

**2015 SENATE HUMAN SERVICES**

**SB 2218**

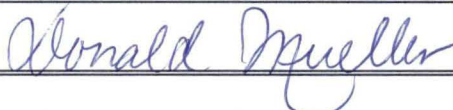
# 2015 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Red River Room, State Capitol

SB 2218  
1/19/2015  
J# 22132

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

A bill to provide an appropriation to the Department of Human Services for individuals with intellectual or development disabilities.

### Minutes:

Attach #1: Testimony by Tom Newberger  
Attach #2: Testimony by Charlie Bremseth

**Senator Axness** introduced SB 2218 to the committee, and spoke IN FAVOR of this bill, which provides an appropriation to recreational centers for individuals with intellectual or developmental disabilities. The reason he is in favor of this bill is through his work with Centers for Independent Living that helps people with disabilities, we question those individuals what their barriers to independence are. One of the consistent barriers are socialization and opportunities to get out and learn new crafts or new trades. A facility like this helps individuals reach independence. Senator Axness indicated there will be a potential offered amendment. On line 10, the Department of Human Services recommended adding between "to organizations" that we add "existing organizations" to that line.

**Senator Dever** asked \$300,000 for biennium, \$75,000 to organizations Northeast and Southeast, that appears to be at the exclusion of all other areas.

**Senator Axness** indicated the existing organizations are operating on the east side of the state. The state had historically funded this, but believes it was an oversight last session to not fund these programs. But for consideration, we could certainly expanding to the rest of the state in his opinion.

**Senator Dever** about the last sentence, the Department of Human Services oversight is limited to receiving information relating to attendance and expenditure. Is that the whole accountability for this?

**Senator Axness** answered yes, but will refer to the people who administer the programs.

**Chairman Judy Lee** indicated that she believes this is correct. She stated she also believed this was an oversight. It is not intended to exclude, it is intended to support facilities that have been there but missed in last session.

**Senator Warner** asked if this is part of a funding stream? It's not their entire funding. Senator Warner asked if they could expand on the nature of combining the socialization with vocational education.

**Senator Axness** provided input on the socialization, that it is the aspect that is missing. Individuals feel very confined in their apartments or if they do a quick task, this center for people to gather and interact with each other goes a long way in the educational process as well. As far as the funding, Mr. Axness again referred to the administrators of the program.

**Senator Warner** asked if there is a distinction between people who are developmentally disabled and people who are mentally ill.

**Senator Axness** replied that is correct.

**Representative Rick Holman**, District 20, Chairman of the Board of the Red River Human Services Foundation, spoke IN FAVOR of SB 2218. Representative Holman indicated this is about partial funding. These organizations already exist, support several hundred people, most living in independent living situations, but also needing the benefits socialization. It is also relates to some of the issues we deal with issues such as senior meals and other types of funding for seniors, but here it is a broader population of intellectually and developmentally disabled people. When they come to the center for socialization, the people at the center are also able to identify if there are problems with housing, health, and other areas where outside help could benefit these people. Recreational centers do provide a service beyond recreation. Sometimes there is supplemental food, supplemental rent, and other payments. These centers are also supported by other organizations in a big way. The state funding helps offset some additional state costs that might happen if event happens or some issue in a person's life was not identified early, which could lead to greater costs. We are asking that each of the centers receive \$75k for each year. This is part of the cultural change and population shift. Representative gave an example of Stan from Mayville. He's a mainstay in the community. In larger cities, people like Stan can get lost. These recreational centers will help people like Stan not get lost.

**V. Chairman Oley Larsen** stated that since this money not implemented last session, what programs were no longer provided?

**Representative Holman** deferred to the directors of the programs.

**Senator Dever** are the two centers that we are discussing unique to eastern North Dakota?

**Representative Holman** indicated yes. The Minot center, Second Start, decided not to seek state funding because it may or may not come so they don't want to draw up state money. If they were part of this and received funding, they would provide more services.

**Chairman Judy Lee** asked if there is a facility in Bismarck Mandan area?

**Representative Holman** indicated there is not.

**Chairman Judy Lee** indicated that each is run by a private Not-for-profit, using a state facility because of supplemental space. **Representative Holman** confirmed. Representative Holman indicated there are other funds, such as gaming and donations that help support these organizations.

**Senator Tim Mathern**, District 11, testified IN FAVOR of SB 2218. When he spoke with the Director of Fargo Public Library service, much of the budget for the library services is to give attention to people who have social needs and are meeting those social needs at the library. Many of these individuals are persons who have an intellectual disability or other kind of disability. While the library is happy to serve, it takes special attention and care to make sure the service is correct. One of the things we can do is to make sure that persons with disabilities have other options for socialization. This bill is an attempt to build another support system in the community. Just like persons without disabilities have choices of places to socialize, this gives persons with a disability have some choices. Passage of this bill will help provide this.

**Chairman Judy Lee** indicated that there was a chamber event before the election with many topics, and in roundtable event, people from Fargo Public Library had the Schulte report. Fargo Public Library is a place people with disabilities, people who are homeless, people with mental health issues, go to the public library. It is an extraordinary issue that had never occurred to her. It is a warm and hospitable place but challenges staff.

**Mr. Tom Newberger**, Executive Director for Red River Human Services Foundation in Fargo, provided testimony IN FAVOR of SB 2218 (attach #1) (14:09 - 19:15).

**Chairman Judy Lee** indicated the losses that you are suffering are terribly important. Do you have reserves, do you cut staff?

**Mr. Newberger** indicated that it was easier to fill that gap 10 years ago through charitable gaming. We used to net \$300,000 to \$400,000; the most we ever netted was \$725,000. To date, for our six months ended December 25, 2014, we are netting about \$8,800, charitable gaming has falling. We have the fewest employees that we have ever had. Back 20 years ago, we had a big bingo site that had 30-to-40 employees that made a lot of money that helped us out. It is very common except in western North Dakota that gaming is going down quarter after quarter, with few exceptions. That is how we filled the holes previously. As we move forward, we can't sustain the losses any further. We will need to make adjustments. In Grand Forks, they have reduced number of staff and number of days that they operate, which caused a backlash.

End of Mr. Newberger testimony.

**Charlie Bremseth**, Executive Director of LISTEN Inc., in Grand Forks, testified IN FAVOR of SB 2218 (attach #2) (21:54 - 26:15)

**Chairman Judy Lee** asked how the new proposed developmental disabilities payment system will impact this?

**Mr. Bremseth** indicated it will not affect the recreation centers. Mr. Bremseth indicated that between both centers, there are close to 1,000 people who have disabilities, and the two facilities were formed because the majority of the people were coming to Grand Forks and Fargo from Grafton and large number of people in the communities already. They are a grass roots organization.

**Mr. Newberger** addressed several questions. Regarding Senator Dever question earlier, about past state funding, the only center that had any funding in the past was the Minot Second Story center. They lost that funding, and that is why they are opposed to it. The recreation center in Fargo and Grand Forks has not received prior state funding. Accountability at the end is defined in the bill. We would like to avoid the rules and regulations, policies and procedures under a licensed program, because the cost would skyrocket. We would have to have additional staff. Instead of \$.45 per day per person, the cost would be so much greater.

**Senator Howard Anderson, Jr.** indicated that we've made efforts over the years to make parks accessible to everybody, recreational facilities to everybody, yet here we are developing a program to bring all these people into a center that's just for them.

**Mr. Newberger** explained that the centers are designed to bring people in, but it is also to get people out into the community. We want to make sure that peoples decisions and wishes are fulfilled, so it is not just in-house, but exterior. For example, with mental illness, the state actually funds several recreational centers, yet they have not for people with intellectual disabilities. Mr. Newberger indicated whats driving this is for people to get help and support. It is not necessarily excluding people and putting them in a box, but giving them meaningful experiences.

**Mr. Bremseth** stated that in 1992, the board decided to open to the community and not just a program offset just for people with intellectual disabilities. 70% of the people who came have disabilities, while the other 30% do not have disabilities; they come from the surrounding community into the center to enjoy programs with people that have disabilities which provides the surest way for transition and acceptance into the communities. As we go forward with the pilot project, different centers will have different approaches to integration - ours is community center model. For those who are ready to accept that, it is one of the more difficult models to incorporate, but if it is adopted, people will see it very successful. It cannot be done without money however.

**Chairman Judy Lee** offered that she grew up in Grafton, so she understands the fact that a lot of the population of the life skills and transition center would probably have gone to Grand Forks and Fargo. Have you heard from colleagues about services being provided in the Bismarck Mandan area?

**Mr. Bremseth** answered that time to time he has come to other communities to find out what they have. Bismarck wanted to start one; Devils Lake had interest; Grafton had interest. There was never enough money to initiate it and sustain it. It's not the willingness to do it, but it takes money to do this.

No further testimony in Favor SB 2218.

Opposition

No Opposing testimony

Neutral

No neutral testimony provided.

Closed Hearing.



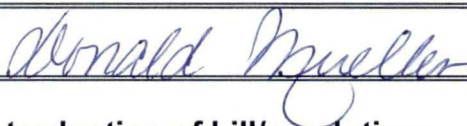
# 2015 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Red River Room, State Capitol

SB 2218  
1/19/2015  
J# 22158

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

A bill to provide an appropriation to the Department of Human Services for individuals with intellectual or development disabilities.

### Minutes:

"Click to enter attachment information."

Notes from SB 2218 Committee Work on 01/19/2015

**Chairman Judy Lee** discussed that she had suggested that the group may want to talk with Mr. Tom Newberger and Mr. Charlie Bremseth about suggestions about this. Courtney also expressed her surprise that there isn't one of these centers in Bismarck area. Chairman Judy Lee indicated she understood why it is in Grand Forks because of the lawsuit with Grafton.

**Senator Warner** moved to amend SB 2218 by inserting the word "existing" on line 10 between the word "to" and the word "organization".  
The motion was seconded by **Senator Axness**.

### Discussion to amending SB 2218

**Senator Howard Anderson, Jr.** indicated that it always make it look skeptical when it is stated "in Northeast and Southeast." What about stating existing organizations statewide? then it looks like we aren't targeting those centers now. If there are no other organizations now, Minot would be available could have been in here if they wanted to be, so if they change their mind, it would be available to them.

**Senator Dever** indicated that it doesn't say centers, but it does state the regions of the state.

**Chairman Judy Lee** expressed her concern about changing that as it may open it up further.

**Senator Axness** agrees that it opens it up. With the formula of the \$75,000 per year to the two organizations, the appropriation would have to change if it was opened.

Philosophically, **Senator Axness** indicated that they should be available statewide, but because of the history of the two and how the bill became part of this session, it is staying with the historical context. Start with this and see what goes from there.

**Chairman Judy Lee** responded that we would all agree if one could be established in Bismarck area. Chairman Judy Lee expressed her surprise from earlier testimony regarding the dramatic drop in gaming which results in less money for these organizations. This is accounted for due to the smoking prohibition in the charitable gaming locations.

**Senator Dever** asked if we need to add date as part of the amendment.

**Senator Warner** indicated the effective date would be the effective date of the bill.

Roll Call Vote to Adopt Amendment for SB 2218.  
Amendment Passes: 5 yes, 1 no, 0 Absent

**Senator Warner** moved a "Do Pass" recommendation from the committee on SB 2218 as amended, and re-refer to appropriations.  
The motion was seconded by **Senator Axness**.

#### Discussion

**Senator Dever** indicated that he will not argue the point, but indicated there could be greater accountability if we come back and do this next time, and one of the organizations has not met some kind of minimal requirements, I'm not sure we should just give them the money. He recognizes they are both excellent programs.

**Chairman Judy Lee** indicated she doesn't know Grand Forks program, but she knows the Red River Human Services Program very well, and Mr. Tom Newberger very well, who is a CPA as well as administrator of that foundation, and he has put in a tremendous amount of his own time into helping some of these other developmental disability providers stay solvent and keep above financial water. She is comfortable as anybody asking what kinds of things we might look to do to improve it in the future. But she doesn't think it necessarily has to be part of this bill. Chairman Judy Lee also agrees with Tom Newberger's testimony that if it goes under the provisions of audit, it becomes very expensive.

**Senator Dever** did not want to re-argue the point. Apparently there is no charge to the participants.

**Senator Axness** indicated that is correct.

**Senator Dever** stated that half of the participants in Grand Forks are not intellectually disabled or developmentally disabled.

**Chairman Judy Lee** clarified 70% were developmentally disabled. Chairman Judy Lee stated that it doesn't mean there couldn't be a sliding fee scale however.



**Senator Dever** indicated that since this is the first time, we leave it as it is and then we could improve on it.

**Chairman Judy Lee** stated that this is something we would encourage Mr. Newberger and Mr. Bremseth to look into and come back with information.

**Senator Dever** indicated that sometimes a modest fee makes it more meaningful.

No further discussion.

Roll Call Vote for "Do Pass" SB 2218 as Amended

Motion Passes: 4 yes, 2 No, 0 Absent

Carrier is **Senator Warner**

January 19, 2015

TD  
1/19/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2218

Page 1, line 10, after "to" insert "existing"

Renumber accordingly

Date: 01/19/ 2015  
Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
BILL/RESOLUTION NO. SB 2218

Senate Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 15.0736.01001 Title 02000

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Warner Seconded By Axness

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larson (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever		✓			

Total (Yes) 5 No 1

Absent 0

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

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

Date: 01/19/ 2015  
Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
BILL/RESOLUTION NO. SB 2218

Senate Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☒ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Warner Seconded By Axness

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larson (V-Chair)		✓	Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.		✓			
Senator Dick Dever	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Warner

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

**REPORT OF STANDING COMMITTEE**

**SB 2218: 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** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2218 was placed on the Sixth order on the calendar.

Page 1, line 10, after "to" insert "existing"

Renumber accordingly



**2015 SENATE APPROPRIATIONS**

**SB 2218**

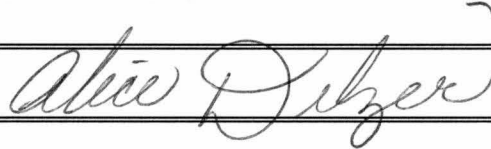
# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2218  
1/26/2015  
Job # 22535

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

Appropriation for services for individuals with intellectual or developmental disabilities  
Department of Human Services. (DHS)

### Minutes:

Testimony Attached # 1 & 2

**Chairman Holmberg** called the committee to order on Monday, January 26, 2015, at 2:00 pm in regards to SB 2018. All committee members were present except V. Chairman Krebsbach and Senator Wanzek. Michael Johnson, Legislative Council and Lori Laschkewitsch, OMB, were also present.

**Senator Tyler Axness, District 16** introduced SB 2218 that was passed out of the Human Services Committee and had an appropriation for this. I work for the Centers of Independent Living, the one that comes back is socialization and educational, this bill will help that. We ask for your favorable consideration of this bill.

**Senator Carlisle:** Was this optional request in the governor's budget? He was told no.

**Representative Holman, District 20:** I serve as chairman on the board of Red River Human Services Foundation in Fargo and stated the Center there and in Grand Forks do some great work for disabled people. Asking for your support \$75,000 each year to each Center. This is partial funding.

**Senator Kilzer:** your organization was here two years ago, asking for same amount, you did not receive it, how did you get along without it and what is your total funding?

**Representative Holman:** They had to reduce staffing so there was a cutback in services.

**Tom Newberger, Executive Director for Red River Human Services Foundation** in Fargo, West Fargo and Wahpeton, asking for support of critical funding for programs that support people with intellectual disabilities outside their State funded programs. See attached written Testimony Attached # 1. He is asking for funding for the Activity Center, which is a non-state program. (11.51)

**Senator Mathern** asked if this center in Fargo or Grand Forks open to all individuals with these disabilities. He was told it was open to anyone that may need their services.

**V.Chairman Bowman** asked if this Bill is specifically for these two places.

**Mr. Newberger:** Right now just two organizations. It would be better if it went statewide. Here we keep the program very simple. Could it expand, we are just interested to see how this goes. He then answered the question asked from Senator Carlisle if this was in the OAR, he was told no, and they apologized that it got missed in the budget. The second question from Senator Kilzer, how we got by without the funding from the state, we depended on charitable gaming, but this is down now in the eastern part of the state. We are applying for some grants and looking at other fundraisers, but the folks at these centers had to shut down on some of their services because of lack of funding. (16.34)

**Senator Sorvaag:** asked where the Activity Center is housed in Fargo. He was told it is in the Johnson Center in Fargo and it's the old Emerson Smith School building and the park district owns that building, The park district bought that building for our program. He then asked if the park district provides that facility at no cost and absorbs all expenses of operating the building, is that correct? He was told yes, they do not charge any rent, we pay the salaries, but they pay all operational costs.

**Senator Erbele:** You talked about the losses in gaming funds, if you were to get this money would you be applying it towards your losses, or new programs.

**Mr. Newberger:** We would use that for our operational costs, because right now we keep going backwards, that would actually stop those losses, it would be applied to the current losses and hopefully we will be able to turn charitable gaming around or increase donations to bolster that even more. (18.49)

**Charlie Bremseth, Executive Director of LISTEN, Inc. in Grand Forks, ND.** Testified in favor of SB 2218 and provided written Testimony Attached # 2, Appropriation for Individuals with Intellectual or Developmental Disabilities, requesting support for SB 2218. What the Fargo and Grand Forks Centers do are very similar but we do a different approach. Devils Lake, Mandan and Bismarck wanted to have one. Minot has one now.

**Chairman Holmberg** asked if anyone else wants to testify on 2218. The same committee that is doing the Human Service Budget will be the subcommittee for this bill. They are Senator Kilzer, Senator Erbele and Senator Mathern. The hearing was closed on SB 2218.

# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2218  
2/12/2015  
Job # 23757

☒ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Monson for Alice Delger*

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

A Subcommittee hearing for DHS for service for individuals with intellectual or developmental disabilities

### Minutes:

**Senator Kilzer** called the subcommittee hearing together on Thursday, February 12, 2015 at 11:30 am in the Harvest Room in regards to SB 2218.

Present are: Senator Kilzer, Senator Erbele, Senator Mathern, Michael Johnson, Legislative Council and Nick Creamer, OMB.

**Senator Kilzer:** SB 2218 is regarding the Listen program. It is a bill that has been brought forward by people who have an interest in appropriating monies for intellectual and developmental disabilities.

**Senator Mathern:** This bill is essentially to assure that we have more places in the state where persons with developmental disabilities would have leisure activities centers and programs. We have folks here who I would ask to just summarize how this money would be used. What would be the consequence if we funded this at \$200,000 instead of \$300,000?

**Mr. Tom Newberger, Executive Director for Red River Human Services Foundation:** Joining me is Charlie Bremseth from the LISTEN Center in Grand Forks. To go to Senator Mathern's questions in terms of how the money would be used I will be very succinct. Our current is \$181,000. So far this year our loss for the rec center in Fargo is \$51,000. We have covered those losses historically through charitable gaming and for the last six months that has only netted \$8,800. We are on a huge downswing. In 2001 we assumed this program from Lutheran Social Services. They cut this program because of their losses. We could pick it up because we had the outside funding. And now with the charitable gaming being down we are close to the point of saying, "How do we make this work?" We do need help to make this program work. In 2001 when Lutheran Social Services cut it, there was a huge uproar by the people that were receiving the services. The 2<sup>nd</sup> question of, if the funding was decreased, what would be the consequences. The consequences

would be that we would still keep our doors open. We will still be able to fund 60 - 70% of that. This would still be a huge help to our organizations.

**Charlie Bremseth, Executive Director of LISTEN, Inc. in Grand Forks, ND:** We are in the same boat as Tom. We don't have continuing loss funding in our program. It is those wide swings. We've had to cut back on some of our programs. We offer great programs in our community. These centers have been running for about 35 years. What we have here are two separate models. Tom has a model that is different than ours in terms of integration. We feel it is a time to explore those models. The total number of people between the two agencies that are affected by this is close to 1000 people. These programs are important because they are free choice. These people come by choice. Because they are free choice, they are located in the community. They really fall in line with the intent of the Olmstead decision. We've been trying to follow that as close as possible and I think we do a pretty good job of it.

**Senator Erbele:** Are you currently accessing some funds through the department?

**Tom:** Yes we are, but not for this program. Rec centers are not state funded at all. We provide residential supports. We have group homes. We have apartments where people live. We go into family homes and provide services and we get payment from the state. We also have day supports. But this program is separate from that. We get paid for day support which is typically from 8 in the morning till about 4 in the afternoon. From 4 in the afternoon into the evening, they go home. The activity and drop in center in Grand forks provides them something to do in the evening. That is where we fill a big gap for those people at a very reasonable cost. It comes out to about 45 cents per day per person. The cost to the state would be horrendous for that.

**Senator Erbele:** The individuals coming to the rec centers - is it free for them to come?

**Tom:** There are fees that they pay, for example, ceramics. They pay for the supplies. Some aren't able to do that so we have a jeans day fund where staff are allowed to wear jeans and they pay \$1. 100% of that goes to people who cannot afford the fees. For the most part, everyone we support is at or below the poverty level and they do have some fees but they are not very large. Their ability to pay is not there.

**Senator Mathern:** Why do you think the department in its DD division does not reimburse for recreational services?

**Tom:** Historically, we have not wanted to receive funding from them, because of all the additional requirements that may be caused if we do receive state funding. Right now we run a program that meets people's needs that are very simple. If we have those additional requirements, our costs will go up. We will need more people to do all of the additional reporting and we would like to avoid that.

**Senator Mathern:** I would recommend that we amend the bill - changing on line 5 \$300,000 to \$200,000, on line ten change from \$75,000 to \$50,000, and that we add a sentence asking the department to report to us in the next legislative session as to an assessment of such needs throughout the state. In many ways we are fortunate that we



have those two centers. They operate in different ways and they are saying they can't keep it up. We should help but then we should take a step further to assess what might be needed in this area in other parts of the state.

**Senator Kilzer:** My desire is to listen to the bills and then prioritize them. I prefer an up or down vote. I think we should make those decisions like you're describing when we have all of the possibilities in front of us.

The hearing on 2218 was closed.

# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2218  
2/17/2015  
Job # 24029

☒ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Rose Loring*

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

This is a subcommittee vote on an appropriation for services for individuals with intellectual or developmental disabilities Department of Human Services. (DHS)

### Minutes:

**Senator Kilzer, Senator Erbele & Senator Mathern** were all present.

**Senator Kilzer** said this bill is about persons with developmental disabilities commonly called LISTEN program. They have programs in Fargo and Grand Forks and want to move west. They are asking for \$300,000 of completely new money. They have not been funded by the state in the past and we said no 2 years ago.

**Senator Erbele** said he's willing to give House a little work, amend it to \$100,000 and see where we go with it.

**Senator Mathern** seconded.

**Senator Mathern** said that on line 10 they should reduce it to \$25,000 instead of \$75,000.

**Senator Erbele** moved Do pass as amended.  
**Senator Mathern** seconded.

Passed by a vote of 3-0.

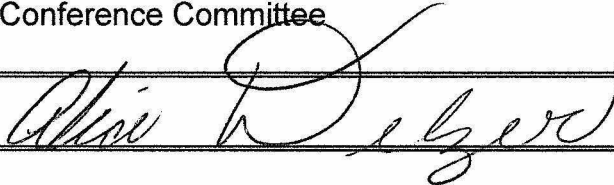
# 2015 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

SB 2218  
2/18/2015  
Job # 24083

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

A BILL for an Act for an appropriation for services for individuals with intellectual or developmental disabilities (DHS) (Do Pass as Amended)

### Minutes:

Testimony # 1

**Chairman Holmberg** called the committee to order on Wednesday, February 18, 2015 in regards to SB 2218. All committee members were present. Michael Johnson, Legislative Council and Lori Laschkewitsch, OMB were also present.

**Senator Kilzer:** This is a recreational service and not included in the OARs for DHS. We said no two years ago, the request was for \$300,000 and we reduced it to \$100,000 and cut down the 75 to the 25 and it passed out of our subcommittee with that amendment. I move the amendment #15.0736.02001. Testimony Attached # 1.

**Senator Mathern:** The goal is that these services should be statewide. The two providers in Grand Forks and Fargo have really gone above and beyond the call of duty to provide a social environment for anybody who would like to go and it's usually persons with developmental disabilities.

**Senator Kilzer:** This organization has particularly suffered from the reduction in gaming charitable revenues.

**Chairman Holmberg:** Second on the amendment is V. Chairman Bowman. All in favor say aye. It carried. Could we have a motion on the bill?

**Senator Kilzer moved a Do Pass as Amended on SB 2218. 2<sup>nd</sup> by Senator Carlisle.**

**Chairman Holmberg:** Call the roll on a Do Pass as Amended on 2218.

A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 0. Senator Mathern will carry the bill. The hearing was closed on SB 2218.

15.0736.02001  
Title.03000

Prepared by the Legislative Council staff for  
Senator Kilzer

February 18, 2015

TD  
2/18/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2218

Page 1, line 5, replace "\$300,000" with "\$100,000"

Page 1, line 10, replace "\$75,000" with "\$25,000"

Renumber accordingly

Date: 2-17-13  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2218

Senate Appropriations Committee

☒ Subcommittee

Amendment LC# or Description: amend to \$100,000 on line 10 reduce the 75,000 to 25,000

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

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

Absent \_\_\_\_\_

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

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

Amend  
Voice Vote  
passed



Date: 2-17-13  
Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
BILL/RESOLUTION NO. 2218

Senate Appropriations Committee

☒ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Erbele Seconded By Mathern

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern	<input checked="" type="checkbox"/>	
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer	<input checked="" type="checkbox"/>				
Senator Erbele	<input checked="" type="checkbox"/>				
Senator Wanzek					

Total (Yes) 3 No 0

Absent \_\_\_\_\_

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

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

Date: 2-18-15  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2218

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 15.0736.02001

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Kilzer Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

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

Absent \_\_\_\_\_

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

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

*voice vote  
Carried*

Date: 2-18-15  
Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
BILL/RESOLUTION NO. 2218

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Kilzer Seconded By Carlisle

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman	✓	
Senator Bowman	✓		Senator Mathern	✓	
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson	✓	
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Mathern

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

**REPORT OF STANDING COMMITTEE**

**SB 2218, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2218  
was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$300,000" with "\$100,000"

Page 1, line 10, replace "\$75,000" with "\$25,000"

Renumber accordingly

**2015 HOUSE HUMAN SERVICES**

**SB 2218**



# 2015 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

SB 2218

3/9/2015

24508

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Reed* *Arp*

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

Provide an appropriation of human services for services for individuals with intellectual or developmental disabilities.

### Minutes:

Attachment #1, #2, #3, #4, #5

Chairman Weisz opened the hearing on SB 2218.

Rep. Holman: Introduced and testified in support of the bill.

Rep. Mooney: Is this a continuation of funding?

Rep. Holman: It is a continuation in some ways. In the past, each center gets about \$75,000 a year. That has been decreased this time around to \$25,000 a year for each center. Minot has a center but they have chosen not to take part in this due to the unpredictability of funding.

Rep. Mooney: How many centers?

Rep. Holman: There are two centers; the Listen Center in Grand Forks, and Red River Human Services Foundation in Fargo.

Chairman Weisz: They currently are receiving state funding?

Rep. Holman: No, we are not they didn't get funded last time. It is difficult for these centers to operate without this funding. It is a good use of state funds.

Tom Newberger: Executive Director for Red River Human Services Foundation in Fargo, West Fargo and Wahpeton, ND testified in support of the bill. (See Attachment #1)

Rep. Mooney: Would we fund one or two centers.

Newberger: Two, the one in Fargo and the one in Grand Forks. Red River Human Services Foundation has state-funded programs and non-state funded programs to help fill the gaps.

Chairman Weisz: Any other questions from the Committee?

Newberger: There was one question Rep. Holman asked that I wish to answer quickly. The question was; "was the money in the Governor's budget?" Holman answered correctly when he said that it was not. We met with the Governor's office, they endorsed it and when the budget actually came out they said that it was overlooked. This funding was intended to be in there.

Charlie Bremseth: Executive Director of LISTEN Inc. in Grand Forks, ND testified in support of the bill. (See Attachment #2)

Cally Musland Executive director of the ARC of Bismarck: Testified in support of the bill. (Handed out testimony from Rachel Hafner and Janell Ness. See Attachments #3 and #4)

Rep. Fehr: Do you have activity centers parallel to this? If not, what do you do in Bismarck?

Musland: Unfortunately, we do not have an activity center that resembles the model of the listen center in Grand Forks or the activity center in Fargo. It is definitely needed in other communities in our state especially here in Bismarck. I advise a group called the American People Self-Advocacy Association. They are a group run by and for people with disabilities

Barbara Murry Executive Director of the North Dakota Association of Community Providers: (See Attachment #5)

Chairman Weisz: Closed the Hearing.

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

SB 2218  
3/30/2015  
Job #25608

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Beckie Stuege*

### Minutes:

Chairman Weisz Opens meeting on SB 2218.

**Chairman Weisz:** This bill has \$150,000 for each Fargo and Grand Forks.

**Rep. D. Anderson:** If this is just helping two facilities in the state, I won't be supporting the bill. I Move a Do Not Pass on re-engrossed SB 2218.

**Rep. Porter:** Second.

**Chairman Weisz:** Amended down, it would be \$150,000 to each Rec Center, to Fargo and Grand Forks.

**Rep. Oversen:** There aren't any other centers like this in the state, otherwise they would be included. The services and opportunities that these two facilities provide are extremely important to the communities of individuals with disabilities to be able to access these services. It is a small cost and I support the bill.

**Chairman Weisz:** Representative Holman is fighting to get this in the budget, regardless of what we decide.

**Rep. Rich Becker:** I understand how Representative Anderson would feel, I am in sync with that. Many parts of our state are underserved and under-represented in many ways. I support this one because these were originally funded by grassroots - UND professors, local churches, parents and local associations for retired citizens.

**Rep. Fehr:** This is a very good organization, but I will go with the do not pass. I have concerns with the state taking over funding. I would like to see a way to encourage more private and grassroots organizations to be self-sustaining. By funding things that should stay grassroots, we continue the ongoing of more requests like this.

**Rep. Muscha:** I do not think \$25,000 a year covers all the cost. We aren't literally taking it over, are we?

**Chairman Weisz:** No, the Fargo center costs them \$180,000 per year.

**Rep Muscha:** Last session we passed a bill to outlaw abortions for these very reasons. This is walking away from these adults that no longer have anyone to help take care of them. I will be supporting this bill.

**Rep Becker:** Can you clarify for me, they're asking for \$100,000, but on line 10, it's \$25,000 per existing. Which one is it?

**Chairman Weisz:** The total corporation is \$100,000. Each facility would receive \$25,000 per year of the biennium - each facility would receive \$100,000 for the biennium,

**Rep. Porter:** We have done a lot to encourage donations through the tax credit for endowments that exceed \$5,000. You could donate to this non-profit and save on your state income tax almost half of what your state income tax bill would be. The center is tied into the group home setting for disabled individuals. When there is competition for money the first place people go to is the state - then at some point it becomes a state program, including all the rules that go with state program, and then you lose the freedom to run it as a grassroots operation. I will support the motion.

**A roll call vote was taken on a DO NOT PASS. Yes: 9 No: 4 Absent: 0**

**Representative Dick Anderson will carry the bill.**

Date: 3-30-15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2218

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. D. Anderson Seconded By Rep. Porter

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓	✓	Rep. Mooney		✓
Vice-Chair Hofstad	✓	✓	Rep. Muscha		✓
Rep. Bert Anderson	✓	✓	Rep. Oversen		✓
Rep. Dick Anderson	✓	✓			
Rep. Rich S. Becker		✓			
Rep. Damschen	✓	✓			
Rep. Fehr	✓	✓			
Rep. Kiefert	✓	✓			
Rep. Porter	✓	✓			
Rep. Seibel	✓	✓			

Total (Yes) 9 No 4

Absent 0

Floor Assignment Rep. D. Anderson

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

**REPORT OF STANDING COMMITTEE**

**SB 2218, as reengrossed: Human Services Committee (Rep. Weisz, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).  
Reengrossed SB 2218 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**SB 2218**

#1 01/19/15  
SB 2218

Newberger  
#22132

## **SB 2218**

# **Appropriation for Individuals with Intellectual or Developmental Disabilities**

**January 19, 2015**

Good morning Chairperson Lee and members of the Senate Human Services Committee. My name is Tom Newberger and I am the Executive Director for Red River Human Services Foundation in Fargo, West Fargo and Wahpeton, North Dakota. I am here today to ask for your support of critical funding for programs that support people with intellectual disabilities outside their State funded programs.

Red River Human Services Foundation is a Not-For-Profit organization providing licensed residential and day programs to people with Intellectual Disabilities. The State funds these programs as they support the most vulnerable people in the State. I appreciate this funding and I am here today to ask for funding for the Activity Center which is a non-State program providing activities to over 450 people in Fargo with Intellectual Disabilities in the evening and on week-ends.

Many of the services provided by the Activity Center focus on getting people out of the group home and into the community where social connections and friendships are made which, improves their quality of life. For example, Red River Human Services Foundation operates many residential homes with 8 people living in them. In the evening, it is common to have one staff working. It is difficult for one staff to all take eight people plus themselves anywhere in one van. In the old days, we use to have vans that held 12-14 people, but the stigma attached to having so many people with disabilities traveling in one van casts a negative stereotype upon them. To move away from this stereotype, we now use mini vans.

Another problem we face is when one person living in an eight bed home wants to go out to eat while another wants to stay home and yet another person wants to go to a movie.



One staff cannot fulfill their wishes at the same time due to staffing issues. This is where the Activity Center plays a critical role, for example, by taking people to movies, a ball game or camping. However, the Activity Center is much more the fun activities. The Activity Center is also a safety net for people with Intellectual Disabilities. Many members of the Activity Center live alone in the community and have limited support by providers. They come to or call the Activity Center when they are in need or crisis. For example, "Mable" is a member of the Activity Center and she lives alone in her apartment. One night she called and asked the Activity Center to come to her apartment because she had the flu and was out of her medication with no funds to purchase them. Staff from the Activity Center bought her medication and went to her apartment. When they arrived, they found that she was nearly out of food too so staff went and bought food for her. The Activity Center supplies food to others with Intellectual Disabilities too. This is an important safety net for many people.

There are many other stories to share such as providing hats, mittens and coats for people in need and I have many other fun stories to share too, but I will now focus on the financial side of the Activity Center. Our current budget, for the year ending June 30, 2015, has approximately \$181,000 in expenses and \$150,000 in budgeted revenues, which translates into a budgeted loss of \$31,000 for the year. Our six month actual bottom-line as of December 25, 2014 is already showing a loss of nearly \$53,000 as revenues are down nearly \$12,000 when compared to budget and expenses are nearly \$5,000 over budget. Donations and grant revenues are down, while salaries are up to retain staff. On top of these losses, the state allocates administration costs to this program. Last year our independent auditors allocated over \$13,000 of administration costs to our program for our fiscal year ending June 30, 2014 resulting in an audited loss of nearly \$54,500. Over the past 10 years, we have lost over \$461,000 on this program and we continue to see an increase in demand for our services. For the year ending on December 31, 2014, we had 459 people use the Activity Center which is up from 402 the prior year. The \$300,000 in SB 2218 comes out to just under 45 cents per person per day for members of the Activity Center (\$300,000 divided by 2 agencies divided by 2 years divided 365 days divided by 459 people).

I will close with two comments from two prominent people from Fargo. The first is former police Chief Chris Magness who said The Activity Center keeps people out of bars and makes their job much easier. The second comment is from Roger Gress, the current Fargo Park District's Superintendent who said they support the Activity Center financially because the Park District cannot do what we do with the limited funds they give us.

Thank you for your time and I will be happy to answer any questions.

#2 01/19/15  
SB2218  
J# 22132

SB 2218  
Appropriation for individuals with intellectual or developmental disabilities  
January 19, 2015

Chairman Lee and members of the Committee. My name is Charlie Bremseth and I am the Executive Director of LISTEN Inc. in Grand Forks, North Dakota. Thank you for the opportunity to appear before you and present what I think is an issue of importance and concern which affects those citizens of North Dakota who have intellectual disabilities. As you well know these folks are some of the most vulnerable citizens in North Dakota and are still a protected class under the law.

LISTEN was founded as a grass roots, non-profit by professors from the University of North Dakota, local churches, and from the local Association for Retarded Citizens. In the service continuum, its role was to provide recreational opportunities. The concept of a the LISTEN Center (Love Is Sharing The Exceptional Needs) began to take shape over 45 years ago in Grand Forks as a way of helping people with the transition to our community for those already living in Grand Forks and eventually for those 100 people with disabilities that were to come from the Grafton State School. Today, LISTEN provides a rec. / leisure, educational Drop-In Center for people with intellectual and developmental disabilities in what is a community center setting. As an agency LISTEN also provides a, licensed, fully accredited Adult Day program funded by the ND Dept of Human Services. But, it is the LISTEN Drop-In Center /community center where I need to focus your attention.

Three years ago there was a very real possibility that the LISTEN Drop-In program and all that it offered would have been lost. We lost part of our funding due to a shift in grants to accommodate the downturn in the economy. A total shut down of the Center would have impacted 1297 people - 350 folks with intellectual disabilities, 200 people from the community without disabilities, 200 children under the age of 18, and 547 people being served by an outreach grant. Funding was becoming unstable and sporadic. The red warning flag went up. There was the news coverage on TV, on radio, in the newspapers all putting the word out that Drop-In was in trouble. Our Board of Directors took action by reducing operations from 6 days a week to 3 days a week. Our staff was reduced from 4 1/2 to 1 1/2 and the budget was cut by 2/3. After one year, we found that attendance levels were still high at 7,770 but down from the previous year of 9,500. The drastic

cuts left their mark. It was estimated that it would take nearly 3 years to rebuild. Today our pre- closing attendance numbers of 9500 have increased to 10,177. If broken down to actual individuals we are serving: 1,100 people - 70% having disabilities. A footnote: Today, the Center's employs 6 people with disabilities. We operates on a shoe string budget and at times operating at a deficit. What is needed at this time is the support, assistance, and financial stability necessary to provide a better service to people with intellectual and developmental disabilities. SB 2218 does will help us provide that service. We all know, and understand, that people with disabilities and those who are of low income, are not able to personally pay for services that they derive benefit from - at least not without some help. We are asking you for that help.

In conclusion if our aim is to ensure that people with intellectual disabilities have the best chance to participate as full citizens the recreation inclusion centers are another tool that can help accomplish this. Your decision to fund these Centers will affect the lives of the 1,100 people at the LISTEN Center alone. Thank you once again for giving me this opportunity to explain the issue and how you may be able to help.

I will be happy to take questions.

HB 1

## **SB 2218**

# **Appropriation for Individuals with Intellectual or Developmental Disabilities January 26, 2015**

Good afternoon Chairman Holmberg and members of the Senate Appropriations Committee. My name is Tom Newberger and I am the Executive Director for Red River Human Services Foundation in Fargo, West Fargo and Wahpeton, North Dakota. I am here today to ask for your support of critical funding for programs that support people with intellectual disabilities outside their State funded programs.

Red River Human Services Foundation is a Not-For-Profit organization providing licensed residential and day programs to people with Intellectual Disabilities. The State funds these programs as they support the most vulnerable people in the State. I appreciate this funding and I am here today to ask for funding for the Activity Center which is a non-State program providing activities to over 450 people in Fargo with Intellectual Disabilities in the evenings and on week-ends.

Many of the services provided by the Activity Center focus on getting people out of the group home and into the community where social connections and friendships are made which, improves their quality of life. For example, Red River Human Services Foundation operates many residential homes with 8 people living in them. In the evening, it is common to have one staff working. It is difficult for one staff to all take eight people plus themselves anywhere in the community. To exasperate this issue, one person living in an eight bed home may want to go out to eat while another wants to stay home and yet another person wants to go to a movie. One staff cannot fulfill their wishes at the same time due to staffing issues.

This is where the Activity Center plays a critical role, for example, by taking people to movies, a ball game or camping. However, the Activity Center is much more the fun activities. The Activity Center is also a safety net for people with Intellectual Disabilities. Many members of the Activity Center live alone in the community and have limited support by providers. They

come to or call the Activity Center when they are in need or crisis. For example, "Mable" is a member of the Activity Center and she lives alone in her apartment. One night she called and asked staff from the Activity Center to come to her apartment because she had the flu and was out of her medication with no funds to purchase them. Staff from the Activity Center bought her medication and went to her apartment. When they arrived, they found that she was nearly out of food too so staff went and bought food for her. The Activity Center supplies food to others with Intellectual Disabilities too. This is an important safety net for many people.

There are many other stories to share such as providing hats, mittens and coats for people in need and I have many other fun stories to share too, but I will now focus on the financial side of the Activity Center. Our current budget, for the year ending June 30, 2015, has approximately \$181,000 in expenses and \$150,000 in budgeted revenues, which translates into a budgeted loss of \$31,000 for the year. Our six month actual bottom-line as of December 25, 2014 is already showing a loss of nearly \$53,000 as revenues are down nearly \$12,000 when compared to budget and expenses are nearly \$5,000 over budget. Donations and grant revenues are down, while salaries are up to retain staff. On top of these losses, the state allocates administration costs to this program. Last year our independent auditors allocated over \$13,000 of administration costs to our program for our fiscal year ending June 30, 2014 resulting in an audited loss of nearly \$54,500. Over the past 10 years, we have lost over \$461,000 on this program and we continue to see an increase in demand for our services. For the year ending on December 31, 2014, we had 459 people use the Activity Center which is up from 402 the prior year. The \$300,000 in SB 2218 comes out to just under 45 cents per person per day for members of the Activity Center ( $\$300,000 \div 2 \text{ agencies} \div 2 \text{ years} \div 365 \text{ days} \div 459 \text{ people}$ ).

I will close with two comments from two prominent people from Fargo. The first is former police Chief Chris Magness who said The Activity Center keeps people out of bars and makes their job much easier. The second comment is from Roger Gress, the current Fargo Park District's Superintendent who said they support the Activity Center financially because the Park District cannot do what we do with the limited funds they give us.

Thank you for your time and I will be happy to answer any questions.

TESTIMONY  
Senate Bill 2218  
Appropriation for Individuals with Intellectual  
or Developmental Disabilities  
January 26, 2015

# 2

Chairman Holmberg and members of the Appropriations Committee. My name is Charlie Bremseth. I am the Executive Director of LISTEN Inc. in Grand Forks, North Dakota. Thank you for the opportunity to appear before you and present what I think is an issue of importance and concern which affects those citizens of North Dakota who have intellectual disabilities. As you well know these folks are some of the most vulnerable citizens in North Dakota and are still a protected class under the law.

The concept of a LISTEN Center (**Love Is Sharing The Exceptional Needs**) began to take shape over 45 years ago in Grand Forks. It is a grass roots, non-profit, started by local churches, faculty from the University of North Dakota, and parents from the local Association for Retarded Citizens. LISTEN's role in the continuum of services was and still is, to provide low cost recreation and learning opportunities. In addition we alert the group homes, social workers and parents of potential problems or issues we have identified. We provide advocacy programs in Grand Forks and fostered programs throughout the State of North Dakota. We help lead the effort to end the use "R" word, and the Governor did it with the stroke of his pen. We have an after school program which has been a benefit to latch-key kids. Our outreach includes performing arts group of 35 people with intellectual disabilities who have performed, The Wizard of OZ, and Grease throughout North Dakota and neighboring states. In 1992 our Board of Directors opened the doors to the Center allowing people from the community to access the programs. The purpose for doing this was so that people with disabilities would integrate into the community in a more natural way. Since 1982 and the ARC lawsuit, LISTEN serves a great many of the 100 people who came from the Grafton State School into the Grand Forks community (funding never followed to LISTEN, the Activity Center or the 2<sup>nd</sup> Story) Today LISTEN considers itself a little north-end community center. Last year our attendance was 10,100. We served nearly 1000 people - seventy percent of these folks have a disability. Even more interesting is the fact that coming to LISTEN is by personal choice, a decision by free will, not mandated. We pride ourselves on being

2.1

able to create programs which will enrich a person's life and all of it in a community center setting.

As an agency LISTEN also provides a, licensed, fully accredited Adult Day program funded by the ND Dept of Human Services. But, it is the LISTEN Drop-In Center /community center where I need to focus your attention for a moment. Three years ago there was a very real possibility that the LISTEN Drop-In program and all that it offered would have been lost. We lost part of our funding due to a shift in grants to accommodate the downturn in the economy. A total shut down of the Center would have impacted 1297 people - 350 folks with intellectual disabilities, 200 people from the community without disabilities, 200 children under the age of 18, and 547 people being served by an outreach grant. Funding was becoming unstable and sporadic. The red warning flag went up. There was the news coverage on TV, on radio, in the newspapers all putting the word out that Drop-In was in trouble. Our Board of Directors took action by reducing operations from 6 days a week to 3 days a week. Our staff was reduced from 4 1/2 to 1 1/2 and the budget was cut by 2/3. After one year, we found that attendance levels were still high at 7,770 but down from the previous year of 9,500. The drastic cuts left their mark. It was estimated that it would take nearly 3 years to rebuild. Today our pre- closing attendance numbers of 9500 have increased to 10,177. If broken down to actual individuals we are serving today: 1,100 people - 70% having disabilities. We do all of this on a budget of \$370,000 a year.

What is needed at this time is the support, not a handout, but support. We need to know that you stand with the United Ways, the Cities of Grand Forks and Fargo, the Park Districts, the Bremer Foundation, Myra Foundation and others who believe and support these centers as another tool for integration. SB 2218 will help us provide that service.

In conclusion if our aim is to ensure that people with intellectual disabilities have the best chance to participate as full citizens the recreation inclusion centers are another tool that can help accomplish this. Your decision to pass SB 2218 will affect the lives of over 1000 people with disabilities in Fargo and Grand Forks. Thank you once again for giving me this opportunity to explain the issue and how you may be able to help. I will be happy to take questions.

*R. L.*



15.0736.02001  
Title.

Prepared by the Legislative Council staff for  
Senator Kilzer

February 18, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2218

Page 1, line 5, replace "\$300,000" with "\$100,000"

Page 1, line 10, replace "\$75,000" with "\$25,000"

Renumber accordingly

# 1  
SB 2218  
2-18-15

##/

## **SB 2218**

### **Appropriation for Individuals with Intellectual or Developmental Disabilities**

**March 9, 2015**

Good afternoon Chairman Weisz and members of the House Human Services Committee. For the record, my name is Tom Newberger and I am the Executive Director for Red River Human Services Foundation in Fargo, West Fargo and Wahpeton, North Dakota. I am here today to ask for your support of critical funding for programs that support people with intellectual disabilities outside their State funded programs.

Red River Human Services Foundation is a Not-For-Profit organization providing licensed residential and day programs to people with Intellectual Disabilities. The State funds these programs as they support the most vulnerable people in the State. I appreciate this funding and I am here today to ask for funding for the Activity Center which is a non-State program providing activities to over 450 people in Fargo with Intellectual Disabilities in the evenings and on week-ends.

Many of the services provided by the Activity Center focus on getting people out of the group home and into the community where social connections and friendships are made which, improves their quality of life. For example, Red River Human Services Foundation operates many residential homes with 8 people living in them. In the evening, it is common to have one staff working. It is difficult for one staff to all take eight people plus themselves anywhere in the community. To exasperate this issue, one person living in an eight bed home may want to go out to eat while another wants to stay home and yet another person wants to go to a movie. One staff cannot fulfill their wishes at the same time due to staffing issues.

This is where the Activity Center plays a critical role, for example, by taking people to movies, a ball game or camping. However, the Activity Center is much more the fun activities. The Activity Center is also a safety net for people with Intellectual Disabilities. Many members of the Activity Center live alone in the community and have limited support by providers. They come to or call the Activity Center when they are in need or crisis. For example, "Mable" is a

member of the Activity Center and she lives alone in her apartment. One night she called and asked staff from the Activity Center to come to her apartment because she had the flu and was out of her medication with no funds to purchase them. Staff from the Activity Center bought her medication and went to her apartment. When they arrived, they found that she was nearly out of food too so staff went and bought food for her. The Activity Center supplies food to others with Intellectual Disabilities too. This is an important safety net for many people.

There are many other stories to share such as providing hats, mittens and coats for people in need and I have many other fun stories to share too, but I will now focus on the financial side of the Activity Center. Our current budget, for the year ending June 30, 2015, has approximately \$181,000 in expenses and \$150,000 in budgeted revenues, which translates into a budgeted loss of \$31,000 for the year. Our six month actual bottom-line as of December 25, 2014 is already showing a loss of nearly \$53,000 as revenues are down nearly \$12,000 when compared to budget and expenses are nearly \$5,000 over budget. Donations and grant revenues are down, while salaries are up to retain staff. On top of these losses, the state allocates administration costs to this program. Last year our independent auditors allocated over \$13,000 of administration costs to our program for our fiscal year ending June 30, 2014 resulting in an audited loss of nearly \$54,500. Over the past 10 years, we have lost over \$461,000 on this program and we continue to see an increase in demand for our services. For the year ending on December 31, 2014, we had 459 people use the Activity Center which is up from 402 the prior year. The \$300,000 in the original SB 2218 comes out to just under 45 cents per person per day for members of the Activity Center (\$300,000 divided by 2 agencies divided by 2 years divided 365 days divided by 459 people). The Senate decreased the funding to \$100,000 and I would encourage the House to restore it back to the \$300,000.

I will close with two comments from two prominent people from Fargo. The first is former police Chief Chris Magness who said The Activity Center keeps people out of bars and makes their job much easier. The second comment is from Roger Gress, the current Fargo Park District's Superintendent who said they support the Activity Center financially because the Park District cannot do what we do with the limited funds they give us.

Thank you for your time and I will be happy to answer any questions.

#2

SB 2218

Appropriation for Individuals with Intellectual /Developmental Disabilities

House Human Services Committee

March 9, 2015

Chairman Weisz and members of the Committee. My name is Charlie Bremseth and I am the Executive Director of LISTEN Inc. in Grand Forks, North Dakota. Thank you for the opportunity to appear before you and present what I think is an issue of importance and concern which affects those citizens of North Dakota who have intellectual disabilities. As you well know these folks are some of the most vulnerable citizens in North Dakota and are still a protected class under the law.

LISTEN was founded as a grass roots, non-profit by professors from the University of North Dakota, local churches, parents and the local Association for Retarded Citizens. In the service continuum, our role and mission was to provide recreational opportunities. The concept of a the LISTEN Center (**Love Is Sharing The Exceptional Needs**) began to take shape over 45 years ago in Grand Forks as a way of helping people with the transition to our community for those already living in Grand Forks and eventually, and for those 100 people with disabilities that were to come from the Grafton State School. Today, LISTEN provides a rec. / leisure, educational Drop-In Center for people with intellectual and developmental disabilities in what is a community center setting. As an agency LISTEN also provides a, licensed, fully accredited Adult Day program funded by the ND Dept of Human Services. But, it is the LISTEN Drop-In Center /community center where I need to focus your attention.

Three years ago there was a very real possibility that the LISTEN Drop-In program and all that it offered could have been lost. We lost part of our funding due to a shift in grants to accommodate the downturn in the economy. Since a total closure of the Center would have impacted 1297 people - 350 folks with intellectual disabilities, 200 people from the community without disabilities, 200 children under the age of 18, and 547 people being served by an outreach grant. Funding was becoming unstable and sporadic. The red warning flag went up. There was the news coverage on TV, on radio, in the newspapers all putting the word out that

1

Drop-In was in trouble. Our Board of Directors took action by reducing operations from 6 days a week to 3 days a week. Our staff was reduced from 4 1/2 to 1 1/2 and the budget was cut by 2/3. After one year, we found that attendance levels were still high at 7,770 but down from the previous year of 9,500. The drastic cuts left their mark. It was estimated that it would take nearly 3 years to rebuild. Today our pre- closing attendance numbers of 9500 have increased to 10,177. If broken down to actual individuals we are serving including those served by our outreach grants, 1,100 people - 70% having disabilities

**In summary, here is a brief overview of why these funds by SB 2218 are needed.**

- The programs have a long history of service to people with disabilities: The Activity Center in Fargo since 1971, the LISTEN Center in Grand Forks since 1970.
- Each program presents a different and distinct model for integration.
- The total number of people with intellectual disabilities being served by both Centers is nearly 1,000.
- Free choice, personal choice, the Centers provide follows the dictates of the Olmstead mandate.
- Those who attend cannot afford the true costs of the programs they benefit from.
- Over the last 35 years people (250) were released into the Grand Forks and Fargo communities.

Funding to these Centers did NOT follow.

The Centers are currently funded by the United Ways, local governments, the Bremer, Bush, and Myra Foundations, grants, gaming, and the local Park Districts. There are no State dollars.

What is needed at this time is the support, assistance, and financial stability necessary to provide a better service to people with intellectual and developmental disabilities. SB 2218 will help us provide that service.

In conclusion if our aim is to ensure that people with intellectual disabilities have the best chance to participate as full citizens the recreation inclusion centers are another tool that can help accomplish this. Thank you once again for giving me this opportunity to explain the issue and how you may be able to help. I will be happy to take questions.



*Achieve with us.*

March 9, 2015

Representative Weisz  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Representative Weisz,

The Arc, Upper Valley in Grand Forks advocates on behalf of individuals with intellectual and developmental disabilities. Our organization believes in the importance of SB 2218.

Individuals with intellectual and developmental disabilities in Grand Forks need a place where they can go to participate in recreational and leisure activities. The Listen Drop-In Center provides a safe, well-staffed setting in the community where individuals can engage in activities while making social connections and life-long friendships. The Listen Drop-In Center also employs 6 individuals with disabilities. The Listen Drop-In Center is making an enormous impact on the lives of the individuals it serves and is improving their quality of life in so many ways.

Passing SB 2218 would mean providing important funding that would allow The Listen Drop-In Center to continue providing recreational opportunities to over 1100 individuals in Grand Forks, which is a necessary part of the entire continuum of care.

Thank you for improving the lives of individuals with intellectual and developmental disabilities.

Sincerely,

Rachel Hafner  
Executive Director

2500 DeMers Ave  
Grand Forks ND 58201  
T 701.772.6191 F 701.772.2195  
[www.thearcuppervalley.org](http://www.thearcuppervalley.org)



3/9/15 #4

The Arc of Cass County  
215 North University Dr.  
Fargo, ND 58102  
P 701-293-8191  
F 701-293-3095  
www.arccassnd.com  
**Achieve with us.**

**SB 2218  
Letter of Support**

March 2, 2015

Dear Chairman Weisz and Members of the Committee:

On behalf of The Arc of Cass County, I would like to submit this letter in support of funding for services to provide leisure, recreational and educational programs for individuals with intellectual or developmental disabilities (abbreviated I/DD).

This particular legislation would significantly affect both the LISTEN Drop-in Center in Grand Forks and the Activity Center (part of Red River Human Services Foundation) in Fargo. These programs currently fall outside of state funded services and have experienced significant instability over the past few years. The demand for these services, however, has been rising.

In Fargo, over 450 individuals with I/DD are provided with leisure, recreational and educational programs by the Activity Center during the evenings and on weekends. These programs are vital to their emotional well-being since isolation and loneliness is a significant problem with this population. The Activity Center also provides activities that are community-based which is extremely important for individuals living in a group home setting.

In Fargo, the Activity Center is one of the most popular programs among people with I/DD and has been for many years. It has become more than just an important part of their social well-being. It is a place where they feel they *belong* and somewhere to go when a problem or concern arises. I have personally heard stories from individuals with I/DD who have been at the Activity Center and were pointed in the right direction on getting help for a medical issue and/or mental health services. They look at the Activity Center as a second home and value the guidance they receive there.

In closing, I sincerely hope you will consider allocating funds to these important programs. They are greatly in need of stability in funding and provide a vital service to some of the most vulnerable residents of our state.

Thank you for your consideration of this very important issue.

Sincerely,

Janell Ness  
Executive Director



**TESTIMONY**  
**Senate Bill 2218**  
**House Human Services**  
**Representative Robin Weisz, Chairman**  
**March 9, 2015**

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 here today to testify in support SB 2218, which gives an appropriation for leisure, recreational, and educational services for people with developmental disabilities. This service has been very important to ND citizens with disabilities in the Grand Forks and Fargo communities.

The North Dakota Association of Community Providers is made up of 30 organizations across the state. We represent approximately 6,000 staff, 4,900 of whom are Direct Support Professionals, or DSP's. We serve approximately 4,000 individuals with developmental disabilities. Services are most often, lifelong.

NDACP included this bill on our legislative platform and asks for your support for these programs.