

2015 HOUSE INDUSTRY, BUSINESS AND LABOR


HB 1411

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1411
1/27/2015
22680

☐ Subcommittee
☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Provide appropriation to the department of labor and human rights for grants to organization providing training and support for individuals with disabilities.

Minutes:

Attachment 1-12

Chairman Keiser: Opens the hearing on HB 1411.

Representative Oversen~District 32-North Grand Forks: (Attachment 1).

Representative Devlin: What are we not doing properly with what we fund for the human service budget?

Representative Oversen: The focus is on specific organizations that are run by people with disabilities to have leadership in the organizations.

Representative Ruby: Why are you not going through the Department of Human Services?

Representative Oversen: They wanted to go through the Department of Labor.

Representative Ruby: This would be grants provided to teach people who are in programs that advocate for more programs?

Representative Oversen: No, that not correct. It will teach individuals better voting rights, leadership and advocate for their rights and responsibilities.

Representative Ruby: Are they able to do that without a grant of \$100,000?

Representative Oversen: Funding is needed for training and expenses.

Representative Kasper: Are these organizations already in existence and how many are there.

Representative Oversen: Yes and I don't have an exact number.

Representative Kasper: What are their sources of funds?

Representative Oversen: Various sources of funding but I don't believe they receive government funding; they are funded through grants or programs that they may apply to.

Representative Kasper: In the bill you talk about the goal to removing barriers for employment, education and rights and responsibilities, are these organizations currently providing those services that are mentioned in the bill?

Representative Oversen: Yes, they are but we want to include more.

Representative Kasper: The crux of this bill is to provide some state money for programs that are already in existence or to expand those programs?

Representative Oversen: That a fair assessment.

Representative Boschee: Was the reason for going with the Department of Labor because they are already doing similar training with employers and housing groups?

Representative Oversen: Yes, we thought that the Department of Labor was the appropriate place for these types of programs.

Chairman Keiser: If we give the money to agencies, how do we know they are using it correctly?

Representative Oversen: It's not written in the bill, but I would be happy to write into the amendment that requires a report.

Chairman Keiser: We are going to give the Department of Labor money to distribute; they are going to develop the criteria for distribution?

Representative Oversen: Correct.

Sean Hoaglund~From Grand Forks: (Attachment 2).

Representative Amerman: This bill is a way to get grants to help other people like you?

Hoaglund: This bill will help other people do more advocacies.

Tracy Livingood~Grand Forks: (Attachment 3).

Representative Beadle: What organization did you go around with?

Livingood: Self advocacies of North Dakota.

Kimberly Allard~Grand Forks: (Attachment 4)

Angie Kiefer~Fargo: (Attachment 5).

Helen Bechold~Grand Forks: (Attachment 6)

Chairman Keiser: When did you start in the program?

Bechold: Since 1997.

Nathan Olds~New Rockford: (Attachment 7)

Chairman Keiser: Tell us about your training?

Olds: Trained how to vote.

Carla Tice~Ally to Self-Advocacy-Grand Forks: (Attachment 8).

Representative Ruby: Is the SAS program through the Department of Human Services or the Department of Labor?

Tice: Independently and from grants. We also write grants to get funding.

Chairman Keiser: This is \$100,000 from the general fund, why are you going to us and not in the human services?

Tice: We put that through the Labor Department, it's a human & civil rights movement.

Vickay Gross~Disabilities: Advocate for the Protection & Advocacy Project: (Attachment 9)

Chairman Keiser: Do you have some amendments?

Gross: I'm suggestion is some do not have their 501 (C)3 and they may get disqualified and to tighten it up with removing may for amendments.

Representative Boschee: It sounds like the Protection & Advocacy program already has a granting structure in place, is there any rationale why these funds shouldn't be given to a group like you who already has the capacity and relationships with these organizations?

Gross: I can talk to our director and ask him.

Representative Amerman: Do you have an organization in Fargo?

Gross: Yes.

Representative Amerman: There are businesses in Fargo to donate, would that be acceptable.

Cally Musland~Executive Director of ARC of Bismarck American People Advocacy: This bill expands the reach and our other advocacies groups.

Chairman Keiser: If this money became available, what process would you recommend for the distribution of the dollars?

Cally: The Protection and Self Advocacy group divvies out those funds. Keeping it general would be a good idea.

Cynthia Vollmer~Parent with a disability person: (Attachment 10).

50:50

Representative Hanson: When was the funding source discontinued?

Vollmer: 2012.

Representative Hanson: That funding lost, was it federal, non-profit or the state of North Dakota?

Vollmer: Federal.

Representative Hanson: Have there been requests to the pre-existing money the state appropriates for?

Vollmer: There is not money allotted to self-advocacy, the state council for developmental disabilities and are no longer funded through that council.

Ciara Meyers~Grand Forks: (Attachment 11).

Chairman Keiser: Do you have any idea the number who wouldn't have voted because of the lack of training.

Meyers: We trained 90 in Minot and 5 people in an agency who never voted in their lives.

Representative Louser: Are their rights being violated in the state.

Meyer: Not violated, they are just uninformed and need to show them how they can vote.

Chairman Keiser: This last election, there were a lot of measures on the ballot, how did you train them for those complex measure?

Meyer: Worked the process rather than the content of the ballot.

Chery Huss~Executive Director of DP Council: She was there for any questions by the committee. No questions were asked.

Chairman Keiser: Anyone else here to testify in support of HB 1411, opposition?

Troy Seibel~Commissioner of the Department of Labor: (Attachment 12).

1:04:05

Representative Lefor: Is the Protection & Advocacy Project, is that a state agency?

Seibel: It's a state agency board, yes.

Hougland: There is one person appointed by the board. I serve on the board. It's not all government appointed.

Chairman Keiser: I think you have a very legitimate point.

Chairman Keiser: Anyone else here to testify in opposition of HB 1411, neutral?
Closes the hearing on HB 1411.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1411
1/28/2015
22716

- ☐ Subcommittee
☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Provide appropriation to the department of labor and human rights for grants to organization providing training and support for individuals with disabilities.

Minutes:

Chairman Keiser: Opens the hearing on HB 1411.

Representative Hanson: I talked with Callie Musland and she is going to provide us with some background stats on when, where and how much of the federal money was spoken to.

Representative Beadle: In discussion with the committee hearing and after the hearing about making so that it's out of the labor commissioner purview and put it in the one state board (PNA).

Chairman Keiser: Who's working on that?

Representative Beadle: No one officially.

Representative Ruby: I would like to know what the budget is in PNA.

Chairman Keiser: I can talk to Rep Oversen.

Representative Devlin: I was troubled that the federal money was pulled. The Department of Human Services chose to spend it on those on different programs but money is still there.

Chairman Keiser: That an important point. We need to talk to that board. Committee, will it make a difference if we get an amendment to assign this to the other source versus the labor commissioner?

Representative Beadle: I don't know if necessarily make a difference for the committee vote, but the off chance that something happened on the floor. We could amend it and give it to the PNA board.

Chairman Keiser: Before we amend, we better talk to the PNA board and other folks. Their program did get cut and the money was allocated to other programs within that agency.

Representative Beadle: Let's clean up the bill before we take action.

Chairman Keiser: Closes the work session on HB 1411.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1411
2/2/2015
22962

- ☐ Subcommittee
☐ Conference Committee

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Provide appropriation to the department of labor and human rights for grants to organization providing training and support for individuals with disabilities.

Minutes:

No attachments

Chairman Keiser: Opens the hearing on HB 1411.

Representative Ruby: First of all, I thought it was in the wrong place. The Department of Labor wasn't the place. Then the discussion if it should be in the PNA and that should be in there budget and run through that process or funding they need there. I move a Do Not Pass.

Representative Devlin: Second.

Representative Ruby: I enjoyed the testimony by the advocacy groups.

Representative Devlin: We were mistakenly led that the federal cut the 100,000 dollars but what happened was made a pass through and PNA decided to use it for something else. I don't think this is a budget item that we need to send to appropriations.

Chairman Keiser: These testifiers were so sincere and I wanted to do something for them but I can't support a 100,000 dollar appropriation. I would like to suggest that Rep Oversen to draft the letter to the North Dakota state council on Disabilities and say this bill was rejected and we would like you to consider the feasibility about funding this. If any of you wish to send the letter and legislators on this committee, please do it. I just can't support the bill as written. Any further discussion?

Roll call was taken for a Do Not Pass on HB 1411 with 10 yes, 3 no, 2 absent and Representative Laning is the carrier.

Date: Feb 2, 2015Roll Call Vote: 1

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1411**

House Industry, Business & Labor Committee☐ Subcommittee☐ Conference Committee

Amendment LC# or Description: _____

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

Other Actions:

☐ Reconsider☐ _____Motion Made By Rep Ruby Seconded By Rep Devlin

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Lefor	x	
Vice Chairman Sukut	x		Representative Louser	x	
Representative Beadle	x		Representative Ruby	x	
Representative Becker	x		Representative Amerman		x
Representative Devlin	x		Representative Boschee		x
Representative Frantsvog	x		Representative Hanson		x
Representative Kasper	Ab		Representative M Nelson	Ab	
Representative Laning	x				

Total (Yes) 10 No 3Absent 2Floor Assignment Rep Laning

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

No rereferal because
it's coming out as a
Do Not Pass

REPORT OF STANDING COMMITTEE

HB 1411: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING).
HB 1411 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1411

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and members of the House Industry, Business, and Labor committee, my name is Kylie Oversen and I represent District 42 in Grand Forks. I am here to testify in support of HB 1411 which appropriates \$100,000 to the department of labor and human rights for the purpose of providing grants to organizations that serve individuals with disabilities.

The language in the bill is fairly self-explanatory, but I would like to highlight the specific directive that organizations qualifying for the grants must demonstrate that individuals with disabilities have significant involvement and leadership in the organization. The overall intention with that language is that the organizations be considered self-advocacy based organizations. Organizations that are consumer led assist individuals with disabilities to feel empowered, to know and understand their rights, and to advocate for themselves and for others.

For many years, individuals with disabilities were not given opportunities to speak for themselves, were often locked up in institutions, and were treated as outcasts in society. We have come a long ways since the days of institutionalization, but we still have room to grow and improve as a state. Self-advocacy opportunities are just one way that we can improve the lives of individuals with disabilities. The crux of the self-advocacy movement is that individuals with disabilities are given the opportunity to learn how to advocate for themselves, as opposed to having someone else speak on their behalf, direct their care, or make decisions for them. Self-advocacy training helps individuals with disabilities build knowledge and courage.

There are several individuals with us today that will speak to the many ways that this small amount of funding will assist self-advocacy organizations to reach more individuals with disabilities and continue building the self-advocacy movement in North Dakota.

Mr. Chairman and members of the committee, I urge you to favorably consider HB 1411 and I would be happy to answer any questions that you have.

To whom it may Concern,

I am writing this letter in regards to HB 1411. It has been my experience while working with individuals of all ages who have disabilities that they value belonging to a community. Being independent and knowing how to perform activities within the community is a goal for many people with disabilities; including such activities as, going to the LISTEN center, bowling, shopping, voting, decision making, making and attending doctor's appointments, public transportation, working with/without a job coach, banking, and living independently. These tasks would not be achievable without support for individuals with disabilities. Funding is a necessity for training staff to teach and assist with achieving dreams of people who have disabilities. Without proper assistance, some of these individuals are unable to utilize their independence and activity in the community.

Sincerely,

Danika Freitag
Lutheran Social Service of MN
Danika.Freitag@mayvillestate.edu

Chairman and Committee Members -

A little bit about me, I have cerebral palsy and use a power wheelchair for mobility and a communication device with voice output to communicate with.

Speaking for myself, I have voted in every election since I was 18 it's one of my rights I take seriously. I surround myself with people who educate me about the different issues, and for an example the recent election had some tricky measures requiring me to do some homework before going out. Just going out and voting is one thing, you have to educate yourself about the different measures and candidates. Often times, I use my Facebook being I have a mixture of friends who represent both sides. The typical individual with disabilities may not have access to the things I do, so we have to do trainings and town hall meetings to get them up to speed. Again, it's nice to get individuals with disabilities involved, so often you work on things involving us so we should have a voice.

Thanks,
Anthony Arnold
Grand Forks, ND

Representative Keiser and members of the Committee:

My name is AJ Marx. I have cerebral palsy and use a wheelchair for mobility. I am a student at the University of Maryland. If I did not have class this hour I would be here in person.

I am in support of House Bill 1411 because we all need to know our rights and this bill would help so many of us spread the news that just because you have a disability you don't have to be pushed around and taken advantage of. Our country is based on freedom, the right to choose. If you do not know what your rights are you don't know what you can do to change things. Put yourselves in the position that many people with disabilities are in. I'm one of the lucky ones. I know what my rights are.

The funding from this bill would allow many agencies and groups to educate people about accessibility, voting, and employment rights. I urge you to give this bill a Do Pass and give it your full support.

Thank you.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and members of the committee, my name is Sean Hoaglund, from Grand Forks. I am here to testify in support of HB 1411.

I'm a person with a disability. I've lived most of my life with some people prejudging my ability when it comes to employment. I am now 51 years old and I recognize that I have so much to offer in the world of employment and as a disability activist. I serve on state boards. I have been involved in speaking engagements on a local, state and national level. I realize how much I have to give as a citizen of this state and country. All people with disabilities need the chance to realize this too.

A way to help other people with disabilities to learn that you can stand up for your own rights in all walks of life. You can make your own decisions on how you want your life to turn out.

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions that you have.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Good Afternoon, Chairman Keiser and members of the committee, my name is Tracy Livingood. I am from Grand Forks. I am here to testify in support of HB 1411.

This bill is really important to me because all my life other people have been making decisions for me. Through Self-Advocacy and other trainings I have learned to speak up. I also do trainings as a self-advocate to help others. This past year I went all over the state and helped teach people with disabilities to vote. BRING YOUR ID, that is what I told them. WE VOTED!

This funding could provide funds to help other people like me, people with disabilities, who grew up not being able to make informed decisions or to live the life they choose, with the supports they need.

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions that you have.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and members of the committee, my name is Kimberly Allard, from Grand Forks. I am here to testify in support of HB 1411.

This bill is important to me because . . .

I am a person with a disability. I would like to see people have the opportunity to fight for their rights and to speak their mind. I would like us all to be treated like everyone else is in all aspects of life. No matter if they have a disability or not, everyone should be treated equal.

This funding could provide . . .

This bill will benefit others with disabilities to speak up for themselves.

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions that you have.

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House Industry, Business, and Labor Committee

January 27, 2015

Chairman Keiser and members of the committee, my name is angie kiefer, from Fargo. I am here to testify in support of HB 1411.

This bill is important to me because . . . I want to a 2 year school that had a special problem for people with a disability? In the late 1990 the state wanted to stop funding the program?

This funding could provide . . . more school options for people with a disability after high school? To get more job skills social skills etc etc or so they can maybe seem they are maybe they can go to college like a normal person

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and Members of the committee, my name is Helen Bechold, from Grand Forks. I am here to testify in support of HB 1411.

I was one of the founding members of the first group of Self-Advocacy in our state. I have dedicated the last 26 years working in this movement that fights for equality and justice for people with disabilities.

This bill is important to me because of my history. I lived the first part of my life in the Grafton State School. I didn't have my rights and I didn't have a voice to speak up for what I wanted. I still see things today that make it hard for people with disabilities to live the good life, feel respected, and have a chance.

I truly believe that if you pass this bill, it will help many people. I have done a lot of public speaking while involved in Self-Advocacy, my story of my history might get old, but it is needed. We all need to know our rights. We want to go forward.

Please pass bill 1411. I can answer question you have.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and members of the committee, my name is Nathan Olds, from New Rockford. I am here to testify in support of HB 1411.

I was able to participate in voter training sessions in 2014. It was a wonderful experience and I am happy that I was able to take part in it. I would like to see more trainings like that in the future and be able to participate again.

The funding would provide support for more trainings of this kind for Self-Advocates and their allies.

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions that you have.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and Members of the committee, my name is Carla Tice, from Grand Forks. I have been an ally to Self-Advocates in our state, since 1991. I am here to testify in support of HB 1411. There is a quote that says: "What lies behind us, and what lies before us are tiny matters compared to what lies within us." This bill is important to me because for twenty-five years I have seen firsthand what lies within my friends, who happen to have a disability. I have heard firsthand accounts over and over again of what lies behind them. There are the dark stories of being locked in a state institution for 30 years. I have heard first hand and seen firsthand, with my own brother Neal, who happened to have Down Syndrome, what it was like to be segregated from peers, in your school, your community. In the twenty-five years I have seen what lies before us, deinstitutionalization, inclusion; laws that were made to protect our human rights, and promote full inclusion. It is better, but we have a long way to go. There are many barriers in employment, education, housing and transportation.

This funding could provide a means to make the things that lie before us, a brighter future for people with disabilities, what lies behind us, a means to make sure our history of oppression is not repeated, and last but not least a chance for people with disabilities to have the chance to be seen, heard and credited for what "lies within." Self-Advocacy trainings, and support from a network of allies has given people with disabilities the chance to be involved in the political process, being here, voting, everyone's human right. Self-Advocates serve on local and state boards, transportation committees, one of the Self-Advocates here, presented to a group of people with disabilities in New York and then preceded to spend the day at the United Nations sharing her story and the need for education on human rights. Without funding this valuable work will cease and once again we take away from the "what is within".

Mr. Chairman and members of the committee, for the sponsors of this bill, I applaud you for seeing the value of this bill. I thank you for your time today. Passing this bill is the right thing to do, for the many leaders and allies in this state, who have worked tirelessly in the Self-Advocacy movement, the late Bobby Vogel and Stacy Woodbeck and many others who have left us, and those who continue to work hard, and need this funding. Please give this house bill 1411 a do pass. I would be happy to answer any questions that you have.

Testimony
House Bill 1411 – Department of Labor
House Industry, Business & Labor
January 27, 2015

Good morning Chairman Keiser and members of the House Industry, Business & Labor Committee. My name is Vickay Gross and I am a Disabilities Advocate for the Protection & Advocacy Project. I am here today to provide testimony in support of House Bill 1411. I also have suggestions for amendments.

I began working with the Protection & Advocacy Project in August 1988 as a Self-Advocacy Coordinator. My role was to coordinate self-advocacy activities statewide. I traveled to communities across the state to support the formation of new local self-advocacy organizations and support existing groups. Around 1990 or 1991, representatives from these local groups formed a state organization called People First of North Dakota. The original funding for this organization was through the State Council on Development Disabilities.

People First was an autonomous organization run by and for people with disabilities. The board of directors was exclusively people with disabilities representing local self-advocacy organizations. This statewide network eventually became independent from supporting organizations and received its own 501-c-3 status and had its own executive director. As with any new organization, funding is critical. This group actively provided training on disability and human rights topics and was active in systems change activities on behalf of people with disabilities. People First eventually dissolved due to several issues including the loss of key staff and the discontinuation of funding and technical support. This was very unfortunate.

House Bill 1411 would make grant money available to entities, much like People First, who can demonstrate that individuals with disabilities have significant involvement and leadership in the organization. It is suggested that the money be used for training and advocacy programs related to removing barriers to employment, education on rights, etc. To insure this does occur, it would be important to include the wording that grants must be for disability-related rights activities such as those suggested in the bill.

For the committees information, some entities run by and for people with disabilities do not have their own 501(c)3 exemption. They often are under the umbrella of an organization that does hold this tax exempt status. Often grants run through state agencies require this. Therefore, if the umbrella organization cannot demonstrate that individuals with disabilities have significant involvement and leadership, the self-advocacy entity would be disqualified. I would like to ask the committee to include language that would allow self-advocacy groups, under umbrella organizations, to be eligible for these grants. It also would be important that this funding benefit the entire state versus one community or region.

Thank you for allowing me the opportunity to comment on HB 1411. I would be happy to answer any questions you may have regarding my testimony.

Jan 27, 2015

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Chairman Keiser and members of the Industry, Business and Labor Committee,

I'm Cynthia Vollmer and I would like to speak in favor of HB 1411. I'm a parent of a now adult child with a disability. Twenty two years ago I had the good fortune of participating in a series of training sessions that consisted of half parents whose child had a disability and half adults with disabilities. In the past 34 years this was the most powerful training experience I have ever participated in. It opened my eyes and I found out what people with disabilities had to say about what they wanted and needed. I found out about the many barriers particularly the attitude of "we the parents and the system" know what is best for them. I discovered they did not want to be taken care of. They wanted the opportunity to take care of themselves and get support for only what they needed. They wanted regular lives in real communities with the same opportunities we all expect. Since that training series I have stayed in touch with many of the folks I met and worked alongside many other self advocates to remove barriers. The most significant barrier is the perception that we know what is best for them not they themselves. A few years ago there was funding for groups lead by people with disabilities and organizations to provide for training and technical assistance. That funding source was discontinued therefore the loss of the ability to have an advisor to give technical assistance as needed. The loss of funds also meant the ability to travel for training, networking and advocating for change became almost impossible for most folks. I encourage this Committee to pass HB 1411 with full funding. Grant opportunities would help self advocates continue to work for change in perceptions and toward the removal of barriers that prevent them from living regular lives in regular communities with the same opportunities we all want.

Testimony - House Bill 1411
House Industry, Business, and Labor Committee
January 27, 2015

Chairman Keiser and members of the committee, my name is Ciara Meyers, from Grand Forks. I am here to testify in support of HB 1411.

I have worked side by side with Self-Advocates doing voter training sessions across the state. During the course of the trainings, over 400 Self-Advocates and their allies were educated on their rights as voters, necessary identification, and voting options. Many Self-Advocates voted for the first time after learning what they did from the voter training sessions.

Trainings like theses are vital in furthering the Self-Advocacy Movement and the funding would ensure that Self-Advocates could have access to the support and means necessary to continue these very important trainings.

Mr. Chairman and members of the committee, thank you for your time today. I would be happy to answer any questions that you have.

Jack Dalrymple
Governor

Troy T. Seibel
Commissioner



State Capitol
600 E. Boulevard Ave. - Dept. 406
Bismarck, ND 58505-0340

www.nd.gov/labor
www.nd.gov/humanrights

**Testimony on HB 1411
Prepared for the
House Industry, Business and Labor Committee**

January 27, 2015

Good afternoon Chairman Keiser and members of the Industry, Business and Labor Committee, my name is Troy Seibel, and I am the Commissioner of Labor. I appear before you today not in opposition to the grant program contemplated in HB 1411, but in opposition to having the Department of Labor and Human Rights administer the program.

HB 1411 and the Grant Program

HB 1411 would appropriate \$100,000 to the Department for the purpose of establishing a grant program for organizations providing training and support for individuals with disabilities. Grants would be awarded by the Department for training and advocacy programs which strive to remove barriers to employment and provide education on rights and responsibilities, such as voting, decision-making, problem solving, skills development, housing, transportation, accessibility, community inclusion, and self-advocacy. Applicants for grants must establish that individuals with disabilities have significant involvement and leadership in the applicant's organization.

The Department's Role as a Neutral Enforcement Agency and Potential Conflicts

The main concern I have regarding HB 1411 is that it would require the Department to administer the grant program. The Department is a neutral enforcement agency, enforcing the state's wage and hour and discrimination laws. This includes handling complaints of discrimination from individuals with disabilities. If the Department has awarded a grant to an individual with a disability, and that individual files a complaint of discrimination, I feel the Department may have a conflict of interest in investigating the complaint. Further, the responding party to the complaint may not feel the Department would remain neutral in its investigation. Therefore, the Department may be left with no choice but to recuse itself from such an investigation. The administration of the grant program contemplated by HB 1411 places the Department's neutrality in question.

pg 1

Fewer Administrative Options

There may be serious consequences if the Department is unable to investigate a complaint of discrimination from an individual with a disability. Generally, federal employment discrimination laws only cover employers with 15 or more employees. Further, federal housing discrimination laws do not cover all landlords. These gaps in coverage are provided by North Dakota's Human Rights Act (N.D.C.C. ch. 14-02.4) and Housing Discrimination Act (N.D.C.C. ch. 14-02.5). Therefore, if the complaint is only filed under state law, the Department is the only administrative agency with jurisdiction. Federal agencies do not have jurisdiction to enforce our state's discrimination laws. If the Department is unable to investigate the complaint in such a scenario, the individual is left without an effective, administrative remedy.

Therefore, I would suggest an amendment to HB 1411 that places the administration of the grant program with an agency that provides more of an advocacy role for individuals with disabilities. One option may be the Protection and Advocacy Project.

Thank you and I'd be happy to answer any questions you may have.