

2001 HOUSE APPROPRIATIONS

HB 1014

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1014

House Appropriations Committee  
Human Resources Division

☐ Conference Committee

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

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

Committee Clerk Signature

*Mickie Schmidt*

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

Roll Call: We have a quorum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1650-Teresa:** Yes.

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

**1675-Teresa:** I don't know.



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

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

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

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

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

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

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

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

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

**2142-Chairman Svedjan:** Thank you Cindy.

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

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

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

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

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

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

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

**3823-Chairman Svedjan:** Non case activities?

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

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

**4272-Teresa:** Yes

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

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

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

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

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

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

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

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

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

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

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

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

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

5757-Teresa: No.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1038-Teresa:** No, there will be none.

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

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

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

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

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

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

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

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

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

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

**2143-Corrine:** Yes. Some are and some are not.

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

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

**2452-Corinne:** (see attached #12)

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

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

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

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

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

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

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

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

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

**3070-Corinne:** We used 2 different pricing levels. Desktop computers, \$1600, laptops, \$2500 per unit.

**3141-Vice-Chairman Delzer:** Do you have the numbers of how many of each?

**3157-Corinne:** I will get them for you. (Cont.)

**3319-Chairman Svedjan:** Thank you Corinne. **10 minute break. Call the session back to order. We will proceed with comments from supporters.**

**3532-Rose Stoller:** Executive Director of the Mental Health Association in ND. (attachments # 18-20 and pamphlet #21)

**4049-Chairman Svedjan:** Thank you Rose. Q?

**4176-Raylynn Lauderdale:** Executive Director for People of ND (attachments #22-23)

**4817-Chairman Svedjan:** Thank you Raylynn. From where do you derive your funding? And that's administered through the dept.? Do you have memberships? Do they pay memberships?  
**Rose, the same questions for you.**

**4823-Raylynn:** We are funded by a grant from the State council through the Dept. of Human Services. The council is separate, but the funds are administered like a fiscal match of the funds, but it's actually federal money that comes down to the council. Yes, we have 13 local self advocacy groups across the state, and each of those members have a board member that sits on the board of directors. No they don't pay memberships.

**4932-Rose:** Our funding is derived from a variety of sources. We are a United Way agency and receive United Way funds from a number of communities across the state. In addition, we operate a number of programs through different sources. We receive some state funds to provide programs on a contractual basis. Additionally we receive funds from the Victim of Crime

Assistance program, and many foundation awards from within the state as well as across the region and nationally. We do have a membership fee.

**5149-Rep. Kerzman:** Do you have support groups? How about for the clientele?

**5186-Raylynn:** Yes we do have quite a few different organizations across the state that provide in kind match to our grants. P&A helps with technical assistance, the ARC, etc... They each have their own organization and have monthly meetings. The reason behind People First is it gives people with disabilities the opportunity to speak up.

**5955-Chairman Svedjan:** Thank you Raylynn. Q?

**6050-Carlotta McCleary:** Parent of child w/disabilities from Bismarck (refer to attachment #23)

**Tape 2 side A-continued:-00**

**111-Chairman Syedjan:** Thank you Carlotta. Q? Is there anyone who wishes to testify on this bill? Hearing none, we'll close the hearing on HB 1014.



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BILL/RESOLUTION NO. 1014

House Appropriations Committee  
Human Resources Division

☐ Conference Committee

Hearing Date: Thursday, February 1st, 2001

Tape Number	Side A	Side B	Meter #
2-1-01 #1014	00-6236	00-1927	
Committee Clerk Signature <i>Mickie Schmidt</i>			

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

**Chairman Svedjan:** We now call this section to order on HB 1014.

Roll call: We have a quorum.

**Teresa Larson:** Director of Protection and Advocacy: (attachment #3, #4, & #6)

**Chairman Svedjan:** On p. 3 of your testimony, that there's no state match requirement. Is that just for the social security administration grant or is that for the \$91,000 increase in the other general funds?

**Teresa:** No state match requirements.

**Vice-Chairman Delzer:** There's no state match requirement on any of this in your budget?

**Teresa:** That's true. There are requirements in all of our federal laws specific to supplant issues.

**Chairman Svedjan:** The requirements are that supplanting state dollars is disallowed by this federal funding source?

**Teresa:** Yes.

**Vice-Chairman Delzer:** Then instead of expecting the \$1.693 in federal funds, you're expecting \$1.88 million?

**Teresa:** See attachment #3, p 6A. The top table shows the changes in the federal funding sources.

**Vice-Chairman Delzer:** This doesn't have the \$100,000 from the social security bill?

**Teresa:** It does not. I just received information from social security on Tuesday, the 30th of January.

**Chairman Svedjan:** This does not reflect the \$66,666 either? So none of the social security money is in here? But the other is reflected in here?

**Teresa:** That's correct. Yes. Yes.

**Vice-Chairman Delzer:** What would the penalty be if there was supplantation? Legally to not put us in trouble, the general fund just needs to stay the same as it was last time?

**Teresa:** I can't answer that. That would be my interpretation. If I could add, on the social security money, if we look at what would be available during next biennium under that grant, the federal fiscal year for that is from Dec. through Nov., which I believe would give us \$200,000. We would also have a ??? ?? funds yet this biennium. \$33,333 will be applied to the current biennium.

**Chairman Svedjan:** So that would affect the total you show in the middle of this page, #3 p 6a, it would affect the 1.9 million, the totals there? Is the social security administration is a new granting source?

Teresa: Yes. Yes. Our current grants come the department of Education and the department of Health and Human Services.

Chairman Svedjan: For that \$66,666, part of that would be in the current biennium, will you have to get spending authority for that? Would that be the sum of money from April through July?

Teresa: Yes. Yes.

Vice-Chairman Delzer: If you're projecting carry over from this biennium, would you really need any spending authority?

Teresa: All of the funds that we would be receiving from the federal government and the state are in the budget. The carry over is what we're taking from this biennium into the next biennium.

Vice-Chairman Delzer: If you have carry over that you're projecting to take in, there should be no reason for us to worry about expanding your spending authority for this biennium.

Teresa: I don't know.

Chairman Svedjan: These funds become available in April, so do we need to handle that through this bill if the carry over funds cannot be used?

LC Allen: From their prospective, they would like some direction from the legislature as to how to spend those.

Chairman Svedjan: What would your recommendation be?

LC Allen: The funds should be appropriated, if there's less federal fund authority, you could reduce that.

Chairman Svedjan: Are there other limitations in the other federal granting sources that would disallow utilizing carry over funds in any of those area's until you get to \$66,666? Are you going to be in a position to implement this program in April?

Teresa: I don't think that will be a problem. I just didn't want to do anything to initiate a new grant without direction from the legislature. That's part of the reason why we don't have everything ready to go today. I don't know how we're going to implement the program, whether we will be using additional staff for that, or requesting additional staff, or contracting? We just got the information 2 days ago.

Rep. Kerzman: Are you turning people away? If this program became available, is there more people out there that you could service?

Teresa: We provide different levels of service for people, and try to give everyone a minimum of information or referral. A lot of people want more than that, and we're not able to provide that because of our limited resources.

Rep. Kerzman: You would be able to utilize this in that area then?

Teresa: Yes. (see attachment #3 p 1a)

Chairman Svedjan: You're showing here that it's all other funds that pay for your computer requests. What are the other funds? Are they federal? (on yellow sheet) What source of revenue are you using to pay for your copiers and typewriters?

Teresa: When we built the budget, we spread out some of the equipment cost throughout our funding sources. The majority is from federal funds. We have \$2,343 from state funds

Chairman Svedjan: Is that \$2,343 from the total of \$40,500?

Teresa: Yes, and any additional equipment that is included in our revised budget would be federal funds.

Vice-Chairman Delzer: We're what's considered a minimum allotment state?

Teresa: Yes, based on population.

**Chairman Syedjan:** What you're showing for the % of state funds to fund those positions, is there any requirement for a match on those or is this just how you spread the budget?

**Teresa:** There's not a requirement. The reason we did that is that it's very difficult to predict what kinds of service needs there are in a particular region and office. We give people some state time so that if they run out of mental health time, or DD time, or care time, they could still respond to those individuals needs using state dollars.

**Chairman Syedjan:** For those 6.78 FTE's that you show, could those be funded totally with federal dollars?

**Teresa:** Yes. One of the reasons that we put a lot of state dollars into our administrative staff, is that we have to track all of our resources that we use our federal money for. It's easier to pay my salary in state dollars, than to track how much is mental health time, DD time, or care time.

**Vice-Chairman Delzer:** You said you were using federal dollars first, and then they could roll over to state dollars and keep serving some of these. With the carry over are you going to have any general fund roll up?

**Teresa:** When we turned in our sheets, we predicted that we would not.

**Vice-Chairman Delzer:** And yet you say you have the option of doing that, but you're going to have \$71,000 of carry over of federal dollars?

**Teresa:** Yes.

**Vice-Chairman Delzer:** That \$760,000 that you currently have in your budget, where are you using that?

**Teresa:** The majority of that goes for the FTE's here, but also there are associated expenses with each of those FTE's. For example: Associated with my position are the expenses for rent and travel and etc... And those are tied back to how the FTE is funded.

**Vice-Chairman Delzer:** Does any of your time get turned in for CSCC?

**Teresa:** No.

**Vice-Chairman Delzer:** Are some of the clients the same as CSCC?

**Arvy:** Teresa, do you spend time with Special Ed. clients?

**Teresa:** Yes, we do work with a number of Special Ed children.

**Vice-Chairman Delzer:** The new social security program, are you going to have to do any reporting on that, are they expecting more people?

**Teresa:** They are executing reports as with our other federal programs. We are required to report annually on all of our activities. Each client, we have to collect demographic data and outcomes that we've achieved through that program for all of our clients.

**Vice-Chairman Delzer:** How much did your programs increase in federal funding last biennium?

**Teresa:** One of the things that may apply here is, for quite some time there was a large carry over of federal funds that was not being expended. Over the last couple of biennium's we have been including that in our budget and trying to expend that out. (attachment #3, p 4a)

**Chairman Svedjan:** In the general fund increase from your request to the Gov.'s recommendation is the salary package? 105?

**Teresa:** Yes.

**Arvy:** It's the salary package and then in addition we added the new pay grade levels in general funds and the Directors' salary in general funds.

**Vice-Chairman Delzer:** Doesn't match.

**Teresa:** There were \$\$ in risk management.

**Vice-Chairman Delzer:** On attachment C, your total wage increase is only \$38,649?

Teresa: The \$38,649 is the increase from the current biennium to next biennium that was requested by P & A. The next column over is the Gov.'s recommended budget and that's where the additional increases come in.

Vice-Chairman Delzer: The \$68,649 that you got in there, what is that tied to?

Arvy: That's the general fund portion of the salary package, so we would also have to add the federal fund portion of that.

Vice-Chairman Delzer: So you've boosted the request quite a bit?

Arvy: Yes, but the Gov.'s package and then those 2 adjustments and the officials salary.

Vice-Chairman Delzer: But they're separate. I don't understand the difference between the \$38 and the \$68?

Arvy: When P & A submitted their budget, they submitted it with a \$38,649 increase in salaries, before the 3 and 2.

Chairman Svedjan: So, that \$38,649 is in the figure to the right of that. It's just that it's been adjusted to fit within the 3 and 2.

Arvy: Yes. The \$38,649 wouldn't be adjusted, the 2 million is adjusted. The \$68,649 is on top of the \$38,649. You'd have their present budget in salary, then when P & A submitted their request they added \$38,649 to salary, and that was their request to the Gov. Then we took that and in addition we added \$102,461, \$26,236, \$10,313 and added all together.

Vice-Chairman Delzer: You added the 3 and 2 on top of their increase? Why?

Arvy: In the current biennium, that appointed elected official's adjustment was only effective for the last 6 months of the biennium. It just became effective Jan. 1st, 2001, so you had to fund that out for 18 months.

Teresa: We also had a number of individuals or employees in our agency that were affected by reclassifications. They were given equity increases based on the pool, from central personal. So those are now in our budget for the next biennium. (attachment D is a breakdown of all the operating) We're behind on operating.

Chairman Svedjan: Are you going to spend more on IT software in this biennium?

Corinne: Yes. Part of that is due to new projects in our IT plan. We have to purchase additional software to upgrade and renew our anti virus.

Chairman Svedjan: You are running behind in a # of areas relative to your budget.

Teresa: Yes, but some of those will catch up a little bit, because we're behind a month. In operating, in our budget for next biennium, about \$179,000 is from state funds, and the rest is budgeted from federal. (attachment #3, p 7a)

Chairman Svedjan: With regard to these 2-1/2 FTE's being requested, what's the breakout of funding to pay for those positions?

Teresa: These are 100% federal funds. This is the result of the increases that we were just made aware of a couple of weeks ago in our federal grants.

Vice-Chairman Delzer: With the current budget situation the way it is, if we reduced your general fund back to what it currently is, that would still give you a increase over what the Gov.'s budget is by \$91,000. How would you handle that?

Teresa: You're asking if we hold level on general funds? We'd make do.

Vice-Chairman Delzer: If that was done, would you want one more position?

Teresa: It would still be helpful to us to have additional authorization for more FTEs. And with that amount of money, probably 2.5 wouldn't be possible. Perhaps 1.5. Some of that might have to do with whether or not you hire someone right away on July 1st.



**Vice-Chairman Delzer:** Do you contract any of your advocacy work now?

**Teresa:** No.

**Chairman Svedjan:** Would Veterans affairs and Indian affairs commission also be in there?

**Vice-Chairman Delzer:** No.

**Arvy:** I'd like to clarify something I stated earlier. The increase in federal funds that they're looking at for next biennium based on all the new revenue, without the SSI stuff, is \$246,526, not the \$191,000 you were working off of.

**Vice-Chairman Delzer:** That's already in your budget?

**Arvy:** No, the \$246,000 is the new money that they're looking at for this new higher federal grant coming in. It's going to be the additional new money plus their carry over is going to increase from this biennium. It's really the \$246,000 minus the \$105,000.

**Teresa:** What you have before you is the law, and basically it's the same language that's in the regulations.

**Rep. Kerzman:** What's the general \$\$'s you're talking about? We're not talking about a large sum, are we?

**Chairman Svedjan:** The pink sheet, \$105,000, which would be the increase.

**Vice-Chairman Delzer:** That's the increase over what was there last session. Last session it was \$776,548. Arvy, the total increase over your \$2.574 million is \$246,000?

**Arvy:** Yes. In the Gov.'s budget, there are federal funds of \$1,693,022, and then on p1, their new projected roll is \$1,939,548. Social Security is on top of that.

**Teresa:** (attachment #3, p 8a) and (attachment #3, p 9a) (attachment #6)

**Arvy:** Teresa, on #3, p 6a, you show in the total projected revenue column \$1,939,548, and on p 8a in the P&A revised request you show \$1,925,937. Why are those different?

Teresa: The \$1,939 is what I projected to be the total revenue and the \$1,925 is what's in the budget with maintaining general funds, level, current biennium to next biennium, there is a difference of \$14,000, which will be carried over to the next biennium.

Vice-Chairman Delzer: I request an amendment to reduce the general fund by \$105,198. Reflect the new numbers on the federal money up to the \$1,939,548, and make the correction on the division salary market.

Chairman Svedjan: You've laid a request in front of us for 2.5 FTEs that would be funded totally out of federal dollars. That's salaries, benefits and all. (attachment #3, p 7a) This shows how you would allocate the cost for those 2.5 FTEs. Is this your budget for that?

Teresa: This is for the increased federal funds that we are already aware of.

Vice-Chairman Delzer: I request 1.5 FTE be added to the amendment list.

Rep. Warner: I would like to advocate an alternate amendment to put in the 2.5 FTE. I'm afraid with only 1 disability advocate for the whole state is worthless. It's such a huge geographical area, it makes more sense to have 1 in the east and 1 in the west.

Vice-Chairman Delzer: There's 22 employees there already and they have advocates all around.

Chairman Svedjan: There are \$2340 in general funds in the total request of \$40,500?

Teresa: Yes.

Vice-Chairman Delzer: It would probably be affected by our amendment if that passes or not?

Chairman Svedjan: Yes. We will stop our work on P&A today.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1014

House Appropriations Committee  
Human Services Division

☐ Conference Committee

Hearing Date February 5, 2001

Tape Number	Side A	Side B	Meter #
02-05-01 tape #2	40 - 1340		
Committee Clerk Signature <i>Angela Hall</i>			

Minutes:

The committee was called to order, and opened committee work on HB 1014.

Chairman Svedjan: Handed out two sets of amendments. This bill covers Protection and Advocacy.

Rep Delzer: Moves to adopt amendment 0101. Rep. Kempenich seconded.

Allen (LC): explained the amendment 0101. It adjusts the market equity salaries; funding source change increasing federal funds and reducing general fund; and provides additional federal funding for 1.5 FTE.

Arvy (OMB): Stated that she thought there was just authority to spend. (It was very difficult to pick up Arvy's conversation on the tape, she was speaking too quietly).

Rep. Warner: Comments that his amendment is different from Rep. Delzer's in that his offers one more FTE. Unsure as to the procedure he has to take.

(Discussion as to Social Security issue, between Arvy (OMB) and Allen (LC)).

Rep. Delzer: Not arguing about the agency taking the money if available, but they had talked about waiting until the bill got to the Senate, so we had a better feel. He won't have any problem putting in authority to \$233,000. We also talked about them coming to the emergency commission if they needed to in the meantime. Maybe that was just for this biennium. None of want for them not to be able to access the social security money.

Chairman Svedjan: There is \$66,000 that would be in the current biennium, and then \$100,000 in the first year of next biennium, and then \$33,000.

Rep. Kempenich: There's \$66,000 in the next biennium for the first year, and \$133,000 the second.

Arvy (OMB): There is \$66,000 yet this biennium, but they can only spend \$33,000 of that. Then there is a carry over of \$101,000 each year of the next biennium.

Vote on adopting amendment 0101: 5 yes, 1 no (Rep. Kerzman). Motion passes.

Rep. Warner: Moves to adopt amendment 0102, to increase FTE's. Rep. Kerzman seconded. His understanding that .5 position is a clerical position, so the one position advocated in amendment 0101 is dedicated for the city of Jamestown. The second position that this amendment adds is for the western part of the state, at the department's discretion.

Rep. Delzer: Is going to oppose this, and one of the reasons why is because if they add 2.5 persons, it takes almost all the money strictly for FTE's and maybe most of the work is done by FTE's but I am cautious of too many FTE's for the funding.

Rep. Kempenich: I can see where some of the caseloads were light and don't see much need to increase.

Chairman Svedjan: Handed out a copy provided by Protection and Advocacy.

Page 3  
Government Operations Division  
Bill/Resolution Number HB 1014  
Hearing Date February 5, 2001

Vote on amendment 0102 : 2 yes, 4 no (Reps. Svedjan, Delzer, Kempenich, Kliniske). Motion failed.

Rep. Delzer: Moves to further amend to allow the department to use the social security federal funds. Rep. Kerzman seconds.

Voice Vote to adopt this amendment : 7 yes, 0 no. Motion carries.

Rep. Kliniske: Moves DO PASS AS AMENDED. Seconded by Rep. Delzer.

Rep. Kliniski: Was reading the handout received from Protection and Advocacy. It talks about general fund/federal fund dollars. The reduction does not reduce this current spending, and does not remove funding from this biennium.

Vote on do pass as amended : 6 yes, 0 no. Motion passes.

Rep. Kliniski assigned to carry this bill to the full committee.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB1014**

House Appropriations Committee

☐ Conference Committee

Hearing Date February 7, 2001

Tape Number	Side A	Side B	Meter #
1	x		1661 - 2385
Committee Clerk Signature			

Minutes:

**APPROPRIATIONS COMMITTEE ACTION ON HB1014,**

**Rep. Kliniske:** HB1014 is the budget for the protection and advocacy project. A few changes were made, and the first change on amendment .0103 makes the adjustment for the market equity increases and removes \$ 2347.00 to get down to what you need to make those raises, the 2nd came after the hearing we were made aware that there were some additional federal funds that were going to made available to the protection advocacy project. \$245,526 in federal funds and also an additional \$200,000 from the social security administration of which \$33,000 additional funds were carry over from this year. When we add those two together, the additional federal funding is \$478,526. So assume that they were getting federal funding that was not expected and was not budgeted for, we removed the general fund increase from this year of \$105,198 which got them back to their base line budget for the 99 -2000. The third request was a request for 2.5 FTE's all which would have been federal funded, we did allow for funding of 1.5 FTE and that is

the amendments and I would move the amendments. Seconded by Rep.Svedjan. Any discussion?

**Rep. Elliot Glasshelm:** The request for 2.5 positions, and you allowed 1.5, was that extra one to be paid for out of the federal funds completely, or have we lost some of the federal funds if we don't fund the full time position?

**Rep. Amy Kliniske:** My understanding is that you draw down federal funds as you spend them, so were not sending back federal funding, one of our concerns was that the federal funding is sometimes pulled back after a program starts. The one extra FTE would be placed in Jamestown, and the second FTE was a request to be put out in the western part of the state, a couple of other concerns that were raised in committee was that perhaps we should be suggesting that they should move or look at contacting for that service in the western part of the state if its already available, and the other one was looking at the case loads that were out in the western part of the state and currently there are 47, and we did not feel that it merited another FTE.

**Rep. Elliot Glasshelm:** The full \$478,000 increase that is anticipated, that will then be spent potentially on contracting than an FTE, is that the plan?

**Rep. Amy Kliniske:** My understanding is that they can spend it however they want. Not on the additional FTE but they can spend it on programming. Teresa Larson, if I could ask you, could that be for contracting?

**Teresa Larson, Executive Director of the Protection Advocacy Project:** Actually it could be however it is put into the budget by the legislature, if we had the authorized FTE's we would be able to use it towards that, if not, we would not.

**Rep. Pam Guleson:** If you don't have the authorized FTE's, will you then use it towards contracting for those services out in western North Dakota where you felt the need was for an additional coverage?

**Teresa:** We really haven't had any discussions specific to contracting with regard to that specific FTE, because at the same time we were given additional authority to spend the additional federal funds that are coming in, the amendment as I understand them are decreasing our state funds or holding them even from the current biennium, and in which case I'm not sure that we would have the funds necessary for that additional FTE anyway.

**Rep. Francis Wald:** Is that position in western North Dakota in Dickinson? Is that where that person is stationed?

**Teresa:** There is currently one FTE in the Dickinson office and we are not looking at adding another FTE there.

**Rep. Mike Timm:** We have a motion to adopt the amendments. All those in favor of adopting the amendments say AYE. Voice vote. Motion carried. Rep. Kliniske moves the bill as amended, seconded by Rep. Svedjan. Any discussion? Clerk will call the roll as amended for a DO PASS. YES (21) NO (0) Motion passed. Rep. Kliniske will carry the bill to the floor.

**End of committee action on HB1004.**



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1014

Page 1, line 10, replace "2,574,768" with "2,715,096"

Page 1, line 11, replace "1,693,022" with "1,938,548"

Page 1, line 12, replace "881,746" with "776,548"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1014 - Protection and Advocacy Project - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy services	<u>\$2,674,768</u>	<u>\$140,328</u>	<u>\$2,715,096</u>
Total all funds	\$2,674,768	\$140,328	\$2,715,096
Less estimated income	<u>1,893,022</u>	<u>245,528</u>	<u>1,938,548</u>
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	1.50	23.50

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

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	FUNDING SOURCE CHANGE <sup>2</sup>	PROVIDE FUNDING FOR 1.5 FTE <sup>3</sup>	TOTAL HOUSE CHANGES
Protection and Advocacy services	<u>(\$2,347)</u>		<u>\$142,875</u>	<u>\$140,328</u>
Total all funds	(\$2,347)	\$0	\$142,875	\$140,328
Less estimated income		<u>102,851</u>	<u>142,875</u>	<u>245,528</u>
General fund	(\$2,347)	(\$102,851)	\$0	(\$105,198)
FTE	0.00	0.00	1.50	1.50

<sup>1</sup> This amendment reduces, from \$10,313 to \$7,988, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a monthly increase of \$379 and related fringe benefits for the last 18 months of the biennium.

<sup>2</sup> Adjustment related to revised projections of federal funds available for the 2001-03 biennium and to accept and spend federal funds available from the Social Security Administration.

<sup>3</sup> Provides federal funding for 1.5 FTE for the increased responsibilities associated with and to implement the Protection and Advocacy of Individuals With Mental Illness (PAIMI) program.

Date: 2-5-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HRB 1014

House House Appropriations, Human Resources Committee

☒ Subcommittee on Human Resources  
or  
☐ Conference Committee

Legislative Council Amendment Number 18014.0101

Action Taken to adopt amendment

Motion Made By Rep. Delzer Seconded By Rep. Kempenich

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KEN SVEDJAN	✓				
V. CHAIRMAN JEFF DELZER	✓				
REP. KEITH KEMPENICH	✓				
REP. JAMES KERZMAN		✓			
REP. AMY KLINISKE	✓				
REP. JOHN M. WARNER	✓				

Total (Yes) 5 No 1

Absent 0

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

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

to adopt amendment, explanation on the amendment.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1014

Page 1, line 10, replace "2,574,768" with "2,715,096"

Page 1, line 11, replace "1,693,022" with "1,938,548"

Page 1, line 12, replace "881,746" with "776,548"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Protection and Advocacy Project - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy services	<u>\$2,574,768</u>	<u>\$140,328</u>	<u>\$2,715,096</u>
Total all funds	\$2,574,768	\$140,328	\$2,715,096
Less estimated income	<u>1,693,022</u>	<u>245,528</u>	<u>1,938,548</u>
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	2.50	24.50

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

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	FUNDING SOURCE CHANGE <sup>2</sup>	PROVIDE FUNDING FOR 2.5 FTE <sup>3</sup>	TOTAL HOUSE CHANGES
Protection and Advocacy services	<u>(\$2,347)</u>		<u>\$142,675</u>	<u>\$140,328</u>
Total all funds	(\$2,347)	\$0	\$142,675	\$140,328
Less estimated income		<u>102,851</u>	<u>142,675</u>	<u>245,528</u>
General fund	(\$2,347)	(\$102,851)	\$0	(\$105,198)
FTE	0.00	0.00	2.50	2.50

<sup>1</sup> This amendment reduces, from \$10,313 to \$7,966, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a monthly increase of \$379 and related fringe benefits for the last 18 months of the biennium.

<sup>2</sup> Adjustment related to revised projections of federal funds available for the 2001-03 biennium and to accept and spend federal funds available from the Social Security administration.

<sup>3</sup> Provides federal funding for 2.5 FTE for the increased responsibilities associated with and to implement the protection and advocacy of individuals with mental illness (PAIMI) program.

Date: 2-5-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1014

House House Appropriations, Human Resources Committee

☒ Subcommittee on Human Resources  
or  
☐ Conference Committee

Legislative Council Amendment Number 18014.0102

Action Taken to adopt amendment

Motion Made By Rep. Warner Seconded By Rep. Kerzman

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KEN SVEDJAN		✓			
V. CHAIRMAN JEFF DELZER		✓			
REP. KEITH KEMPENICH		✓			
REP. JAMES KERZMAN	✓				
REP. AMY KLINISKE		✓			
REP. JOHN M. WARNER	✓				

Total (Yes) 2 No 4

Absent 0

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

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

to add FTE.

Date: 2-5-01  
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1014

House Appropriations Committee

☒ Subcommittee on Human Resources

or

☐ Conference Committee

Legislative Council Amendment Number 18014.0101

Action Taken DO PASS AS AMENDED

Motion Made By

Rep. Kliniske

Seconded  
By

Rep. Delzer

Representatives	Yes	No	Representatives	Yes	No
Chairman Ken Svedjan	✓				
Vice-Chairman Jeff Delzer	✓				
Rep. Keith Kempenich	✓				
Rep. James Kerzman	✓				
Rep. Amy Kliniske	✓				
Rep. John M. Warner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rep. Kliniske

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

Date: 2-7-01  
Roll Call Vote #: H 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1014

House APPROPRIATIONS

Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

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

Action Taken DO PASS AS AMENDED

Motion Made By KLINISKE Seconded By SVEDJAN

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✓		Rep - Thoreson	✓	
Rep - Gulleeson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 21 No 0

Absent 0

Floor Assignment KLINISKE

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

## JOURNAL OF THE HOUSE

23rd DAY

MTC fund	23rd DAY	23rd DAY
Total all funds	\$215,000	\$215,000
Less estimated income	\$215,000	\$215,000
General fund	\$215,000	\$215,000
FTE	1.00	1.00

1. This amendment replaces line 234,288 to \$2,171, the amount provided for a regular equity salary increase for the State Tax Commissioner. The amount included in the bill provides for a monthly increase of \$241 per month for the last 18 months of the biennium.

2. Revenue from the general membership and the caucus program portion of the Multistate Tax Commission less from operating expenses.

3. Funding is added for open membership in the Multistate Tax Commission, including membership in the audit program. A section is added providing for a Multistate Tax Commission fund consisting of collections of up to \$215,000 from the Multistate Tax Commission. The State Tax Commissioner is authorized to spend up to \$215,000 from the Multistate Tax Commission fund, and any remaining balance is transferred to the general fund. Repayment of the Tax Department indicates that membership in the commission will result in additional revenues of \$215,000 for support in the Multistate Tax Commission fund for the 2001-03 biennium in exchange of the amount included in the executive budget recommendation.

4. This amendment replaces line 234,288 to \$2,171, the amount provided for a regular equity salary increase for the State Tax Commissioner. The amount included in the bill provides for a monthly increase of \$241 per month for the last 18 months of the biennium.

## REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Tinn, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEARS, 0 DAYS, 0 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,574,768" with "2,948,096"

Page 1, line 11, replace "1,693,022" with "2,171,548"

Page 1, line 12, replace "881,746" with "776,548"

Remember accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Protection and Advocacy Project - House Action

EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy services	\$2,374,768	\$2,948,096
Total all funds	\$2,374,768	\$2,948,096
Less estimated income	1,693,022	2,171,548
General fund	581,746	\$776,548
FTE	22.00	23.50

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

ADJUST MARKET EQUITY SALARY INCREASE 1	FUNDING SOURCE CHANGE 2	PROVIDE FUNDING FOR ADMINISTRATION 3	SOCIAL SECURITY FUNDING 4	TOTAL HOUSE CHANGES
Protection and Advocacy services	(82,362)	\$42,675	\$23,000	\$83,313
Total all funds	(82,362)	\$42,675	\$23,000	\$83,313
Less estimated income	0	102,851	23,000	125,851
General fund	(82,362)	\$102,851	\$0	\$20,489
FTE	0.00	0.00	1.50	1.50

1. This amendment reduces from \$42,675 to \$20,489 the amount provided for a market equity salary increase for the director. The amount included in the bill provides for a monthly increase of \$379 and regular fringe benefits for the last 18 months of the biennium.

2. Adjustment related to reduced proportion of federal funds available for the 2001-03 biennium.

3. Provides federal funding for 1.5 FTE for the increased responsibilities associated with and to implement the protection and advocacy of individuals with mental illness program.

4. Estimated income is increased by \$23,000 to provide the agency with authority to accept or reject federal funds available from the Social Security Administration.

## REPORT OF STANDING COMMITTEE

HB 1020: Appropriations Committee (Rep. Tinn, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEARS, 2 DAYS, 0 ABSENT AND NOT VOTING). HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "4,717,780" with "4,735,223"

23rd DAY

THURSDAY, FEBRUARY 8, 2001

403

Page 1, line 17, replace "1,398,844" with "1,381,401"

Remember accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Historical Society - House Action

EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,717,780	\$4,735,223
Operating expenses	1,120,324	1,120,324
Equipment	185,744	185,744
Capital improvements	1,159,200	1,159,200
Grants	485,569	485,569
Capital improvements - Fort Buford	3,541,180	3,541,180
Yellowstone-Missouri-Fort Union	4,727	4,727
Commission	1,389,844	1,381,401
Leaves and Clerk Biennium	\$12,824,348	\$0
Total all funds	\$12,824,348	\$12,824,348
Less estimated income	\$5,544,946	\$5,544,946
General fund	\$7,029,402	\$0
FTE	56.00	(1.00)

Dept. 701 - Historical Society - Detail of House Changes

REMOVE NEW FTE - TRANSFER FUNDING TO SALARIES 1	TOTAL HOUSE CHANGES
Salaries and wages	\$17,443
Operating expenses	\$0
Equipment	\$0
Capital improvements	\$0
Capital improvements - Fort Buford	\$0
Yellowstone-Missouri-Fort Union	\$0
Commission	(17,443)
Leaves and Clerk Biennium	\$0
Total all funds	\$0
Less estimated income	\$0
General fund	\$0
FTE	(1.00)

1. This amendment removes a one FTE, historic line supervisor II position included in the Scraper and reaper budget recommendations as part of the department's Lewis and Clark Bicentennial studies. The Scraper and reaper budget recommendations include a general fund appropriation of \$17,443 to fund the position for the period July 1, 2002, through December 31, 2002. The funding is transferred from the Lewis and Clark Bicentennial line item to the salaries and wages line item with the intent that the department increase funding available for position No. 52, a historical architect (classified as a historic design director) position which the agency has had difficulty filling.

## REPORT OF STANDING COMMITTEE

HB 1021: Appropriations Committee (Rep. Tinn, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEARS, 1 DAY, 0 ABSENT AND NOT VOTING). HB 1021 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "2,174,070" with "2,008,000"

Page 1, line 18, replace "14,842,006" with "14,675,936"

Page 1, line 20, replace "7,445,006" with "7,278,936"

Page 1, line 23, replace "364,583" with "377,083"

Page 1, line 24, replace "364,583" with "377,083"

Page 2, line 1, replace "7,809,589" with "7,656,019"

Page 2, line 3, replace "15,206,589" with "15,053,019"

Page 2, replace lines 4 through 11 with:

"SECTION 2. FUNDING - INTERNATIONAL PEACE GARDEN AND THE INTERNATIONAL PEACE GARDEN FOUNDATION. The director of the parks and recreation department shall transfer from the amount appropriated in the International Peace Garden line item in subdivision 2 of section 1 of this Act a total of \$364,583 to

2001 SENATE APPROPRIATIONS

HB 1014



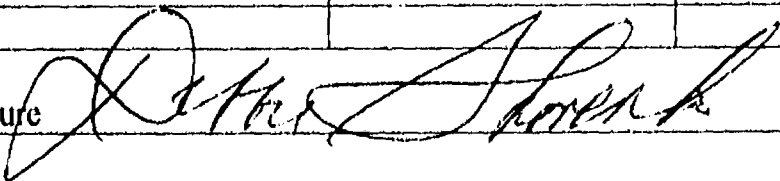
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1014

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 20, 2001

Tape Number	Side A	Side B	Meter #
2	X		4.8-32.8
Committee Clerk Signature 			

Minutes:

Senator Nething opened the hearing on HB 1014, Committee on protection and advocacy.

Teresa Larsen, Director, Protection and Advocacy Project (P & A), testified (testimony attached) in support of the bill.

Senator Heitkamp: The FTE position you are asking for, was this amended in the House and is funded with federal funds. What do we need to do now?

Teresa Larsen: Funded with spending authority through Social Security. The funds are there but not the FTE position.

Senator Heitkamp: No cost to the state.

Teresa Larsen: That's correct.

Senator Heitkamp: Is the demand going up, economic problem at home.

Teresa Larsen: Majority is children with special needs and services in the schools. We are not receiving needs.

Senator Bowman: Is the FTE included with the program? Can you balance if grant is lost?

Teresa Larsen: We rely on Federal Funds Programs. Over the years they have provided the additional moneys for these programs.

Senator Bowman: Included in the grant are available federal funds. Does this include staff with the demand. If the grants change can you reduce your staff?

Teresa Larsen: Yes, if staff is reduced, the grants are reduced.

Senator Thane: Awareness responsible with included demands?

Teresa Larsen: Yes. Regular offices around the state to work with parents and get referrals.

Senator Thane: Social Security, what dollars do they provide?

Teresa Larsen: The Social Security Act is large. Advocacy is small part of providing assistance with those already on Social Security benefits to understand procedures and return to work and get off benefits. Grant vague at this time.

Senator Solberg: Is travel included all around the state?

Teresa Larsen: We have eight offices around the state. Travel mainly to rural areas and reservations, and attending national conferences.

Todd Krana, testified in favor of the bill (attached map) stated the organizations representing areas around the state. He state this project is significant for services offered around the state.

Rose Stoller, Executive director of Mental Health Association in North Dakota, testified (testimony attached) and gave support for this bill.

Senator Schobinger: Looking at your budget, the House reduced FTE 1.5 by both Governor's budgets. Did the House include by 11.5 FTE over executive budget?

Teresa Larsen: After the bill went in the House, the request was made for FTE, about one month ago. We received information on this grant only two days before our second budget hearing in

the House and not enough time to plan for program implementation. We are requesting one FTE for this program and position will be paid by federal dollars.

Senator Andrist: On the budget in the House, there were 2.5 FTE positions funded by federal funds. The House gave you 1.5 FTE and took out \$102,000 from the general fund. The exact figure of \$102,851 was taken out. Without the general fund money you cannot get 2.5 FTE, but only the 1.5 FTE, is this correct.

Teresa Larsen: Yes this is correct, the House took out \$102,851 and 1 FTE position.

Senator Andrist: So the is balanced funding for the 1.5 FTE but you still need the 1 FTE, I'm a little confused on this.

Senator Tallackson: Did Federal Government Fund the 2.5 FTE?

Teresa Larsen: Yes but we did request 2.5 FTE which is the \$102,000 from the general funds. This amount funds salary and insurance for the next biennium.

Arvy Smith, OMB: To clear this up, the \$102,000 general funds are needed for federal funds. FTE from federal fund down to the general fund.

Senator Bowman: Changes the House made, can you run your department with those amendments for two years.

Teresa Larsen: We are only requesting 1 more FTE for Social Security Grant.

Jack McDonald, AARD, testified in support of the bill and the additional FTE position for Social Security.

Testimony was handed in by Corinne Hofmann to be included in the record.

With no opposition, the hearing was closed. Tape #2, Side A, meter 32.8.

3-28-01 Full Committee Action (Tape #1, Side A, Meter # 9.5-18.9)

Senator Nething reopened the hearing on HB1014 - Protection and Advocacy Committee.

Senator Kringstad, Chair of the Subcommittee reported its findings and presented amendments #18014.0201.

Discussion; Motion for the adoption of the amendments was made by Senator Kringstad; seconded by Senator Tallackson. Discussion.

Senator Kringstad moved DO PASS AS AMENDED; seconded by Senator Tallackson.

Discussion.

Roll Call Vote: 14 yes; 0 no; 9 absent and not voting.

Senator Tallackson accepted the floor assignment.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 7, after the second "of" insert "the committee on"

Page 1, line 8, after "advocacy" insert "and related"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1014 - Protection and Advocacy Project - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Protection and advocacy services	\$2,574,768	\$2,948,096		\$2,948,096
Total all funds	\$2,574,768	\$2,948,096	\$0	\$2,948,096
Less estimated income	<u>1,693,022</u>	<u>2,171,548</u>		<u>2,171,548</u>
General fund	\$881,746	\$776,548	\$0	\$776,548
FTE	22.00	23.50	1.00	24.50

**Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes**

	AUTHORIZE DISABILITIES ADVOCATE POSITION <sup>1</sup>	TOTAL SENATE CHANGES
Protection and advocacy services		
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	1.00	1.00

<sup>1</sup> Authorizes 1 FTE disabilities advocate position. This position is funded from and will be responsible for implementation of the Social Security Administration grant program. Increased spending authority of \$233,000 from the Social Security Administration is included in House Bill No. 1014 as amended and passed by the House.

Date: 3-28-01

Roll Call Vote #: \_\_\_\_\_

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1014**

Senate Appropriations Committee

☐ Subcommittee on \_\_\_\_\_  
or

☐ Conference Committee

Legislative Council Amendment Number 18014.0201

Action Taken As passed as amended

Motion Made By Senator Krumpton Seconded By Senator Tallackson

Senators	Yes	No	Senators	Yes	No
Dave Nothing, Chairman	✓				
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad	✓				
Ray Holmberg	✓				
Bill Bowman	✓				
John M. Andrist	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Senator Tallackson

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

**REPORT OF STANDING COMMITTEE**

**HB 1014, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 7, after the second "of" insert "the committee on"

Page 1, line 8, after "advocacy" insert "and related"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1014 - Protection and Advocacy Project - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Protection and advocacy services	\$2,574,768	\$2,948,096		\$2,948,096
Total all funds	\$2,574,768	\$2,948,096	\$0	\$2,948,096
Less estimated income	<u>1,693,022</u>	<u>2,171,548</u>		<u>2,171,548</u>
General fund	\$881,746	\$778,548	\$0	\$778,548
FTE	22.00	23.50	1.00	24.50

**Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes**

	AUTHORIZE DISABILITIES ADVOCATE POSITION <sup>1</sup>	TOTAL SENATE CHANGES
Protection and advocacy services		
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	1.00	1.00

<sup>1</sup> Authorizes 1 FTE disabilities advocate position. This position is funded from and will be responsible for implementation of the Social Security Administration grant program. Increased spending authority of \$233,000 from the Social Security Administration is included in House Bill No. 1014 as amended and passed by the House.

2001 TESTIMONY

HB 1014



**Department 360 - Protection and Advocacy Project**  
**House Bill No. 1014**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2001-03 Executive Budget	22.00	\$881,746	\$1,693,022	\$2,574,768
1999-2001 Legislative Appropriations	22.00	776,548	1,507,492	2,284,040 <sup>1</sup>
Increase (Decrease)	0.00	\$105,198	\$185,530	\$290,728

<sup>1</sup> The 1999-2001 appropriation amounts include \$46,360 from the general fund, for the agency's share of the \$5.4 million funding pool appropriated to the Office of Management and Budget (OMB) for special market equity adjustments for classified employees and \$544 from the general fund for the agency's share of the \$1.4 million funding pool appropriated to OMB for assisting agencies in providing the \$35 per month minimum salary increases in July 1999 and July 2000.

**Major Items Affecting Protection and Advocacy Project 2001-03 Budget**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
1. Provides increased salaries and wages funding based on the Central Personnel Division's salary market study for elected and appointed officials (director). The proposed increase is \$379 per month effective January 1, 2002. The total increase required for the biennium, including benefits, is \$7,968 or \$2,347 less than the executive recommendation.	\$10,313		\$10,313
2. Increases funding for the purchase of new computers and computer equipment.		\$29,000	\$29,000
3. Provides funding for minimum salary adjustments for 9 positions at new grades.	\$26,236		\$26,236

**Major Legislation Affecting the Protection and Advocacy Project**

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

**Department 360 - Protection and Advocacy Project**  
**House Bill No. 1014**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2001-03 Schafer Executive Budget	22.00	\$881,746	\$1,693,022	\$2,574,768
1999-2001 Legislative Appropriations	22.00	776,548	1,507,492	2,284,040
Increase (Decrease)	0.00	\$105,198	\$185,530	\$290,728

2001-03 Hoeven Executive Budget	22.00	\$881,746	\$1,693,022	\$2,574,768
Hoeven Increase (Decrease) to Schafer	0.00	\$0	\$0	\$0

The 1999-2001 appropriation amounts include \$45,360 from the general fund, for the agency's share of the \$5.4 million funding pool appropriated to the Office of Management and Budget (OMB) for special market equity adjustments for classified employees and \$544 from the general fund for the agency's share of the \$1.4 million funding pool appropriated to OMB for assisting agencies in providing the \$35 per month minimum salary increases in July 1999 and July 2000.

**Major Schafer Recommendations Affecting Protection and Advocacy Project 2001-03 Budget**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
1. Provides increased salaries and wages funding based on the Central Personnel Division's salary market study for elected and appointed officials (director). The proposed increase is \$379 per month effective January 1, 2002. The total increase required for the biennium, including benefits, is \$7,966 or \$2,347 less than the executive recommendation.	\$10,313		\$10,313
2. Increases funding for the purchase of new computers and computer equipment.		\$29,000	\$29,000
3. Provides funding for minimum salary adjustments for 9 positions at new grades.	\$26,236		\$26,236

**Major Hoeven Recommendations Affecting Protection and Advocacy Project 2001-03 Budget**  
**Compared to the Bill as Introduced (Schafer Budget)**

The Hoeven recommendation does not change the Schafer recommendation.

**Major Legislation Affecting the Protection and Advocacy Project**

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

**Department 360 - Protection and Advocacy Project**  
**House Bill No. 1014**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2001-03 Schafer Executive Budget	22.00	\$881,746	\$1,693,022	\$2,574,768
1999-2001 Legislative Appropriations	22.00	776,548	1,507,492	2,284,040 <sup>1</sup>
Increase (Decrease)	0.00	\$105,198	\$185,530	\$290,728

2001-03 Hoeven Executive Budget	22.00	\$881,746	\$1,693,022	\$2,574,768
Hoeven Increase (Decrease) to Schafer	0.00	\$0	\$0	\$0

<sup>1</sup> The 1999-2001 appropriation amounts include \$45,360 from the general fund, for the agency's share of the \$5.4 million funding pool appropriated to the Office of Management and Budget (OMB) for special market equity adjustments for classified employees and \$544 from the general fund for the agency's share of the \$1.4 million funding pool appropriated to OMB for assisting agencies in providing the \$35 per month minimum salary increases in July 1999 and July 2000.

**Major Schafer Recommendations Affecting Protection and Advocacy Project 2001-03 Budget**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
1. Provides increased salaries and wages funding based on the Central Personnel Division's salary market study for elected and appointed officials (director). The proposed increase is \$379 per month effective January 1, 2002. The total increase required for the biennium, including benefits, is \$7,966 or \$2,347 less than the executive recommendation. (The House reduced this amount by \$2,347 for the market equity adjustment.)	\$10,313		\$10,313
2. Increases funding for the purchase of new computers and computer equipment.		\$29,000	\$29,000
3. Provides funding for minimum salary adjustments for 9 positions at new grades.	\$26,236		\$26,236

**Major Hoeven Recommendations Affecting Protection and Advocacy Project 2001-03 Budget**  
**Compared to the Bill as Introduced (Schafer Budget)**

The Hoeven recommendation does not change the Schafer recommendation.

**Major Legislation Affecting the Protection and Advocacy Project**

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

**Summary of Legislative Changes Resulting From First House Action**

See Statement of Purpose of Amendment (attached).

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1014 - Funding Summary**

	<b>Executive Budget</b>	<b>House Changes</b>	<b>House Version</b>
Protection and Advocacy Project			
Protection and advocacy services	\$2,574,768	\$373,328	\$2,948,096
Total all funds	\$2,574,768	\$373,328	\$2,948,096
Less estimated income	1,693,022	478,526	2,171,548
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	1.50	23.50
Bill total			
Total all funds	\$2,574,768	\$373,328	\$2,948,096
Less estimated income	1,693,022	478,526	2,171,548
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	1.50	23.50

**House Bill No. 1014 - Protection and Advocacy Project - House Action**

	<b>Executive Budget</b>	<b>House Changes</b>	<b>House Version</b>
Protection and advocacy services	\$2,574,768	\$373,328	\$2,948,096
Total all funds	\$2,574,768	\$373,328	\$2,948,096
Less estimated income	1,693,022	478,526	2,171,548
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	1.50	23.50

**Department No. 360 - Protection and Advocacy Project - Detail of House Changes**

	<b>Adjust Market Equity Salary Increase<sup>1</sup></b>	<b>Funding Source Change<sup>2</sup></b>	<b>Provide Funding For 1.5 FTE<sup>3</sup></b>	<b>Social Security Administration Funding<sup>4</sup></b>	<b>Total House Changes</b>
Protection and advocacy services	(\$2,347)		\$142,675	\$233,000	\$373,328
Total all funds	(\$2,347)	\$0	\$142,675	\$233,000	\$373,328
Less estimated income	0	102,851	142,675	233,000	478,526
General fund	(\$2,347)	(\$102,851)	\$0	\$0	(\$105,198)
FTE	0.00	0.00	1.50	0.00	1.50

<sup>1</sup> This amendment reduces, from \$10,313 to \$7,966, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a monthly increase of \$379 and related fringe benefits for the last 18 months of the biennium.

<sup>2</sup> Adjustment related to revised projections of federal funds available for the 2001-03 biennium.

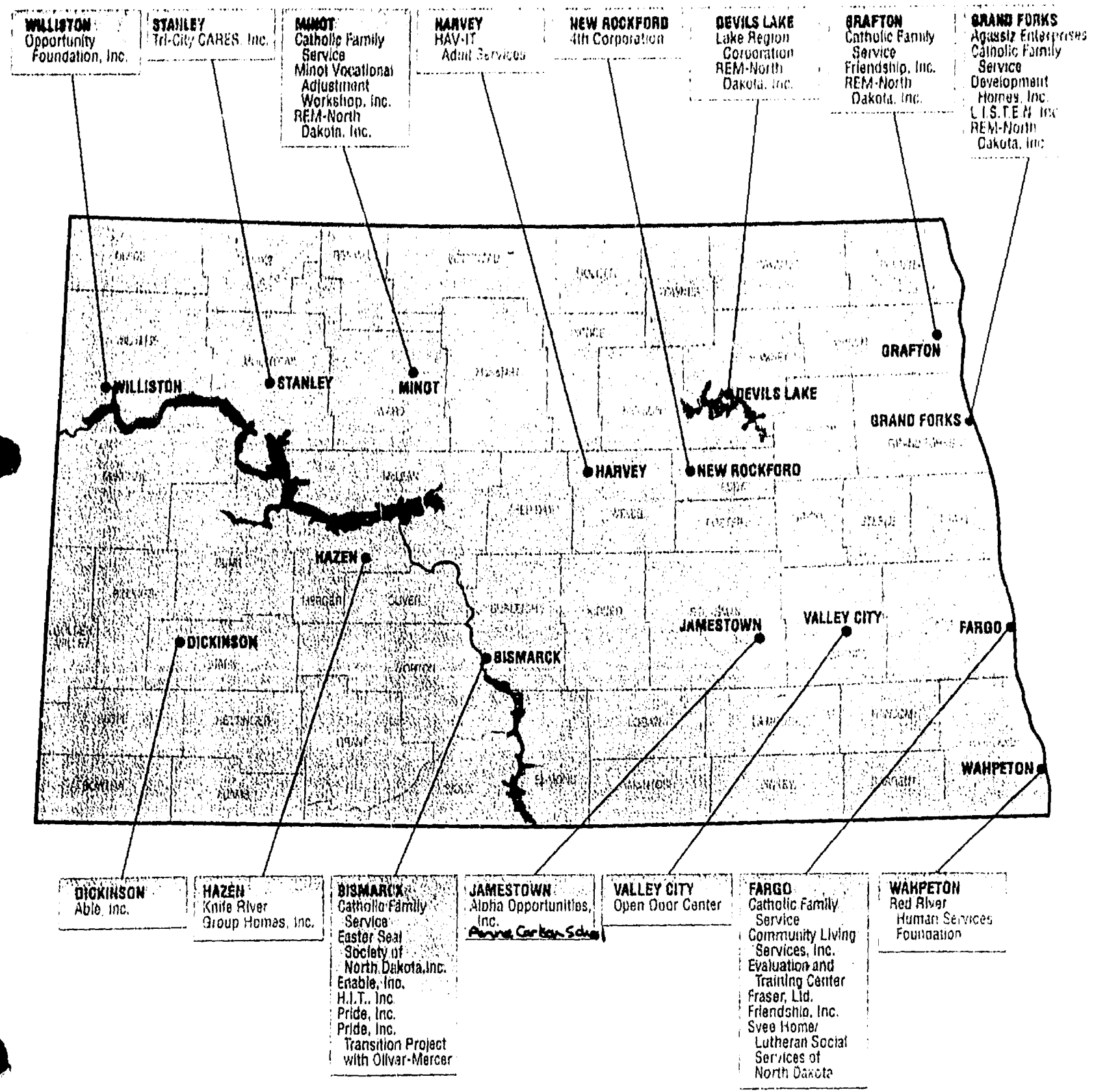
<sup>3</sup> Provides federal funding for 1.5 FTE for the increased responsibilities associated with and to implement the protection and advocacy individuals with mental illness (PAIMI) program.

02/09/01

Estimated income is increased by \$233,000 to provide the agency with authority to accept and spend federal funds available from the Social Security Administration.

HB 1018

# NDacf



Todd KNAHA

**HB 1014**  
**Protection & Advocacy Project**

**January 12, 2001**

Good morning Chairman Svedjan and members of the Human Resources Division of House Appropriations. I am Teresa Larsen, the Executive Director of the Protection and Advocacy Project (P&A). During my testimony today, I will highlight P&A's services, major accomplishments and, of course, the budget.

**Services**

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

During the federal fiscal years 1998, 1999 and 2000, P&A provided information and referral services to 3,811 individuals (1998 = 1,282; 1999 = 1,288; 2000 = 1,241). For these same three years, 919 training sessions were provided to 10,999 people. Participants included individuals with disabilities, family members, guardians, law enforcement personnel, private service providers, case managers, school personnel, and related professionals. Training topics included disabilities-related rights, problem-solving and communication skills, and advocacy skills.

Attachment "A" provides information on the numbers of individuals provided with representation or protective services over the last three

federal fiscal years. There was a significant increase in the year 2000. The most frequent case problem areas addressed included: abuse, neglect and exploitation; habilitation/treatment services; education-related services; and disability benefits. As identified in Attachment "B", P&A experiences a high percentage of problem resolution for its clients.

### **Major Accomplishments**

- P&A has continued its partnership with developmental disabilities service providers and the Disabilities Division to bring more providers onto the *level system* for responding to alleged abuse, neglect and exploitation of individuals with disabilities. The *level system* streamlines process and paperwork while promoting quality care. The *level system* has also been initiated at the State Hospital.
- P&A wrote and, in collaboration with other Federal, State and private entities, published and printed a manual titled *Higher Education in North Dakota: A Resource Guide for Students with Disabilities*.
- P&A and its Mental Health Advisory Council have continued their partnership with the State Hospital to address issues related to the transport of individuals with mental illness. Data was collected from 8/98 through 5/99 on mental health transports to the State Hospital. A second round of data collection was initiated in November of 2000.
- In collaboration with local school districts around the State, P&A has conducted *Common Ground* training sessions for parents, teachers (regular and special education) and school administrators. Several *Common Ground* sessions have been held on North Dakota Indian reservations.
- P&A has facilitated an informal task force to address the issue of including sexual predators with mental retardation into existing State law. Representatives from State and private agencies, along with disabilities advocates, worked together to reach consensus with the Attorney General's office on proposed amendments.



- P&A has shown to achieve a high percentage of problem resolution for its clients and a high level of satisfaction, by clients, with P&A's services.
- P&A has worked collaboratively with the Aging Services Division to clarify roles and responsibilities of each agency in addressing reports of alleged abuse and neglect of vulnerable adults. A joint staff training session has been conducted with more planned.
- P&A has been working collaboratively with the Disabilities Division to develop a data base for abuse and neglect information.
- 10% of P&A's representation is provided to individuals with disabilities who are Indian.
- Development of an agency data base to track client information and non-case activities.

### **The Budget**

Attachment "C" provides a budget overview for the current and next biennium. We submitted our budget request to the Governor for 2001-2003 with level general funding, no requests for additional FTE's, and no optional adjustment requests. The Governor's recommended budget includes an additional \$102,461 for employee salary increases, associated benefits, and increased health insurance premiums. This includes \$33,812 in federal funds and \$68,649 in general funds.

The Governor's budget also underfunds P&A's pay plan by \$33,812 (the increase allocated to federal funds). While Congress recently approved budgets that include increases for P&A's advocacy programs, the amount of our current and future Federal grants remains unknown at this time, with the exception of the AT Advocacy Program which is level funded. We hope to be able to make up the underfunding with increased federal monies. It will be difficult, however, for us to also find funds within the budget to provide for "optional" employee salary increases. P&A has a small staff (some offices have only one person to serve an entire region) and a very

low employee turn-over rate. When we do experience a vacancy, we fill it as soon as possible.

The requested increases in our operating budget are detailed in Attachment "D". The major increases are for: 1) travel for staff, the governing board and advisory council, 2) Information technology, and 3) professional services. Corinne Hofmann, our IT Coordinator, will discuss our IT plan and its budget with you in a bit.

The increased travel costs are attributed to increased mileage rates charged by State motor pool, increased outreach to rural areas and the reservations, and travel by governing board and advisory council members to their meetings and national conferences.

The professional services area of the budget includes funding for the following more major items: client satisfaction surveys conducted by Minot State University (\$13,000), Central Legal Research at UND Law School (\$41,576), legal-related costs and legal services (\$30,000). Additional funds are included for interpreter services, 24-hour emergency answering service, courier services, and professionals to conduct staff training.

Equipment funds (>\$750) will be used for IT as well as for the replacement of several regional office copy machines.

The proposed budget for 01-03 retains the same federal and general funds ratio of total expenditures as the 99-01 budget.

	97-99		99-01		01-03	
federal funds	1,262,069	64%	1,507,492	66%	1,693,022	66%
general funds	697,048	36%	776,548	34%	881,746	34%
TOTAL	1,959,117		2,284,040		2,574,768	

### Social Security Grant

In 1999, The Ticket to Work and Work Incentives Improvement Act, commonly known as "TWWIIA", was passed by Congress. The purpose of the law is to help people with disabilities get into the work force. A piece of the law addresses "work incentives planning, assistance and outreach". The

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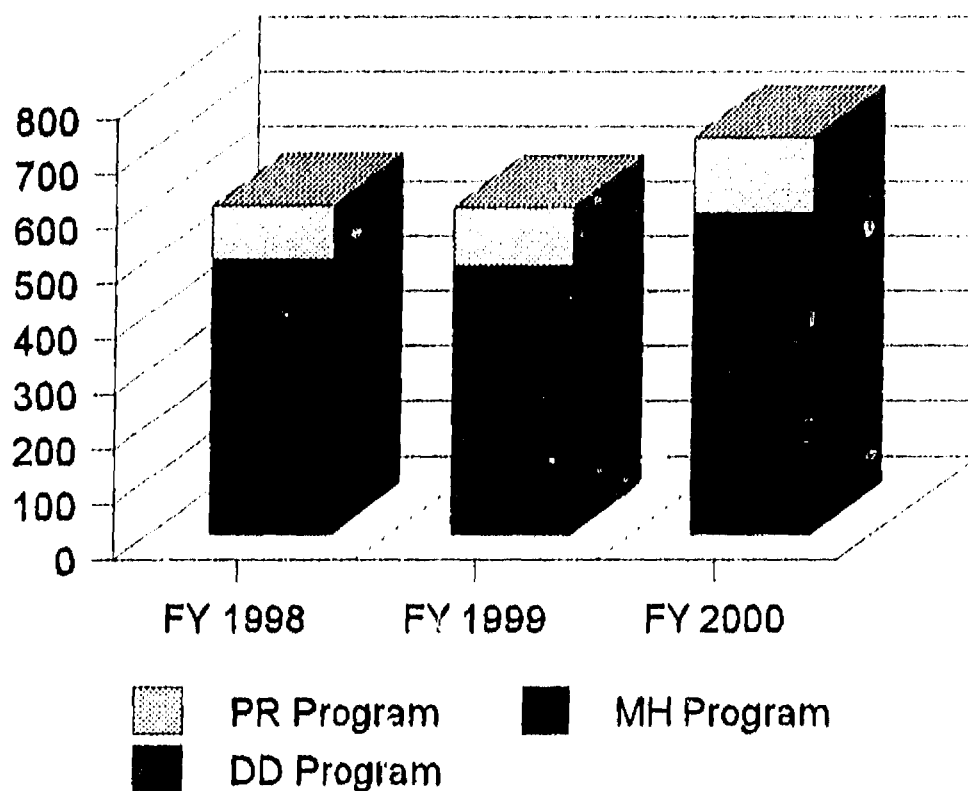
P&A in every state and territory is to receive a federal grant to provide social security beneficiaries with disabilities: 1) "information and advice about obtaining vocational rehabilitation and employment services", and 2) "advocacy or other services that a beneficiary with a disability may need to secure or regain gainful employment".

The details for this grant remain unknown at this time. Federal officials indicated that we would receive the application last summer, then in the fall, and then at the end of 2000. We still have not received the application. Without more specific information about dollar amounts and role responsibilities, I found it impossible to include this grant in P&A's 01-03 budget request. I will bring this information forward when it is made available to me.

This concludes my prepared remarks. I want to thank you for your time, interest and support of the Protection & Advocacy Project. I will glad to answer any questions.

## Advocacy Cases

P&A Disabilities Advocates, located in eight regional offices, provide assistance and representation to individuals with disabilities in identified priority areas. These include abuse, neglect & exploitation (protective services); education; habilitation & treatment services; health care and financial entitlements. The number of individuals with disabilities served by P&A increased significantly in federal fiscal year 2000.



Individual & Class Action Cases				
Federal Fiscal Year	DD Program	MH Program	PR Program	TOTAL
2000	430	152	139	721
1999	333	153	107	593
1998	340	172	100	597

class action cases included above:

2000 = 34 DD, 1 MH

1999 = 12 DD

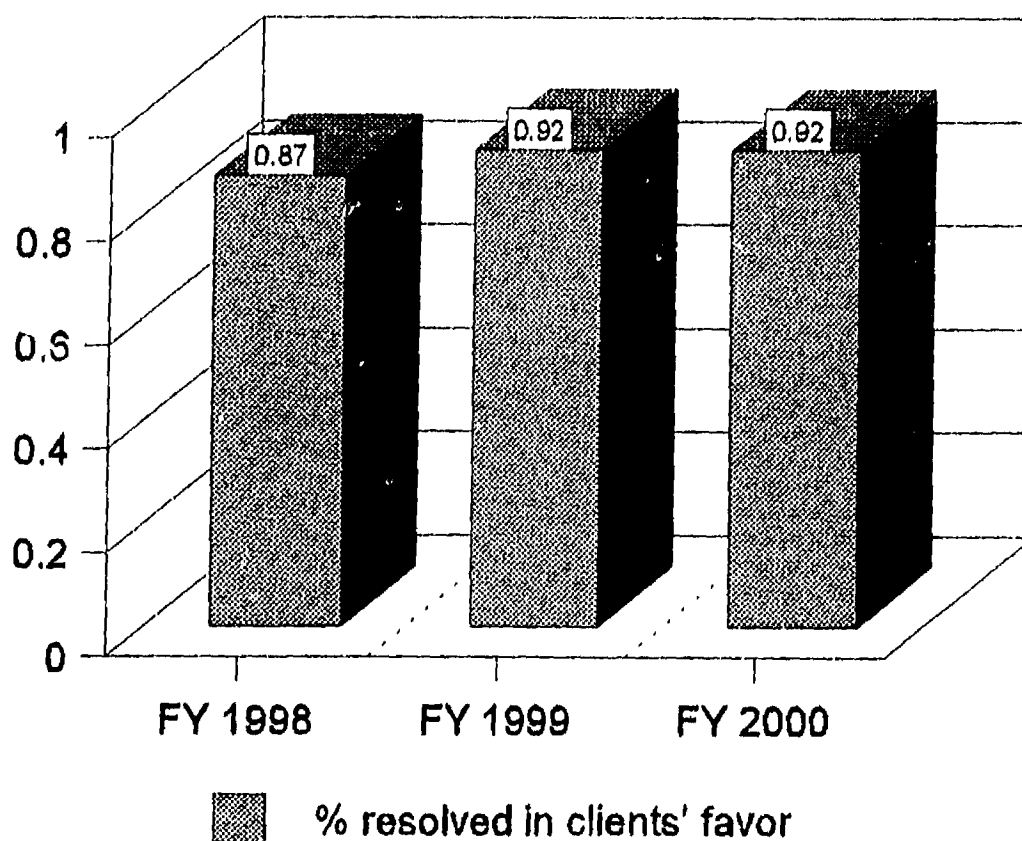
1998 = 28 DD

## Problem Resolution

Any one case (individual or group of clients served) may have more than one case problem area. For example, a student with a disability may be experiencing problems with special education services in school while also needing help with guardianship issues.

Favorably Resolved Case Problem Areas/Total Closed Case Problem Areas  
(for individual clients)

	FY 1998	FY 1999	FY 2000
DD Program	295 307	282 286	444 473
MH Program	88 126	126 156	116 134
PR Program	52 67	56 64	69 79
TOTAL	435 500	464 506	629 686



**HB 1014**  
**Protection & Advocacy Project**  
**January 12, 2001**

Good morning Chairman Svedjan and members of the Human Resources Division of House Appropriations. I am Cindy Vollmer, Acting Chair of the Committee on Protection & Advocacy, governing board of the Protection & Advocacy Project. I am also the parent of a young adult with disabilities.

The Protection & Advocacy Project (P&A) is a state agency charged with protecting and advocating for the rights of individuals with disabilities of all ages. Initiated in 1977 through a federal grant specific to people with developmental disabilities, it has grown through additional federal dollars for people with mental illness and other disabilities, as well as through support from the State of North Dakota. P&A also receives a federal grant to advocate for the assistive technology needs of people with disabilities.

The seven-member governing board is made up of appointments from the Governor (2 members), the Legislative Council (2 members), The Arc of North Dakota, the Mental Health Association in North Dakota, and People First of North Dakota. In addition P&A has an Advisory Council for the Mental Health Advocacy Program. A consumer, Bob Puyear, serves as a liaison between P&A and the State's Interagency Program for Assistive Technology, which is in the Department of Human Services' Disabilities Division.

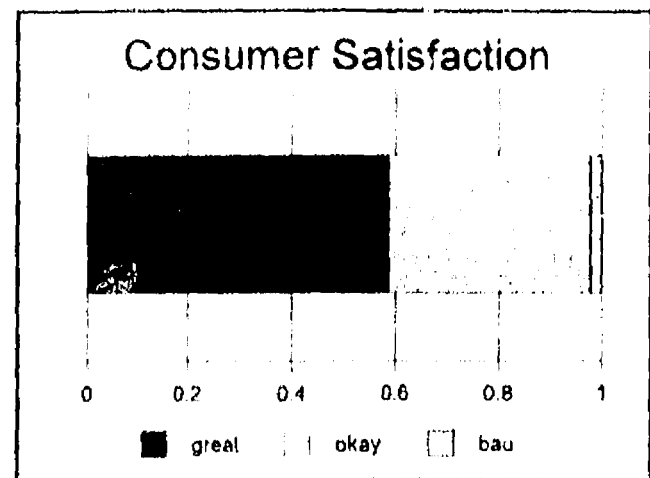
The governing board is broad-based and seeks out feedback from many constituencies. It develops rules, adopts policies, and sets the direction for the agency. The Mental Health Advisory Council and Assistive Technology Liaison consult with the governing board as well as agency staff.

The role of P&A requires careful balancing. It requires staff to be assertive enough to "get the job done" on behalf of its clients while, at the same time, develop and maintain positive working relationships with service providers, administrators, and policymakers. P&A staff have become

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increasingly effective at this. Complaints have dwindled from schools and service providers who seem to have a better understanding of P&A's role and responsibilities. There have been no formal complaints in the past couple of years.

At the same time, consumers, parents and guardians are satisfied with the services provided by P&A. In federal fiscal year 2000, 53 individuals responded to a survey completed by the Center for Persons with Disabilities at Minot State University. Of these, 58.7% indicated that P&A did "great" at meeting their expectations, 39.1% thought P&A did "okay", and 1 person said P&A did "bad". This is an outstanding response to services.



P&A provides support to individuals with disabilities and consumer organizations through training and technical assistance. P&A actively collaborates with other State entities including the Department of Public Instruction, many divisions within the Department of Human Services, the Attorney General's Office, etc.

The P&A budget recommended by Governor Hoeven is the same as the budget proposed by Governor Schafer. They both underfund the pay plan by \$33,812. Recent budgets passed by Congress included increases in federal grants for P&A's advocacy programs which may make up for some of the shortfall. Our Executive Director, Teresa Larsen, will present more on the budget during her testimony.

On behalf of the Committee on Protection & Advocacy, I want to thank you for your support of the Project and its work. I will be glad to answer any questions. Thank you.

TESTIMONY BEFORE THE HOUSE HUMAN RESOURCES DIVISION  
OF THE APPROPRIATIONS COMMITTEE  
REGARDING HB 1014  
JANUARY 12, 2001

Chairman Svedjan and members of the Committee. I am Raylynn Lauderdale, Executive Director for *People First of North Dakota*. *People First* is a statewide self-advocacy organization working to enhance the quality of life for people with disabilities.

*The Protection & Advocacy Project* has played a major part in establishing and providing a network of support to nurture the evolution of self advocacy in North Dakota. Though self advocates have begun to speak up for themselves, many people in our society still equate disability with inferiority . . . with the idea that something is broken and must be fixed. Due to this predominant attitude when dealing with people with disabilities, an individual's voice may not be heard. And if it is heard, it doesn't count. *The Protection & Advocacy Project* is an organization that lends its "voice" to those ignored . . . to those abused and not cared for . . . to those not recognized as valuable to society. It's the "David" that goes against "Goliath" for many people with disabilities across our state.

Yet, the most important thing that *Protection & Advocacy* gives to *People First* members statewide, is the commitment of the staff who strive to enhance the quality of life for people with disabilities. They work to provide the tools for people with disabilities to become their "own best advocate." And one of the greatest tools provided is "knowledge." What is abuse? What is neglect? What are rights? For too many years people with disabilities have lived without knowing the answers to these questions. *Protection & Advocacy* works diligently to provide these answers.

Therefore, each dollar that you allocate to fund the *Protection & Advocacy Project* is an investment in the future of those whose lives have been limited by attitudes, abuse, ignorance, and misconceptions.



*Protection & Advocacy* works collaboratively with many organizations to accomplish what each of us alone could not. Rather than undertake projects alone, they motivate others to join together to reach a common goal.

In closing, I believe the following sums up the work of *The Protection & Advocacy Project*:

**TEAMWORK** means that we share a common ideal and embrace a common goal. Regardless of our differences, we strive shoulder to shoulder, confident in one another's faith, trust and commitment. In the end, teamwork can be summed up in five short words...  
"we believe in each other."

Respectfully,

Raylynn Lauderdale  
People First of North Dakota  
400 E. Broadway, Suite 515  
Bismarck, ND 58501  
701-250-6745

Chairman Svedjan and members of the Committee:

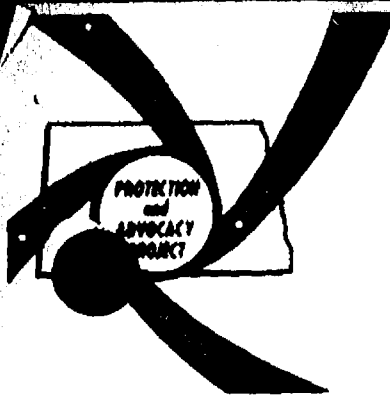
My name is Carlotta McCleary and I am from Bismarck, ND.

I am hear today to testify in support of Protection and Advocacy Project. My husband and I have been helped by Protection and Advocacy. We needed help to get the services our son needed. They helped us understand what our rights were as well as all our options.

When families are given information and support in advocacy they can truly be a partner with services providers. Families and consumers are on a more even playing field with the providers and systems in which they are involved.

When we work together truly as partners the needs of consumers are really met. Families and consumers really need the help of P&A to level the playing field so they can become true partners in the System of Care. Thank you for your time.

Carlotta McCleary  
3803 Renee Drive  
Bismarck, ND 58503



# Protection and Advocacy Project

400 East Broadway - Suite 616

Bismarck, ND 58501-4073

(701) 328-2950

TO: Human Resources Division of House Appropriations

FROM: Teresa Larsen, *TJL* Executive Director

DATE: January 22, 2001

RE: HB 1014 - Appropriations for the Protection & Advocacy Project

Attached are several pieces of information requested by the committee at P&A's appropriations hearing held 1/12/01. Please find:

- Itemized list of equipment >\$750 as requested for the 01-03 biennium
- Table detailing advocacy & protective services cases by program and region for federal fiscal year 2000
- Table detailing FTE's by office and funding source
- Updated Attachments C & D from my testimony (attachments supplied by me on 1/12/01 provided information through November 2000; updated tables provide information through December 2000)

Also attached is documentation (dated 1/22/01) that provides:

- federal grant information for 2001
- revised revenue projections for the 2001-2003 biennium (based on increases in federal grants)
- a revised budget request for the 2001-2003 biennium (including authorization for an additional 2.5 FTE's)

I apologize if the revised funding (and FTE) request causes any confusion. The amounts of the federal grants for the DD, MH and PAIR programs were not made known to us until last week. I sincerely appreciate your consideration of this revised request. I will, of course, be available to discuss the matter with you and answer any questions. Thank you.

**PROTECTION AND ADVOCACY  
EQUIPMENT  
2001-2003 Budget**

**IT-Related EQUIPMENT >\$750 (Detail)**

8 Desktop Computers	\$1,600 @	\$12,800
1 Desktop Computer-Special Needs	\$2,000	\$2,000
3 Laptop Computers	\$2,500 @	\$7,500
Scanner (State Office)	\$3,500	\$3,500
Printer (State Office)	\$3,200	\$3,200
		<hr/>
<b>SubTotal</b>		<b>\$29,000</b>

**Other EQUIPMENT >\$750 (Detail)**

3 Copiers (Regional Offices)	\$3,500 @	\$10,500
1 Typewriter (State Office)	\$1,000	\$1,000
		<hr/>
<b>SubTotal</b>		<b>\$11,500</b>

<b>TOTAL EQUIPMENT &gt;\$750</b>	<b>\$40,500</b>
----------------------------------	-----------------

(Back-up product and price information available upon request.)

**Protection & Advocacy Project - Federal Fiscal Year 2000 (10/1/99 - 9/30/00)**

<b>P&amp;A Office</b>	<b>Clients Served*</b>			
	<b>DD</b>	<b>MH</b>	<b>PR</b>	<b>TOTAL</b>
Region I (Williston)	44	12	17	<b>73</b>
Region II (Minot)	30	11	22	<b>63</b>
Region III (Devils Lake)**	23	3	7	<b>33</b>
Region IV (Grand Forks/Dev Ctr)	82	3	2	<b>87</b>
Region V (Fargo)	52	30	32	<b>114</b>
Region VI (Jamestown)	37	35	14	<b>86</b>
Region VII (Bismarck)	135	51	32	<b>218</b>
Region VIII (Dickinson)	27	7	13	<b>47</b>
<b>TOTAL</b>	<b>430</b>	<b>152</b>	<b>139</b>	<b>721</b>

\*prot. services/advocacy representation; Includes 35 class action cases \*\* position vacant several months (staff turn-over)

Casework is shared between regions when necessary and practicable. For example, some of Bismarck's cases were managed by Dickinson but still counted in Bismarck's statistics. In addition to protective services & advocacy representation, during fed. FY 2000, P&A staff provided I&R to 1,241 individuals and 219 training sessions to 2,418 participants.

<b>P&amp;A Positions</b>	<b>FTE's by Funding Source</b>					
	<b>DD</b>	<b>MH</b>	<b>PR</b>	<b>AT</b>	<b>ST</b>	<b>TOTAL</b>
Region I (1 adv, .5 sec)	.75	.375	.375			1.5
Region II (1 adv)	.3	.4	.3			1
Region III (1 adv)	.5	.25			.25	1
Region IV (2 adv's)	1	.75			.25	2
Region V (3 adv's)	.75	1.5	.5		.25	3
Region VI (2.5 adv's)	.55	1.5	.2		.25	2.5
Region VII (2 adv's)	.5	.75	.25		.5	2
Region VIII (1 adv)	.5	.25	.25			1
Admin (1 dir, 1 ass't dir, 1 fiscal mgr, .5 IT coor, 1.5 sec)				.17	4.83	5
Legal (2 attny's)	.4	.4	.3	.6	.3	2
Educ Coor (1 coor)	.25	.25	.25	.1	.15	1
<b>TOTAL</b>	<b>5.5</b>	<b>6.425</b>	<b>2.425</b>	<b>.87</b>	<b>6.78</b>	<b>22</b>

# Protection & Advocacy Project - HB 1014

Attachment C

		99-01 Biennium		01-03 Biennium		
	budgeted	\$ spent thru 12/00*	% spent thru 12/00*	P&A request		Governors' recommended budget
				\$	increase	
salaries	1,397,223	1,020,093	73%	1,429,344	32,121	1,520,389
benefits	436,489	318,678	73%	442,217	5,728	490,182
temporary	7,000	4,125	59%	7,800	800	7,800
TOTAL WAGES	1,840,712	1,342,896	73%	1,879,361	38,649	2,018,371
TOTAL OPER.	419,668	276,035	66%	512,325	92,657	515,897
TOTAL EQUIP.	23,660	10,310	44%	40,500	16,840	40,500
AGENCY TOTAL	2,284,040	1,629,240	71.3%	2,432,186	148,146	2,574,768
<b>FUNDING SOURCE</b>	allocated					
general funds	776,548			776,548	0	881,746
federal funds	1,507,492			1,655,638	148,146	1,693,022
TOTAL	2,284,040			2,432,186	148,146	2,574,768

\* thru 12/00 = 75% of the 99-01 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone)

1/17/01

# P&A Operating Budget

Attachment D

	99-01 Biennium			01-03 Biennium		Notes
	budgeted	\$ spent thru 12/00	% spent thru 12/00*	P&A request	Governor's recommendation	
IT/data process	2,000	1,842	92%	650	650	Some IT costs initially entered here; now in IT
IT/telephone	35,515	31,053	87%	70,440	70,440	refer to testimony re: IT
travel	89,095	61,811	69%	106,675	106,675	+ 's: board/adv. coun. (\$6,700) & staff (\$10,880)
IT/softw & supp's	5,050	515	10%	20,155	20,155	refer to testimony re: IT
postage	12,400	7,958	64%	11,850	11,850	
IT/cont. serv's	15,000	10,554	70%	26,493	26,493	refer to testimony re: IT
equipmt. lease	1,250	100	8%	200	200	
office/booth rent	102,908	76,840	75%	106,390	106,390	+ 's requested by landlords
dues/prof. serv's	16,000	17,805	111%	23,350	23,350	+ 's = prof. dev., attny's lic's, consumer stipends
operating fees	18,145	7,493	41%	5,545	5,545	UND costs initially entered here; now in prof. serv
repairs	10,000	6,210	62%	9,325	9,325	
prof. services	69,950	33,448	48%	97,627	97,627	+ 's = courier, client surveys, 24-hr. answering service, UND legal research, legal services
insurance	600	495	83%	600	4,172	Gov's + is for risk mgt. (P&A forgot it!)
office supplies	16,570	8,356	50%	11,600	11,600	
printing	14,335	5,217	36%	11,875	11,875	
prof. supplies	8,850	4,845	55%	8,650	8,650	
misc. supplies	2,000	1,491	75%	900	900	
<b>TOTAL</b>	<b>\$419,668</b>	<b>\$276,035</b>	<b>66%</b>	<b>\$512,325</b>	<b>\$515,897</b>	

\* thru 12/00 = 75% of the 99-01 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone)

□ shaded items means an increase was requested for 01-03

1/17/01

## Protection & Advocacy Project

1/22/01

### Federal grant information (received the week of 1/15/01):

Income Source	2001 Grant	2000 Grant	Increase
DD Grant*	\$287,572.00	\$267,768.00	\$19,804.00
MH Grant*	\$355,300.00	\$294,740.00	\$60,560.00
PR Grant*	\$138,633.00	\$127,186.00	\$11,447.00
AT Grant^	\$50,000.00	\$50,000.00	\$0.00
<b>TOTAL</b>	<b>\$831,505.00</b>	<b>\$739,694.00</b>	<b>\$91,811.00</b>

\* federal fiscal year = October - September

^ federal fiscal year = April - March

### 2001 - 2003 Biennium Revised Revenue Projections:

Income Source	Projected Income	Carry-over from 01 Grants^	Unspent Funds from 01 Grants	Total Projected Revenue
DD Grants*	\$503,251.00	\$71,893.00	\$38,436.00	\$613,580.00
MH Grants*	\$621,775.00	\$88,825.00	\$157,865.00	\$868,465.00
PR Grants*	\$242,607.75	\$34,658.25	\$64,211.75	\$341,477.75
AT Grants#	\$62,500.00	\$37,500.00	\$16,025.40	\$116,025.40
<b>TOT FED</b>	<b>\$1,430,133.75</b>	<b>\$232,876.25</b>	<b>\$276,538.15</b>	<b>\$1,939,548.15</b>
State	\$881,746.00	\$0.00	\$0.00	\$881,746.00
<b>TOTAL</b>	<b>\$2,311,879.75</b>	<b>\$232,876.25</b>	<b>\$276,538.15</b>	<b>\$2,821,294.15</b>

\* proj'd income = 12 mo's of '02 grants (10/1/01-9/30/02) + 9 mo's of '03 grants (10/1/02-6/30/03); amount based on maintenance level of '01 grants ('01 grants: DD = 287,572; MH = 355,300; PR = 138,633)

^ 3 mo's of '01 grants for DD, MH & PR; 9 mo's of '01 grants for AT @ \$50,000

# proj'd income = 12 mo's of '02 grant @ \$50,000 + 3 mo's of '03 grant @ \$50,000; fed. fiscal yr. = April - March

### P&A Revised Budget Request for 2001 - 2003:

The greatest increase is, obviously, in the Mental Health grant. The attached letter from the Substance Abuse & Mental Health Services Administration (SAMHSA) states that "[t]his new funding comes with additional responsibilities". The scope of individuals eligible for the Mental Health Advocacy Program has been limited, generally, to patients of residential care and treatment facilities and those who experience problems within 90 days of discharge. The additional funds are targeted for P&A "services to individuals with serious mental illness & severe emotional disturbances residing in the community, including their own homes, who are at risk



for abuse, neglect, and civil rights violations". For this reason, we are requesting a revision to our budget for the 2001 - 2003 biennium, including the addition of 2.5 FTE's.

2 of the FTE's would be for Disabilities Advocates. It is likely that one would be housed in the Eastern and one in the Western part of the State. The majority of increased operating would be for telephone, computer lines, travel and rent. Equipment purchases would be limited to 2 additional computers.

The .5 FTE would be for clerical staff. We currently have 1.5 clerical/administrative assistant positions in the administrative office. They are extremely busy with receptionist duties, client/activity data collection, staff time tracking, inventory, supply requisitions, correspondence, mailings, etc. The additional .5 clerical person would share a work station with the existing .5 clerical FTE. Minimal operating (and no additional equipment) expenses are foreseen. When the existing .5 clerical person retires, we envision having the position go to full-time versus 2 half-time positions, resulting in savings on benefits costs.

	<b>Disabilities Advocate (1)</b>	<b>Disabilities Advocate (1)</b>	<b>Clerical (.5)</b>	<b>TOTAL (2.5 FTE's)</b>
salaries	\$64,191.00	\$64,191.00	\$18,564.00	\$146,946.00
benefits	\$21,010.00	\$21,010.00	\$13,029.00	\$55,049.00
<b>Total Wages</b>	<b>\$85,201.00</b>	<b>\$85,201.00</b>	<b>\$31,593.00</b>	<b>\$201,995.00</b>
IT/telephone	\$2,905.00	\$2,905.00	\$0.00	\$5,810.00
travel	\$4,000.00	\$4,000.00	\$0.00	\$8,000.00
postage	\$225.00	\$225.00	\$0.00	\$450.00
rent	\$4,008.00	\$6,000.00	\$0.00	\$10,008.00
prof. develop.	\$500.00	\$500.00	\$250.00	\$1,250.00
office supplies	\$251.00	\$251.00	\$0.00	\$502.00
software	\$100.00	\$100.00	\$0.00	\$200.00
printing	\$100.00	\$100.00	\$0.00	\$200.00
misc supplies	\$650.00	\$650.00	\$0.00	\$1,300.00
<b>Total Operate</b>	<b>\$12,739.00</b>	<b>\$14,731.00</b>	<b>\$250.00</b>	<b>\$27,720.00</b>
<b>Total Equip</b>	<b>\$1,600.00</b>	<b>\$1,600.00</b>	<b>\$0.00</b>	<b>\$3,200.00</b>
<b>TOTAL</b>	<b>\$99,540.00</b>	<b>\$101,532.00</b>	<b>\$31,843.00</b>	<b>\$232,915.00</b>

	(1) P&A Original Request	(2) Governor's Recomm	(3) P&A Revised Request	(4) Difference from (2) to (3)
Wages	\$1,879,361.00	\$2,018,371.00	\$2,220,366.00	\$201,995.00
Operating	\$512,325.00	\$515,897.00	\$543,617.00	\$27,720.00
Equipment	\$40,500.00	\$40,500.00	\$43,700.00	\$3,200.00
<b>TOTAL</b>	<b>\$2,432,186.00</b>	<b>\$2,574,768.00</b>	<b>\$2,807,683.00</b>	<b>\$232,915.00</b>
Federal	\$1,655,638.00	\$1,693,022.00	\$1,925,937.00	\$232,915.00
General	\$776,548.00	\$881,746.00	\$881,746.00	\$0.00
<b>TOTAL</b>	<b>\$2,432,186.00</b>	<b>\$2,574,768.00</b>	<b>\$2,807,683.00</b>	<b>\$232,915.00</b>

	97 - 99 Biennium		99 - 01 Biennium		01 - 03 Biennium			
					Governor's Recommen.		P&A Revised Request	
Federal	1,262,069	64%	1,507,492	66%	1,693,022	66%	1,925,937	69%
General	697,048	36%	776,548	34%	881,746	34%	881,746	31%
<b>TOTAL</b>	<b>1,959,117</b>		<b>2,284,040</b>		<b>2,574,768</b>		<b>2,807,683</b>	



DEPARTMENT OF HEALTH & HUMAN SERVICES

Substance Abuse and Mental  
Health Services Administration

Center for Mental Health Services  
Center for Substance Abuse  
Prevention  
Center for Substance Abuse  
Treatment  
Rockville MD 20857

JAN 1 1991

Ms. Teresa Larsen  
Executive Director  
North Dakota Protection and Advocacy Project  
400 East Broadway, Suite 616  
Bismarck, North Dakota 58501

Dear Ms. Larsen:

I am pleased to inform you that for fiscal year (FY) 2001 the appropriation for the Protection and Advocacy of Individuals with Mental Illness (PAIMI) Program, administered by the Division of State and Community Systems Development, Center for Mental Health Services (CMHS) within the Substance Abuse and Mental Health Services Administration, was increased to \$30 million. The five million dollar increase recognizes State protection and advocacy (P&A) system investigative and monitoring efforts on behalf of adults with severe mental illness and children with severe emotional disturbances who are at risk in public and private residential care and treatment facilities. The PAIMI Act, as amended, also created a 57th P&A system in Shiprock, New Mexico for the American Indian Consortium. We are delighted to have this new P&A provide increased delivery of services to our consumers.

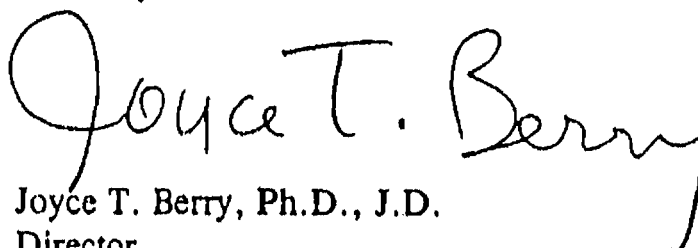
This new funding comes with additional responsibilities. Congress stated that when PAIMI funding reached or exceeded the \$30 million level, State P&A systems may provide services to individuals with serious mental illness and severe emotional disturbances residing in the community, including their own homes, who are at risk for abuse, neglect, and civil rights violations. CMHS wishes to work collaboratively with you to develop strategies to verify that the persons in the community are PAIMI eligible clients. We must also gather data on this population with respect to the types of services requested and the number of persons who are unserved or under served due to resource limitations.

PAIMI Program service priorities are unchanged for individuals with mental illness residing in residential care and treatment facilities. I have enclosed for your review copies of the PAIMI Act and the Children's Health Act of 2000 [Title V of the Public Health Service Act, 42 U.S.C. 290aa *et seq.*].

Page 2

I extend my sincere appreciation to each of you, the P&A governing board and advisory council members, volunteers, and staff, who support your efforts on behalf of adults with mental illness and children with severe emotional disturbances. I look forward to our continued partnership in protecting and advocating for persons with mental illness.

Sincerely,

A handwritten signature in cursive script that reads "Joyce T. Berry". The signature is written in dark ink and is positioned above the printed name and title.

Joyce T. Berry, Ph.D., J.D.

Director

Division of State and Community

Systems Development

Center for Mental Health Services

Enclosures

cc: Curt Decker, NAPAS

Application of Federal Funds Under the Protection and Advocacy Programs

**PADD**

Public Law 106-402

106th Congress

Oct. 30, 2000

**Developmental Disabilities Assistance and Bill of Rights Act of 2000**

**42 U.S.C. § 15043**

SEC. 143. SYSTEM REQUIRED.

(a) System Required.--In order for a State to receive an allotment under subtitle B or this subtitle--

(1) the State shall have in effect a system to **protect and advocate the rights of individuals with developmental disabilities**;

(2) such system shall--

....  
(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used **to supplement**, and **not supplant**, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

---

**PAIMI**

**42 U.S.C.**

**Sec. 10821. Applications**

(a) Submission for allotment; contents

No allotment may be made under this subchapter to an eligible system unless an application therefor is submitted to the Secretary. Each such application shall contain -

(1) assurances that amounts paid to such system from an allotment under this subchapter will be used **to supplement** and **not to supplant** the level of non-Federal funds available in the State in which such system is established to protect and advocate the rights of individuals with mental illness;

---

**PAIR**

United States Code

TITLE 29 - LABOR

CHAPTER 16 - VOCATIONAL REHABILITATION AND OTHER  
REHABILITATION SERVICES

SUBCHAPTER V - RIGHTS AND ADVOCACY

**§ 794e. Protection and advocacy of individual rights**

....  
**(f) Application**

In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will -

....  
**(7)** provide assurances to the Commissioner that funds made available under this section will be used **to supplement** and **not supplant** the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

**Department of Human Services  
Intergovernmental Transfer Fund Statement  
1999-01 and 2001-03 Biennia**

	House Bill 1179 Gov Schafer 0	Gov Hoeven 0	House Bill 1196 Senator Solberg 0
<b>Beginning Balance</b>			
<b>Revenue:</b>			
1998 Pool Payment (Less 10,000 to both Facilities)	25,902,739	25,902,739	25,902,739
1999 Pool Payment (Less 10,000 to both Facilities)	17,340,685	17,340,685	17,340,685
Interest on Trust Fund	1,949,798	1,949,798	1,949,798 (1)
Loan Repayments - Interest	19,747	19,747	19,747 (2)
Loan Repayments - Principal	7,622	7,622	7,622 (2)
<b>Total 1999-01 Revenue</b>	<b>45,220,591</b>	<b>45,220,591</b>	<b>45,220,591</b>
<b>Expenditures</b>			
SPEI	4,262,410	4,262,410	4,262,410
Loans committed	1,697,273	1,697,273	1,697,273
Grants committed	804,300	804,300	804,300
Administrative Costs	60,382	60,382	60,382
BND Fee	1,685	1,685	1,685 (2)
Catch up payments to government facilities		400,000	400,000
<b>Total 1999-01 Expenditures</b>	<b>6,826,050</b>	<b>7,226,050</b>	<b>7,226,050</b>
<b>June 30, 2001 Balance</b>	<b>38,394,541</b>	<b>37,994,541</b>	<b>37,994,541</b>
<b>Revenue</b>			
2000 Pool Payment (Less \$100,000 to both facilities)	11,748,679	11,748,679	11,748,679
2001 Pool Payment (Less \$100,000 to both facilities)	6,385,969	6,385,969	6,385,969
Interest on Trust Fund	2,989,065	2,989,065	2,989,065 (1)
Loan Repayments - Interest	211,289	211,289	211,289 (2)
Loan Repayments - Principal	352,087	352,087	352,087 (2)
Repayment of Match for Payments to Govt. Nursing Facilities	7,946,165	7,946,165	0
<b>Total 2001-03 Revenue</b>	<b>29,633,254</b>	<b>29,633,254</b>	<b>21,687,089</b>
<b>Expenditures</b>			
Loans committed or pending final approval	3,920,000	3,920,000	3,920,000
Grants committed	100,226	100,226	100,226
Administrative Costs	71,158	71,158	71,158
BND Fee	147,358	147,358	147,358 (2)
Match for Payments to Government Nursing Facilities	7,946,165	7,946,165	0
SPEI	4,262,410	4,262,410	4,262,410
Funding Switch in Medicaid	25,000,000	25,000,000	
HIPAA match	3,870,794	3,870,794	
Statewide Long Term Care Needs Assessment	241,006	241,006	
State Hospital Landfill	413,255	413,255	
Hold for Contingent Liability	13,000,000	13,000,000	13,000,000
LTC Loans (maximum of 3,000,000 for ICF/MR renovation projects)			23,000,000 (2)
Nursing Home Bed Reduction			9,000,000
Nursing Facility Salary & Benefits Enhancements (18 mo.)			6,000,000
Grants for Training Qualified Service Providers			140,000
<b>Total 2001-03 Expenditures</b>	<b>58,972,372</b>	<b>58,972,372</b>	<b>59,641,152</b>
<b>June 30, 2003 Balance</b>	<b>9,055,423</b>	<b>8,655,423</b>	<b>40,478</b>

**Note**

(1) Interest on trust fund will vary according to the timing of expenditures and deposit made.

(2) Bank of North Dakota fees, loan interest and principal payments do not include estimates for loans using the \$33 million in the Solberg Bill. The BND fees and interest and principal payments were based on funds committed by the department as of December 19, 2000.

1-12-01

#28

## ***Information Technology Plan Protection and Advocacy 01-03 Plan Version S-3***

**Plan Status: Approved**

### **Agency Contact Information**

Contact Name: Corinne Hofmann

Title: Staff Attorney

Phone: (701) 328-2950 Ext. 3942

Email: chofmann@state.nd.us

### **Agency Description/ Overview**

#### **A. AGENCY'S MISSION STATEMENT**

The mission of the Committee on Protection and Advocacy and the Protection and Advocacy Project is to:

- 1) protect and advocate for the human, legal, and civil rights of people with disabilities in accordance with federal and state mandates, through administrative, legal and other appropriate remedies;
- 2) advocate for the expansion of rights and quality services for all people with disabilities;
- 3) provide education, training, and technical assistance to people with disabilities, agencies which serve them, professional persons and others regarding the rights of people with disabilities;
- 4) maintain an independence in decision making from any public or private agency which provides services to people with disabilities or other third parties whose interests conflict with the preferred options or rights of those served by the Project ;
- 5) engage in activities incident to and allied with the above missions.

#### **B. AGENCY PROGRAMS AND SERVICES**

P&A is governed by the Committee on Protection and Advocacy which has the responsibility of setting the mission for the agency.

P&A manages the following four programs to serve people with developmental disabilities , mental illness, and other types of disabilities:

Protection and Advocacy for Individuals with Mental Illness (PAIMI)

Protection and Advocacy for Individuals with Developmental Disabilities (PADD )

Protection and Advocacy for Individual Rights (PAIR)

Assistive Technology Advocacy Program (ATAP).

A number of services have been established within each of the P&A programs. These services include:

1. Information and referral: P&A staff will provide information or materials to help resolve concerns, or refer individuals to other agencies or persons that can assist them.
2. Technical assistance: P&A staff will assist in reviewing options, discussing strategies, and making recommendations.
3. Education and Training: P&A staff will provide training for individuals and others in advocating for legal rights, and provide materials designed to promote an awareness of individual rights.



4. Systems Advocacy: P&A staff will promote change through legislation, litigation, and educational efforts.
5. Case Advocacy: P&A staff will provide representation for individuals having difficulty accessing their rights or services through legal, administrative, or other appropriate remedies.
6. Self Advocacy Training and Support: P&A staff will assist people with disabilities to advocate for themselves.
7. Protective Services: P&A staff will investigate allegations of abuse, neglect, and exploitation and arrange for appropriate services.

#### C. BASIS OF THE AGENCY'S IT PLAN - Current Use and Impact of Technology

The Protection and Advocacy Project (P&A) has developed this Information Technology (IT) Plan in accordance with the Information Technology Plan Guidelines that were published by the state's Information Technology Department in September, 1999. The plan was developed by P&A's IT Committee which met to analyze the existing IT environment, identify unmet needs, and develop an IT strategy for the future acquisition and use of technology.

The planning effort focused on developing an IT strategy, identifying components of the existing IT environment, prioritizing needs and identifying activities that will be required in future bienniums. We are convinced that completing the activities that have been identified in this IT Plan will help P&A accomplish its mission and achieve the goals and objectives of the agency.

An understanding of the following sections will help the reader better understand the conclusions reached by P&A's IT Committee. The following sections provides important background information on the following topics:

1. Technology shifts that are changing the way governments and businesses operate
2. Current trends affecting P&A
3. Current P&A IT Uses
4. Current P&A IT issues
5. Root causes of IT issues.

#### 1. TECHNOLOGY SHIFTS

P&A understands that technology is shifting the way governments and businesses operate. The technology shifts are as follows:

##### a. From Analog to Digital

All transmitted digital information, including audio and video, can be rearranged at will. This means all information can be stored and transmitted as data.

##### b. From Traditional Semiconductor to Microprocessor Technology

Microprocessors are increasingly smaller, require less energy to operate, cost less, and are more powerful than their predecessors.

##### c. From Host to Client/Server Computing

Institutions are leaving the centralized centers of information and adapting a distributed and more responsive computing environment.

##### d. From Low Bandwidth to Large Bandwidth Requirements

Information sent over a local area network used to be only composed of data and text. Today, networks are also carrying audio and video requiring the network to carry very large volumes of information.

##### e. From Dumb Access Device to Information Appliance

The increased integration of the telephone, computer and television will soon allow us to make phone calls, order movies and search the Internet through a single appliance.

#### f. From Separate Data, Text, Voice and Image to Multimedia

Information will no longer be displayed as individual pieces of information. Information will be integrated into audible, visual and interactive formats.

#### g. From Proprietary to Open Systems

The use of standards allows computer applications to be portable allowing multiple vendor programs to be used by multiple computer vendors.

#### h. From Dumb to Intelligent Networks

The use of intelligent tools will allow you to jump to different locations within a document or from a document to other sources containing relevant information.

#### i. From Craft to Object Computing

The use of object oriented technology is enabling more rapid development of software and software which is easier to maintain.

#### j. From GUI's (Graphical User Interface) to MUI's (Multimedia User Interface)

The user's environment will shift from icons and symbols to direct dynamic interaction within the world of the Internet.

### 2. CURRENT TRENDS

The project team noted many trends that are affecting the technology requirements at P&A. These trends include:

- More outcome-based requirements
- More date-sensitive requirements
- More processing and accessing of data
- Need for more ad-hoc reports
- Clients and families are more knowledgeable and have higher information expectations
- Higher demand for alternative information formats
- Increased competition for limited resources
- More accountability to legislators and taxpayers
- Ongoing need for internal quality assurance
- Demand for higher levels of service, more services and consistent services.

### 3. CURRENT IT USES

IT Uses can be placed in the following categories:

#### a. Financial

- Quarterly Reporting of the Expenditure of Federal Funds
- Access to Federal Funding 2x's per month
- Online Payroll through the ND State Mainframe

- IDB's (Motor Pool, Supplies, ITD) through the ND State Mainframe
- Abstracts (Payment of Bills) through the ND State Mainframe
- Daily Monitoring of State and Federal Funding

b. Research

- State and Federal Agency requirements
- Legal Research (Internet and Online Database)
- Advocacy Issues
- Client-related Resource Information
- State and Federal Legislative Research and Information

c. Administrative

- Interagency Communication
- Supply Ordering
- Surplus Property
- Access to IT Policies, Procedures and Planning
- Access to State and Federal Forms
- Filing of Federal Reports
- Updates to State Directory and other Web-based P&A Information
- Performance Appraisals
- Documentation of Activities
- IT in lieu of Support Staff

d. Client Services

- Web Page - Information about P&A Services and Programs
- Development of Brochures and Newsletters
- 24 X 7 Access to P&A Staff for Clients
- Documentation of All Activities
- Preparation of Training and Resource Materials
- Inter-Office communication
- Facilitate Supervision and Accountability through e-mail and file transfers

4. CURRENT IT ISSUES

Issues discussed can be consolidated into the following categories:

#### a. Problems

Problems with the current system have been placed into the following categories :

##### 1. Organizational

- Limited technical expertise of staff
- Ongoing frustration with technical issues

##### 2. Technical

- E-mail and file transfers are minimally secured
- Some software and hardware must be upgraded to meet agency goals.
- Limited use of document imaging for storage and retrieval

##### 3. Functional

- Current version of case management software is a work in progress and currently does not meet the organization's needs
- The agency operates a duplicate paper-based system because software does not fully meet the organization's needs
- Document storage and resource materials are paper-based

#### b. Needs

The following issues were defined as information technology needs:

##### 1. Organization

- Ongoing individualized technical training for all personnel
- Appropriate access to local technical training or resources

##### 2. Technical

- More secure E-mail and file transfers
- Upgrade/replacement schedule for software and hardware
- Software and hardware tools to meet agency goals

##### 3. Functional

- System that allows staff to track time for accounting purposes
- Case management system that maintains case information and associated notes for universal access by appropriate users and which meets all reporting and statistical requirements of the agency
- Access to legal research
- Access to information by customers

#### c. Future Needs

This category defines the future needs of the agency after its current needs are resolved. The future needs of the agency include the

following:

- Communication with other state advocacy programs and the appropriate federal agencies
- Increased communication with people in remote areas
- Ongoing assessment of IT expenditures as a link to improvements in client services

#### 5. ROOT CAUSES OF IT ISSUES

After viewing the current IT issues involved, P&A's IT Committee discussed and defined root causes of the agency's IT issues. These root causes include:

- Inability to forecast support for IT projects by funding sources
- Difficulty in predicting future fiscal commitments from government sources.
- Difficulty in developing understanding and skill at the user level to keep up with ongoing changes in the IT environment
- Cultural/Philosophical priorities (Priority of service to customers over administrative tasks)
- Reporting requirements
- Massive amounts of data are required to be maintained
- Current processes are cumbersome
- Requirements are constantly changing
- Current processes are prone to errors
- Reporting requirements are often defined retroactively
- Transition from paper reporting to electronic submission of reports
- Different reporting requirements for each funding source

#### D. SUMMARY OF PLANNED TECHNOLOGY CHANGES

The IT project team determined the following characteristics would represent an ideal environment for P&A. These system characteristics will help P&A improve service to its clients and provide personnel with a more efficient means of conducting business.

##### Characteristics of the Ideal P&A IT Environment

##### 1. Case management/data collection software which would:

- Include time keeping, client data, training activities, systemic advocacy, etc.
- Create flexible reports

##### 2. Electronic internal communication links to allow:

- Email to all P&A personnel
- Access to the P&A server
- Development of an Intranet
- Appropriate security against inappropriate use and viruses

3. Computer-assisted legal research
4. Standardized hardware/software throughout the system
5. Access to portable computers for field staff
6. Automated electronic storage of closed files
7. Internet capabilities such as:
  - Access for all employees
  - Internet home page
  - Resources to maintain home page
8. Adequate training to keep pace with IT trends
9. Office equipment to meet technological advances
10. Reasonably priced helpdesk services for PC and network problems
11. Video conferencing to facilitate client communication
12. Centralized, electronic access to resource materials

### ***Barriers***

The Protection and Advocacy Project shares the statewide vision. However, P&A is a small agency and finds it a challenge to meet its technology needs effectively with limited resources. The cost of complying with state-imposed procedures and of sharing in technologies and services available through other state entities is sometimes prohibitively high. When statewide plans for new technologies are made and procedures are developed, the needs of small agencies need to be considered and accommodated along with those of large agencies.

For example, agencies which are co-located and share a hub that connects agencies to the Wide Area Network are typically charged a fee based on the number of agencies on that hub. This is true whether each of the agencies has an equal number of users or one agency has 10 users and each of the others have one user. A per-user method of distributing the hub charges is more equitable in such cases and should be a standard practice.

## ***Alignment with Statewide IT Plan***

### **A. State government should be customer focused.**

Through the Internet and on-line legal research, the Protection and Advocacy Project has been able to quickly access a vast amount of disability-related information to help clients, family members, and professionals working with people with disabilities to solve problems. Access to e-mail facilitates intra-agency and interagency communication and results in faster resolution of problems and response times to clients.

Automation of data collection, storage, and processing will make information on the agency's activities more accurate and readily available to share with the public and funding sources. Feedback from these groups is a critical component in deciding the priorities and goals of the agency.

### **B. State government should be efficient.**

Data collection and storage, records management, and reporting to federal and state authorities is still largely paper-based. It is cumbersome, error-prone, and inefficient. The agency seeks to automate these functions and incorporate the use of technology to reduce the expenditure of staff time and to increase accuracy and efficiency.

**C. State government should be well managed.**

The agency maintains a staff well-qualified and experienced in helping people with disabilities. However, there are no IT professionals within the agency. Agency staff have worked hard to develop the necessary skills so that internal technical support and expertise is available to assist staff and to manage and maintain current agency technology. Internal IT training has been provided to agency staff on a regular basis and individuals are encouraged to participate in training outside of the agency to build necessary competencies. The agency has identified required IT competencies for staff and is committed to assisting staff in achieving those competencies and skills.

The agency is committed to maintaining hardware and software that is in good repair and which maximizes effective and efficient internal and external communication. The agency has a technology replacement schedule to ensure that downtime and unexpected expenditures are kept to a minimum.

**D. State government should provide the leadership for developing a shared infrastructure.**

The agency is currently participating in the development of a national disability advocacy database with other states' P&A's that utilizes a state-of-the-art, web-based architecture. By pooling resources the development of the system can be achieved with relatively small expense to any individual state.

The agency also accesses on-line legal research through the National Association of Protection and Advocacy Systems. Again, by pooling resources, access can be obtained in a much more cost-effective manner.

## ***Goals, Objectives and Accomplishments***

### ***Accomplishments***

The Protection and Advocacy Project upgraded hardware and software during the 97-99 biennium and the early part of the 99-01 biennium to ensure that P&A met state standards for Y2K compliance. This also allowed the agency to standardize its office suite programs and its word processing software.

Internet access and e-mail were obtained in 1999. This has greatly facilitated intra-agency communication and access to disability-related information.

### ***Goals and Objectives***

1 P&A will maintain IT systems that manage, store, and allow P&A to provide current, accurate data to the public, d to funding sources, and to other stakeholders.

***Objective(s)***

1 P&A will participate in and support the development of a web-based, national, disability advocacy database that will automate federal reporting.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

The database is stage II of development. Staff are using the system and providing feedback to developers for ongoing improvements and customization.

2 P&A will refine and expand access to an internal P&A database developed with office automation software that manages client data and automates internal and state reporting on advocacy activities.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

P&A has the necessary software, expertise, and resources to develop the database in the 99-01 biennium. Staff will be trained to use the database and input data in 01-03.

3 P&A will develop or procure activity and time-tracking software for accounting purposes.

**Completion Biennium:** 01-03

**Accomplishments /Status:**

P&A will investigate options during the 99-01 biennium.

4 P&A will investigate the application of EDMS technology and develop a plan for its implementation.

**Completion Biennium:** 01-03

**Accomplishments /Status:**

P&A will investigate options during the 99-01 and 01-03 biennium.

5 P&A will maintain computer hardware that meets performance needs and is in good repair by replacing hardware on a 4 year cycle.  
**Completion Biennium:** Ongoing  
**Accomplishments /Status:**

2 P&A will maintain IT systems that foster efficient and cost-effective intra-agency, interagency, and client communication and which improve access to disability-related information.

**Objective(s)**

1 P&A will maintain standardized versions of word processing software across all users.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

All P&A staff currently use Word 97. Word 97 will continue as the agency word processing software until the 03-05 biennium. Pre-loaded software purchased with hardware replacements in the next two bienniums should allow the agency to migrate to Word 2000 in the 03-05 biennium.

2 P&A will support and maintain office suite software, exclusive of word processing components, that varies by no more than 2 versions.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

P&A currently maintains Office 97-Small Business Addition, Office 95 Professional, Office 97 Professional, and Office 2000 Professional. P&A will migrate to Office 2000 as hardware is replaced.

3 P&A will maintain access to on-line legal research for at least one user.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

P&A will obtain access to Westlaw during the 99-01 biennium by cost-sharing with other states through the National Association of Protection and Advocacy Systems.

4 P&A will obtain secure Internet and e-mail access for all staff through direct connections to the State WAN or through ITD Dial Up.

**Completion Biennium:** Ongoing

**Accomplishments /Status:**

The Bismarck and Jamestown regional office are connected to the State WAN. The Fargo, Minot, and Grand Forks offices use ITD Dial Up access. Plans are in place to connect the Devils Lake and Dickinson regional offices to the State WAN during the 99-01 biennium. Connection of the Williston office to the state WAN will be investigated in the 99-01 biennium.

5 P&A will integrate web-based technology into its IT system by developing a web site and through development of an intranet.

**Completion Biennium:** 01-03

**Accomplishments /Status:**

P&A currently has a web page that is maintained by the Center for Persons with Disabilities and which is part of the Center for Persons with Disabilities web site. P&A has the hardware to support an intranet.

## Major Activities Planned

Activity Number: 1			Activity: System Maintenance			
On Going Time Frame						
Priority: 1 Status: Maintenance/Base Operations						
<u>99-01 Est.</u>	<u>01-03 Est.</u>	<u>03-05 Est.</u>	<u>01-03 Base</u>	<u>01-03 Optional</u>	<u>01-03 Non-Appropriated</u>	
<u>Cost</u>	<u>Cost</u>	<u>Cost</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	
\$114,730	\$169,936	\$196,685	\$180,418	\$0.00	\$0.00	
Description:						
Activities to support and maintain the current P&A IT system. All administrative functions are primarily maintained and operated on individual PCs. Ten PCs located at the central office and five PCs located in three remote offices have access to the Internet and e-mail through the state WAN. Six PCs in three remote offices access the Internet and e-mail through ITD dial-up access on dedicated modem lines. Two PCs in the remaining remote office access Internet and e-mail through a local Internet Service Provider on a dedicated modem line. The central office maintains a server for data storage and file sharing accessible to staff with ITD dial-up Internet access or Internet access through the state WAN. Administration utilizes IT to manage federal grants and the agency budget, inventory, quarterly performance reports, and federal reports. Program staff use IT for a variety of casemanagement-related activities. Fiscal management uses SIBR and SAMIS applications on the state mainframe. Legislative						



materials are also accessed on the state mainframe. Estimated costs include the cost of hardware upgrades, purchases, and repairs, software upgrades, on-line legal research, internet and e-mail access, basic telephone service, desktop and technical support, staff training, data processing, records management, development of an internal database, and support towards development of a national, federal reporting database. No PC's were replaced during the 99-01 biennium. The cost differential from biennium 99-01 to 01-03 reflects moving to a hardware replacement schedule that replaces approximately half of the agency's PC's every biennium. Biennium 01-03 also contains budget estimates for previously unanticipated costs associated with repairs, training, and IT support. The difference between the 01-03 estimate and budget amounts is largely due to an increase in network charges (approximately \$10,000). The 03-05 estimate includes new activity maintenance.

Justification: None

Impact: None

Related SIBR Reporting Levels/ Comments: None

Related Objectives

Goal:2 Objective:2

Goal:2 Objective:3

Goal:2 Objective:4

Goal:1 Objective:1

Goal:1 Objective:2

Goal:1 Objective:5

Goal:2 Objective:1

Activity Number: 2

Activity: Time-Accounting

Start Date: 07/2001 End Date: 06/2003

Priority: 2 Status: Enhancement/Upgrade

99-01 Est. Cost	01-03 Est. Cost	03-05 Est. Cost	01-03 Base Budget	01-03 Optional Budget	01-03 Non-Appropriated Budget
\$0.00	\$5,000	\$0.00	\$5,750	\$0.00	\$0.00

Description:

Develop or procure time-accounting software to automate reporting to federal funding sources.

Justification:

Current system is paper-based, error-prone, and cumbersome.

Impact:

Any impact would affect Activity #1 as an ongoing maintenance cost. That might result if it is necessary to develop or purchase an upgrade. We do not have sufficient information to allow us to project a dollar amount for that. We do not anticipate maintenance costs will be a significant expenditure and plan to consider that as one of our selection criteria.

Related SIBR Reporting Levels/ Comments: None

Related Objectives

Goal:1 Objective:3

Activity Number: 3

Activity: Secure E-mail

Start Date: 07/2001 End Date: 06/2003

Priority: 3 Status: Enhancement/Upgrade

99-01 Est. Cost	01-03 Est. Cost	03-05 Est. Cost	01-03 Base Budget	01-03 Optional Budget	01-03 Non-Appropriated Budget
\$0.00	\$2,288	\$0.00	\$3,013	\$0.00	\$0.00

Description:

Procure software that provides for encryption and digital signatures of e-mail.

**Justification:**

Current procedure requires staff to sanitize confidential and identifying client information. This is time-consuming and inefficient.

**Impact:**

There will be an ongoing cost for upgrades to the software. This will increase the cost of Activity #1 in biennium 03-05 by \$792.

Related SIBR Reporting Levels/ Comments: None

**Related Objectives**

Goal:2 Objective:4

Activity Number: 4

Activity: Intranet Development

Start Date: 07/2001 End Date: 06/2003

Priority: 4 Status: Enhancement/Upgrade

99-01 Est. Cost	01-03 Est. Cost	03-05 Est. Cost	01-03 Base Budget	01-03 Optional Budget	01-03 Non-Appropriated Budget
\$0.00	\$8,408	\$0.00	\$8,991	\$0.00	\$0.00

**Description:**

Develop an Intranet for P&A employees

**Justification:**

This will facilitate scheduling, communication, supervision, sharing of agency information, and access to resource materials. This will be an important step in overcoming the difficulties inherent in developing effective teams amongst staff in remote regional offices.

**Impact:**

This will maximize use of the P&A server and other components of the current P&A IT system. This will increase the cost of Activity #1 in biennium 03-05 by \$4,608.

Related SIBR Reporting Levels/ Comments: None

**Related Objectives**

Goal:2 Objective:5

Activity Number: 5

Activity: Web Page

Start Date: 07/2001 End Date: 06/2003

Priority: 5 Status: Enhancement/Upgrade

99-01 Est. Cost	01-03 Est. Cost	03-05 Est. Cost	01-03 Base Budget	01-03 Optional Budget	01-03 Non-Appropriated Budget
\$0.00	\$3,604	\$0.00	\$3,852	\$0.00	\$0.00

**Description:**

Develop and Maintain a P&A Web Site

**Justification:**

P&A needs an accessible site that is easy to find. The site will be used to provide information to our clients and other stakeholders on P&A's priorities and activities and disability-related issues. It will provide a forum for collecting public comment on P&A priorities and for assessing consumer satisfaction. It will provide links to other disability-related sites and resources.

**Impact:**

The site will require ongoing maintenance. This will effect the cost of Activity #1 in the 03-05 biennium by \$2,352.

Related SIBR Reporting Levels/ Comments: None

**Related Objectives**

Goal:2 Objective:5

## ***IT Architecture - Hardware***

P & A currently maintains one system. This system includes all computer-based administrative functions that take place at P&A. These administrative functions are maintained and operated on individual PCs. A server is located in the State office and is accessed by staff through the State WAN or through ITD dial-up and used for file storage and sharing.

In the central office, fiscal management accesses the state mainframe and uses the mainframe SIBR and SAMIS applications. The lead attorney accesses on-line legal research. All staff access internet and e-mail through their Personal PC's. Staff also use these computers and standard office suite software to complete administrative work and document program activities. Regional staff do not have secretarial support available and limited support is available in the central office. This makes availability of appropriate and adequate IT hardware and software essential for effective functioning.

The distribution of hardware is as follows:

1. Bismarck - State Office and Region VII

IBM Thinkpad Laptop x 2

233 Laptop with docking station x 2

300 Laptop with docking station

Gateway 350 PC x 6

Gateway 166 PC

Gateway ALR 7200 Server w/ digital tape backup and Smart-UPS power supply

2. Dickinson - Region VIII Office

Gateway 166 PC

3. Williston - Region I Office

Dell Optiflex 166 PC

Gateway 166 PC

4. Minot - Region II Office

Gateway 350 PC

## 5. Devils Lake - Region III Office

Gateway 350 PC

## 6. Grand Forks - Region IV Office

Gateway 166 PC x 2

## 7. Fargo - Region V Office

Gateway 350 PC x 3

## 8. Jamestown - Region VI Office

Gateway 166 PC x 3

The P&A server is turned on only during business hours. The server is protected with a power-on password and screen-saver password. The server case and keyboard are kept locked at all times. The key is maintained in a locked location. Access is limited to selected staff.

All PC's have power-on and screen-saver passwords. A master list of these passwords is kept in a locked file cabinet accessible only to selected staff.

Current antivirus software is maintained on all PC's and the server. Routine updates to virus dat. files and virus scans are completed by all staff.

## Hardware Assets and Replacement Schedule

Category	Age	OS	Ownership	Current Quantity	Expected Increase/decrease 99-01	Expected Increase/decrease 01-03	Replacement %	Replacement # of Years	Comments
Server	<=3 years	MS WinNT	own	1	0	0	100.00	4	
Laptop PC	<=3 years	MS Windows	own	3	0	3	100.00	4	The replaced laptops will be made available for staff to check out on a short term basis to meet special needs or while equipment is down and being repaired.
Personal Computer	<=3 years	MS Windows, WinNT	own	20	0	0	50.00	2	
Laptop PC	>3 years	MS Windows	own	4	-2	0	0.00	0	These older Laptops include one 386 and one 486 that are not currently in use. These will be surplusd this biennium.
Personal Computer	>3 years	MS Windows	own	8	-8	0	0.00	0	These are HP 486's that were replaced 98-99 to meet Y2K compliance standards. They have been in storage. Monitors and some keyboards were retained and are being used to reduce

Printer	>3 years	N/A	own	2	0	0	100.00	6	cost of replacement. One printer is 9 years old and one is 7 years old. They both have a replacement value of greater than \$750.00. All other agency printers are relatively new and under \$750.00 in value.
Docking Stations	<=3 years	N/A	own	3	0	0	100.00	4	

## IT Architecture - Telecommunications

A server is located in the State office and is accessed by staff through the State WAN or through ITD dial-up.

Ten PCs located at the central office, three PCs located in one remote office, and one PC in another remote office have access to the Internet and e-mail through the State WAN. Six PC's in three remote offices access the Internet and e-mail through ITD dial-up. An additional PC in one of P&A's remote offices is scheduled to migrate to the State WAN from a local ISP by the end of the 99-01 biennium. We are also investigating the possibility of connecting the final remote office to the State WAN. This office has two PC's, which access the Internet and e-mail through a local ISP.

The P&A server is turned on only during business hours. The server is protected with a power-on password and screen-saver password. The server case and keyboard are kept locked at all times. The key is maintained in a locked location. Access is limited to selected staff.

All PC's have power-on and screen-saver passwords. A master list of these passwords is kept in a locked file cabinet accessible only to selected staff.

Current antivirus software is maintained on all PC's and the server. Routine updates to virus dat. files and virus scans are completed by all staff.

## Telephone Services

- ☐ All Voice Services provided by ITD
- ☐ Changes Planned
- ☐ Reselling Services

<b>Services</b>	
Location : Devils Lake	Communications Provider: North Dakota Telephone Company
Description of Service : Subscriber and Local Service - One line. (To be discontinued March 1, 2000)	
Location : Fargo	Communications Provider: US West Communications
Description of Service : 800 Number for TeleSpectrum Communications - The P&A 24-Hr Answering Service	

## Wide Area Networking (WAN) and Internet Connections

- ☐ All Wan services provided by ITD
- ☐ Changes Planned
- ☐ Connectivity Provided to Others

<b>Services</b>	
Location: Dickinson	Communications Provider: ESP - Dickinson
Description of Service: Internet Service Provider for the P&A regional office.	
Location: Williston	Communications Provider: Dakota Internet Access
Description of Service: Internet Service Provider for the P&A regional office located in the Law Enforcement Center.	

## Local Area Network (LAN) Connections

Unique Description	Current Network Connections	Planned Network Connections by July 2003	Current Modem Connections	Planned Modem Connections by July 2003	Comments
Bismarck	12	0	0	0	
Jamestown	3	0	0	0	
Devils Lake	1	0	0	0	
Dickinson	0	1	0	0	This will be implemented if other co-located agencies agree to allocate hub charges on a per-user basis.

## IT Architecture - Software

The Protection and Advocacy Project uses standard Office Suite software to meet the majority of its needs. Our goal is to maintain a standard Word Processing software across all users. All staff currently use Word 97. This was accomplished by purchasing Word 97 upgrades for some individual users. We will migrate to Word 2000 in 03-05 through the gradual purchase of hardware with pre-installed software. It is our goal to maintain Office Suite software that varies by no more than two versions.

Antivirus software is maintained on individual PC's and is routinely updated and upgraded.

Access 2000 will be purchased in the 01-03 biennium for all users needing an upgrade to enable use of P&A's internal database.

## ***Significant Software/ Applications Development Tools***

Category - Product/language/tool	Status	Standard	Significant Use	Comments
System admin, server applications or utilities - McAfee Total Virus Defense	N/A	N	Y	
System admin, server applications or utilities - Norton Anti-virus	N/A	N	Y	
System admin, server applications or utilities - NT Server	N/A	Y	Y	
Database Management Systems - MS Access	Migrating to or Evaluating	N	Y	Currently evaluating/piloting this application in the central office. This will be a standard and primary in-house database application.
System admin, server applications or utilities - Seagate Backup Exec	N/A	Y	Y	

## ***Significant Office Automation Software***

Category - Product/language/tool	Status	Standard	Significant Use	Comments
Office Automation - MS Office	N/A	Y	Y	
Office Automation - MS Outlook	N/A	Y	Y	
End user productivity - MS Publisher	N/A	Y	Y	
End user productivity - Knowledge Point Performance Now!	N/A	Y	Y	

## ***Significant Business Applications***

Application Name: DAD		Vendor Package: DAD
Size: Large    Status: Develop		
<b>Description/Purpose:</b> The Disability Advocacy Data collection system (DAD) is a client-server application built on Microsoft's Internet Information Server. It combines the stability of Windows NT Server, the scalability of Microsoft SQL Server, and the robustness of Affairs's ColdFusion development environment to meet P&A data warehousing needs and data analysis requirements. It is used by multiple P&A's in various states and is designed to ensure P&A client privacy and uphold each P&A's autonomy through customizability.		
Maintained By: Vendor		
Developed By: Vendor		
<b>Shared With:</b> The system is used by 20 P&A's in the U.S. The system is accessed through a secure website and is password protected.		
<b>Comments:</b> This system is not fully developed. It is currently in Phase II. We anticipate development will continue through the first year of the 01-03 biennium. Participating P&A's will provide feedback and testing. Data is stored on a server in Washington D.C. and on a backup server in Utah. Each state's data is segregated and accessible only to that state.		
<b>Platforms</b>	<b>Databases</b>	<b>Languages</b>
NT Server	MS SQL Server	unknown

## IT Staffing Plan

The Protection and Advocacy Project is a small agency with 23 employees. The agency does not have any trained IT professionals in its organization. IT functions and responsibilities are distributed amongst different staff, including the agency's executive director, deputy director, business manager, the agency's central office administrative assistant, a regional disability, and one of the agency's attorneys. These people serve as the agency's IT committee.

The agency's IT committee meets once every month, on the average. The IT committee is responsible for development and implementation of the agency's IT plan. It reviews and makes recommendations regarding the agency's IT policies and procedures.

One of the agency's attorneys is IT coordinator and chair of the IT committee. She also provides computer training to staff, desktop and hardware support to staff, manages the agency's server, and performs the bulk of required IT administrative tasks and functions. Other day-to-day IT tasks are performed by the executive director, the business manager and central office administrative assistant. It is estimated that the agency devotes a combined total of 1/2 FTE to maintenance and support of its IT system.

The agency also utilizes ITD resources and expertise to maintain and support its IT system. In regional offices, contract services are occasionally utilized to solve software or hardware problems. These are more costly solutions to IT problems and it is more cost-effective to utilize internal resources to maintain, support, and trouble-shoot P&A's IT system when possible. Alternatively, the agency has tried to identify low-cost (free) resources for software and hardware support, especially in remote regional offices. The agency has had varied success.

## Detail Plan for Staffing

Function	99-01 % ITD, HECN, or other agency	01-03 % ITD, HECN, or other agency	99-01 Contractor %	01-03 Contractor %	99-01 Internal %	01-03 Internal %	Internal FTE 99-01	Internal FTE 01-03	Comment
Operations & network administration	1 - 25	1 - 25	0	0	76 - 99	76 - 99	0.10	0.10	
PC & end-user support	1 - 25	1 - 25	1 - 25	1 - 25	76 - 99	76 - 99	0.20	0.20	
Application development	0	0	76 - 99	76 - 99	1 - 25	1 - 25	0.10	0.10	
Technology Training	0	0	1 - 25	26 - 50	76 - 99	51 - 75		0.00	The agency devotes approximately 1/2 FTE to IT Staffing functions. .1 FTE is the equivalent to 4 hours per week. Those functions left blank are those that require less than .1 FTE. In combination, they total .1 FTE.
IT management	0	0	0	0	100	100	0.00	0.00	The agency devotes approximately 1/2 FTE to IT Staffing functions. .1 FTE is the equivalent to 4 hours per week. Those functions left blank are those that require less than .1 FTE. In combination, they total .1 FTE.
General IT coordination	0	0	0	0	100	100	0.00	0.00	The agency devotes approximately 1/2 FTE to IT Staffing functions. .1 FTE is the equivalent to 4 hours per week. Those functions left blank are those that require less than .1 FTE. In combination, they total .1 FTE.



## **IT Training Plan**

Competency in the use of IT hardware and software is necessary to adequately perform job functions within P&A. Technology has been provided to staff in lieu of support staff. This is only an effective substitute if the individual has the necessary skill to use the technology efficiently and effectively.

The aptitude and skill of P&A staff varies greatly. People are generally hired for their ability to advocate for people with disabilities rather than their keyboard or technological skills. Ongoing training has been identified as critical for all staff to ensure that skills stay abreast with changes in P&A's IT system. In addition, individualized training is required for staff to target deficiencies.

P&A's IT committee has accepted responsibility for defining minimum staff competencies and skills in the use of IT. These will be periodically reviewed and revised and form the basis for identifying training needs. Individual training needs will be determined by the individual and their supervisor. Ongoing training targeted at all staff will be determined by the agency's staff development committee. The agency IT coordinator and Executive Director are members of the staff development committee and share recommendations of the IT committee for staff training.

Money has been budgeted for IT training. All P&A staff meet three times per year for centralized staff training. Hands-on training for all staff will be provided in a computer lab as a part of this training. Individualized training will be provided by the agency IT coordinator, by participation in local classroom-type instruction, or by self-guided study through the use of printed material and web resources. The most effective means will be determined by the individual and their supervisor.

An overview of P&A technology and IT skill assessment and training occurs during the orientation and probationary period of each new employee.

## **Compliance with Standards**

☒ Agency is compliant with all statewide standards and policies.

House Appropriations / Human Resources Division  
HB 1014  
Protection & Advocacy Project  
February 1, 2001

Good morning, Chairman Svedjan and members of the committee. I am Teresa Larsen, Director of the Protection & Advocacy Project. I appreciate the opportunity to speak with you about P&A's revised budget request for the 2001-2003 biennium.

On December 21, 2000, the President signed into law the Fiscal Year 2001 Labor, Health & Human Services, and Education Appropriations bill which provides for record increases for the Protection & Advocacy of Individuals with Mental Illness (PAIMI) Program. In North Dakota, we refer to this as the Mental Health Advocacy Program of the Protection & Advocacy Project. The total PAIMI Program appropriation for FY 2001 is \$30 million - a twenty percent increase over last year's appropriation of \$25 million. Because the appropriation has reached the \$30 million threshold, P&A's new authority (under the recent amendments to the PAIMI Act) to serve persons living in the community is now in effect.

Prior to the amendment, P&A services under the PAIMI Act were authorized only for persons with a significant mental illness or emotional impairment who either: a) reside in a facility rendering care or treatment, b) are in the process of admission to such a facility, or c) recently have been discharged.

As amended by the Children's Health Act of 2000, coverage is expanded to allow P&A services for a person with a significant mental illness or emotional impairment who "lives in a community setting, including their own home." While not every person with a mental illness or emotional impairment in the State is in need of P&A's services, the potential client base is estimated to be 32,350 (25,682 adults with a serious mental illness and 6,668 children with a serious emotional disturbance; testimony of Karen Larson, DHS Director of Mental Health & Substance Abuse Services;

1/4/01; House Appropriations Committee).

Additionally, new federal reporting requirements are also being put into place requiring adult and children's facilities to notify P&A's of any deaths related, or potentially related, to the use of seclusion and restraints. P&A's have the responsibility to investigate such incidents. The Protection & Advocacy Project will also work with such facilities to ensure they are educated on regulations governing the use of seclusion & restraints.

For North Dakota, the increased PAIMI funds are \$60,560/year for a total of \$355,300/year. Increased funds were also provided for the Developmental Disabilities Advocacy Program (an additional \$19,804/year for a total of \$287,572/year) and the PAIR Program (\$11,447/year for a total of \$138,633). Annual federal grant increases total \$91,811. These funds will assist greatly in allowing P&A to be more proactive as well as more responsive to the advocacy needs of individuals with disabilities.

On 1/22/01, I provided this committee with a packet of information, including a revised budget request for the 2001-2003 biennium. As detailed, P&A is requesting an additional 2.5 FTE's to assist with implementing its increased responsibilities as outlined under the federal PAIMI Act.

In my testimony before this committee on 1/12/01, I stated that the P&A in each state would be receiving a federal grant from the Social Security Administration as authorized by the Ticket to Work and Work Incentives Improvement Act (TWWIIA). The purpose of the law is to help people with disabilities get into the workforce. P&A is to use the funds to provide social security beneficiaries with disabilities with: a) "Information & advice about obtaining vocational rehabilitation & employment services", and b) "advocacy or other services that a beneficiary with a disability may need to secure or regain gainful employment". I want to reinforce that the grant is to assist individuals who are already beneficiaries; not applicants or individuals who have been denied benefits.

I have just learned that funds will be provided to the North Dakota

P&A, through the Social Security Administration, in the amount of \$66,666 for the eight-month period of April - November of 2001. Thereafter, we are to receive \$100,000/year beginning in December of 2001. There is no State match requirement. I am working now to put together a plan for implementation of this grant, including a proposed budget. I apologize for having to give you all of this information in pieces.

Again, thank you for giving consideration to P&A's revised requests. I will be glad to answer any questions you might have of me.

**TESTIMONY ON HOUSE BILL 1014**  
**BEFORE THE**  
**SENATE APPROPRIATIONS COMMITTEE**  
**FEBRUARY 14, 2000**

**CORINNE HOFMANN**  
**PROTECTION AND ADVOCACY**

Chairman Nething and Members of the Committee, my name is Corinne Hofmann and I work for the Protection and Advocacy Project. I act as the Project's Lead IT Coordinator and was integrally involved in the development of our agency's IT Plan.

IT-related costs account for 23% of the operating budget for the 2001-2003 biennium. These expenditures are significantly higher than last biennium.

IT-related increases in the operating budget occur in three areas. The first area is IT/Telephone. This area includes expenditures for basic telephone service, long distance charges, fax lines, toll free services, modem lines, dial-up internet services, state wide area network [WAN] access charges, and state WAN hub/router charges. The Project has budgeted \$70,440 in this area.

Costs for IT/Telephone have risen steeply. Basic phone service and the charge for modem/fax lines were slightly reduced for the 01-03 biennium, but this reduction does not offset sharp increases in the cost for other ITD services. WAN hub charges have gone from \$300.00 per month to \$800.00 per month and the

WAN monthly access charge has gone from \$16.00 per month for each user to \$27.00 per month for each user.

While it is costly to access Internet and e-mail through the state WAN, it offers significant advantages in regards to speed, security, and access to the Project's server from remote offices. For this reason we chose to add two additional regional offices to the state WAN. The requested amount reflects ongoing costs for those offices, as well as offices previously part of the state WAN. Where possible we share hub charges with co-located agencies. We also use state dial-up access in those communities where it is available.

The increase in IT/Telephone also includes additional money for long distance telephone services. We are over-budget in that area for the current biennium. Each regional office serves a large area. By necessity, much of the communication with clients and providers occurs by telephone. As the number of clients we serve increases, so does our telephone usage.

The second IT-related area in the operating budget that shows an increase for the 01-03 biennium is IT/Software and Supplies. This includes cost for software and IT equipment <\$750 such as fax machines, printers, and print servers. The Project has budgeted \$20,155.00 in this area. \$10,763.00, or 53% of the requested amount, is for software necessary to implement new projects. These include secure e-mail, automated time accounting, Intranet development, and web

page development. The remaining amount will permit upgrades to current software, including anti-virus protection, and the purchase of needed printers, fax machines, surge protectors, and print servers.

The final IT-related area in the operating budget that shows an increase for the 01-03 biennium is IT/Contract Services. This includes non-ITD Internet services, ITD/desktop support, ITD/records management fees, Answering Service fees, IT supplies and repairs, non-ITD desktop support, and IT consultant/development services. The Project budgeted \$26,493 for IT/Contract Services.

ITD charges range from \$49/hour for desktop support to \$75/hour for consulting services. Community-based services can be as high as \$70/hour for computer desktop support or consulting. The Project has tried and will continue to try to reduce costs by developing internal expertise. However, as we attempt to keep pace with IT developments and meet the requirements and goals of the state's IT Plan, our IT system will continue to become more sophisticated. Drawing on outside expertise will be necessary.

\$10,743, or 41% of the requested amount in IT/Contract Services is for new projects that require external expertise for development. These include Intranet development and web page development.

IT-related costs account for \$29,000, or 72% of the Project's equipment (>\$750) budget for the 2001-2003 biennium. These expenditures are significantly higher than last biennium.

We did not spend any money for IT-related equipment (>\$750) this biennium. The 01-03 budget request will allow us to replace approximately half of our current computers. It was recommended that we have an established replacement schedule for computers of every two to four years. We chose to establish a four-year replacement cycle. Most of the computers scheduled to be replaced are desktop models purchased in January or June of 1997. They will be four years old in 2001 and are older Pentium 166's. The remaining computers are laptop computers purchased in 1998. These are the sole computer for the staff involved and there have been performance problems with these computers. These computers will be retained by the agency for use by staff as secondary computers.

Staff has become more reliant, and necessarily more proficient, in using computers to help mitigate the absence of support staff in our offices. Many of our regional offices are remote and equipment failure can result in a great deal of additional time to complete administrative tasks. Computer support is not readily available and is often expensive. It is cost-effective for staff to have equipment that is in good working order.



Other items to be purchased include a printer and scanner for the Project's state office.

I thank the Committee for the opportunity to outline our IT-related budget requests and would be happy to answer any questions.

**TESTIMONY ON HOUSE BILL 1014**  
**CORINNE HOFMANN**

**ATTACHMENT**

The following new IT projects are planned:

1. Implementation of an automated time-accounting system. The Project currently has 5 funding streams. Staff must track and account for time devoted to each of the funding streams. To date this has been a paper-base system that is inefficient, labor intensive, and prone to error.
2. Secure e-mail. Project staff are widely dispersed. E-mail has become an essential communication tool for staff and supervisors. Staff currently must sanitize all e-mail for identifying and confidential client information. This is time-consuming and inefficient.
3. Intranet development. This will facilitate scheduling, communication, supervision, sharing of agency information, and access to centralized resource materials. It will help reduce costs in areas such as copying, postage, long distance usage and facilitate the development of effective cross-regional teams.
4. Web page development. The Project needs an accessible, visible site. The site will be used to provide information to our clients and other stake holders on the Project's priorities and activities, as well as disability-related issues. It will provide a forum to collect public comment and assess consumer satisfaction. It will also provide links to other disability-related sites and resources.

HB 1014

**Senate Appropriations  
HB 1014  
Protection & Advocacy Project**

**February 20, 2001**

Good morning Chairman Nething and members of the Committee. I am Teresa Larsen, the Director of the Protection and Advocacy Project (P&A). During my testimony today I will highlight P&A's services, major accomplishments, additional responsibilities conferred by Congress and the Federal government and, of course, the budget.

**Services**

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

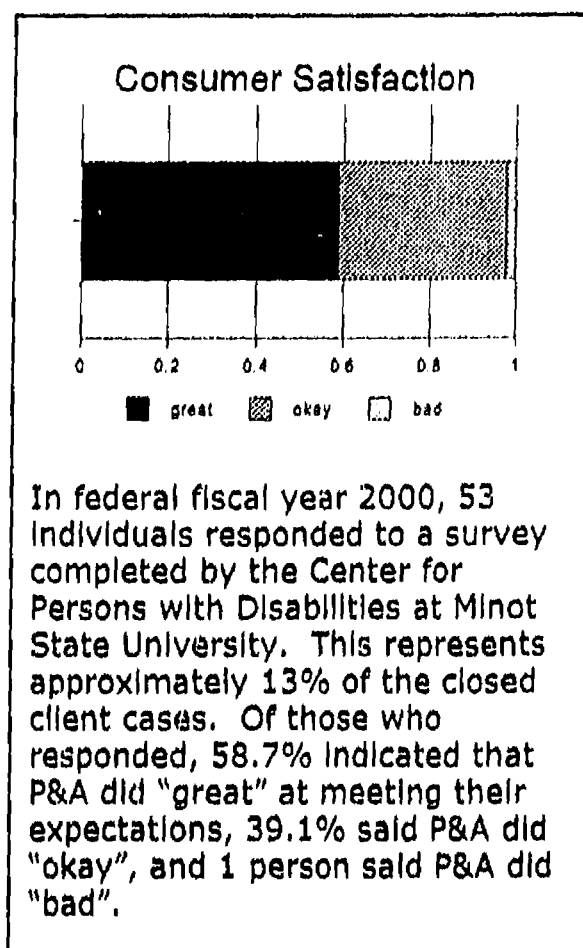
During the federal fiscal years 1998, 1999 and 2000, P&A provided information and referral services to 3,811 individuals (1998 = 1,282; 1999 = 1,288; 2000 = 1,241). For these same three years, 919 training sessions were provided to 10,999 people. Participants included individuals with disabilities, family members, guardians, law enforcement personnel, private service providers, case managers, school personnel, and related professionals. Training topics included disabilities-related rights, problem-solving and communication skills, and advocacy skills.

Attachment "A" provides information on the numbers of individuals

provided with representation or protective services over the last three federal fiscal years. There was a significant increase in the year 2000. The most frequent case problem areas addressed included: abuse, neglect and exploitation; habilitation/treatment services; education-related services; and financial subsistence. As identified in Attachment "B", P&A achieves a high percentage of problem resolution for its clients.

### **Some of the Major Accomplishments**

- P&A has continued its partnership with developmental disabilities service providers and the Disabilities Division to bring more providers onto the *level system* for responding to alleged abuse, neglect and exploitation of individuals with disabilities. The *level system* streamlines processes and paperwork while promoting quality care. The *level system* has also been introduced at the State Hospital.
- P&A wrote and, in collaboration with other Federal, State and private entities, published and printed a manual titled *Higher Education in North Dakota: A Resource Guide for Students with Disabilities*.
- In collaboration with local school districts around the State, P&A has conducted *Common Ground* training sessions for parents, teachers (regular and special education) and school administrators. Several *Common Ground* sessions have been presented on North Dakota Indian reservations.
- Clients are indicating a high level of satisfaction with P&A's services. The box at the right provides survey information for federal fiscal year 2000.
- P&A and its Mental Health Advisory



Council have continued their partnership with the State Hospital to address issues related to the transport of individuals with mental illness. Data was collected from 8/98 through 5/99 on mental health transports to the State Hospital. A second round of data collection was initiated in November of 2000.

- P&A has been working collaboratively with the Disabilities Division to develop a data base for abuse and neglect information.
- 10% of P&A's representation is provided to individuals with disabilities who are American Indians.
- P&A staff developed an agency data base for tracking client statistics and non-case activities (information required by the Federal government).

### **Additional Responsibilities**

In December 2000, Congress enacted the Fiscal Year 2001 Labor, Health & Human Services, and Education Appropriations bill which provides for record increases for the Protection & Advocacy Individuals with Mental Illness (PAIMI) Program. The total PAIMI Program appropriation for 2001 is \$30 million - a twenty percent increase over last year's appropriation of \$25 million. Because the appropriation has reached the higher dollar threshold, P&A's new authority (under recent amendments to the PAIMI Act) to serve persons with mental illness living in the community is now in effect.

Prior to the amendment, P&A services under the PAIMI Act were authorized only for persons with a significant mental illness or emotional impairment who either: a) reside in a facility rendering care or treatment, b) are in the process of admission to such a facility, or c) recently have been discharged.

As amended by the Children's Health Act of 2000, P&A is now authorized to provide services for a person with a significant mental illness or emotional impairment who "lives in a community setting, including their own home." While not every person with a mental illness or emotional impairment in the State is in need of P&A's services, the potential client

base is estimated to be 32,350 individuals (25,682 adults with a serious mental illness and 6,668 children with a serious emotional disturbance; testimony of Karen Larsen, DHS Director of Mental Health & Substance Abuse Services; 1/4/01; House Appropriations Committee).

Additionally, new federal reporting requirements are also being put into place requiring adult and children's facilities to notify P&A's of any deaths related, or potentially related, to the use of seclusion and restraints. P&A's have the responsibility to investigate those incidents. The Protection & Advocacy Project will also work with these facilities to ensure they are educated on regulations governing the use of seclusion & restraints.

In addition to increases in existing federal grants, P&A's are receiving a new federal grant. In 1999, The Ticket to Work and Work Incentives Improvement Act, commonly known as "TWWIIA", was passed by Congress. The purpose of the law is to help people with disabilities get into the work force. A piece of the law addresses "work incentives planning, assistance and outreach". The P&A in every state and territory will receive a federal grant to provide social security beneficiaries with disabilities with: 1) "information and advice about obtaining vocational rehabilitation and employment services", and 2) "advocacy or other services that a beneficiary with a disability may need to secure or regain gainful employment".

### **The Budget**

Attachment "C" provides information on our federal grants. For North Dakota, the increased PAIMI funds are \$60,560/year (for a total grant amount of \$355,300/year). Increased funds were also provided for the Developmental Disabilities Advocacy Program in the amount of \$19,804/year (totaling \$287,572/year) and an \$11,447/year increase for the PAIR Program (for a total of \$138,633/year). For the Social Security Administration grant, North Dakota P&A is to receive an annual grant in the amount of \$100,000 with a partial grant award being made for the current federal fiscal year. Annual federal grant increases total \$158,477 for the 2001 federal fiscal year. These funds will assist greatly in allowing P&A to

be more proactive as well as more responsive to the advocacy needs of individuals with disabilities.

Attachment "D" provides a budget overview for the current and next biennium. We submitted our budget request to the Governor for 2001-2003 with level general funding, no requests for additional FTE's, and no optional adjustment requests. While our budget was in the House, we were informed of our federal grant amounts for Federal fiscal year 2001. Because of the increases, along with increased authority and expectations, we requested an additional 2.5 FTE's for the Mental Health Advocacy Program (2 full-time Disabilities Advocates and a half-time support person). The House approved 1.5 additional FTE's for P&A. They removed the State general fund increase, contrary to recommendations from both Governors, in the amount of \$102,851. So, P&A is not in a position to fund the other additional FTE.

The House also approved spending authority for the new Social Security grant in the amount of \$233,000. We received information on this grant only two days before our second budget hearing in House Appropriations and I did not have time to put together a plan for program implementation. At this time, we are requesting one FTE for this program. All costs associated with the position will be paid for with federal dollars. We are currently considering the possibility of contracting out the responsibilities that cannot be undertaken by this FTE or with other existing resources.

The requested increases in our operating budget are detailed in Attachment "E". The major increases are for: 1) travel for staff, the governing board and advisory council, 2) information technology, and 3) professional services. Corinne Hofmann, our IT Coordinator, is available today to provide testimony specific to our IT plan and associated costs.

The increased travel costs are attributed to increased mileage rates charged by State motor pool, increased outreach to rural areas and the reservations, and travel by governing board and advisory council members to their meetings and conferences. Also included is travel for staff to

participate in training on the new Social Security grant.

The professional services area of the budget includes funding for the following major items: client satisfaction surveys conducted by Minot State University (\$13,000), Central Legal Research at UND Law School (\$41,576), legal-related costs and legal services (\$30,000), Social Security grant contract (>\$100,000). Additional funds are included for interpreter services, 24-hour emergency answering service, courier services, and professionals to conduct staff training.

Equipment funds (>\$750) will be used for IT as well as for the replacement of several regional office copy machines.

This concludes my prepared remarks. I want to thank you for your time, interest and support of the Protection & Advocacy Project. I will be glad to answer any questions.



**Federal grant information:**

Income Source	2001 Grant	2000 Grant	Increase
DD Grant*	\$287,572.00	\$267,768.00	\$19,804.00
MH Grant*	\$355,300.00	\$294,740.00	\$60,560.00
PR Grant*	\$138,633.00	\$127,186.00	\$11,447.00
AT Grant^	\$50,000.00	\$50,000.00	\$0.00
SSA Grant**	\$66,666.00	\$0.00	\$66,666.00
<b>TOTAL</b>	<b>\$898,171.00</b>	<b>\$739,694.00</b>	<b>\$158,477.00</b>

\* federal fiscal year = October - September

^ federal fiscal year = April - March

\*\* federal fiscal year = December - November; 2001 grant = 8 mo's (annualized = \$100,000/year)

**2001 - 2003 Biennium Revised Revenue Projections:**

Income Source	Projected Income	Carry-over from 01 Grants^	Unspent Funds from 01 Grants	Total Projected Revenue
DD Grants*	\$503,251.00	\$71,893.00	\$38,436.00	\$613,580.00
MH Grants*	\$621,775.00	\$88,825.00	\$157,865.00	\$868,465.00
PR Grants*	\$242,607.75	\$34,658.25	\$64,211.75	\$341,477.75
AT Grants#	\$62,500.00	\$37,500.00	\$16,025.40	\$116,025.40
SSA Grants@	\$158,333.00	\$41,666.00	\$33,000.00	\$233,000.00
<b>TOT FED</b>	<b>\$1,588,466.75</b>	<b>\$274,542.25</b>	<b>\$309,538.15</b>	<b>\$2,172,548.15</b>
State	\$776,548.00	\$0.00	\$0.00	\$776,548.00
<b>TOTAL</b>	<b>\$2,365,014.75</b>	<b>\$274,542.25</b>	<b>\$309,538.15</b>	<b>\$2,949,096.15</b>

\* projected income = 12 mo's of '02 grants (10/01-9/02) + 9 mo's of '03 grants (10/02-6/03); amount based on maintenance level of '01 grants ('01 grants: DD = 287,572; MH = 355,300; PR = 138,633)

# projected income = 12 mo's of '02 grant @ \$50,000 + 3 mo's of '03 grant @ \$50,000; fed. fiscal yr. = April - March

@ projected income = 12 mo's of '02 grant (12/01-11/02) + 7 mo's of '03 grant (12/02-6/03)

^ 3 mo's of '01 grants for DD, MH &amp; PR; 9 mo's of '01 grant for AT @ \$50,000; 5 mo's of '01 grant for SSA

	97 - 99 Biennium		99 - 01 Biennium		01 - 03 Biennium House Version	
Federal	1,262,069	64%	1,507,492	66%	2,171,548	74%
General	697,048	36%	776,548	34%	776,548	26%
<b>TOTAL</b>	<b>1,959,117</b>		<b>2,284,040</b>		<b>2,948,096</b>	

## Attachment D

99-01 Biennium Budget				Proposed for the 01-03 Biennium	
	budgeted	\$ spent thru 12/00*	% spent thru 12/00*	increase from 99-01	total
salaries	1,397,223	1,020,093	73%	268,102	1,665,325
benefits	436,489	318,678	73%	108,405	544,894
temporary	7,000	4,125	59%	800	7,800
TOTAL WAGES	1,840,712	1,342,896	73%	377,307	2,218,019
TOTAL OPER.	419,668	276,035	66%	266,709	686,377
TOTAL EQUIP.	23,660	10,310	44%	20,040	43,700
AGENCY TOTAL	2,284,040	1,629,240	71.3%	664,056	2,948,096
FUNDING SOURCE	allocated				
general funds	776,548			0	776,548
federal funds	1,507,492			664,056	2,171,548
TOTAL	2,284,040			664,056	2,948,096

\* thru 12/00 = 75% of the 99-01 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone)

# P&A Operating Budget

Attachment E

	99-01			01-03	Notes
	budgeted	\$ spent thru 12/00	% spent thru 12/00*		
IT/data process	2,000	1,842	92%	650	Some IT costs initially entered here; now in IT
IT/telephone	35,515	31,053	87%	76,250	refer to testimony re: IT
travel	89,095	61,811	69%	121,525	increases: board/advisory council (\$6,700) & staff
IT/softw & supp's	5,050	515	10%	20,505	refer to testimony re: IT
postage	12,400	7,958	64%	13,575	
IT/cont. serv's	15,000	10,554	70%	26,493	refer to testimony re: IT
equipmt. lease	1,250	100	8%	500	
office/booth rent	102,908	76,840	75%	114,398	increases requested by landlords + rent for additional FTE's
dues/prof. dev.	16,000	17,805	111%	26,000	increases = prof. dev., attny's licenses, consumer stipends
operating fees	18,145	7,493	41%	5,545	UND costs initially entered here; now in prof. serv
repairs	10,000	6,210	62%	9,325	
prof. services	69,950	33,448	48%	228,313	increases = courier, client surveys, 24-hr. answering service, UND legal research, legal services, SSA grant contract
insurance	600	495	83%	4,172	includes risk management costs
office supplies	16,570	8,356	50%	12,451	
printing	14,335	5,217	36%	13,975	
prof. supplies	8,850	4,845	55%	9,650	
misc. supplies	2,000	1,491	75%	3050	
<b>TOTAL</b>	<b>\$419,668</b>	<b>\$276,035</b>	<b>66%</b>	<b>\$686,377</b>	

\* thru 12/00 = 75% of the 99-01 biennium; some bills are a month behind on payment (eg. IDB's from motor pool, telephone)

HB 1014

# **MENTAL HEALTH ASSOCIATION IN NORTH DAKOTA**

## **HOUSE BILL 1014 TESTIMONY** **Before Senate Appropriations Committee** **February 20, 2001**

Mr. Chairman, members of the Committee, my name is Rose Stoller. I am the executive director of the Mental Health Association in North Dakota. My prior work experience includes 17 years with the Department of Human Services. During that time, I worked as a Disability Claims Examiner, a Developmental Disabilities case manager, and a community liaison outreach worker. These positions allowed me to work with a wide variety of vulnerable citizens, including those with mental illnesses. In a volunteer capacity with the Mental Health Association in North Dakota, I coordinated depression education and screening campaigns statewide.

The Mental Health Association in North Dakota is a nonprofit volunteer citizens organization affiliated with the National Mental Health Association which was founded over 90 years ago by a former state hospital patient, Clifford Beers. One of the primary missions of the Mental Health Association in North Dakota is to ensure the availability of appropriate, accessible, and adequately funded treatment and support services for persons with mental illnesses throughout the state of North Dakota. During the last two decades, our organization has worked closely with the Legislature, the Department of Human Services, families, and consumers to move our state's delivery system from an over reliance on institutional or custodial care to a community-based system of care.

In furtherance of our mission, the Mental Health Association in North Dakota appears today to support the funding of Protection & Advocacy Services as contained in House Bill 1014. The Protection & Advocacy Project is designed to safeguard the rights of people suffering from mental illnesses. Unlike the Mental Health Association in North Dakota, which is a nonprofit advocacy association, Protection & Advocacy has the authority under federal law to pursue administrative, legal, and other remedies to protect the health, safety, and human and legal rights of these citizens. They can enforce appropriate standards of care,

treatment, housing, and other services needed by individuals who are diagnosed as suffering from mental illnesses.

The Mental Health Association in North Dakota offers a 24-hour toll-free HELP-LINE service to the citizens of North Dakota who are experiencing difficulty in coping with mental illness. The calls we receive range from those simply seeking information about the availability of services, or asking for help in accessing needed services, to crisis calls from those contemplating suicide. When we need immediate assistance in dealing with crisis calls, we are grateful that Protection and Advocacy staff are always there to help, regardless of the hour or day of the week.

In addition, the leadership of Protection & Advocacy has developed a collaborative working relationship with the many diverse groups within the public and private delivery system in order to achieve a consensus to address problem areas and long-term service goals. Two recent examples of their participation in collaborative efforts are the task force to address the sexual predator laws in our state and a project to educate families, consumers, and advocates on the implications of the recent Olmstead Supreme Court decision. We are grateful for their respectful and responsive approach to addressing not only the individual needs of a client but also the diverse perspectives of advocacy organizations and service providers.

It is important for the members of this committee to recognize that no one entity can adequately address the service needs of persons suffering from mental illnesses. Services must be provided by both the public and private sector. The Protection & Advocacy Project provides a needed and valuable service which is respected by both the service provider community and by the nonprofit advocacy community.

Our support is unqualified, except to the extent that the budget does not include any increased funding for additional staff to handle the needs of our citizens who suffer from the debilitating effects of serious mental illnesses.

Despite the fact that under the deinstitutionalization movement of the past two decades, wherein persons suffering from mental illnesses have been moved from the state hospital to our communities, the level of Protection & Advocacy staffing to cover the services requested by these persons has remained stagnant over the last several bienniums. We would hope that this committee would review the current workload and provide additional staff support to those areas of the state that have experienced the greatest growth of persons who have been transferred from the state hospital.

Federal funds have recently become available to Protection and Advocacy which will expand duties in the mental health advocacy program. Federal funds from the Social Security Administration have also recently become available to educate consumers about the Ticket to Work and Work Incentives Improvement Act which allows greater access to employment for persons with mental illnesses by allowing recipients to maintain Medicaid coverage. Loss of health insurance coverage remains the biggest disincentive for persons with disabilities to return to work. The P & A Project requested an additional 2.5 FTEs to implement these statewide projects. Changes made by the House in this budget have reduced this to only 1.5, which is simply not enough to implement these initiatives. We ask that you increase the FTEs by one as the Protection and Advocacy Project requested.

I thank you for your time and will remain available to answer any of your questions.

# Mental Health Association in North Dakota



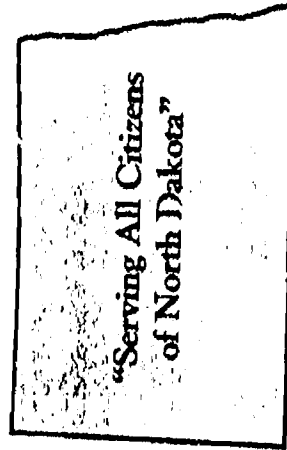
*"the only non-governmental  
organization concerned with all  
aspects of mental health for all  
citizens of North Dakota"*

**Mental Health Association  
in North Dakota**  
NORTH DAKOTA'S HELP-LINE™ CONNECTION  
1459 Interstate Loop  
PO Box 160  
Bismarck, North Dakota 58502-0160

1459 Interstate Loop  
PO Box 160  
Bismarck, North Dakota 58502-0160  
(701) 255-3692 Fax: (701) 255-2411  
HELP-LINE™ 1-800-472-2911  
E-mail: [mhand@brigade.com](mailto:mhand@brigade.com)  
Website: [www.brigade.com/~mhand](http://www.brigade.com/~mhand)

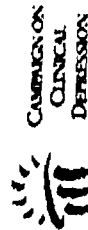
## ABOUT MHAND

- ✓ Founded in 1952
- ✓ An affiliate of the National Mental Health Association, the largest group in the country "Working for America's mental health and victory over mental illness"
- ✓ Nonprofit, non-governmental
- ✓ Association of volunteers - "People who want to make a difference"
- ✓ Services available to all North Dakota citizens
- ✓ Statewide organization with eight regional affiliates in North Dakota
- ✓ Funded by private donations, membership, memorials, bequests, grants, fundraising activities, community funds, and United Way.



## THE MHAND MISSION

- ✓ To improve the range, quantity, and quality of care and treatment services for persons with mental illnesses
- ✓ To promote mental health for all persons
- ✓ To remove the stigma associated with mental illness and
- ✓ To contribute to research into the prevention, treatment, and cure of mental illness



CAMPAIGN ON  
CLINICAL  
DEPRESSION



United Way  
Agency

## North Dakota's HELP-LINE™ Connection

**1-800-472-2911**

A statewide 24-hour **CRISIS INTERVENTION, INFORMATION, AND REFERRAL** service, available seven days a week. The HELP-LINE is available for all citizens of North Dakota.

Please call toll free at **1-800-472-2911** for assistance in the following areas:

- ✓ Abuse
- ✓ Addictions
- ✓ Advocacy
- ✓ Aging/Elderly
- ✓ Children/Youth/Families
- ✓ Coping Skills
- ✓ Crisis Response Team
- ✓ Depression
- ✓ Group/Care
- ✓ Emotional/Behavior Problems
- ✓ Grief and Loss
- ✓ Health Issues/AIDN
- ✓ Legal/Financial/Fraud Assistance
- ✓ Legislation
- ✓ Listening Ear
- ✓ Locating Needed Services in Your Area
- ✓ MHAND Resource Center
- ✓ MHAND Speakers' Bureau
- ✓ Parenting/Child Rearing
- ✓ Rural/Farm Stress
- ✓ Self-Esteem
- ✓ Social Clubs for Persons with Mental Illness
- ✓ Stress/Anxiety Management
- ✓ Suicide
- ✓ Support Groups
- ✓ Relationships
- ✓ Violence
- ✓ Youth at Risk
- ✓ Additional Topics



Certified by American Association of Neurology

## PROGRAMS AND SERVICES

### Advocacy and Legislation

Promote public policy on behalf of persons with mental illness and their families.

### Education "Prevention Through Education"

✓ "Thumbtack" - Children's self-esteem programs, grades K-6.

✓ Being Safe - Child abuse prevention curriculum and videos for educators/parents and grades K-6.

✓ Kids On the Block - Troops of educational puppets for programs on Aids, Teen Pregnancy, Physical Abuse, Sexual Abuse, Alcohol, Drugs, Tobacco, Safety On Wheels, Children's Mental Health, Children of Divorced Parents.

✓ Suicide - Awareness/prevention; intervention; prevention workshops; organizing and training Community Crisis Response teams; Gatekeeper programs for schools, communities, peers, parents.

✓ Teenage Pregnancy Prevention - Abstinence curriculums/programs on human sexuality for grades 6-9. Instructor training and materials.

✓ Parenting Programs - Available for parent education/supps in groups.

✓ Grief and Loss Programs - For those who have lost and loss helpers.

✓ Resource Center - Videos and printed materials on mental health issues and social concerns for all ages. Directory available.

✓ Speaker's Bureau - Presentation, workshops, conferences, seminars, training sessions - assistance in planning programs, projects, and workshops.

✓ Campaign on Clinical Depression - Materials, training and screenings.

### Workshops

Workshops and programs for children, adolescents, adults, and older Americans on mental health and mental illness topics and social concerns.

### Social Centers

For persons with serious mental illnesses.

### Dakota Bell

The official publication of the Mental Health Association in North Dakota, Mental Health Consumer Network, and the Council on Compulsive Gambling of North Dakota.

## MENTAL HEALTH CONSUMER NETWORK

- ✓ To build dignity and respect for all people who have or have had a mental illness.
- ✓ To provide a recognized network of peer support and advocacy at local, state, and national levels for all people who have or have had a mental illness.
- ✓ To promote understanding and awareness of people who have or have had a mental illness.
- ✓ To promote development and advocacy for employment opportunities for people who have or have had a mental illness.
- ✓ To promote leadership and self-reliance for people who have or have had a mental illness.

## LITTLE KNOWN FACTS

- ✓ Mental illnesses affect one in five of us or 22 million Americans over age 18.
- ✓ Eight million children suffer from a mental illness or behavior disorder.
- ✓ Mental illnesses cost this nation over \$250 billion annually.
- ✓ Mental illnesses can strike anyone regardless of age, race, or socioeconomic background.
- ✓ People have mental illnesses out of fear or ignorance.
- ✓ Sickness of all - only one in five people with mental illness seek help - 90% could be helped.

## AFFILIATES

- ✓ Tri-County Mental Health Association, Williston, North Dakota
- ✓ Sisseton Valley Mental Health Association, Minot, North Dakota
- ✓ Lake Region Mental Health Association, Devils Lake, North Dakota
- ✓ North Valley Mental Health Association, Grand Forks, North Dakota
- ✓ South Valley Mental Health Association, Fargo, North Dakota
- ✓ South Central Mental Health Association, Jamestown, North Dakota
- ✓ Missouri Valley Mental Health Association, Bismarck, North Dakota
- ✓ Southwest Mental Health Association, Dickinson, North Dakota

## PEOPLE WITH MENTAL ILLNESSES ENRICH OUR LIVES

Abraham Lincoln	Tennessee Williams	Winston Churchill	Vincent Van Gogh
Mozart	Patty Duke	Tchailowsky	Jimmy Persall
Friedrich Nietzsche	Charles Dickens	F. Scott Fitzgerald	Machiavelli
Dostoyevski	John Keats	Benjamin Franklin	Vivien Leigh
Beethoven	Hemingway	Leo Tolstoy	Isaac Newton

## MEMBERSHIP APPLICATION

- ✓ Platinum Donation (\$100 and over)
- ✓ Gold Donation (\$50-\$99)
- ✓ Silver Donation (\$25-\$49)
- ✓ Bronze Donation (\$10-\$24)
- ✓ Individual Membership (\$10)
- ✓ Family Membership (\$15)
- ✓ Student Membership (\$5)
- ✓ Youth Membership (\$5)

Many of our friends and neighbors are consumers of mental health services and must live on a fixed/income. Would you help them by donating an extra \$5.00 or \$10.00, as they may offer them membership in the Mental Health Association in North Dakota on a special basis?

Thank you for your support!

- ✓ Yes, I would like to become a N.M.H. member (add \$5.00)
- ✓ Yes, I would like to join my membership (add \$5.00)
- ✓ A donation
- ✓ A future tribute
- ✓ A memorial

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_

Zip \_\_\_\_\_

Telephone (Area Code) \_\_\_\_\_

Signature \_\_\_\_\_



# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1015