applicant for, or recipient of, VR services;
- at least one representative of the directors of the American Indian Vocational Rehabilitation grant program, if the state has such a project(s) carried out in the state;
- at least one representative of the state educational agency (SEA) responsible for the public education of students with disabilities; and
- at least one representative from the state workforce investment board.

Over 50% of members must be people with disabilities.

--

Scott Burlingame  
Executive Director

[Click here to follow us on Facebook](#)

Independence Inc.  
300 3rd Ave SW, Ste. F  
Minot, ND 58701  
Ph 701-839-4724  
Fax 701-838-1677

[www.independencecil.org](http://www.independencecil.org)

Our mission is to advocate for the freedom of choice for individuals with disabilities to live independently through the removal of all barriers.



**Testimony**  
**Senate Bill 2271 – Committee on Employment of**  
**People with Disabilities**  
**Senate Human Services Committee**  
**Senator Lee, Chairman**  
**January 29, 2013**

Chairman Lee and members of the Senate Human Services Committee:

My name is Vickay Gross, Disabilities Advocate for the Protection & Advocacy Project. I am providing testimony today in favor of Senate Bill 2271 regarding the Committee on Employment of People with Disabilities. This bill revives the Committee on Employment of People with Disabilities and redirects the money back to the committee as originally intended.

The bill expands the membership of the Committee on the Employment of People with Disabilities to broaden the representation. The proposed four person membership along with ex officio members brings together people with disabilities, family members, state entities and the business community. By reviving this Committee and expanding the membership, North Dakota is establishing competitive and integrated employment as a priority for people with disabilities in our state.

There are many success stories about people with the most significant disabilities going to work in the community. Innovative programs such as Supported and Customized Employment have helped individuals with disabilities find and maintain employment. "Supported Employment" provides training for individuals with the most significant disabilities who, because of the severity of their physical or mental impairments, have never been employed or have a history of sporadic employment. "Customized Employment" is a flexible process designed to personalize the employment

relationship between a job candidate and an employer in a way that meets the needs of both.

Accommodations and advances in technology allow individuals with disabilities to compete in today's workforce often with minimal cost to employers. An individual with a significant disability can bring a new perspective into the workplace which may also benefit other employees. Technology used as an accommodation for a person with a disability may also increase productivity of other workers in that environment.

Job Service states on the home page for the State of North Dakota that there are more than 20,000 jobs openings statewide. This is a wonderful time for North Dakota to prioritize employment for people with disabilities. We have people with disabilities who want to work and employers who are looking for qualified employees. It is a good time to "collaborate, coordinate and improve employment outcomes for working-age adults with disabilities" by aligning services to increase opportunities for competitive employment in integrated settings for people with disabilities. Through the language in this bill, we can make competitive and integrated employment the first and preferred outcome for people with disabilities who choose work.

I ask that you give a do pass recommendation for SB 2271. Thank you for allowing me the opportunity to provide testimony.

TESTIMONY  
In Support of **SB 2271**  
Senate Human Services Committee  
Senator Lee, Madam Chair  
January, 29<sup>th</sup>, 2013

Madam Chair Lee, members of the Senate Human Services Committee, my name is Terry Peterson and live in Velva, ND. I've worked for Rehab Services, Inc., a private 501(c)3 non-profit in Minot, for 8 years. Currently, I'm North Dakota's only Social Security Disability Benefits Planner and carry a case load of 840 North Dakota citizens with disabilities. I'm here today to offer testimony in support of SB 2271.

Rehab Services, Inc. supports the "Employment First" idea because it's what we all believe in already – that EVERYONE should have the opportunity to work.

We want everyone to experience the positive aspects of employment. Positives like; being involved and accepted in a workplace that isn't segregated, the opportunity to experience those everyday social interactions at work that are often taken for granted, and to be exposed to a diverse set of people, responsibilities, employment trainings, and the chances to earn a living wage.

Fully integrated, community employment doesn't work for every citizen with a disability, and North Dakota has facilities and programs in place for those scenarios. But everyone should be given a chance at employment in the least restrictive environment possible.

Thank you for your time and allowing me to testify on this very important bill for people with disabilities in ND.

**Testimony**  
**Senate Bill 2271 – Department of Human Services**  
**Senate Human Services Committee**  
**Senator Lee, Chairman**  
**January 29, 2013**

Chairman Lee, members of the Senate Human Services Committee, I am Russell Cusack, Director of the Vocational Rehabilitation Division for the Department of Human Services. I am here today to discuss Senate Bill 2271.

Senate Bill 2271 requires the Committee on Employment of People with Disabilities (the Committee) to promote competitive and integrated employment as the first employment option for individuals with disabilities. This bill requires the Department of Human Services to provide administrative support for the Committee and also allows for the appointment of a full-time director for the Committee. The Department's 2013-2015 budget request does not include funding for activities to support the Committee. If this bill is to be enacted, the Department will need clarification on the funding to support the efforts of Senate Bill 2271.

Presently the Department uses federal funds to support the federally mandated State Rehabilitation Council, a council that has responsibility for activities similar to the Committee on Employment of People with Disabilities.

This concludes my testimony. I would be happy to answer any questions.

**Contrasting the Purpose of the Federally Mandated State Rehabilitation Council and  
the Committee on Employment of Persons with Disabilities  
Senate Bill 2271**

State Rehabilitation Council (SRC)	Committee on Employment of Persons with Disabilities
Federal Mandate	North Dakota Century Code
Rehabilitation Act of 1973, as amended in 1998 Federal Regulations 34 CFR § 361	North Dakota Century Code Section 39-01-15 Item 5 North Dakota Century Code Section 50-06.1-16
<b>Purpose</b>	
SRC works in partnership with the VR State agencies to: <ul style="list-style-type: none"> <li>- Develop the goals and priorities of the VR program</li> <li>- Evaluate the effectiveness of the program</li> <li>- Analyze consumer satisfaction</li> <li>- Complete a triannual assessment of the employment needs of person with disabilities in North Dakota</li> <li>- Ensure VR policies promote competitive and integrated employment</li> </ul>	The goal of the committee is to remove barriers in reaching and identifying individuals to further the goal of public and private employers considering competitive and integrated employment as the first option when supporting individuals with disabilities who are of working age to obtain employment.
<b>Membership (those that are the same are <i>bold and italic</i>)</b>	
<u>Membership of SRC (must be 51% persons with disabilities)</u> <b><i>4-Business and industry representatives</i></b> 2-Mandated federal/state/departmental representatives <b><i>1-Representative of the Client Assistance Program/ P&amp;A</i></b> 1-Independent Living Council representative 1-Director of Developmental Disability Council <b><i>1-Workforce System – Job Service ND</i></b> <b><i>1-Department of Public Instruction</i></b> 1-Independent living center representative <b><i>1-Community Rehabilitation Provider</i></b> <b><i>1-Parent representative (must have a child or children with disabilities)</i></b> 1-Mental Health Planning Council representative <b><i>1-Vocational Rehabilitation Counselor Representative</i></b> <b><i>1-Director of Vocational Rehabilitation</i></b>	<u>Proposed Membership of Committee</u> <b><i>1-Community Rehabilitation Provider</i></b> <b><i>2-Community Employers</i></b> <b><i>1-Individual with a disability</i></b> <b><i>1-Parent or family member of person with disability</i></b> <b><i>1-Representative from Dep of Commerce – Workforce</i></b> <b><i>1-Director of Vocational Rehabilitation</i></b> <b><i>1-Department of Public Instruction</i></b> <b><i>1-Representative from Protection and Advocacy</i></b> 1-Director of Developmental Disabilities/ DHS

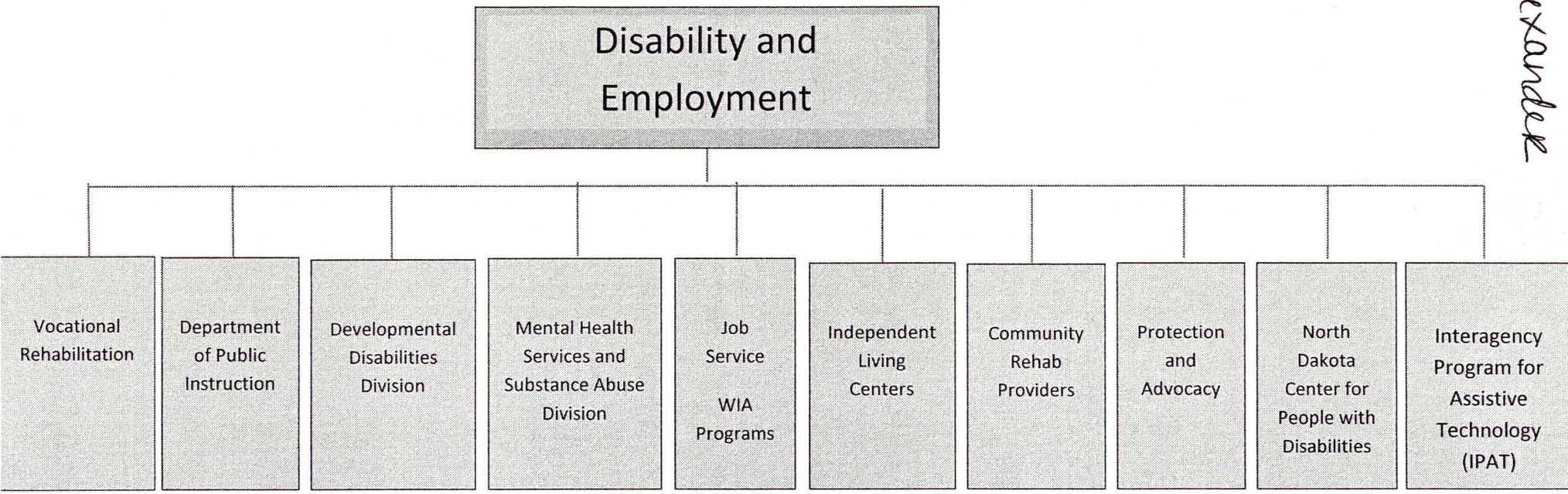
Attachment #7

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**Contrasting the Purpose of the Federally Mandated State Rehabilitation Council and  
the Committee on Employment of Persons with Disabilities  
Senate Bill 2271**

State Rehabilitation Council (SRC)	Committee on Employment of Persons with Disabilities
<b>Funding - Administrative Support</b>	
80% Federal Funds Federal Rehabilitation Act authorizes current VR staff to provide administrative support to the SRC	General Funds  Fees of two dollars for issuance of a certificate and one dollar for additional issuing of certificate issued by State for parking in private and public locations designated for persons with disabilities.
<b>Similarities of the Council and the Committee</b>	
<ul style="list-style-type: none"> <li>- Membership</li> <li>- Improving Employment outcomes for persons with disabilities</li> <li>- Revising VR policy including eligibility, Order of Selection</li> <li>- Extent and scope of effective employment service</li> <li>- Establish interagency agreements</li> <li>- Issuance of an Annual Report</li> </ul>	
<b>Dissimilarities of the Council and the Committee</b>	
<ul style="list-style-type: none"> <li>- Committee may have a full time director - Council is supported by VR Staff</li> <li>- Committee goal is broad in the support of competitive and integrated employment, including working with VR and other public agencies, private employers to promote competitive and integrated employment.</li> </ul>	

Tom Alexander



SB 2271  
Attachment #8

Additional

**Testimony**  
**Senate Bill 2271**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chair**  
**January 29, 2013**

Chairman Lee, members of the Senate Human Services Committee, I am Sandi Marshall. I currently serve as the Chief Executive Officer of Development Homes, a non-profit DD provider agency offering both residential and vocational services in Grand Forks. In addition, I serve as President of the North Dakota Association of Community Providers (NDACP) and am on the Employment First Task Force. Thank you for the opportunity to provide information relative to the employment needs of people with intellectual and developmental disabilities.

I would like express my full support of SB 2271. This bill would re-enact the long defunct Committee on Employment of People with Disabilities in North Dakota. It would support the goals of removing barriers to employment and to further the desire to have employment be considered as the “first and preferred option” for people with disabilities.

Research shows that people with intellectual disabilities enjoy the opportunity to work in integrated and competitive employment settings at a dismally low rate nationally and in North Dakota. Yet we know that people benefit immensely, economically, emotionally and socially, when they are working at meaningful jobs in the community.



*Additional*

We now have a wonderful opportunity in this state, with the lowest unemployment rates in the country, to advocate for and to achieve greater access to employment for the people we support with intellectual and developmental disabilities. The proposed committee would go a long ways toward putting the focus on this significant aspect of quality of life.

We have come a long ways in integrating people with developmental disabilities into the community who once lived in segregated settings. It is now time to advocate for greater employment and to really focus on strategies that might help to move this goal along. The re-enacted committee would help to accomplish this.

We are appreciative of the legislature's recognition of the citizens we serve in this industry across North Dakota. Our collective quality of life is well-served by supporting all our citizens to contribute fully to community life. Thank you.

Testimony

Senate Bill 2271- Human Services Committee

Senator Judy Lee, Chair

January 29, 2013

Madam Chair Judy Lee and members of the committee,

My name is Andrea Nelson; I work for Freedom Resource Center for Independent Living. I am writing today to share the importance of SB 2271 Committee on Employment of people with disabilities. Freedom Resource Center is a disability rights organization that promotes equal choice and equal responsibility for people with disabilities. We have found through our work of individual advocacy and through needs assessments that employment is and has been a top concern for people with disabilities.

I have the pleasure of knowing and working with individuals who were not seen as competitively employable and employment was not a priority. When I ask them what's the best part of having a job or what have you learned it comes back to growth in self esteem and confidence as well as a dramatic increase in personal responsibility.

We feel that Employment First legislation is a step to reverse negative trends such as high unemployment rates for people with disabilities, high poverty levels, low community participation levels, and turn the tables to equal responsibility, increased self sufficiency, and personal responsibility for those with disabilities.

Employment first allows people with disabilities to support themselves instead of relying on the system that keeps people trapped in the cycle of poverty.

Through individual advocacy we see how important employment is for people with disabilities. We also see a number of people with disabilities who are looked over for being capable of having competitive employment. We see how lives are changed with employment. Our hope with this bill is to identify the barriers that affect employment as the first and preferred options for individuals with disabilities and find solutions to remedy those barriers.

Thank You for considering this important issue.

Andrea Nelson  
Freedom Resource Center

**Senate Bill 2271**  
**Senate Appropriations Committee**  
**Testimony**  
**February 18, 2013**

Vickay Gross #1  
SB 2271  
2-18-13

**Chairman Holmberg and Members of the Senate Appropriations Committee:**

My name is Vickay Gross, Disabilities Advocate with the ND Protection & Advocacy Project. I am testifying today in favor of Senate Bill 2271 which would establish a committee on employment of the people with disabilities. The purpose of this bill is to promote employment as the first and preferred outcome for people with disabilities no matter how significant their disabilities may be. This will be accomplished through a committee appointed by the Governor. This committee will look at all aspects of employment supports available to people with disabilities and the general public.

If the unemployment rate is high for people with disabilities and North Dakota has over 20,000 open jobs then it seems the work of this committee is very important. It is so important that the Governor is being asked to appoint its members. The membership of this committee is broader than just human services. In addition to human services, members would also represent people with disabilities, family members, employers, department of commerce, public instruction, and protection & advocacy.

Though I am in support of Senate Bill 2271 I do have a suggestion for a change in the bill. I would like to suggest that the administration of this committee be moved to the Governor's Office or the Department of Labor. The Governor's office or Department of Labor would give a more global view of the targeted issue which is reducing the unemployment of people with disabilities. It would take it out of the human service realm and give ownership to the entire state verses a department. Unemployment of people with disabilities has been greater than the general population. Putting this committee in the Governor's office or Department of Labor would give greater credibility to the work that will be initiated through this legislation.

In closing I asked that you support SB 2271. Thank you for giving me the opportunity to testify before you today. I will try to answer questions you may have regarding my testimony.

#1 P

SB 2271 Testimony  
House Human Services Committee  
Representative Weisz, Chairman  
March 12, 2013

Chairman Weisz and members of committee, my name is Tom Alexander from Minot and I am a Project Director at ND Center for Persons with Disabilities (NDCPD) located on the campus of Minot State University (MSU). I am here today as the Project Director of the Employment First (EF) Grant and a representative of the Employment First Task Force (EFTF). I am also here to provide information on the Employment First Initiative and to give you the history of NDCC's 50-06.1-16 and 39-01-15(5).

The ND Medicaid Infrastructure Grant (MIG) organized and facilitated ND's EF initiative approximately three years ago. What is EF?? In 2010, APSE a national advocacy group for employment of people with disabilities adopted the tag line, "Employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working-aged citizens with disabilities, regardless of level of disability." EF has come to mean,

- Expecting, encouraging, providing, creating, and rewarding integrated employment in the workforce,
- As the first, and preferred outcome of working-age youth and adults with disabilities, and
- Particularly in support of people with significant disabilities unlikely to benefit from traditional job development approaches.

EF initiatives are driven by unique characteristics, priorities, and qualities of each state's leadership. Some states focus on specific disability populations such as individuals with intellectual or developmental disabilities while other are cross-disability initiatives. Some states are pursuing Executive Orders by their Governor while others are pursuing formal legislative policies. EF initiatives are often grassroots driven while others are driven by public governmental bodies. Currently, there are about 20 states pursuing EF initiatives.

North Dakota Employment First partners include people with disabilities, advocates, and employment service providers. They embrace this national movement to focus on improving employment outcomes for all North Dakotans.

**The Opportunity**

People with disabilities have demonstrated ability and are untapped resource for businesses. Employment First is about raising expectations. The real engine of social change is not money but expectations. Without higher expectations, people with disabilities won't see improved employment outcomes.

EF focuses on holding individuals with disabilities to the same employment standards, responsibilities, and sets of expectations as any other working age adult. People with disabilities can and should be part of the solution for the existing workforce shortage in ND.

Individuals with disabilities in the labor force have a positive financial impact on our economy, generating income that is ultimately returned in the form of tax revenues and purchase of goods and services. Despite this,

individuals with disabilities continue to have the highest unemployment rates of any minority group in our country.

### **The Challenge**

- In ND, 78.5% of all people of working age are employed. However, only 49.57% of people with any disability are employed and only 40.2% of people with intellectual disabilities are employed (ICI, 2011). In addition, many people with disabilities who are employed are underemployed.
- There are currently over 20,000 open positions listed through Job Service ND.
- Currently work is not an assumed outcome and competitive employment is not perceived as a reality for many North Dakotans with disabilities.

People with disabilities want and deserve the opportunity to advance economically and become more productive members of society. But it's not just about the money, although the earnings can help them rise out of poverty. No, it's more of an entry into their own community. Like all of us, people with disabilities want to live as full citizens.

### **The Why**

It's the smart thing for government to do. Individuals with disabilities are often reliant on government benefits. When people with disabilities are employed and living more independently, they are less reliant on government payments and are more likely to contribute to the economy.

It makes good business sense. Individuals with disabilities are a valuable asset for businesses. People with disabilities can be a vital part of

a rich vibrant workforce. There are business models throughout the US with proven results.

Competitive employment is a highly valued activity in our society. Not only does it provide meaningful activity and personal resources, it also opens the door to allow the development of real relationships with others. For many, it is fundamental to quality of life.

Educators, vocational rehabilitation counselors, and job coaches have stories to prove it: with support, people with disabilities can succeed in competitive jobs. For young men and women with disabilities, a competitive job, a “real” job is life-changing. In a world where people with disabilities are disproportionately unemployed – often because employment has not been an expectation – employment specialists have found strategies that work. There is no secret formula, but evolving methods are showing success. Done right, the process helps both the employer and the employee with disabilities. People with disabilities find competitive jobs and help employers fill jobs that meet their needs.

There have been many misconceptions of what EF is and what its core purpose, goals and intent are. EF is **NOT** about,

- Closing down sheltered workshops,
- Forcing or coercing employment options,
- Promoting employment only, and
- Advancing a monolithic policy or strategy.

ND’s EF initiative has been grassroots driven with a variety of professionals from providers to state agencies participating and creating the EFTF. To date, the ND EFTF has sponsored two summits. The first summit focused on educating others on EF and what is working in ND. The

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p5

second summit's goal was to build consensus and strategies around EF policy development for ND. SB 2271, in front of you today, is the direct result of the second summit.

In the beginning stages of drafting SB 2271 the EFTF initially thought the draft was "new" language. When the proposed legislation was submitted to the ND Legislative Council (LC) for bill drafting the LC came across NDCC Section 50-06.1-16 which creates the Committee on Employment of People with Disabilities and NDCC 39-01-15(5) which provides a continuing appropriation to the committee. Here is the language taken from NDCC.

**"50-06.1-16. Committee on employment of people with disabilities  
Appointment Expenses Director Duties.**

There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee, with the approval of the governor, shall appoint a full-time director to serve at the pleasure of the governor. For administrative purposes, the director is an unclassified employee of the department and is not included in the classified service. The committee shall coordinate activities and serve as a



#1  
P.6

clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform follow up duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities.

***NDCC Section 39-01-15(5), which addresses handicapped parking permits***

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five dollar fee received for the issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the employment of people with disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the committee on employment of people with disabilities of the department of human services for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars.

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P.7

It was also reported by LC that the current balance of the fund was approximately \$348,700. Additional research indicated that the ND DHS PeopleSoft report indicated that this fund had a balance of \$285,240. Due to the discrepancy we conducted further research. The account is shared with PeopleSoft by DOT and DHS, with each department only being able to see their own activity. Therefore, the revenues of the account reported by DOT are accurate at \$348,700 and the \$285,240 reported by DHS was actually expenditures prior to 2004 leaving a current fund balance of approximately \$63,000. As reported by DHS, the following chart is the most current activity of the fund. As you'll see, the only activity of the fund since 2004 has been revenues. It was reported by DHS via email correspondence and as noted by the asterisk in the chart that they plan to use all revenues generated during the 2011-13 biennium on VR Extended Services. To my knowledge, expenditures of this fund have never previously been used for VR Extended Services. It is the belief of EFTF that there is legislative intent stated NDCC Section 39-01-15(5) that the revenues generated are to be used by the committee on employment of people with disabilities. Therefore, it is our recommendation that any future revenues generated by NDCC Section 39-01-15(5) after January 1, 2013 be used strictly for the committee on employment of people with disabilities.

#18  
P1

**North Dakota Department of Human Services  
FUND 254 - Employment of People with Disabilities**

Beginning balance: (brought forward from previous accounting system October 2004)      \$      10,060

Revenue by state fiscal year:

2004	\$	4,659
2005		5,017
2006		5,376
2007		5,673
2008		5,627
2009		5,980
2010		6,488
2011		6,641
2012		6,456
YTD 2013 as of 11/30/2012		<u>2,660</u>
Total Revenue		<u>54,577</u>

Total revenue available      \$      64,637

Expenditures:

Total projected expenditures 11-13      \$      64,637

Projected fund balance 6/30/2013      \$      -

\*It is the department's intention to spend all revenue generated during the 2011-2013 biennium on VR Extended Services.

Since the committee on employment of people with disabilities has been inactive since the early 2000's the EFTF recommended amending the current legislation in statue and would also like to recommend further amendments to the bill that was introduced. Please see attached recommendations.

#2



SB2271- SUPPORT - Committee on Employment of People with Disabilities

Tuesday, March 12, 2013

House Human Services

Josh Askvig- AARP-North Dakota

[jaskvig@aarpp.org](mailto:jaskvig@aarpp.org) or 701-989-0129

Chairman Weisz, members of the House Human Services Committee, I am Josh Askvig, Associate State Director of Advocacy for AARP North Dakota. Thank you for this opportunity to add our support to SB2271.

Employment discrimination on grounds of disability is a particular challenge for older workers. Workers with disabilities serve with distinction in employment throughout the economy, yet many disabled workers face difficulty securing and retaining jobs. A disproportionate number of workers discriminated against on the basis of disability are older.

Employment policy should provide and expand employment opportunities for all who are willing and able to work, minimize unemployment and underemployment, and promote economic security in order to enable individuals and their families to maintain a decent standard of living, enhance individual dignity, and foster economic growth.

AARP is committed to removing all barriers to employment opportunity and to expanding economic security for workers of all ages and abilities. Vulnerable populations deserve special help in finding and keeping employment capable of sustaining a decent standard of living.

The goals of the committee on employment of people with disabilities, in SB2271, echo those of AARP. Therefore, we support SB2271.

#31

Testimony

Senate Bill 2271- Committee on Employment of People with Disabilities.

House Human Services Committee

Representative Weisz, Chairman

March 12, 2013

Chairman Weisz, members of the House Human Services Committee, my name is Don Brunette, I am the Chief Operating Officer of Friendship, Inc., also a board member of the North Dakota Association of Community Providers, and board member for the North Dakota Association of Persons Supporting Employment First (ND-APSE). I am here today to testify in support of SB 2271 and its proposed amendments to the committee on the employment of persons with disabilities. The concept that community based employment for competitive wages should be the first and preferred option that is explored for all people is one that is embraced by Friendship, Inc. Friendship, Inc. is a not for profit organization supporting approximately 300 people with disabilities throughout eastern North Dakota. Friendship, Inc. employs about 425 direct support professionals throughout North Dakota. Friendship, Inc. has been supporting people in community based employment since 1986. Friendship, Inc. is committed to supporting people to build meaningful lives that include full community inclusion and participation. People with disabilities are clear in their expectations, they want to work, to live in community and have the same opportunities as you or I to explore their goals and dreams. Work is a fundamental first step in this process. People with disabilities, like you and I, meet their friends and build their social networks at work. People with disabilities, like you and I, define themselves and build their identity and self worth from their work. People with disabilities, like you and I, need the

# 3 2

income from work to be able to live in community and participate in recreational activities.

People with disabilities, like you and I, enjoy the discretionary income from work that is necessary to travel, go to movies and purchase goods and services. When people with disabilities work, they pay state and local taxes and are less reliant on the system of support because benefits decrease and they begin paying some of their own cost of care. The conclusion is clear, when given the opportunity to embrace a life in community; people choose work as an important first step.

An articulated, uniform vision of Employment First within North Dakota will facilitate a paradigm shift in the fundamental thought process of all professionals, whether they work with school age children or in adult services, a shared vision that people of working age in America work, and that competitive employment should be assumed for all people with disabilities regardless of severity of disability. Currently work is not an assumed outcome and competitive employment is not perceived as a reality for many people. Currently 65-70% of people with disabilities are unemployed in the United States. This data has remained relatively unchanged over the past 30 years. In North Dakota approximately 36% of all people with disabilities remain unemployed and when looking specifically at intellectual disability, the ranges are 28% to 60% unemployed. A significant opportunity now exists to improve the employment of people with disabilities by prioritizing employment as the first and preferred option that is explored for all people with disabilities in North Dakota.

A uniform vision of Employment First will also help reprioritize community provider efforts from the current emphasis on the provision of day support services for people with intellectual disabilities towards an enhanced focus on improving employment outcomes for all people. This shift in priorities would align with the newly adopted strategic planning objectives developed by

# 3  
P3

the North Dakota Association of Community Providers (NDACP) to improve employment outcomes throughout the state. NDACP is a provider association with 29 members and serves approximately 4000 people with intellectual and other disabilities across North Dakota. The provider association (NDACP) also just completed a comprehensive, statewide employment survey that will help establish a baseline for employment outcomes. The survey measured wages, work environment (community vs. center-based), hours worked, type of placement (individual vs. crew) for people across North Dakota. The statewide provider association (NDACP) recognizes the need for a strategic focus upon improving employment outcomes for all people and embracing Employment First philosophies.

I also have the pleasure of working for the Council on Quality and Leadership (CQL) as a lead accreditation reviewer over the past 10 years. CQL is a global organization providing accreditation and training to service organizations supporting people with disabilities. Currently all service providers serving people with intellectual disability within North Dakota are required to be accredited by CQL as part of their licensure requirements. CQL, having access to the voices of thousands of people with disabilities throughout the United States, one thing has become clear, people with disabilities want the same access to work that you or I have. CQL has embraced the implementation of Employment First so that all people can have the right to work. Many other large national associations and organizations have also communicated their support towards Employment First through the Alliance for Full Participation (AFP). These organizations are committed to the full inclusion and participation of people with disabilities into society and all of these organizations are in full support of Employment First: the American Association on Intellectual and Development Disabilities (AAIDD), The American Association of People with Disabilities (AAPD), American Network of Community Options and Resources

H 3  
P 4

(ANCOR), APSE: The Association of Persons Supporting Employment First, The Arc of United States, Association of University Centers on Disabilities (AUCD), Autism Society of America (ASA), The Council on Quality and Leadership (CQL), Human Services Research Institute (HSRI), National Association of Councils on Developmental Disabilities (NACDD), National Alliance for Direct Support Professionals (NADSP), NISH: Creating Employment Opportunities For People With Significant Disabilities, The National Association of State Directors of Developmental Disabilities Services (NASDDDS), TASH: Equity, Opportunity and Inclusion for People with Disabilities, and United Cerebral Palsy (UCP). These organizations are united in their goal to improve the employment of people with disabilities through embracing Employment First across America.

In conclusion, I ask for your support of SB 2271 and its proposed amendments to the committee on the employment of persons with disabilities and make the statement that all people should have the right to work. Please send a firm message that employment should be the first and preferred option for all people receiving services in North Dakota and that people with disabilities can and should work. I would be pleased to answer any questions that you may have at this time.





Testimony

Senate Bill 2271- Committee on Employment of People with Disabilities.

House Human Service Committee

Representative Robin Weisz, Chairman

January 29, 2013

Chairmen Weisz, and Members of the House Human Service Committee, my name is Scott Burlingame, and I am the Executive Director of Independence Inc., a Center for Independent Living with a home office in Minot. Independence Inc. is a disability rights organization and our mission is to advocate for the freedom of choice for individuals with disabilities to live independently through the removal of all barriers. I am here today to ask for your support for SB2271 and its proposed amendments to the committee on the employment of persons with disabilities.

One of the primary goals at Independence Inc., and at all Centers for Independent Living is to remove the barriers that prevent people with disabilities from being full participants in their communities. One of the biggest gaps between the participation level of people with disabilities and their non-disabled peers is employment.

Whereas some studies have shown the employment outcomes in North Dakota to be better than the national average, the overall employment picture for people with disabilities remains a national embarrassment.

I am a firm believer that if we can improve employment outcomes for people with disabilities, so many other key indicators of life satisfaction will

get better. Everybody knows that with employment comes a salary, however, employment is often also a precursor for health insurance, for a social life, and for a life that allows people with disabilities to leave a life of charity and public assistance behind.

I think it is very important to remember, that I am not just an advocate for employment of people with disabilities, but I am also an employer. According to federal law, as a Center for Independent Living, over half of the staff are people with disabilities. For the last 12 years, I have been involved in dozens of interviews for employment in which I have actively been trying to hire qualified people with disabilities.

It is really this facet of my life that I was forced to challenge my personal beliefs on how we as a society have been viewing the importance of employment for people with disabilities. Being an employer has really shown me that even when I am aggressively trying to hire people with disabilities, far too often they are not being properly prepared for the workforce.

However, I have seen many stories of people who have overcome huge disability related barriers in order to become productive employees. I have long believed that the secret to unlocking the employment potential for all people with disabilities exists in a few of these amazing people I have worked with.

But sadly, the numbers show us the stories of people who overcome a life of economic dependency to live fully independent lives as part of the workforce is far too rare. I believe the time has come for a change in how we think about employment and people with disabilities. For far too long, it has been accepted that disability is an excuse not to be part of the workforce. For far too long, employment has been seen as something that

is out of reach for far too many people. The cost of this in terms of lost human capital and increased support services is unacceptable and avoidable.

That is the first thing I like about SB 2271 is it begins to address this issue, by making it very clear that employment is the first and preferred outcome for the provision of services in North Dakota. Quite simply, it is a statement by this legislative body that people with disabilities can and should work.

Secondly, this bill begins the process of bringing together several state agencies, including agencies that provide support, education, and employment services with a clear directive to do better, My hope is by doing this, we can remove some of the bureaucratic and societal barriers that far too often reward and support the decision to stay out of the competitive workforce. Bringing these agencies together, we can identify process and practices that can truly change the employment outcomes of North Dakotan's with disabilities.

In conclusion, Independence Inc., has taken the position that employment should be the first and preferred outcome for all people with disabilities. We believe that this employment should be in an intergraded, community based setting at a competitive wage. This goal is not easy, but we must begin moving towards it. This bill is a major step in that direction. I hope you will support it, and I would be glad to answer any questions you may have.

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**TESTIMONY**  
**Senate Bill 2271 – Employment of People with Disabilities**  
**House Human Services**  
**Representative Weisz, Chairman**  
**March 12, 2013**

Chairman Weisz, members of the House Human Services Committee, I am Barbara Murry, Executive Director of the North Dakota Association of Community Providers. I am submitting written testimony on SB 2271 – Employment of people with disabilities.

The North Dakota Association of Community Providers is made up of 29 organizations across the state. Almost all of the organizations provide vocational services through contracts with the DHS Division of Vocational Rehabilitation and / or the Developmental Disabilities Division.

We have worked in partnership with NDCPD to develop this bill and believe it will lead to better outcomes in employment for ND citizens with disabilities, while offering a continuum of services for people with all levels of disabilities. Its intent is to broaden options, rather than limit any specific service delivery methodology. We support an amendment to move the committee from the Division of Vocational Rehabilitation to the Office of the Governor, as the scope of the committee is broader than the scope of Vocational Rehabilitation and this would better serve ND citizens with disabilities.

Chairman Weisz, I would be happy to respond to any questions.

Barbara Murry  
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