

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1014

2005 HOUSE APPROPRIATIONS

HB 1014

January 6, 2005

House Appropriations Full Committee

Mr. Merl Paaverud and Robert Schlobohm spoke for the State Historical Society. (handout #3-14, attached) (meter Tape #3, Side A, #46.8). Mr. Schlobohm discussed variances described in handout and noted that their only carry over authority was in capital assets within Lewis and Clark. The decrease is due to the fact that the project is complete. Mr.. Paaverud noted that services were needed throughout the state and that funding is being sought for FTE positions.

Mr. Wayne Stenehjem Attorney General, distributed handout # 3-15 and discussed the 7 variances listed on page 2. (meter Tape #3, side B, #3.8) While discussing these, it was determined that the figures in the handout were in the wrong columns and would be corrected for the committee. (corrected version of handout is attached). Discussion ensued regarding "off Budget" positions in budgets and information was requested from Legislative Council concerning all agencies with off budget employees and whether or not these funds were included in the budgets and where.

118
1014
✓ **Ms Teresa Larson** spoke for Protection and Advocacy. (handout #3-16, attached) (meter Tape #3, side B, #15.5) Ms Larson read her written testimony and explained that this is the first time they have ever seen a decrease in federal dollars (mental Health Grant) which means an increase in operating expenses. Ms Larson continued by explaining their performance measurements listed on page 4 of handout.

✓ **Mr. Paul Shadwall** from the Game and Fish Department reviewed the 8 variances listed on distributed handout #3-17 (attached). (meter Tape #3, side B, #33.2)

Mr. Sparb Collins from Public Employee Retirement System Distributed and reviewed handout #3-18 (attached). (meter Tape #3, side B, #44.7) Mr. Collins explained that the increase in Health Insurance is found in each agency's salary line and that the \$3000,000 increase is all

General Discussion

HB 1014

House Appropriations - Human Resources

Date: 1-10-05 Monday p.m.

	Tape Number	Side A	B Side	Meter #
I		X	X	Comm. Orientation
II		X	X	6.9 - 38.2

Committee Clerk Signature



Chairman Delzer opened the hearing on HB 1014 at 1:45 p.m. All members present.

Teresa Larsen, Executive Director of Protection and Advocacy Project gave testimony highlighting P&A's services and reviewed budget (see seven-page handout). Section I dealt with Services and noted the federal funding sources and grants for seven advocacy programs. P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities.

Chairman Delzer: What exactly do you do?

Larsen: We rarely do litigation. We're more advocacy on behalf of students with administrative appeals, etc. (Larsen reviewed Case Activity page 2 with subpoints/graphs on "Advocacy and Protective Services.")

Chairman Delzer asked Larsen what percentages are state agencies or political subdivisions.

Rep. Kerzman: Do you use sliding fee scales?

Larsen: There is no charge for representative services. (Larsen finished section and continued with Non-case Activity along with benchmarks for 05-07 on pages 3-4.) **Chairman Delzer** asked for clarification on how she came up with the number trained.

Larsen reviewed proposed 05-07 budget with subpoints on Turtle Mountain and Variances from 03-05 to 05-07 (pages 4-7).

Chairman Delzer: Your agency if funded is with a minimal budget?

Larsen: My understanding is there were across-the-board cuts and federal grants will all likely decrease.

Chairman Delzer: (During Turtle Mountain review page 5) How much is being funded out of the DD grant?

Larsen: 30%

Chairman Delzer inquired on federal funds verses general funds usage and what the HAVA money is being used for.

Chairman Delzer: How much have you spent this biennium for professional services? Is there a requirement to spend federal dollars before general fund dollars?

Larsen: Yes.

Chairman Delzer had questions for Lori Laschkewitsch/OMB regarding HAVA professional services, specifically the equipment capital changes.

Chairman Delzer said P&A was spending the general fund monies before the federal fund.

Larsen: We end up spending the same traditional for both.

Chairman Delzer: If we consider an 8% growth in the next biennium, we'll be \$100 million short. So we want to look at things close now.

Larsen: I understand. Our total general fund request was reduced to \$27,000.

Chairman Delzer asked for a breakdown of caseloads in each area and clients served in future testimony.

Rep. Pollert: If services are given, who provides the funds? Is it just for services rendered?

Larsen: We do not pass through funds to the provider--it is money only for advocacy services.

Chairman Delzer: Lori (OMB), have we ever checked with other states on how they spend money?

Larsen: Our approach is different. Our staffs are not lawyers and we don't do litigation.

Chairman Delzer: Is North Dakota above other states then?

Larsen: Yes.

Chairman Delzer: Teresa, can you get us a report from your fiscal report with breakdown on the monies?

Corinne Hofman, Director of Policy and Operations with Protection and Advocacy

testified. She talked about the unwillingness to switch to DSL connections.

Chairman Delzer asked Lori/OMB regarding funding for Peoplesoft and DSL.

Lori/OMB: The charges are separate according to budgets.

Chairman Delzer: They are not separate to my understanding.

Lori/OMB: Agencies will not be paying until next biennium.

Rep. Pollert: How long will HAVA last? With an increase in printing and special supplies, will the funds stay there or will they run out? I'm questioning where the decreases will come from.

Hofman: The money you see targeted for professional services is money from 03-04 carry-over, but we're not planning beyond '06 January because there's no indication yet to fund. The money for professional services is because our intention is to do an extensive education campaign for poll workers. We budgeted accordingly due to media needs, which are high. We'll do quite a bit of printing. Regarding your question on IT, \$18,300 is for copiers.

Chairman Delzer: Under office equipment, how many computers will you buy?

Hofman: Eleven desktops and two laptops, including monitors.

Chairman Delzer: You need to detail these. Corinne, you should be able to transfer from older software programs.

Hofman: No, we can't because of new contracts.

Chairman Delzer asked what travel reimbursement was based on, if interactive videos were used, who P&A was sharing the HUB costs with.

Larsen: We give 27 cents per mile. Seldom use our own cars.

(**Chairman Delzer** called a ten-minute recess.)

After reconvening, **Chairman Delzer** asked Larsen about continued appropriations.

Larsen: Everything we need is put before you.

Chairman Delzer: How much on main P&A grant?

Larsen: They're all minimum allotments.

Chairman Delzer opened up the meeting to public testimony.

Carlotta McCleary, Executive Director for ND Federation of Families for Children's Mental Health handed out and read her testimony.

Page 5

House Appropriations - Human Resources Division

HB 1014

Hearing Date January 10, 2005

With no more testimony available, **Chairman Delzer** closed hearing on HB 1014 and said it would be taken up again in February. Tuesday's schedule was reviewed.

Meeting adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES


BILL/RESOLUTION NO. 1014

House Appropriations Committee
Human Resources Division

Hearing Date: 2-11-05 Friday a.m.

Tape Number	Side A	Side B	Meter #
II	X		0 - 6.3

Committee Clerk Signature



Minutes: **Chairman Delzer** called the meeting to order on HB 1014 at 10:13 a.m.

Rep. Larry Bellew: My concern with the total budget for P & A is the 60% increase.

Chairman Delzer: Some of it has to do with the HAVA funds

Vice Chair Pollert: Also, there is a FTE in Rolette County that is all federal dollars.

Teresa Larsen, Executive Director of the Protection and Advocacy Project: That FTE is 90% Federal and 10% State.

Chairman Delzer: What about in two years?

Larsen: The intent is to pay for it with federal after DD Council grant runs out. In six to nine months into the biennium there will be a match. Then we want to hire that person permanently. Our grants have increased and we planned this when we pulled this budget together.

Chairman Delzer: Committee members, I would feel more comfortable with an amendment that says if the federal funding for P&A decreases then either this position or another federally-funded position within the agency should be reduced.

Page 2

Human Resources Division

Bill/Resolution Number 1014

Hearing Date: 2-11-05

Vice Chair Pollert: I will make that motion.

Rep. Bellew: I second it.

Chairman Delzer: We will take a vote. Motion passes. We have the amended bill before us.

Rep. James Kerzman: I move we Do Pass As Amended.

Vice Chair Pollert: I second it.

Chairman Delzer: Motion passes 6-0.

Rep. Kerzman will carry the bill.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1014
Committee on Protection and Advocacy

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 15, 2005

Tape Number

4

Side A

Side B

X

Meter #

#20.1 - #23.8

Committee Clerk Signature

Chris Alexander

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1014.

Rep. James Kerzman moved to adopt amendment #0101 to HB1014.

Rep. Jeff Delzer seconded

Rep. James Kerzman explained that this bill includes a new FTE at Turtle Mountain in Section 4. If the federal funding for this pulls out then this position is eliminated since the funding for this position is 90% federal funds and 10% general funds. There is also an adjustment for the compensation package reflected in the amendment #0101.

Rep. Ken Svedjan, Chairman called for a voice vote on the motion to adopt amendment #0101 to HB1014. Motion carried.

Rep. James Kerzman moved a Do Pass As Amended motion on HB1014.

Rep. Jeff Delzer seconded

Page 2

House Appropriations Committee

Bill/Resolution Number HB1014

Hearing Date February 15, 2005

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass As Amended motion to HB1014. Motion carried with a vote of 21 yeas, 0 neas, and 2 absences. Rep Kerzman will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1014.

Date: 2/11/05
Roll Call Vote #: ①

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1014

House Appropriations - Human Resources

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 58037.0101

Action Taken DO PASS AS AMENDED

Motion Made By Rep. Kerzman Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Jeff Delzer	✓		Rep. James Kerzman	✓	
Vice Chairman Chet Pollert	✓		Rep. Ralph Metcalf	✓	
Rep. Larry Bellew	✓				
Rep. Alon C. Wieland	✓				

Total (Yes) 6 No 0

Absent

Floor Assignment Rep. Kerzman

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

If the Federal fund decreases, then either a full-time equivalent position or another federally-funded position within the P&A agency will be reduced.

Date: **February 15, 2005**
Roll Call Vote #: **1**

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1014

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number **58037.0101**

Action Taken **DO PASS AS AMENDED**

Motion Made By **Rep Kerzman** Seconded By **Rep Delzer**

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	AB	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Guleson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	AB				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes **21** No **0**

Absent **2**

Floor Assignment **Rep Kerzman**

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

REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

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

Page 1, line 14, replace "487,184" with "476,684"

Page 1, line 15, replace "459,443" with "451,328"

Page 1, line 16, replace "27,741" with "25,356"

Page 2, line 1, replace "3,713,439" with "3,702,939"

Page 2, line 2, replace "2,902,975" with "2,894,860"

Page 2, line 3, replace "810,464" with "808,079"

Page 2, after line 3, insert:

"SECTION 4. LEGISLATIVE INTENT - FEDERAL FUNDS REDUCTION - ELIMINATION OF FULL-TIME EQUIVALENT POSITION. It is the intent of the legislative assembly that if the protection and advocacy project receives less federal funds during the 2005-07 biennium than anticipated, then the protection and advocacy project shall eliminate the new full-time equivalent position for a disabilities advocate for the Turtle Mountain Indian Reservation or eliminate a different full-time equivalent position rather than reduce other services to make up for the reduction of funding to the agency."

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 Project	<u>\$3,713,439</u>	<u>(\$10,500)</u>	<u>\$3,702,939</u>
Total all funds	\$3,713,439	(\$10,500)	\$3,702,939
Less estimated Income	<u>2,902,975</u>	<u>(8,115)</u>	<u>2,894,860</u>
General fund	\$810,464	(\$2,385)	\$808,079
FTE	25.50	0.00	25.50

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

	REDUCES COMPENSATION PACKAGE TO 3/4	TOTAL HOUSE CHANGES
Protection and Advocacy Project	<u>(\$10,500)</u>	<u>(\$10,500)</u>
Total all funds	(\$10,500)	(\$10,500)
Less estimated income	<u>(8,115)</u>	<u>(8,115)</u>

REPORT OF STANDING COMMITTEE (410)
February 16, 2005 2:55 p.m.

Module No: HR-31-3184
Carrier: Kerzman
Insert LC: 58037.0101 Title: .0200

General fund	(\$2,385)	(\$2,385)
FTE	0.00	0.00

2005 SENATE APPROPRIATIONS

HB 1014

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1014

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 3, 2005

Tape Number

2

Side A

x

Side B

Meter #

588

Committee Clerk Signature

Janet Parks for Jenny Brunck

Minutes:

Chairman Holmberg opened the hearing on HB 1014.

Theresa Larson, Executive Director, Protection and Advocacy Project (P&A), distributed handouts and testified in **support of HB 1014**. She presented testimony on P & A services and its budget. She indicated there is a P & A program for people with disabilities in every state and territory, most being private and nonprofit organizations. ND is a state agency governed by an independent seven member board, 2 appointed by the Governor, 2 by the Legislative Council, and 3 by advocacy organizations. Funding comes from different sources as documented in the written testimony. She discussed the change in spending authority, the proposed budget, the funding of a position for Turtle Mountain

Jim Jacobson, distributed a handout and testified in **support of HB 1014** indicated that priorities will be developed for each of the programs as to abuse, neglect, exploitation, accessibility, community integration, criminal justice, education, employment, health care and

outreach. He discussed the case activity and case profiles, of advocacy, protective services, and non-case activities.

Senator Mathern asked about SB 2028 which gave more responsibilities over corporate guardianship issues; do you have any problem doing that in this budget for the next biennium.

The response was no.

Senator Bowman asked if she indicated Connect ND is a new cost to the department. The response was yes about \$7900.

John Willer, Client, distributed testimony and testified in **support of HB 1014**. He testified as to how Protection and Advocacy has helped him.

Cheryl Berjion, Director of ND Human Rites Coalition, presented written testimony on behalf of **Carlotta McCleary** who was unable to be present. She indicated **support of HB 1014** for herself and for Carlotta discussing the ND Federation of Families for Children's Mental Health indicating how the Protection and Advocacy services helped to resolve issues.

Jack McDonald, ARC of North Dakota, testified in **support of HB 1014**.

Jon Larson, Executive Director of Enable, Inc., and representative of ND Association of Community Facilities, presented written testimony and testified in **support of HB 1014**. He indicated how important the P& A program in providing services for people with disabilities.

Elaine Grasl, District 47, provided written testimony in support of HB 1014 indicating how supportive P & A is in providing support and resources.

Chairman Holmberg closed the hearing on HB 1014.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1014

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 24, 2005

Tape Number

2

Side A

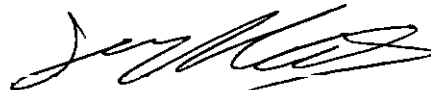
Side B

X

Meter #

408-690

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the meeting to discuss HB 1014. All Senators were present with the exception of Senators Kringstad and Tallackson.

Action taken:

Senator Kilzer moved a Do Pass recommendation on the amendments (58037.0201).

Seconded by Senator Fischer. The amendments passed unanimously with a voice vote.

Senator Mathern presented a set of amendments and moved a Do Pass recommendation on the amendments. Seconded by Senator Krauter. The vote on the amendments was 4-9-2.

Senator Kilzer made a Do Pass as Amended recommendation, seconded by Senator Grindberg. The vote was 13-0-2. Senator Kilzer is the carrier of the bill.

Chairman Holmberg closed the meeting on HB 1014.

Date

Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB HB 1014

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass - amendment 5

Motion Made By

Mather

Seconded By

Krauter

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG		X	SENATOR KRAUTER	X	
VICE CHAIRMAN BOWMAN		X	SENATOR LINDAAS	X	
VICE CHAIRMAN GRINDBERG		X	SENATOR MATHERN	X	
SENATOR ANDRIST		X	SENATOR ROBINSON	X	
SENATOR CHRISTMANN		X	SEN. TALLACKSON	X	
SENATOR FISCHER		X			
SENATOR KILZER		X			
SENATOR KRINGSTAD		X			
SENATOR SCHOBINGER		X			
SENATOR THANE		X			

Total (Yes)

4

No

9

Absent

7

Floor Assignment

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

Date

Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB 1014*

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Senators

CHAIRMAN HOLMBERG
VICE CHAIRMAN BOWMAN
VICE CHAIRMAN GRINDBERG
SENATOR ANDRIST
SENATOR CHRISTMANN
SENATOR FISCHER

SENATOR KILZER
SENATOR KRINGSTAD
SENATOR SCHOBINGER
SENATOR THANE

Yes

No

Senators

SENATOR KRAUTER
SENATOR LINDAAS
SENATOR MATHERN
SENATOR ROBINSON
SEN. TALLACKSON

Yes

No

Total (Yes)

13

No

0

Absent

2

Floor Assignment

Kilzer

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

REPORT OF STANDING COMMITTEE

HB 1014, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "476,684" with "473,314"

Page 1, line 15, replace "451,328" with "448,810"

Page 1, line 16, replace "25,356" with "24,504"

Page 2, line 1, replace "3,702,939" with "3,699,569"

Page 2, line 2, replace "2,894,860" with "2,892,342"

Page 2, line 3, replace "808,079" with "807,227"

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 Project	<u>\$3,713,439</u>	<u>\$3,702,939</u>	<u>(\$3,370)</u>	<u>\$3,699,569</u>
Total all funds	\$3,713,439	\$3,702,939	(\$3,370)	\$3,699,569
Less estimated income	<u>2,902,975</u>	<u>2,894,860</u>	<u>(2,518)</u>	<u>2,892,342</u>
General fund	\$810,464	\$808,079	(\$852)	\$807,227
FTE	25.50	25.50	0.00	25.50

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Protection and Advocacy Project	<u>(\$3,370)</u>	<u>(\$3,370)</u>
Total all funds	(\$3,370)	(\$3,370)
Less estimated income	<u>(2,518)</u>	<u>(2,518)</u>
General fund	(\$852)	(\$852)
FTE	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

2005 TESTIMONY

HB 1014

AGENCY OVERVIEW

360 PROTECTION AND ADVOCACY

Date: 12/23/2004
Time: 08:17:04

STATUTORY AUTHORITY

North Dakota Century Code Chapter 25-01.3.

AGENCY DESCRIPTION

The Protection & Advocacy Project (P&A) is governed by a seven-member board appointed by the Governor, Legislative Council and three advocacy organizations. P&A is federally mandated to provide protection and advocacy services to individuals with all types of disabilities of all ages. P&A currently receives federal funding for six different advocacy programs: 1) Developmental Disabilities Advocacy Program; 2) Mental Health Advocacy Program; 3) Protection and Advocacy of Individual Rights; 4) Assistive Technology Advocacy Program; 5) Protection and Advocacy for Beneficiaries of Social Security; 6) Traumatic Brain Injury Advocacy Program. Individual advocacy representation is provided through fifteen disabilities advocates located throughout the state.

P&A investigates allocations of abuse, neglect and exploitation of individuals with disabilities. When appropriate, P&A partners with Aging Services, Child Protective Services or Department of Human Services licensing agents to conduct investigations. P&A engages in proactive activities such as education and training, self advocacy support, and representation on various state and local committees and task forces.

AGENCY MISSION

The mission of the agency is to protect and advocate for the rights of people with disabilities. As set by the Committee on Protection and Advocacy in November 2000, the mission reads: *Uniting to champion the equality and inclusion of people with disabilities where we live, learn, work and play.*

AGENCY PERFORMANCE MEASURES

P&A develops an annual plan with numerous goals and objectives. These relate to the seven federal programs within the agency. As an overall agency, P&A's activities can be classified into six main areas of effort. While the definitions, focus and depth of each activity can vary, these same services are provided, to some degree, by protective and advocacy systems in each State and territory.

1. Protective services – ensuring appropriate response, including risk management, investigation and provision of remedial effort, to all reports of alleged abuse, neglect and/or exploitation of individuals with disabilities.
2. Case advocacy – providing advocacy and/or legal representation, within identified priority areas, to eligible individuals with disabilities to ensure access to appropriate services and resolution of disability-related discrimination or other rights violations.
3. Systems advocacy – collaborating with appropriate stakeholders to identify and advocate for systemic change that will result in positive outcomes for people with disabilities.
4. Information and referral – providing verbal and written information as well as directing individuals to resources external to P&A.
5. Education and training – training provided to groups of individuals, including people with disabilities and service providers, on disability-related rights issues as well as the development and publication of rights-related documents.
6. Self-advocacy support – providing information, technical assistance and support to self-advocacy groups.

Benchmarks are established by P&A staff for protective services and case advocacy, with the goal of achieving resolution to the clients' identified problems at a rate > 90% for protective services and a rate of > 85% for case advocacy. For fiscal year 2003 (10/1/02 – 9/30/03), P&A received 640 reports of alleged abuse, neglect and/or exploitation. By the end of the fiscal year, 545 of the cases were closed with a total resolution rate of 97%.

For the same fiscal year, case advocacy statistics show the following:

<u>PRIORITY</u>	<u>CASES OPENED</u>	<u>CASES CLOSED</u>	<u>% RESOLVED IN CLIENTS' FAVOR</u>
Community Integration	89	58	97%
Education	139	139	91%
Health Care	26	16	94%
Employment	8	7	71%
Criminal Justice	11	7	100%

P&A has a contract with the Center for Persons with Disabilities at Minot State University to conduct a third-party satisfaction survey with clients (or parents/guardians as appropriate) who have received advocacy representation from P&A. The benchmark established by P&A staff is a satisfaction rate of > 85%.

Following are response rates to the following question: If you had a need, would you use P&A services again?

	<u>YES</u>	<u>NO</u>	<u>NO OPINION/ANSWER</u>
FY 2003	87.5%	2.1%	10.4%
FY 2002	98.5%	1.5%	0%
FY 2001	95.4%	2.3%	2.3%

Following are response rates to the following question: On the whole, how satisfied were you with the services you received from P&A?

	<u>VERY SATISFIED</u>	<u>SATISFIED</u>	<u>SUB- TOTAL</u>	<u>NOT SATISFIED</u>
FY 2003	71.4%	16.3%	87.7%	12.2%
FY 2002*	42.5%	49.3%	91.8%	3.7%
FY 2001	63.5%	31.8%	95.3%	4.7%

* some individuals had "no opinion" or did not respond to the question

A benchmark is also established, by P&A staff, for outcomes specific to training on abuse, neglect and exploitation. The two goals include: 1) participants understand what constitutes abuse, neglect and exploitation and, 2) participants understand their responsibility to report suspected abuse, neglect and exploitation relative to people with disabilities. The goal is to achieve > 90% for both. For fiscal year 2003, the evaluations identified that participants realized both outcomes at a rate of 99%.

MAJOR ACCOMPLISHMENTS

Applied for and received a federal grant to be used for an Alternative Financial Loan Program (AFLP). The monies will be used to expand personal financing options for people with disabilities in purchasing assistive technology (AT) devices and services.

Continued refinement and implementation of the abuse/neglect/exploitation "level system" with developmental disabilities service providers and the State Hospital. The "level system" streamlines the process for responding to reported incidents of abuse, neglect and/or exploitation, conserving personnel resources while focusing on remedies to problems.

Collaborated with the Secretary of State's Office and the Association of Counties, on voting issues associated with people with disabilities; and provided disability awareness training to county auditors. This was done through a grant under the Help America Vote Act (HAVA.)

Partnered with the four centers for independent living in ND, as well as IPAT, to apply for a grant from the ND Olmstead Commission. The grant, "There's No Place Like Home", was approved.

Piloted a project through the use of funds from two of its grants to do assistive technology (AT) assessments for eight individuals with traumatic brain injury (TBI) living in ND. It is hoped that the outcome will help the eight individuals identify and acquire AT that will allow them to live and/or work more independently.

FUTURE CRITICAL ISSUES

P&A's proposed budget for the 2005-2007 biennium was developed with the assumption of level funding for six of its seven federal grants (DD, MH, PAIR, AT, PABSS, TBD). The federal Assistive Technology (AT) grant had a sunset clause which, in North Dakota, was scheduled to end as of September 30, 2003. The program has since been re-authorized for one year. It is likely, considering current activities in Congress, that the program will be re-authorized. Funds for continuing this program were included in the 2005-2007 proposed budget. Funding through the Help American Vote Act (HAVA) is predicted to continue through September 2006 and was included, as such, in the proposed budget. While predictions are based on historical information and sound reasoning, they may not come to fruition which will, of course, decrease P&A's resources. Other federal grant possibilities for protection and advocacy systems continue to be discussed on the national level however there is nothing concrete to pass on at this time.

P&A has a presence on three of the four Indian reservations in the State (Three Affiliated Tribes, Standing Rock, and Turtle Mountain). The need for services on the reservations however, exceeds the current level of resources allocated to these isolated populations. Due to increases in some of its federal grants over the last two years, P&A is proposing to add one FTE for the Turtle Mountain reservation. This FTE will be funded with 90% federal funds and 10% State general funds. The State general funds will allow the Disabilities Advocate some flexibility in serving individuals. There is a need for P&A to increase its level of activity on the other reservations as well. This will be a consideration as the agency plans into the future.

P&A is cognizant of the State's current position on "growing government". At the same time, the demand for P&A's services is increasing and may increase even more if cuts are made to funding for services which our clients utilize. We are attempting to balance needs and address efficiency however, as funding becomes available, P&A may need to request additional FTE's to carry out the mandates of its grantors.

BUDGET CHANGES NARRATIVE
360 PROTECTION AND ADVOCACY

Date: 12/23/2004
Time: 08:17:04

| Change Group: A | Change Type: A | Change No: 1 | Priority: 1

Operating - See operating narrative

OPERATING:

- 1) IT-Data Processing - Proposed increase: \$21,130. Increases are provided as a result of ITD consolidation charges and for moving all remaining offices from ITD dial-up to the State network.
- 2) IT-Telephone - Proposed increase: \$1,139. Increase includes the addition of one-person office at Turtle Mountain.
- 3) Travel - Proposed increase: \$21,616. The increase is for the new Disabilities Advocate position in Turtle Mountain as well as increases in costs for mileage (gas price increases). The State general funds portion of travel was decreased from a budget of \$61,663 for the 03-05 biennium to \$31,725 for the 05-07 biennium.
- 4) IT/Software & Supplies - Proposed increase: \$2,683. In the past, software was purchased with the computers at a reduce rate. Purchase of software will now be separate from the purchase of computers, as mandated by ITD.
- 5) Postage - Proposed increase: \$2,709. Increases are all for federal programs. The State general funds portion of postage was decreased from a budget of \$6,000 for the 03-05 biennium to \$3,000 for the 05-07 biennium.
- 6) IT-Contractual Services - Proposed decrease: \$18,946. These funds are being diverted to data processing, stalling existing projects.
- 7) Lease/Rent of Equipment - Proposed increase: \$200. Increased use of IT equipment that we do not believe it is cost effective to purchase.
- 8) Lease/Rent of Building Space - Proposed increase: \$9,051. Allows for office rent increases as projected by current landlords plus the addition of a one-person office on Turtle Mountain Reservation.
- 9) Dues & Professional Development - Proposed increase: \$825. Increased amount for national association dues.
- 10) Operating Fees & Services - Proposed increase: \$29,455. The majority of the increase is for a new cost to P&A of \$17,000 for indirect costs the State will be taking off the top of four of P&A's federal grants through the U.S. Dept. of Health and Human Services. There is also a new cost of \$7,920 for PeopleSoft (Connect ND). \$25,326 is budgeted for implementation of P&A's responsibilities under the Help American Vote Act (HAVA).
- 11) Repairs - Projected increase: \$790.
- 12) Professional Services - Projected increase: \$97,339. A big chunk of the increase (\$45,000) is for implementation of P&A's responsibilities under the Help American Vote Act (HAVA). \$15,000 is included (in federal Assistive Technology grant money) for an "AT expo". Increases are also allowed for agency priority activities. As required by federal law, P&A revisits its program priorities each year and funds need to be included to address such priorities. An example of this is the Individual Justice Planning (IJP)

process and training that P&A is currently spearheading. For the 03-05 biennium, \$21,000 in State general funds was budgeted for professional services. For the 05-07 biennium, \$10,000 in State general funds is budgeted for professional services. The remainder is federal grant money.

- 13) Insurance – Projected decrease: \$1,663. The total is the cost for risk management and property insurance premiums.
- 14) Office Supplies – Projected increase: \$901.
- 15) Printing – Projected increase: \$25,097. A large amount of the increase is budgeted for implementation of P&A's responsibilities under the Help American Vote Act (HAVA). This totals \$10,000. Other additional increases have been budgeted for: a) P&A brochures and other informational materials, such as fact sheets; b) increases costs for P&A access to copies of client records. Some entities charge up to \$1/page for copies of records.
- 16) Professional Supplies & Materials – Proposed increase: \$10,702. A large amount of the increase is budgeted for implementation of P&A's responsibilities under the Help American Vote Act (HAVA). This totals \$5,000. The increased request also increase higher costs for law reporters. We also need to continue updating disabilities and legal resources in our eight offices, some of which are very out-of-date (e.g. medical dictionaries, PDR's, etc.). Also includes purchasing current resource materials (videos, books, etc.) for P&A's library which loans these materials, at no cost, to individuals with disabilities, family members, guardians, school personnel, service providers, related professionals, and the general public. Except for \$5,200 in State general funds, this entire line item is federal grant dollars.
- 17) Misc. Supplies – Proposed increase: \$1,900. This money is generally used to replace misc. supplies (e.g. cameras used for abuse/neglect investigations) that are in disrepair due to age, wear, etc.
- 18) Office Equipment Under \$5,000 – Proposed decrease: \$8,238. Major equipment purchases (e.g., replacement of State and regional offices copy machines) has been completed.
- 19) IT-Equipment Under \$5,000 – Proposed decrease: \$7,970. Allows for purchase of equipment as identified in P&A's IT Plan.
- 20) Equipment Over \$5,000 – Proposed decrease: \$24,400. No dollars are being requested.

| **Change Group:** A

| **Change Type:** A

| **Change No:** 2

| **Priority:** 1

Wages - See wages narrative

The proposed increase wages are for the following:

- a) An additional Disabilities Advocate (1 FTE) housed on the Turtle Mountain Reservation. Salaries for this position total \$78,916 for the biennium plus standard benefits.
- b) Three months for a full-time temporary position (July-September 2005) to finishout the grant from the Help America Vote Act (HAVA). \$8,466 is allocated, along with required benefits (e.g. Social Security).

PROGRAM NARRATIVE

360 PROTECTION AND ADVOCACY

Date: 12/28/2004
Time: 09:04:05

Program: Protection and Advocacy

Reporting Level: 00-360-100-00-00-00-000000000

PROGRAM PERFORMANCE MEASURES

PROGRAM PRIORITIES

As required by federal grantors, each year P&A is required to solicit public comment on its priorities and activities and revise them as deemed relevant. For the current fiscal year (10/03 - 9/04), program priorities (goal areas) include: 1) abuse, neglect and exploitation; 2) community integration; 3) educational services; 4) employment; 5) healthcare; 6) criminal justice; 7) outreach; 8) accessibility. A detailed plan with measurable objectives addresses each of these priorities. P&A conducted six focus groups around the State in May and June of 2004. A survey was also sent to 369 individuals and organizations. The public comment will be used in the agency's review and revision of its priorities for the next fiscal year.

PROGRAM STATISTICAL DATA

PROGRAM STATISTICAL DATA

Statistical data for P&A's advocacy programs are collected according to each program's federal fiscal year. For the majority of the programs, this period is October through September. The most recently completed fiscal year is October 2002 through September 2003 (FY 2003).

- During FY 2003, information and referral services were provided to 2,100 individuals. In FY 2002, these services were provided to 1,422 individuals.
- During FY 2003, education and training activities were provided to a total of 3,562 participants. In FY 2002, these activities were provided to 2,523 individuals.
- 13,769 written materials were distributed in FY 2003. In FY 2002, 14,994 written materials were distributed.
- Case assistance or advocacy representation (including legal representation) was provided to 515 individuals with disabilities during FY 2003. The majority of issues were in the areas of abuse, neglect and exploitation, totaling 280. During FY 2002, there were 499 individuals served.

EXPLANATION OF PROGRAM COSTS

- The bulk of the proposed budget (69%) supports salaries and benefits for agency personnel consisting of 25.5 FTE's (plus a temporary driver and a temporary HAVA coordinator). The remainder (31%) is for operating and including grants. Following is information on the proposed operating and grants portions of the proposed budget:
- IT Data Processing - Toll-free 800 number, wide area network hub charges, wide area network access charges, desktop support with the Information Technology Department (ITD), records management (ITD), and data processing charges. [1.2%]
- IT Telephone - Basic service, long distance service, fax modems lines, and phone listings. [1.08%]
- Travel - Travel for the Committee on P&A members to attend board meetings and participate in national conferences; travel for the Mental Health, PABSS and TBI Advisory Council members to attend Council meetings and national conferences; travel for P&A staff to provide protection, advocacy and educational services as well as to receive training; travel for P&A staff to participate in National Association of Protection and Advocacy Systems (NAPAS) meetings; federally required travel for participation by P&A staff in national conferences. [5.48%]

- IT Software/Supplies – Computer Software and licenses. [.14%]
- Postage – Stamps and mailings necessary to conduct business. [.37%]
- IT Contractual Services – Computer repairs; desktop support; website hosting; contractual services for Jamestown office. [.09%]
- Lease/Rent Equipment – Rental of equipment off-site for meetings/trainings (e.g. TV/VCR). [.01%]
- Lease/Rent Building – Office rent for the eight P&A offices around the State and room rental for Advisory Council meetings. [4.7%]
- Dues and Professional Development – NAPAS dues; attorney licensing; TBI national conference registration; ND Brain Injury conference registration; stipends & care expenses for TBI Advisory Council members; other conference registration for staff, advisory council and board members; stipends for individuals with mental illness to attend conferences (e.g. Mental Health Association in N.D. annual conference). [1.44%]
- Operating Fees and Services – Employee service awards; client satisfaction survey (contract w/ N.D. Center for Persons with Disabilities @ Minot State University); Westlaw legal research services; legal research services from the law school (University of North Dakota/Center Legal Research); film processing (protective services investigations); courier services; janitorial services for the Grand Forks & Jamestown offices; State overhead for U.S. DHHS grants; PeopleSoft (Connect ND). [4.28%]
- Repairs - Service agreements for each copy machine. [.26%]
- Professional Services - Law enforcement project in partnership with the State Council on Developmental Disabilities & N.D. Center for Persons with Disabilities; interpreter fees; contracts for other priority projects to be identified in strategic plans; contract legal services (when it is more efficient to contract); AT expo; voting media; PABSS media. [6.68%]
- Insurance – Risk management and property insurance. [.16%]
- Office Supplies – Supplies for staff, governing board and advisory councils. [.35%]
- Printing – P&A copy machine copies (as per service agreements); copies of client records obtained from other sources; letterhead & envelopes; business cards; brochures and other educational materials; posters; reports. [1.28%]
- Professional Supplies and Materials – Subscriptions to law reporters; professional resource materials for P&A staff (PDR's, disabilities information); educational materials for loan library. [1.07%]
- Miscellaneous Supplies – Audio/visual equipment. [.14%]
- Office Equipment < \$5,000 – Replacement of copy machines for three regional offices; replacement of five desk chairs; file cabinet; bookcases. [.27%]
- IT Equipment < \$5,000 – Fax machines; LCD projector; desk top computers and laptops. [.59%]
- Grants – \$20,000 is for the law enforcement project with the ND Center for Persons with Disabilities at Minot State University and \$35,000 is for implementation of P&A's responsibilities under the HAVA grant. [1.5%]

PROGRAM GOALS AND OBJECTIVES

PROGRAM PRIORITIES

As required by federal grantors, each year P&A is required to solicit public comment on its priorities and activities and revise them as deemed relevant. For the current fiscal year (10/03 – 9/04), program priorities (goal areas) include: 1) abuse, neglect and exploitation; 2) community integration; 3) educational services; 4) employment; 5) healthcare; 6) criminal justice; 7) outreach; 8) accessibility. A detailed plan with measurable objectives addresses each of these priorities. P&A conducted six focus groups around the State in May and June of 2004. A survey was also sent to 369 individuals and organizations. The public comment will be used in the agency's review and revision of its priorities for the next fiscal year.

REQUEST DETAIL BY PROGRAM
360 PROTECTION AND ADVOCACY
Biennium: 2005-2007

Program: Protection and Advocacy

Bill#: HB1014

Date: 12/28/2004
Time: 09:04:05

Reporting Level: 00-360-100-00-00-00-000000000

Description	Expenditures 2001-2003 Biennium	Present Budget 2003-2005	Budget Request Change	Requested Budget 2005-2007 Biennium	Optional Request 2005-2007
SPECIAL LINES					
PROTECTION AND ADVOCACY SERVICES					
TOTAL	2,753,582	4,497,236	-946,363	3,550,873	0
	2,753,582	4,497,236	-946,363	3,550,873	0
SPECIAL LINES					
GENERAL FUND	798,053	782,723	-10,384	772,339	0
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	2,778,534	0
SPECIAL FUNDS	0	0	0	0	0
TOTAL	2,753,582	4,497,236	-946,363	3,550,873	0
PROGRAM FUNDING SOURCES					
GENERAL FUND	798,053	782,723	-10,384	772,339	0
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	2,778,534	0
SPECIAL FUNDS	0	0	0	0	0
PROGRAM FUNDING TOTAL	2,753,582	4,497,236	-946,363	3,550,873	0
FTE EMPLOYEES	24.50	24.50	1.00	25.50	.00
FUNDING DETAIL					
GENERAL FUND	798,053	782,723	-10,384	772,339	0
FEDERAL FUNDS					
H101 MI PROGRAM	709,195	850,000	81,386	931,386	0
H112 PAIR PROGRAM	237,667	308,015	156,297	464,312	0
H113 DD PROGRAM	656,883	770,000	26,224	796,224	0
H115 ASSISTIVE TECHNOLOGY	103,915	105,000	-1,364	103,636	0
H116 COMMON GROUND FOR 2003	8,872	15,000	-15,000	0	0
H117 PABSS PROGRAM	187,162	210,000	1,417	211,417	0
H118 MSU-FAMILY SUPPORT CONTRACT	29,174	286	-286	0	0
H119 TBI PROGRAM	22,661	100,000	12,024	112,024	0
H120 HAVA PROGRAM	0	85,231	74,304	159,535	0
H121 ALTERNATIVE FINANCIAL LOAN PROG	0	1,270,981	-1,270,981	0	0
TOTAL	1,955,529	3,714,513	-935,979	2,778,534	0

CHANGE PACKAGE DETAIL
360 PROTECTION AND ADVOCACY
Biennium: 2005-2007

PROGRAM: Protection and Advocacy

Description

AGENCY BUDGET CHANGES

Cost To Continue
 1 Operating
 2 Wages
 Agency Total

OPTIONAL REQUEST
 Optional Total

Bill#: HB1014

Date: 12/28/2004
Time: 09:04:05

REPORTING LEVEL: 00-360-100-00-00-00-00-000000000

FTE	General Fund	Federal Funds	Special Funds	Total Funds
.00	-20,126	52,788	0	32,662
.00	1,170	-1,065,911	0	-1,064,741
1.00	8,572	77,144	0	85,716
1.00	-10,384	-935,979	0	-946,363

GRANTS SUMMARY

360 PROTECTION AND ADVOCACY

Version: 2005-R-02-00360

Date: 12/23/2004

Time: 10:10:17

Description	Funding	2003-2005 Biennium Appropriation	2005-2007 Request	2005-2007 Optional Request	2005-2007 Recommendation
Voting Project					
	General Fund	0	0	0	0
	Federal Funds	0	35,000	0	35,000
	Special Funds	0	0	0	0
		0	35,000	0	35,000
Law Enforcement Project					
	General Fund	20,000	20,000	0	20,000
	Federal Funds	0	0	0	0
	Special Funds	0	0	0	0
		20,000	20,000	0	20,000
Partners in Policy Making					
	General Fund	1,000	0	0	0
	Federal Funds	0	0	0	0
	Special Funds	0	0	0	0
		1,000	0	0	0
Alternative Financial Loan Program					
	General Fund	0	0	0	0
	Federal Funds	1,270,981	0	0	0
	Special Funds	0	0	0	0
		1,270,981	0	0	0
	General Fund	21,000	20,000	0	20,000
	Federal Funds	1,270,981	35,000	0	35,000
	Special Funds	0	0	0	0
	Agency Total	1,291,981	55,000	0	55,000

REQUEST / RECOMMENDATION COMPARISON SUMMARY

360 PROTECTION AND ADVOCACY

Biennium: 2005-2007

Bill#: HB1014

Date: 12/17/2004

Time: 11:25:24

Description	Expenditures Prev Biennium 2001-2003	Present Budget 2003-2005	2005-2007 Requested Incr(DeCr)	% Chg	Requested Budget 2005-2007	2005-2007 Recommended Incr(DeCr)	% Chg	Executive Recommendation 2005-2007
BY MAJOR PROGRAM								
PROTECTION AND ADVOCACY	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439
TOTAL MAJOR PROGRAMS	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439
BY LINE ITEM								
PROTECTION AND ADVOCACY SERVICES	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439
TOTAL LINE ITEMS	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439
BY FUNDING SOURCE								
GENERAL FUND	798,053	782,723	-10,384	-1.3%	772,339	27,741	3.5%	810,464
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	-25.2%	2,778,534	-811,538	-21.8%	2,902,975
SPECIAL FUNDS	0	0	0	.0%	0	0	.0%	0
TOTAL FUNDING SOURCE	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439
TOTAL FTE	24.50	24.50	1.00	4.1%	25.50	1.00	4.1%	25.50

REQUEST / RECOMMENDATION COMPARISON DETAIL

360 PROTECTION AND ADVOCACY

Biennium: 2005-2007

Bill#: HB1014

Date: 12/17/2004
Time: 11:25:24

Description	Expenditures Prev Biennium 2001-2003	Present Budget 2003-2005	2005-2007 Requested		2005-2007 Recommended		Executive Recommendation 2005-2007
			Incr(Decr)	% Chg	Incr(Decr)	% Chg	
PROTECTION AND ADVOCACY SERVICES							
SALARIES	1,627,483	1,720,292	78,916	4.6%	78,916	4.6%	1,799,208
TEMP, OVERTIME	5,482	12,000	8,466	70.6%	8,466	70.6%	20,466
BENEFITS	525,237	591,228	41,380	7.0%	87,118	14.7%	678,346
SALARY INCREASE	0	0	0	.0%	100,037	100.0%	100,037
BENEFIT INCREASE	0	0	0	.0%	16,791	100.0%	16,791
IT-DATA PROCESSING	14,036	27,442	22,946	83.6%	22,946	83.6%	50,388
IT-TELEPHONE	41,053	37,360	1,139	3.0%	1,139	3.0%	38,499
TRAVEL	150,696	173,634	21,236	12.2%	21,236	12.2%	194,870
IT-SOFTWARE/SUPPLIES	5,125	2,366	2,683	113.4%	2,683	113.4%	5,049
POSTAGE	10,508	10,391	2,709	26.1%	2,709	26.1%	13,100
IT-CONTRACTUAL SERVICES	3,636	22,296	-18,946	-85.0%	-18,946	-85.0%	3,350
LEASE/RENT - EQUIPMENT	630	400	200	50.0%	200	50.0%	600
LEASE/RENT - BLDG/LAND	130,272	157,880	9,051	5.7%	9,051	5.7%	166,931
DUES & PROFESSIONAL DEV.	37,881	50,625	825	1.6%	825	1.6%	51,450
OPERATING FEES & SERVICES	50,619	115,094	29,455	25.6%	29,455	25.6%	144,549
REPAIRS	7,425	8,360	790	9.4%	790	9.4%	9,150
PROFESSIONAL SERVICES	38,111	140,661	87,339	62.1%	87,339	62.1%	228,000
INSURANCE	4,098	7,446	-1,663	-22.3%	-1,663	-22.3%	5,783
OFFICE SUPPLIES	13,456	11,649	901	7.7%	901	7.7%	12,550
PRINTING	11,905	20,403	25,097	123.0%	25,097	123.0%	45,500
PROFESSIONAL SUPPLIES	6,445	27,298	10,702	39.2%	10,702	39.2%	38,000
MISCELLANEOUS SUPPLIES	3,562	3,100	1,900	61.3%	1,900	61.3%	5,000
OFFICE EQUIP-UNDER \$5000	21,894	17,950	-8,238	-45.9%	-8,238	-45.9%	9,712
IT-EQUIP UNDER \$5000	38,829	29,080	-7,970	-27.4%	-7,970	-27.4%	21,110
IT-EQUIP-OVER \$5000	5,199	18,300	-18,300	-100.0%	-18,300	-100.0%	0
GRANTS, BENEFITS & CLAIMS	0	1,291,981	-1,236,981	-95.7%	-1,236,981	-95.7%	55,000
TOTAL	2,753,582	4,497,236	-946,363	-21.0%	-783,797	-17.4%	3,713,439
PROTECTION AND ADVOCACY SERVICES							
GENERAL FUND	798,053	782,723	-10,384	-1.3%	27,741	3.5%	810,464
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	-25.2%	-811,538	-21.8%	2,902,975
SPECIAL FUNDS	0	0	0	.0%	0	.0%	0
TOTAL	2,753,582	4,497,236	-946,363	-21.0%	-783,797	-17.4%	3,713,439

REQUEST / RECOMMENDATION COMPARISON DETAIL

360 PROTECTION AND ADVOCACY

Biennium: 2005-2007

Bill#: HB1014

Date: 12/17/2004
Time: 11:25:24

Description	Expenditures Prev Biennium 2001-2003	Present Budget 2003-2005	2005-2007		2005-2007		2005-2007		Executive Recommendation 2005-2007
			Incr(Decr)	% Chg	Requested Budget 2005-2007	Incr(Decr)	% Chg	Recommended	
FUNDING SOURCES									
GENERAL FUND	798,053	782,723	-10,384	-1.3%	772,339	27,741	3.5%	810,464	
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	-25.2%	2,778,534	-811,538	-21.8%	2,902,975	
SPECIAL FUNDS	0	0	0	.0%	0	0	.0%	0	
TOTAL FUNDING SOURCES	2,753,582	4,497,236	-946,363	-21.0%	3,550,873	-783,797	-17.4%	3,713,439	

CHANGE PACKAGE SUMMARY
360 PROTECTION AND ADVOCACY
Biennium: 2005-2007

Bill#: HB1014

Date: 12/17/2004
Time: 11:25:24

Description		FTE	General Fund	Federal Funds	Special Funds	Total Funds
EXECUTIVE BUDGET CHANGES						
Cost To Continue			17,421	172,027	0	189,448
01 Operating		.00	1,170	-1,065,911	0	-1,064,741
02 Wages		1.00	9,150	82,346	0	91,496
Agency Total		1.00	27,741	-811,538	0	-783,797

RECOMMENDATION DETAIL BY PROGRAM
360 PROTECTION AND ADVOCACY
Biennium: 2005-2007

Bill#: HB1014

Date: 12/17/2004
Time: 11:25:24

Program: Protection and Advocacy

Reporting Level: 00-360-100-00-00-00-00000000

Description	Expenditures 2001-2003 Biennium	Present Budget 2003-2005	Budget Request Change	Requested Budget 2005-2007 Biennium	Executive Recommendation 2005-2007
SPECIAL LINES					
PROTECTION AND ADVOCACY SERVICES	2,753,582	4,497,236	-946,363	3,550,873	3,713,439
TOTAL	2,753,582	4,497,236	-946,363	3,550,873	3,713,439
SPECIAL LINES					
GENERAL FUND	798,053	782,723	-10,384	772,339	810,464
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	2,778,534	2,902,975
SPECIAL FUNDS	0	0	0	0	0
TOTAL	2,753,582	4,497,236	-946,363	3,550,873	3,713,439
PROGRAM FUNDING SOURCES					
GENERAL FUND	798,053	782,723	-10,384	772,339	810,464
FEDERAL FUNDS	1,955,529	3,714,513	-935,979	2,778,534	2,902,975
SPECIAL FUNDS	0	0	0	0	0
PROGRAM FUNDING TOTAL	2,753,582	4,497,236	-946,363	3,550,873	3,713,439
FTE EMPLOYEES	24.50	24.50	1.00	25.50	25.50
FUNDING DETAIL					
GENERAL FUND	798,053	782,723	-10,384	772,339	810,464
FEDERAL FUNDS					
H101 MI PROGRAM	709,195	850,000	81,386	931,386	973,038
H112 PAIR PROGRAM	237,667	308,015	156,297	464,312	484,210
H113 DD PROGRAM	656,883	770,000	26,224	796,224	840,780
H115 ASSISTIVE TECHNOLOGY	103,915	105,000	-1,364	103,636	107,794
H116 COMMON GROUND FOR 2003	8,872	15,000	-15,000	0	0
H117 PABSS PROGRAM	187,162	210,000	1,417	211,417	220,222
H118 MSU-FAMILY SUPPORT CONTRACT	29,174	286	-286	0	0
H119 TBI PROGRAM	22,661	100,000	12,024	112,024	116,673
H120 HAVA PROGRAM	0	85,231	74,304	159,535	160,258
H121 ALTERNATIVE FINANCIAL LOAN PROG	0	1,270,981	-1,270,981	0	0
TOTAL	1,955,529	3,714,513	-935,979	2,778,534	2,902,975

HOUSE APPROPRIATIONS COMMITTEE

January 6, 2005

HB 1014

Appropriations for the Protection & Advocacy Project

Good afternoon Chairman Svedjan and members of the Committee. I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). Today I will give you a brief overview of P&A's budget using the requested format, which is attached.

I will first discuss variances for the 03-05 biennium. Since the 2003 Legislative Session, P&A has gone before the Emergency Commission seeking approval to increase the agency's spending authority by \$1,270,981. The money is for a one-time grant from the U.S. Department of Education and is being used to establish an Alternative Financial Loan Program for expanding financing options for individuals with disabilities to purchase assistive technology devices and services. The request was approved by the Emergency Commission and subsequently by the Budget Section. All of these grant funds have already been drawn down and passed through to a private non-profit entity that is implementing the program. The remaining variances for 03-05 are our best estimates of what we will have in unspent funds at the end of the biennium.

Variances between the 03-05 and 05-07 biennium include:

- Salaries & wages – A total increase of \$276,928 of which \$48,287 are from the General Fund. The increase includes the Governor's recommended compensation adjustment package, salaries for temporary employees, reclassification of an existing FTE, and a new FTE for a Disabilities Advocate for Turtle Mountain reservation. According to the 2000 census, the estimated number of American Indians in N.D. is 31,468 with approximately 25% of these individuals living on Turtle Mountain reservation. It is estimated that close to 20% of these persons have a disability. Turtle Mountain is the most distant reservation from our existing offices.

- Operating – A total increase of \$194,556 with a negative impact of \$2,246 on General Fund money. The increase includes operating expenses for the Turtle Mountain Disabilities Advocate, Connect ND, Central Service Indirect Costs, and operating costs for Help American Vote Act (HAVA) implementation.
- Equipment – No expenses are planned for equipment >\$5,000 for the 05-07 biennium. This has a negative impact of \$18,300 on General Fund money.
- Grants – The increase of \$34,000 in grants is for HAVA implementation and is all federal funds.

In total, P&A's recommended budget for 05-07 includes an increase of \$487,184 of which \$27,741 is State General Funds. The remainder is Federal dollars.

Based on history, the 05-07 budget was built using level funding for six of our seven federal grants. We were just informed that our Mental Health grant, the largest of the seven, was decreased from \$410,000 for fiscal year 2004 (10/1/03 – 9/30/04) to \$406,700 for fiscal year 2005 (10/1/04 – 9/30/05). We have not yet heard amounts for all of our other grants. While I'm not asking for adjustments to our budget because of this, I wanted you to be aware of the situation. Our best guess is that the HAVA grant will be discontinued as of 9/30/05 and the budget was built accordingly.

P&A has an extensive plan of goals and objectives that is revised annually. We do have specific benchmarks that remain constant from year to year and allow for performance comparisons. These are identified on the attached form.

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

PROTECTION & ADVOCACY PROJECT **Overview Presentation to the House Appropriations Committee** **January 6, 2005**

Funding

	03-05 Legislative Appropriation	03-05 Estimated Expenditures or Currently Filled FTE Positions	(1) Variance	05-07 Executive Recommendation	(2) 05-07 Recommendation Change (Variance) to 03-05 Legislative Appropriations
Salaries & wages	2,337,920	2,331,086	(6,834)	2,614,848	276,928
Operating expenses	849,035	840,000	(9,035)	1,043,591	194,556
Equipment	18,300	18,300	0	0	(18,300)
Capital assets	0	0	0	0	0
Grants	21,000	1,291,981	1,270,981	55,000	34,000
TOTAL	3,226,255	4,481,367	1,255,112	3,713,439	487,184
General fund	782,723	782,723	0	810,464	27,741
Federal funds	2,443,532	3,698,644	1,255,112	2,902,975	459,443
Special funds	0	0	0	0	0
TOTAL	3,226,255	4,481,367	1,255,112	3,713,439	487,184

FTE | 24.5 | 24.5* | 0 | 25.5 | 1
 * We are in the process of hiring a Disabilities Advocate for the Bismarck office. The application deadline was 12/23/04. Human Resource Management Services is in the process of rating the applications. We plan to fill the position by early February.

(1) Explanation of Major Funding & FTE Variances for the 03-05 Legislative Appropriation to 03-05 Current Estimates

	FTE	General Fund	Federal Funds	Total
1 Salaries & wages: Position vacancy for 7 months after a resignation; reclassification of position from Adv. to HSPA V; 2 temporary positions (HAVA Advocate for 10 months & Turtle Mt. Advocate for 5 months)		0	(6,834)	(6,834)
2 Operating: The estimated total expenditures (and therefore, the variance) are based on monthly spending to date plus projects & purchases that have yet to be completed but will be by the end of the biennium.		0	(9,035)	(9,035)
3 Grants: Approved by the Emergency Comm. & Budget Section, P&A's spending authority was increased to allow for a grant from the U.S. Dept. of Educ. to establish an Alternative Financial Loan Prog. (AFLP) for expanding personal financing options for individuals with disabilities to purchase assistive technology devices & services; all of these funds have been passed through to a private non-profit entity	-	0	1,270,981	1,270,981

(2) Explanation of Major Funding & FTE Variances for the 05-07 Recommendation to 03-05 Legislative Appropriations

Salaries & wages:

	FTE	General Fund	Federal Funds	Total
1 Belcourt Disabilities Advocate – primary service area is Turtle Mt. reservation	1	8,572	77,144	85,716
2 Governor's recommended compensation adjustments for salaries (\$116,828), health insurance premiums (\$45,684) and EAP (\$54)	-	-	-	-
3 Temporary salaries: HAVA Advocate through 9/05 + increase for driver	-	38,125	124,441	162,566
4 Reclassification of Disabilities Advocate position to Director of Advocacy Services	-	0	10,980	10,980
A Sub-total for salaries & wages:	-	1,590	16,076	17,666
	-	48,287	228,641	276,928
B Operating: Some of the major changes include addition of operating expenses for Turtle Mt. Advocate (18,400); Connect ND (7,920); Central Service Indirect Costs (17,000); operating costs for HAVA implementation (103,980)	-	(2,246)	196,802	194,556
C Equipment: No equipment > \$5,000 is budgeted	-	(18,300)	0	(18,300)
D Grants: Contracts for HAVA grant implementation	-	0	34,000	34,000
TOTAL:	-	27,741	459,443	487,184

Summary of Major Goals & Objectives & Related Performance Measurement Data for the 05-07 Biennium:

P&A develops an annual plan with numerous goals and objectives that relate to its seven federal programs. As an overall agency, P&A's activities can be classified into six main areas of effort. While the definitions, focus and depth of each activity can vary, these same services are provided, to some degree, by protective and advocacy systems in each state and territory: a) protective services; b) case advocacy; c) systems advocacy; d) information & referral; e) education & training; f) self-advocacy support.

Major benchmarks for performance for the 05-07 biennium:

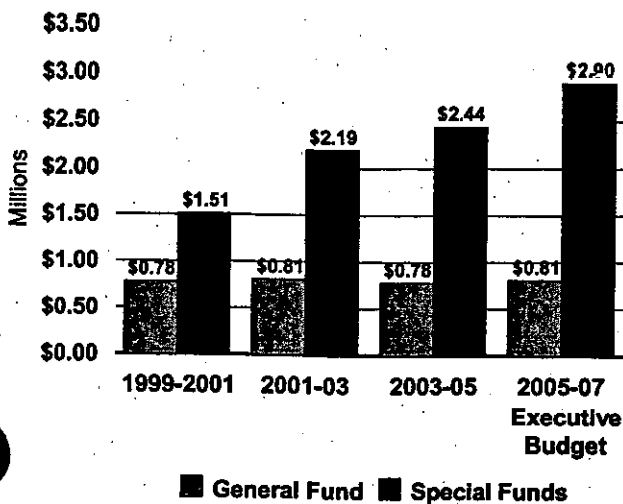
1. P&A will achieve resolution to clients' identified problems at a rate of > 90% for protective services.
2. P&A will achieve resolution to clients' identified problems at a rate of > 85% for case advocacy.
3. Consumer satisfaction with P&A services will be > 85% for case advocacy.
4. P&A will provide information & referral services to a minimum of 1,750 persons each year.
5. P&A training on abuse & neglect to consumers & providers will result in > 90% of participants reporting that they understand: a) what constitutes abuse, neglect & exploitation, and b) reporting procedures.

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

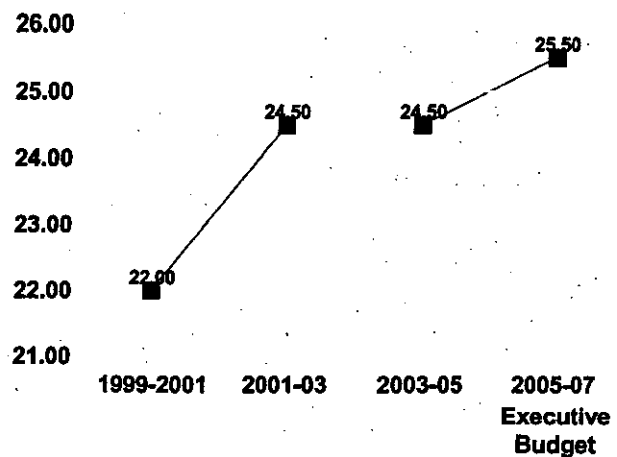
	FTE Positions	General Fund	Other Funds	Total
2005-07 Executive Budget	25.50	\$810,464	\$2,902,975	\$3,713,439
2003-05 Legislative Appropriations	24.50	782,723	2,443,532	3,226,255 ¹
Increase (Decrease)	1.00	\$27,741	\$459,443	\$487,184

¹The 2003-05 appropriation amounts do not include \$1,270,981 of additional federal funds authority resulting from Emergency Commission action during the 2003-05 biennium.

Agency Funding



FTE Positions



Executive Budget Highlights

- Provides a net increase for protection and advocacy services including the addition of 1 FTE position for a disabilities advocate for the Turtle Mountain Indian Reservation (\$91,496), temporary salary for a HAVA advocate through September 2005 (\$10,980), reclassification of a disabilities advocate position to director of advocacy services (\$17,666), and an increase in operating expenses primarily related to the costs related to the agency's responsibilities under HAVA (\$194,556)

	General Fund	Other Funds	Total
	\$8,494	\$306,204	\$314,698

Major Related Legislation

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

HB 1014
Appropriations for the Protection & Advocacy Project
House Appropriations/Human Resources Division
January 10, 2005

Good afternoon Chairman Delzer and members of the Committee. I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). During my testimony today, I will highlight P&A's services and review its budget.

I. SERVICES

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

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

Federal Funding Source	Grant
DHHS/Admin. for Children & Families/ADD	• Developmental Disabilities (DD)
DHHS/SAMHSA/CMHS	• Help American Vote Act (HAVA)
DHHS/HRSA	• P&A for Individuals with Mental Illness (MH)
Dept. of Education	• Traumatic Brain Injury (TBI)
Social Security Admin.	• P&A for Individual Rights (PR)
	• Assistive Technology (AT)
	• P&A for Beneficiaries of Soc. Sec. (SS)

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy & legal representation, protective services, education & training, self-advocacy support, systems advocacy, and information & referral services. P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting

the individual (or family member, guardian) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

A. Case Activity - Advocacy & Protective Services

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

P&A provided services to 600 individuals in the most recently completed fiscal year. This number includes advocacy cases and protective services. This is a significant increase from each of the previous two fiscal years.

Year	DD	MH	PR	SS	TBI	HAVA	Total
2002	295	139	58	7	N/A	N/A	499
2003	294	152	63	20	6	0*	535
2004	315	187	51	38	9	0	600

AT clients are counted under the other federal programs.

*partial year grant

1) Advocacy

Along with representing a high number of individuals, P&A realized a high percentage of resolution in the clients' favor as well as a high consumer satisfaction rate.

Year	# of advocacy issues addressed*	# of issues closed at year's end	% resolved in favor of clients
2002	375	270	(236) 87%
2003	428	273	(245) 90%
2004	463	337	(283) 84%

*an individual client may have more than one advocacy issue or problem

P&A contracts with the N.D. Center for Persons with Disabilities at Minot State University to conduct an ongoing consumer satisfaction survey. Following are results to key questions asked about P&A's advocacy services for the past three fiscal years:

	FY 2002			FY 2003			FY 2004		
	Yes %	No %		Yes %	No %	% - No Opinion	Yes %	No %	% - No Opinion
Would you use P&A services again?	98.5	1.5		87.5	2.1	10.4	91.3	6.5	2.2
	Very %	Satisf'd %	Not %	Very %	Satisf'd %	Not %	Very %	Satisf'd %	Not %
How satisfied were you with the services from P&A?	42.5	49.3	3.7	71.4	16.3	12.2	62.5	31.3	6.3
	Total = 91.8			Total = 87.7			Total = 93.8		

2) Protective Services

Year	# of A/N/E allegations addressed*	# of allegations closed at year's end	% resolved in favor of clients
2002	501	431 (409)	95%
2003	641	551 (535)	97%
2004	653	565 (545)	96%

*there may be more than one allegation/client

B. Non-case Activity

There was a significant increase in educational activities for the last year. From fiscal year 2002 to 2004, P&A almost doubled the number of individuals it trained. Training topics included abuse/neglect/exploitation, rights & responsibilities, accessibility, and reasonable accommodations in the area of employment.

Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	329	1518	277	83	645	N/A	N/A	2552
2003	39	1724	222	259	1256	101	0	3601
2004	202	2713	995	351	400	0	213	4874

Year	Number of persons trained on abuse, neglect & exploitation	% trained who understand what constitutes abuse, neglect & exploitation and the reporting process
2002	997	95%
2003	1383	99%
2004	3078	98.7%

Information and referral services were provided to 1,959 individuals in fiscal year 2004, a decrease from 2003 but still a big increase from 2002.

Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	7	585	502	280	55	N/A	N/A	1429
2003	6	840	785	351	100	24	0	2106
2004	15	676	773	295	105	38	57	1959

Almost 11,000 written materials were distributed in fiscal year 2004. Some of the documents contain information about P&A and some focus on disability-related rights such as work incentives, higher education, and commitment laws.

Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	107	3389	1718	1014	8873	N/A	N/A	15,101
2003	27	4901	1385	1027	6064	392	0	13,796
2004	214	5542	2847	1661	1226	731	275	10,890

C. Benchmarks for 05-07

- 1) P&A will achieve resolution to clients' identified problems at a rate of >90% for protective services.
- 2) P&A will achieve resolution to clients' identified problems at a rate of >85% for case advocacy.
- 3) Consumer satisfaction with P&A services will be >85% for case advocacy.
- 4) P&A will provide information & referral services to a minimum of 1,750 persons each year.
- 5) P&A training on abuse & neglect to consumers & providers will result in >90% of participants reporting that they understand: a) what constitutes abuse, neglect & exploitation; and b) reporting procedures.

II. BUDGET FOR 2005-2007

The proposed budget for the 05-07 biennium maintains P&A's eight offices located around the State (Williston, Minot, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, Dickinson) and adds a one-person office in

Belcourt for service to the Turtle Mountain reservation area. Accordingly, the proposed budget includes increasing P&A's FTE's from 24.5 to 25.5. With the additional FTE, P&A's employees will include: 15.5 Disabilities Advocates, 2.5 Attorneys, a Fiscal Manager, 2.5 Support Staff, a Director of Policy & Operations, a Director of Advocacy Services, a Director of Protective Services and an Executive Director.

A. Turtle Mountain

P&A currently provides outreach services to three of the four reservations. Agency advocates make visits to Standing Rock, Three Affiliated Tribes, and Turtle Mountain two to four times per month. P&A chose to implement targeted advocacy on Turtle Mountain because it has the largest number of American Indians residing on a reservation in the State, more than 8,000 people, which is more than twice that of any of the other three. It is also a very remote area, located just south of the Canadian border.

Reliable data specific to the number of individuals with disabilities on the Turtle Mountain reservation was not found. For Rolette County, with a total population of 13,674 (73% of which are American Indian), the following data was available through Census 2000:

ROLETTE COUNTY			
Population	Total #	# with a Disability	% with a Disability
5 - 20 years	4,513	319	7.1%
21 - 64 years	6,602	1,360	20.6%
> 65 years	1,274	638	50.1%
Total	12,389	2,317	18.7%

This data represents a higher incidence of individuals with disabilities in Rolette County as compared to the State. Census 2000 shows 97,817 individuals, or 15.4% of all North Dakotans ages five and older, with a disability. Census data does not address disability for those under the age of five years.

We have had ongoing meetings with stakeholders on the reservation for over a year, at which they have expressed the strong need for more

dedicated advocacy for individuals with disabilities. The amount budgeted for this position includes \$85,716 for salary/benefits (of which \$8,572 is General funds) and \$18,400 for operating (\$2,900 General funds). The State Council on Developmental Disabilities has agreed to provide a grant to help with start-up costs however this requires non-federal match which is the reason for the allocation of some State dollars to this position.

B. Variances from 03-05 to 05-07

As I stated during my overview to the Full Appropriations Committee on January 6th, total variances from the current biennium's budget to the recommended budget for 05-07 total \$487,184 of which \$27,741 are General funds. The remainder (\$459,443) is all federal funds. The table below provides information on costs for the major variance items:

	General Fund	Federal Funds	Total
1 Belcourt Disabilities Advocate – primary service area is Turtle Mt. reservation	8,572	77,144	85,716
2 Governor's recommended compensation adjustments for salaries (\$116,828), health insurance premiums (\$45,684) and EAP (\$54)	38,125	124,441	162,566
3 Temporary salaries: HAVA Advocate through 9/05 + increase for driver	0	10,980	10,980
4 Reclassification of Disabilities Advocate position to Director of Advocacy Services	1,590	16,076	17,666
A Sub-total for salaries & wages:	48,287	228,641	276,928
Operating: Some of the major changes include			
B addition of operating expenses for Turtle Mt. Advocate (18,400); Connect ND (7,920); Central Service Indirect Costs (17,000); operating costs for HAVA implementation (103,980)	(2,246)	196,802	194,556
C Equipment: No equipment > \$5,000 is budgeted	(18,300)	0	(18,300)
D Grants: Contracts for HAVA grant implementation	0	34,000	34,000
TOTAL:	27,741	459,443	487,184

The biggest variance is for inclusion of HAVA program implementation. Increases are included for travel (\$21,236), IT-data processing (\$22,950 of which \$7,920 is for Connect ND), office rent (\$9,051), operating fees & services (\$29,455 of which \$17,000 is for Central Service Indirect Costs), printing (\$25,097 of which \$10,000 is for HAVA and \$7,000 is for publishing a manual for Individual Justice Planning), and professional services (\$87,339

of which \$45,000 is for HAVA and \$15,000 is for AT). Professional services funds also provide for the agency to contract with private attorneys if needed. This allows P&A to maintain fewer lawyers on staff.

While the proposed budget for 05-07 is an increase for P&A, it also continues the trend of increasing the percentage of federal dollars, as indicated in the following table:

	99-01		01-03		03-05*		Recommended Budget for 05-07	
Federal	1,507,492	66%	2,186,315	73%	2,443,532	76%	2,902,975	78%
State	776,548	34%	806,526	27%	782,723	24%	810,464	22%
TOTAL	2,284,040		2,992,841		3,226,255		3,713,439	

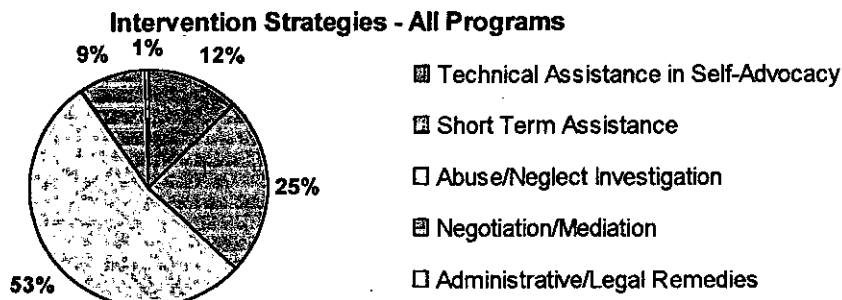
*does not include the federal AFLP pass through funds of \$1,272,981

Thank you for your time and support of the Protection & Advocacy Project. I will be happy to answer any questions you might have.

PROTECTION & ADVOCACY PROJECT

Intervention Strategies for Case Problem Areas – Fiscal Year 2004

	PABSS	TBI	DD	MH	PR	TOTAL
Technical assistance with self advocacy	33	0	6	7	7	115
Short term assistance	22	5	47	23	23	228
Abuse/neglect investigations	0	1	431	2	2	494
Negotiation/mediation	0	1	22	18	18	86
Administrative/legal remedies	0	0	2	1	1	5
TOTAL	55	7	508	51	51	928



CASE PROFILES

HEALTH CARE

GEORGE

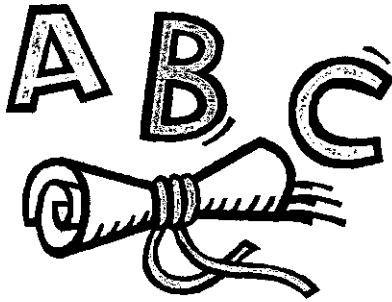
George is 24 years old. He has Cerebral Palsy and developmental delays. He recently moved into his own apartment after living in an ICF/MR group home for 12 years. Because of his Cerebral Palsy, he requires a great deal of assistance from staff with his physical cares. When moving to his apartment, the group home did loan his new provider a shower chair that they had been using at the group home, as it allowed for proper positioning and safety for George. After George's move, his physician ordered the same shower chair for him and it was submitted to ND Medicaid. Medicaid denied the request and indicated that they would only pay for a standard shower chair with no adaptations. Medicaid's response was that if he required that much assistance, he should move back to the group home.

A standard shower chair was tried with George. He ended up sliding out of the shower chair and sustained an injury. With P&A assistance and the help of George's physical therapist, a video tape was made that showed George's positioning in a standard shower chair and the support and safety devices that were available with the shower chair that was being recommended. The tape, along with extensive written documentation from the physical therapist and physiatrist were submitted and a successful outcome was achieved. As a result, George did receive the shower chair that provided the additional support and safety mechanisms and he has been able to remain in his own apartment.

From a systems perspective, this case also had impact. ND Medicaid revoked a memo that was previously issued requiring approval of only a standard shower chair. They will now be using the standard of "medical necessity" for the approval of shower chairs.



EDUCATION



SAM

Sam is a 13 year old boy who, at the time of referral, was identified by the parent as having trouble in school the previous year. Sam had received Title I services and had since been diagnosed with a seizure disorder as well as migraine headaches. At the time of referral to P&A, Sam was also not identified as eligible for either IDEA or Section 504.

The parent request was, based on a history of disagreements with the school, for support on how to approach the school, how to communicate concerns, and how to start the process of identifying Sam's educational needs.

P&A assisted the parent in: 1) successfully encouraging the student's participation in this process, 2) effectively communicating concerns to the school, 3) understanding the disability-related services that Sam might be eligible for, and 4) accessing those services. As a result, there was an appropriate accommodation plan developed and Sam has been realizing a successful school year through progress in his general curriculum studies.

JANE

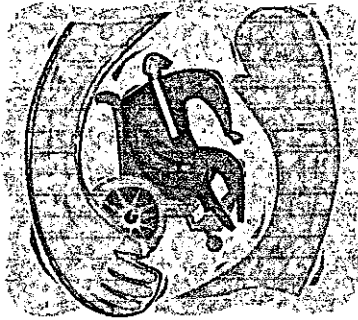
At the time of referral, Jane was nine years old, residing with her natural parents and attending public school. Jane had a diagnosis of adolescent bi-polar disorder. Testing had been completed and as a result, she was on an IEP to address "behaviors". The referral to P&A came from the psychologist Jane was seeing and who was attempting to work with the school to assist them in better understanding that Jane's behaviors were a result of her mental illness. The psychologist said she was "getting nowhere".

The P&A Advocate followed up with the parents who identified two issues of concern. Issue One: At the time of the initial cognitive testing, Jane's medications were not yet stabilized. The parents felt Jane's true cognitive abilities were not captured. They wanted a re-evaluation once the medications were stabilized but were not getting any indication that new testing would be completed. Issue Two: As a result of initial testing, an IEP was developed however the school personnel were not implementing the plan as written specific to identified behavior supports and services.

P&A contacted the Director of Special Education Services. He agreed to new testing and agreed to the importance of medications being stabilized before proceeding. He also made arrangements for additional training for staff.

While the testing results did not change much following re-evaluation, the family noted a dramatic change in attitude towards their daughter and felt the additional training was the reason for this. School personnel and the parents were able to come to consensus relative to the IEP. As a result, the parents were feeling that their daughter was getting necessary supports to maximize her success in the school environment.

PROTECTIVE SERVICES



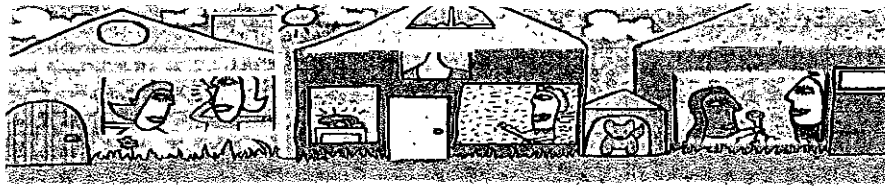
Three individuals with developmental disabilities each live with their respective families and receive Family Support Services through a local provider. Through this program, the local provider scheduled staff to provide support within the family homes. Through this work, one assigned staff member was found to be stealing from the families. Items included a digital camera, a lap top computer, and jewelry. It was also discovered that this staff member applied for credit cards using a consumer's personal identification and charges were incurred with these cards. After receiving the report, P&A involved the local police. Formal charges were filed and the case went to trial. The staff member was convicted of felony theft of property and sentenced to time in prison and probation pending his release. As a result of these incidents, the local provider developed a number of new policies and procedures that are now being used within the Family Support program. In addition, P&A provided training to the families that receive this service in an effort to ensure that they are aware of what abuse, neglect and exploitation is and how they should report concerns if they arise.

AGATHA

P&A received notification of a possible abduction involving a young woman and a known sex offender. The young woman was her own legal decision-maker and lived with her mother. She had a job in the community and used the bus system to get around town. When the woman did not come home one night, her mother contacted the local police. They were reluctant to start looking for the woman, due to the above factors. The police did not want to violate the woman's right to privacy. The police suggested the mother petition for guardianship. When the young woman's skill level was explained to the police, they did start looking for her. She was found with the known sex offender. The young woman's story was that she had voluntarily been spending time with this man and did voluntarily get in the car with him. But, because she did not understand the concepts of distance or time, quickly got in over her head and did not know how to get out of the situation.

The local developmental disabilities (DD) service providers, police and P&A started working on an assessment tool, for individual teams to use for each person receiving DD services, to assess an individual's vulnerability. If an individual is determined by the team to be vulnerable to abduction, wandering, or is otherwise missing, or is vulnerable to coming into contact with the police due to behaviors associated with their disability, the team would complete a data sheet containing information the police would need in order to locate the individual, and what to do once the individual is found. The information would be provided to the police department only if/when the situation warranted. The police were extremely receptive to this process knowing that a team, who works with the individual, would be looking at the individual's vulnerability and their rights, so quicker action could be taken if needed. A similar data sheet was also developed for parents to complete regarding their children.

COMMUNITY INTEGRATION



MIKE

Mike is a 37 year old gentleman who has a diagnosis of mood disorder, paranoia, and psychosis.

Mike came to P&A following inpatient treatment at a hospital psychiatric unit. He had worked with P&A before while he was an inmate at the State Penitentiary. Mike was homeless when he came to P&A and didn't feel that he was receiving appropriate mental health services from the Human Service Center (HSC). The HSC placed significant restrictions and conditions on the services and treatment that he was to receive. An attorney for the Department of Human Services determined that Mike would receive certain services based on his behavior. This exasperated Mike's illness. He requested assistance in receiving services and housing.

The P&A Advocate provided Mike assistance in receiving psychiatric services from a private provider in an outpatient program. Mike felt accepted and validated by this physician. The Advocate also referred Mike to a "Share and Care" program whereby he obtained an apartment and furnishings at no cost until he received SSI benefits. The condition with this program mandated that he receive as many dollars in service as the cost of his rent. Mike's mental illness stabilized and he continued his psychiatric treatment until he completed his program. He then saw his psychiatrist and therapist on a regular basis.

As a result of P&A involvement, Mike was able to benefit from psychiatric treatment and receive housing. It was necessary for P&A to establish a trusting relationship with Mike which allowed him to recognize his strengths and to take the risks necessary to become a more emotionally sound individual.

TOM

P&A received a request for assistance from Tom, a 33 year old individual with quadriplegia. He had been living successfully in an apartment for many years, but encountered difficulty after he sustained a stroke.

Subsequent to the stroke, Tom spent time in the hospital and was then moved to a rehabilitation facility in another city. Tom wanted to return to his apartment. The home health provider in his city of origin refused to provide services to him and felt he should live in a more restrictive setting.

P&A assisted Tom in obtaining an assistive technology (AT) assessment to identify services and devices, such as environmental controls, that would allow him to live as independently as possible. These, together with the assistance of home health care services and his well-established network of informal supports, were deemed sufficient to allow Tom to return to living in an apartment.

P&A assisted Tom in obtaining the needed AT devices and advocated with the home health provider for needed in-home services. P&A also advocated with Medicaid for the provision of an electric wheelchair that was suited to Tom's needs. As a result, Tom received the needed devices, equipment, and services and is living successfully in his own apartment.

CRIMINAL JUSTICE



SUSAN

Susan, at the time of referral to P&A, was 51 years old and residing at the Women's Correctional Facility at New England. She was diagnosed with a bi-polar disorder and was having problems accessing medications for her mental illness. Susan reported attempts she had made to access appropriate treatment but she was not successful. Upon receiving needed information, P&A followed up with the case manager from the prison system.

As a result of P&A's involvement, Susan was able to secure an appointment with the psychiatrist the same afternoon of P&A's contact. Appropriate psychotropic medications were accessed.

JAREE

P&A assisted a 45 year old immigrant from Bosnia with a diagnosis of bi-polar disorder. She speaks and understands less than minimal English. Jaree was kicked out of her home by an abusive husband and was placed in a shelter and then an apartment. She was charged with violating restraining orders and trespassing in attempts to visit her children. Jaree's ability to understand the criminal nature of her behavior and control it was compromised by her illness and her inability to speak English. The court didn't always authorize an interpreter. At one point, she spent a month in jail not knowing she could ask for an attorney. P&A had frequent contact with Jaree's court-appointed attorney and several interpreters and assisted Jaree in writing a letter to the court requesting to have an interpreter at all court hearings. As a result, she was able to access an interpreter for all subsequent hearings.

JERRY

At the time the request for advocacy was made, Jerry was a 26 year old man living in a group home setting with four other men who had continuous staff supervision. Jerry has a diagnosis of mild mental retardation. He also experiences a diagnosis of mental illness, including impulse control disorder.

Jerry's guardian contacted P&A to relay concerns about criminal charges being brought against Jerry for gross sexual imposition of a minor. Reportedly, Jerry had been accused of having contact with a 10 year old girl at a dance: he fell into her and his hand brushed over a private area on her body - over her clothing. Jerry's ability to understand questioning by the police was in doubt. In addition, Jerry's court appointed attorney was reluctant to pursue a competency evaluation for him. Upon the advice of his attorney, Jerry ended up agreeing to a plea arrangement, requiring him to register as a sex offender, against the wishes of his guardian.

As a result of P & A involvement, extensive behavioral consultation was conducted by the Developmental Center. Jerry was eventually given a competency evaluation, during which he was determined to be incompetent to assist in his own defense. The charges against him were dismissed and the court ordered that his status as a sex offender be immediately rescinded. This was important to Jerry because he worried about being labeled as a sex offender. His guardian was also very concerned about the potential loss of eligibility for government assistance programs that often accompanies being identified as a sex offender. Jerry continues to be involved in therapy to address his behavioral concerns.

EMPLOYMENT



DUANE

Duane called P&A because he was having difficulty finding a job. He believed this was because of his history of epilepsy. Duane felt employers were scared to hire him because he might have a seizure while working. The advocate spent time visiting with Duane to find out what information he was providing about his disability during the interview process. Even though Duane's epilepsy had been under control for years and therefore would not affect his ability to do most jobs, Duane said he had told some potential employers about his epilepsy before he was given a conditional job offer.

The advocate educated Duane on what the employer can ask him in an interview, what he should and shouldn't offer in the way of information, and when/how to request accommodations.

Duane is now employed coordinating demonstrations and sales calls for a steel building company. He is doing the job without any significant accommodations.

JULIE

P&A provided advocacy services for Julie so she could access services and supports necessary to start her own business. P&A connected Julie with a national consultant on self employment for people with disabilities. He helped Julie to prepare three years of profit/loss and cash flow projections. The consultant also helped her to revise her business plan. With these documents, Julie and P&A negotiated with Vocational Rehabilitation and they agreed to purchase equipment and inventory to get her business started. Julie officially opened for business on May 1, 2004.

PETER

Peter had been working at the same restaurant for over ten years. Management had changed hands a few times since he started. His original worked schedule was shortened by one hour but he was expected to complete the same amount of work. P&A was contacted by the job coach when the employer gave a written warning to Peter that he was not working fast enough. The manager also gave the job coach an e-mail from their corporate office stating that she needed to lower her labor costs.

The P&A advocate researched the situation and discovered that Peter hadn't had a performance evaluation in two years nor a raise. Standard practice was that employees are evaluated and given raises in March or April of each year. The P&A advocate sent a letter to the employer requesting a meeting to discuss what could be done to insure Peter is meeting the requirements of his job.

A meeting was held and accommodations were discussed. The local manager and the district manager were present along with Peter, his parents, the job coach and the P&A advocate. Everyone came to consensus on the type of accommodations Peter would need. The P&A advocate wrote a letter to the employer and Peter that reiterated the accommodations agreed upon. The employer also agreed to complete an evaluation and give Peter a raise as appropriate.

Peter is now doing well at work and he is no longer at risk of losing his job. He also has been scheduled for an evaluation so he can be considered for a raise.

TESTIMONY: HOUSE BILL 1014
HOUSE APPROPRIATIONS COMMITTEE: HUMAN RESOURCES DIVISION

JEFF DELZER, CHAIRMAN

January 10, 2005

Chairman Delzer and members of the Committee: my name is Carlotta McCleary. I am the Executive Director for the ND Federation of Families for Children's Mental Health. The Federation of Families is a parent run organization that focuses on the needs of children with emotional, behavioral and mental disorders and their families. On behalf of the Federation, I am here to testify in support of HB 1014.

Protection and Advocacy is a valuable resource for children and families. The families in our organization have been extremely pleased with the valuable services offered by Protection and Advocacy. The advocacy they provide children and their families has been vital for children being able to access the needed services they need in order to achieve their full potential.

Protection and Advocacy has also been a partner in advocating in collaboration with other agencies at the system level. This is really helpful to focus on the larger system instead of the individual child when the change really needs to be at the system level.

The Federation encourages you to support HB 1014.

Thank you.

I

HB 1014
Appropriations for the Protection & Advocacy Project
Senate Appropriations
March 3, 2005

Good morning Chairman Holmberg and members of the Committee. I am Teresa Larsen, Executive Director of the Protection & Advocacy Project (P&A). In testimony today, information will be presented highlighting P&A's services and its budget.

I. SERVICES

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

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

Federal Funding Source	Grant
DHHS/Admin. for Children & Families/ADD	• Developmental Disabilities (DD)
DHHS/SAMHSA/CMHS	• Help American Vote Act (HAVA)
DHHS/HRSA	• P&A for Individuals with Mental Illness (MH)
Dept. of Education	• Traumatic Brain Injury (TBI)
	• P&A for Individual Rights (PR)
	• Assistive Technology (AT)
Social Security Admin.	• P&A for Beneficiaries of Soc. Sec. (SS)

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy & legal representation, protective services, education & training, self-advocacy support, systems advocacy, and information & referral services. P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or family member, guardian) to resolve the problem

themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

At this time, I'd like to introduce Jim Jacobson, P&A's Director of Institutional Advocacy & Protective Services, who will provide you with a summary of P&A's services.

A. Case Activity - Advocacy & Protective Services

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

P&A provided services to 600 individuals in the most recently completed fiscal year. This number includes advocacy cases and protective services. This is a significant increase from each of the previous two fiscal years.

Year	DD	MH	PR	SS	TBI	HAVA	Total
2002	295	139	58	7	N/A	N/A	499
2003	294	152	63	20	6	0*	535
2004	315	187	51	38	9	0	600

AT clients are counted under the other federal programs.

*partial year grant

1) Advocacy

Along with representing a high number of individuals, P&A realized a high percentage of resolution in the clients' favor as well as a high consumer satisfaction rate.

Year	# of advocacy issues addressed*	# of issues closed at year's end	% resolved in favor of clients
2002	375	270	(236) 87%
2003	428	273	(245) 90%
2004	463	337	(283) 84%

*an individual client may have more than one advocacy issue or problem

P&A contracts with the N.D. Center for Persons with Disabilities at Minot State University to conduct an ongoing consumer satisfaction survey.

Following are results to key questions asked about P&A's advocacy services for the past three fiscal years:

	FY 2002			FY 2003			FY 2004		
	Yes %	No %		Yes %	No %	% - No Opinion	Yes %	No %	% - No Opinion
Would you use P&A services again?	98.5	1.5		87.5	2.1	10.4	91.3	6.5	2.2
How satisfied were you with the services from P&A?	Very %	Satisf'd %	Not %	Very %	Satisf'd %	Not %	Very %	Satisf'd %	Not %
	42.5	49.3	3.7	71.4	16.3	12.2	62.5	31.3	6.3
	Total = 91.8			Total = 87.7			Total = 93.8		

2) Protective Services

The following table shows the number of allegations of suspected abuse, neglect, and exploitation addressed by P&A as well as the number closed out at the end of each fiscal year and the percent resolved in favor of the clients.

Year	# of A/N/E allegations addressed*	# of allegations closed at year's end	% resolved in favor of clients
2002	501	431 (409)	95%
2003	641	551 (535)	97%
2004	653	565 (545)	96%

*there may be more than one allegation/client

To exemplify our casework, I'm providing a hand-out with actual case scenarios. I have chosen two cases to review with you, after which I will be happy to answer any questions.

B. Non-case Activity

There was a significant increase in educational activities for the last year. From fiscal year 2002 to 2004, P&A almost doubled the number of individuals it trained. Training topics included abuse/neglect/exploitation, rights & responsibilities, accessibility, and reasonable accommodations in the area of employment.

Numbers of Individuals Trained								
Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	329	1518	277	83	645	N/A	N/A	2552
2003	39	1724	222	259	1256	101	0	3601
2004	202	2713	995	351	400	0	213	4874

Year	Number of persons trained on abuse, neglect & exploitation	% trained who understand what constitutes abuse, neglect & exploitation and the reporting process
2002	997	95%
2003	1383	99%
2004	3078	98.7%

Information and referral services were provided to 1,959 individuals in fiscal year 2004, a decrease from 2003 but still a big increase from 2002.

Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	7	585	502	280	55	N/A	N/A	1429
2003	6	840	785	351	100	24	0	2106
2004	15	676	773	295	105	38	57	1959

Almost 11,000 written materials were distributed in fiscal year 2004. Some of the documents contain information about P&A and some focus on disability-related rights such as work incentives, higher education, and commitment laws.

Year	AT	DD	MH	PR	SS	TBI	HAVA	Total
2002	107	3389	1718	1014	8873	N/A	N/A	15,101
2003	27	4901	1385	1027	6064	392	0	13,796
2004	214	5542	2847	1661	1226	731	275	10,890

In order to be pro-active and ensure effective use of resources, P&A identifies and works on many systems issues that impact a significant number of individuals with disabilities. The second chart in this section ("non-case activity") provides statistics on a very important area of training. P&A also provided training to the supervisory staff of the Developmental Center, and several licensed developmental disabilities service providers, on conducting investigations. Through this training, P&A assists the providers in identifying and taking effective steps to address concerns which might lead to abuse or neglect.

Also in fiscal year 2004, P&A was a partner in four collaborative efforts that address various State public policy and related service development issues. The common thread in these activities is ensuring that people with

disabilities in North Dakota receive appropriate services and continue to live in the least restrictive settings.

C. Benchmarks for 05-07

- 1) P&A will achieve resolution to clients' identified problems at a rate of >90% for protective services.
- 2) P&A will achieve resolution to clients' identified problems at a rate of >85% for case advocacy.
- 3) Consumer satisfaction with P&A services will be >85% for case advocacy.
- 4) P&A will provide information & referral services to a minimum of 1,750 persons each year.
- 5) P&A training on abuse & neglect to consumers & providers will result in >90% of participants reporting that they understand: a) what constitutes abuse, neglect & exploitation; and b) reporting procedures.

II. CHANGE TO SPENDING AUTHORITY FOR 2003-2005

Since the 2003 Legislative Session, P&A has gone before the Emergency Commission seeking approval to increase the agency's spending authority by \$1,270,981. The money is for a one-time grant from the U.S. Department of Education and is being used to establish an Alternative Financial Loan Program for expanding financing options for individuals with disabilities to purchase assistive technology devices and services. The request was approved by the Emergency Commission and subsequently by the Budget Section. All of these grant funds have already been drawn down and passed through to a private non-profit entity that is implementing the program. The private entity also put up the required match of more than \$400,000.

III. BUDGET FOR 2005-2007

The proposed budget for the 05-07 biennium maintains P&A's eight offices located around the State (Williston, Minot, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, Dickinson) and adds a one-person office in Belcourt for service to the Turtle Mountain reservation area. Accordingly, the budget includes increasing P&A's FTE's from 24.5 to 25.5. With the additional

FTE, P&A's employees will include: 15.5 Disabilities Advocates, 2.5 Attorneys, a Fiscal Manager, 2.5 Support Staff, a Director of Policy & Operations, a Director of Advocacy Services, a Director of Protective Services, and an Executive Director.

A. Turtle Mountain

P&A currently provides outreach services to three of the four reservations. Agency advocates make visits to Standing Rock, Three Affiliated Tribes, and Turtle Mountain two to four times per month. P&A chose to implement targeted advocacy on Turtle Mountain because it has the largest number of American Indians residing on a reservation in the State, more than 8,000 people, which is more than twice that of any of the other three. It is also a very remote area, located just south of the Canadian border.

Reliable data specific to the number of individuals with disabilities on the Turtle Mountain reservation was not found. For Rolette County, with a total population of 13,674 (73% of which are American Indian), the following data was available through Census 2000:

ROLETTE COUNTY			
Population	Total #	# with a Disability	% with a Disability
5 - 20 years	4,513	319	7.1%
21 - 64 years	6,602	1,360	20.6%
> 65 years	1,274	638	50.1%
Total	12,389	2,317	18.7%

This data represents a higher incidence of individuals with disabilities in Rolette County as compared to the State. Census 2000 shows 97,817 individuals, or 15.4% of all North Dakotans ages five and older, with a disability. Census data does not address disability for those under the age of five years.

We had ongoing meetings with stakeholders on the reservation for over a year, at which they have expressed the strong need for more dedicated advocacy for individuals with disabilities. The budget for this position includes \$85,716 for salary/benefits (of which \$8,572 is General funds) and \$18,400 for operating (\$2,900 General funds). The State Council on Developmental Disabilities has agreed to provide a grant to help with start-up costs however,

this requires non-federal match which is the reason for the allocation of some State dollars to this position during its first year.

B. Variances from 03-05 to 05-07

As recommended in the Governor's budget, the total variance from the current biennium's budget to the budget for 05-07 is \$487,184 of which \$27,741 are General funds. The remainder (\$459,443) is all federal funds. The table below provides information on costs for the major variance items:

	General Fund	Federal Funds	Total
1 Belcourt Disabilities Advocate – primary service area is Turtle Mt. reservation	8,572	77,144	85,716
2 Governor's recommended compensation adjustments for salaries (\$116,828), health insurance premiums (\$45,684) and EAP (\$54)	38,125	124,441	162,566
3 Temporary salaries: HAVA Advocate through 9/05 + increase for driver	0	10,980	10,980
4 Reclassification of Disabilities Advocate position to Director of Advocacy Services	1,590	16,076	17,666
A Sub-total for salaries & wages:	48,287	228,641	276,928
Operating: Some of the major changes include			
B addition of operating expenses for Turtle Mt. Advocate (18,400); Connect ND (7,920); Central Service Indirect Costs (17,000); operating costs for HAVA implementation (103,980)	(2,246)	196,802	194,556
C Equipment: No equipment > \$5,000 is budgeted	(18,300)	0	(18,300)
D Grants: Contracts for HAVA grant implementation	0	34,000	34,000
TOTAL:	27,741	459,443	487,184
House changes – Feb. '05 (compensation package) does not include the federal AFLP pass through funds of \$1,272,981	25,356	451,328	476,684

The biggest variance is for inclusion of HAVA program implementation. Other increases are included for travel (\$21,236), IT-data processing (\$22,950 of which \$7,920 is for Connect ND), office rent (\$9,051), operating fees & services (\$29,455 of which \$17,000 is for Central Service Indirect Costs), printing (\$25,097 of which \$10,000 is for HAVA and \$7,000 is for publishing a manual for Individual Justice Planning), and professional services (\$87,339 of which \$45,000 is for HAVA and \$15,000 is for AT). Professional services funds also provide for the agency to contract with private attorneys if needed. This allows P&A to maintain fewer lawyers on staff.

While the proposed budget for 05-07 is an increase for P&A, it also continues the trend of increasing the percentage of federal dollars, as indicated in the following table:

	99-01		01-03		03-05*		Governor's Recommended Budget for 05-07		05-07 Budget as passed by the House	
Federal	1,507,492	66%	2,186,315	73%	2,443,532	76%	2,902,975	78%	2,894,860	78%
State	776,548	34%	806,526	27%	782,723	24%	810,464	22%	808,079	22%
TOTAL	2,284,040		2,992,841		3,226,255		3,713,439		3,702,939	

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

Thank you for your time and support of the Protection & Advocacy Project. I will be happy to answer any questions you might have.

Testimony on SB 1014
Senate Appropriations Committee
March 03, 2005

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

NDACF is made up of 26 non-profit and for-profit agencies across the state. NDACF members provide services to some of the most vulnerable people in the State – those with mental retardation. Protection and Advocacy plays an important role in supporting the needs of these people.

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

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

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

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

TESTIMONY: HOUSE BILL 1014
SENATE APPROPRIATIONS COMMITTEE

RAY HOLMBERG, CHAIRMAN

March 3, 2005

Chairman Holmberg and members of the Committee: my name is Carlotta McCleary. I am the Executive Director for the ND Federation of Families for Children's Mental Health. The Federation of Families is a parent run organization that focuses on the needs of children with emotional, behavioral and mental disorders and their families. I am also the parent of a child with a mental health disorder. On behalf of the Federation, I am testifying in support of HB 1014.

Protection and Advocacy is a valuable resource for children and families. The families in our organization have been extremely pleased with the valuable services offered by ND Protection and Advocacy Project. The cases the Federation of Families is familiar with Protection and Advocacy's involvement was instrumental in helping resolve the issues and keep the situation from escalating to formal hearings. One example was a parent of child was upset that the school didn't recognize the symptoms of the child's mental disorder. The child was failing as a result of the school not providing appropriate services to meet the child's needs. Not only was this child not doing well academically his mental health was deteriorating as well. Protection and Advocacy was able to not only inform the parent what rights the child had but the also informed the school. After much work the issues were resolved the child got the services that were needed. A positive relationship between the parent and school was left intact. They will be able to work as a team and problem solve in the process of developing an appropriate educational program for this child. The services Protection and Advocacy provides children and their families have been vital for children being able to access the services they need in order to achieve their full potential.

My son Garrett has received services from Protection and Advocacy. Most recently Garrett's staff failed to pick him up from school. Garrett is in need of constant supervision for his safety as well as the safety of others. I received a call an hour after he was suppose to be picked up and was told staff was on their way to get him. Once they got there they couldn't find Garrett, he was missing. We gathered family and friends and began a search. We looked on our own for an hour and still didn't find him. We decided to call law enforcement for help. Shortly after we called law enforcement Garrett was located after being missing for two hours. As soon as I got home I had a phone call from the agency, I was told by the agency that this incident was Garrett's fault and they were going to reduce his service as a consequence for his actions. We called Protection and Advocacy they did an investigation and found that the agency had neglected our son. This was reported to Child Protection as well. Protection and Advocacy was able to help us develop a plan together with the agency. The plan would insure the agency would give Garrett better services so he wouldn't be placed at risk. We never got any response from Child Protection. Thank goodness Protection and Advocacy did respond.

Protection and Advocacy has also been a partner in advocating in collaboration with other agencies at the system level. This is really helpful to focus on the larger system instead of the individual child when the change really needs to be at the system level. We appreciate the work Protection and Advocacy does in regards to training providers on what constitutes abuse and neglect and providing Common Ground training to parents and teachers. We have seen many positive results from both of these trainings as well as the many other efforts that Protection and Advocacy is involved in. We look forward to our continued collaboration with Protection and Advocacy.

The Federation encourages you to support HB 1014.

Thank you.

**Testimony of John Willer
House Bill 1014
Protection & Advocacy Budget
March 3, 2005**

Senator Holmberg and members of the committee, my name is John Willer. I am here to support House Bill 1014. I have been helped by the staff at Protection & Advocacy many times and ask that you continue to support their budget.

Whenever I and other clients need assistance with problems or with writing newsletters, the people from Protection & Advocacy are always there to help.

Protection & Advocacy helps many people with disabilities, adults, children and families. They need your support to continue to do this good work.

Please support this bill and I also hope the Governor will support it and sign it into law.

Thank you for giving me a chance to testify.