2011 SENATE APPROPRIATIONS

SB 2014

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2014
January 6, 2011
12615

☐ Conference Committee

Committee Clerk Signature Rosella M Daning

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**Minutes:** *See attached Testimony*

**Chairman Holmberg** called the committee to order on SB 2014. All committee members were present. Lori Laschkewitsch – OMB; Sheila M. Sandness – Legislative Council

**Teresa Larsen, Protection and Advocacy Executive Director** testified in favor of the bill. Testimony attached #1.

**Ms. Larsen** read her written testimony and stated that P&A's budget for the 2011-2013 biennium has minimal changes. It's the same as the Governor's with the exception of the Governor's increases for salaries and benefits. No new FTEs.

The proposed budget maintains nine offices located around the State and the existing 28.5 FTEs.

**Senator Warner**: I'm curious about the problems you may have with security with ADD. Could you outline the security protocols that you are expected to follow and with HIPAA (Health Insurance Portability and Accountability Act) regulations on privacy, is there another institution in this state which has a similar security protocol that you have to follow? And if push comes to shove, and you can't use ITD, is there some other alliance that we could be looking towards?

**Teresa Larsen:** There are some other agencies that do have a similar issue and they have been exempt from ITD, but I'd like Corinne Hofmann to answer that question because she's in charge of our system and is also an attorney.

**Corinne Hofmann, Director of Policy and Operation, P&A** - There is state statutes that we believe are adequate protections to ensure the confidentiality of our client records. The concerns came over us not having physical possession of the records we store on servers that are ITD managed and housed. There was concern, for example, if the governor was

subpoenaed in a law suit, that he would have the ability to turn over our records and client information to whoever was asking that and we wouldn't have any control over that. I don't think the concerns in that regard are well founded. We actually met with governor's office on this issue and they felt that they would comply with state law which requires the governor's office to consult with the agency. They would, as well as we, would have to turn records over if we're subpoenaed. Other than that, they would have no cause to do that. The other issues had to do with ITD actually having physical access. If there are problems, ITD has to come in and troubleshoot so they could see client names. For example, if I have trouble on email and I call ITD, and they have to go in and look at my inbox, they can see something that perhaps might have a client name on it. We've addressed that issue, partly through policy and protocol, and by having advocates not put client names in subject lines or any kind of identifying information. If there are attachments, they would be password protected. We also purchased secure email which allows us to bypass the state exchange server and send things directly to a party outside the state network and they access the email through a whole different system. Documents that are stored on ITD managed servers is the key issue. There are other agencies that have confidentiality requirements. We are not subject to HIPAA. We would not qualify as one of those entities that are covered under HIPAA because we don't maintain health records. We have confidentiality requirements through our federal statutes. Because we have lawyers on staff who provide legal representation, of course there's ethical requirements to maintain legal documents as confidential. I feel we are instituting protocols and procedures to try and address some of these issues.

**Barbara Murry – Executive Director of ND Association of Community Providers** – Testimony attached - # 2. Testified in favor of the bill.

**Chairman Holmberg** closed the hearing on SB 2014.

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2014
February 10, 2011
Job #14328 and #14359

☐ Conference Committee

Committee Clerk Signature Rose Laning

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

A committee discussion on Protection and Advocacy.

**Minutes:**

**Chairman Holmberg** opened discussion on SB 2014.

**Senator Warner** said that SB 2014 is the budget for protection of advocacy. Protection Advocacy is not a division of human services. It works collaborately with human services and is only occasionally confrontational. Independent protection advocacy provides advocacy and legal advice for persons with disabilities and has expanded since 1970. It relies heavily on federal funding. It has its own 7 member governing board. This budget comes exactly as it was proposed in the Governor's Budget. The increase in salary was large. The base number that comes to us from 2009 budget was as the budget was passed, but there was a large equality pool and P&A was an agency which had a significant number of long-term employees still in the first quartile of their salary range. They received a grant from OMB for equity raises. The grants from the federal government have not increased enough to keep up with inflation. This agency is relying more on general funds. It has 28.5 FTEs and that has not increased since 2007-2009 biennium.

**Senator Warner moved Do Pass on SB 2014**

**Senator Krebsbach seconded.**

**Senator Christmann** said that we have to watch the growth. General fund might be growing more than normal, but where is the operational money. He said that he would like to see that.

**Roxanne Woeste** said that they would have to pull some details from reports to show you that. This bill just has the line item and the summary reports don't have the breakout by salary and operating.

**Chairman Holmberg** asked Roxanne to pull that data.

**Senator Christmann** this may have higher rate of growth, but I'm not able to vote for this until justified.

**Chairman Holmberg** said that they could meet again this afternoon after they get that information.

**Discussion continues on SB 2014.**

**Roxanne Woeste** gave an update on budget numbers, salary & wages and operating expenses. She presented a handout and referred to it in her presentation.

**Senator Robinson** commented that there were other professionals that are accessed by these agencies.

**Senator Wanzek** can you explain to me what is in the benefit increase. When I think of benefits I think of retirement and health care.

**Roxanne Woeste** replied that would be FICA taxes and Medicare taxes that go along with the salary increase.

**Chairman Holmberg** asked a question on the total amount of $70,000. He asked if that was the cost to continue.

**Roxanne Woeste** said yes, the cost to continue the second year salary increase. She explained the equity money.

**Senator Christmann** My recommendation would be that the general fund and operations portion of this budget be cut by $40,000 with the purpose of bringing that professional services line down. That is about a 20% increase in professional services from current biennium.

**Chairman Holmberg** asked the agency to tell more about the margin increase in professional service.

**Teresa Larsen**, Protection & Advocacy Project
She said that the large majority of the funds for this are for the "Help America Vote" act program. We use that with the Secretary of State office to do activities in terms of education, PSAs, teaching individuals with disabilities to use the auto mark. Professional services are part of the increase for that. We are carrying money over to the next biennium because the Secretary of State office had money to use up so they funded this.

**Chairman Holmberg** asked what would be the impact to the agency if Senator Christmann idea was moved forward.

**Teresa Larsen** replied that under professional services we budgeted $10,000 in general fund. If we cut $40,000 we will have to take that from other parts of our operating.

**Roxanne Woeste** explained that the changes in column 5 are total funds. It's a TOTAL fund increase; it is not all general fund dollars. She said that they don't have the ability to break it out. Only the department would know how much of that is general funds and how much is special funds.

**Senator Robinson** said that it might be wise if we spent more time on the budget and not quickly pass it out.

**Chairman Holmberg** I have no problem if we hold it over.

**Senator O'Connell** asked how much they brought in from the Secretary of State office.

**Roxanne Woeste** said that they didn't actually bring any money in from the SOS office; we just didn't spend what we had planned because they paid for those activities.

**Senator O'Connell** asked how much they paid for.

**Roxanne Woeste** said that she could find that out.

**Chairman Holmberg** asked the committee what specific information they would like additional information on.

**Senator Robinson** asked for a summary of increases, reduction in the federal funds and a summary of the specific categories of increases on the general fund. He said that just a reconciliation of those two might provide the committee with sufficient information to pass judgment and move on. .

**Senator Fischer** asked a question on the $65,660.

**Teresa Larsen** said that she believed that's the cost to continue.

**Senator Christmann** said that we need to find out where the $97.000 in general funds are going in the operating expenses.

**Lori Laschkewitsch** said that this budget was a hold even budget there was no additional funding put in it. The only general funds that were added are the amount to continue salaries and the compensation plan to go into the next biennium. The way the system works is that you don't exactly account by a code. She tried to explain how the IBAR system works.

**Discussion followed on the accounting system and the single line budgets**.

**Senator Bowman** asked why they have to go back and use general fund dollars to fund something that was budgeted last session.

**Lori Laschkewitsch** answered that when we give the salary increases the 2nd year salary increase is only funded for 12 months. In the 2011-13 bienniums they have to pay that salary increase for 24 months. That is what that $74,000 of general funds is for.

**Senator Bowman** so, you never catch up.

**Senator Eberle** asked why they front load the first year.

**Chairman Holmberg** We're the ones who give out the salary increases in that manner. We decide if they have a single line, or other budget. We decide how we want the budgets

**Discussion followed** on front load budgets and biennium and annual budgets. Senator Bowman gave some examples and Senator Wanzek stated that we write biennium budgets not annual budgets.

**Senator Christmann** asked for a new break down of what is salaries and what are operations.

**Lori Laschkewitsch** replied that they can be divided out by salaries and operations but we can't break down the exact funding source for each of those account codes.

**Chairman Holmberg** we need additional information and we will come back to SB 2014.

**Senator Erbele** are these jumps in rent and leasing normal.

**Senator Warner** said that he could answer part of that question. Part of it is coming out of the west, in the Williston branch office P&A lost their lease and had to find new space and the rents in the west are going crazy.

**Chairman Holmberg** closed discussion.

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2014
02-22-2011
Job # 14788

☐ Conference Committee

Committee Clerk Signature Alice Delzer

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

A ROLL CALL VOTE ON THE BUDGET FOR PROTECTION AND ADVOCACY.

**Minutes:** You may make reference to "attached testimony."

**Chairman Holmberg** called the committee to order on Tuesday, February 22, 2011 at 8:30 am Roll call was taken. All committee members were present. Sheila M. Sandness, Legislative Council and Tammy R. Dolan, OMB were present. (Meter 2.43)

**Senator Christmann:** I've prepared an amendment but before I get into that I would just like to refresh everybody on where we left off was that the ongoing general fund spending of P & A is based on the governor's budget set to rise by some 17%. I found that alarming. We were advised that the biggest part of that was salaries and benefits and then looking back at it that does appear to be the case. These people were treated very generously with the equity monies last session, very generously in my opinion. If you recall we got this colored sheet from Legislative Council that showed the general fund monies being about ¾ in salaries and wages and just $100,000 of it in operating expenses. And then on the next page, folks may recall this sheet that laid it out into line items and when I had recommended that we cut some of the general fund out of here, especially in professional services, then we were told that "No, this is really wrong that the general funds are all in salaries and wages. Legislative Council stands by their position that this is the way the budget was submitted and if we can't go by the budgets as they're submitted, it's a change in midstream, we have nothing. So if the agency wants to assert what they submitted was wrong, and in fact all the general fund money is in salaries and wages, fine, but there is still that I have found, that there appears to be no reason why we are unable to trim some of this operating money and that money can be shifted, the federal money can be shifted and it will work out without causing anyone to having their salaries reduced or to lose their jobs or to get their jobs done. Thus this amendment that I passed around, which cuts the funding for professional services and fees by $39,000. The reason for $39,000, it is just about half. That's where I came up with the dollar amount.

I do want the committee to know that I had a little investigation done of South Dakota's Protection and Advocacy and some Human Services people can correct me if I am wrong, I believe this is a federal requirement all states have a P & A. SD with a larger population than ours seems to have approximately the same number of advocates as we have, but we have far more people other than advocates and furthermore we pay our advocates much more

generously than SD does and we pay our lawyers much more generously than SD does. All I have done with this amendment (11.8145.01001) is that $39,000. I really think this an agency that is ripe for some deeper digging than what time allows us right now to see whether we have grown this agency beyond what is required and possibly beyond what we need. **I would move this amendment**

**Chairman Holmberg:** We have a motion for the amendment. Can we have a second?

**V. Chair Bowman seconded the amendment.** Discussion on the amendment.

**Senator Fischer:** Did you, in your investigation in SD or ND have you looked at the utilization, I have no idea what SD has, but in their testimony they are looking at 28%, 26% increase in utilization, Protection and Advocacy, anytime there is an incident of any kind in a group home or a developmental center or anywhere like that, they are involved and they have to investigate and report and according to their testimony they've had more referral information to 4300 individuals and an increase of 890, or 26%, so I was curious whether we are comparing apples and apples.

**Senator Christmann:** No, I did not get into anything as far as the comparison between the states further than just asking about employee numbers and they provided a range that they pay lawyers and advocates, and that is all I have.

**Chairman Holmberg :** Would you call the roll on the amendment # 11.8145.01001.

**A Roll Call vote was taken on the amendment. Yea: 6; Nay: 7; Absent 0. MOTION FAILED 6 to 7.**

**Senator Christmann:** In discussion might I ask Tammy when the equity payments were done last biennium what was the order of those, people got a raise, intended to average about 5% and some people got equity payments, if someone was average and got a 5% raise, did they get 5% raise on whatever they got in equity or what was the order of things?

**Tammy R. Dolan:** I don't know the answer to that as far as P & A goes. I thought the 5% was suppose to go first and then the equity but I can try to find that for you.

**Chairman Holmberg:** We were told the other day that the 5% was not figured in on the equity adjustment. That they got the 5% right away and then they got the equity and then the second year of the biennium, the 5% would have been compounded. That's the information we received.

**Lori Laschkewitsch, OMB:** That is correct.

**Chairman Holmberg:** They got the 5% first and then the equity, and then the second year it was compounded with the equity.

**Senator Christmann:** I would just tell you that in looking at their raises they got more than 5% the first year as an agency. It would appear like the math comes out, if you first would add the

equity then it would seem to be about 5% but it does appear to me on average about a little better than 5 ¼ that they got the first year including 10% for the director.

**Lori Laschkewitsch:** The budget they would have received an average of 5% of their total salaries and then they could distribute that however it worked, for merit and work load within their budget. Now that 5% has the benefits with it as well so depending upon what those actual salaries were, the average for the agency in total wouldn't have been more than 5% but different people could have gotten salaries as long as the average no more than 5% because they wouldn't have had any more money in their budget than that. but the benefits, it depends, maybe there was someone with or without health insurance, but the system would have calculated it out at 5%.

**Senator Christmann:** If someone doesn't have health insurance within an agency they can roll that up and put that on top of their average of 5%?

**Lori Laschkewitsch:** That would be a dangerous thing to do because if one of those people left, you wouldn't have the money to pay health to the new person, so typically that isn't the case. They wouldn't roll that up. And then the 2nd 5%, the agencies weren't given 5% with that equity money so they actually had to give a little less than 5% because the salaries would have been higher and the system would have calculated it at the base salaries not the salaries with the equity. Some of those increases would have been less than the 5% for the 2nd year.

**Chairman Holmberg:** Any other questions. Senator Warner we took back your motion the other day. Would you want to re-motion?

**Senator Warner moved a DO PASS on 2014. Seconded by Senator Krebsbach.**

**Chairman Holmberg:** We have a motion and a second. Certainly, this isn't the last we will hear of this. I am guessing the other body will take a look at the legitimate questions Senator Christmann raised. **Would you call the Roll on a DO PASS ON 2014.**

**A Roll Call vote was taken. Yea: 12; Nay: 1; Absent 0. Senator Warner will carry the Bill.**

The hearing on SB 2014 was closed.

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2001, 2004, 2005, 2009, 2018, **2014**
04-05-2011
Job # 16331

☐ Conference Committee

Committee Clerk Signature Alice Dutzer

**Explanation or reason for introduction of bill/resolution:**
**DISCUSSION ON SEVERAL BILLS, NO ACTION TAKEN; SENATE BILLS 2001, 2004, 2005, 2009, 2018, 2014.**

**Minutes:** You may make reference to "attached testimony."

**Chairman Holmberg** called the committee to order on Tuesday, April 5, 2011 in the Harvest Room. Roll call was taken.

**Chairman Holmberg:** Our meeting here was to take roll and tell you what we are doing on the 12th order today and then to brake out for ½ hour for subcommittee work and then we come back and we will I work on some of the 31 bills that we have left to handle in committee.

SB 2001 is the Governor's budget. The only change the House made is to make it clear that the $21M plus change, that is a pass-through from the federal government is to be considered one time funding and not to be built into a base budget. I plan to concur on that budget.

SB 2004 is the State Auditor. This committee put in some requirements for a private audit of the process they use up there to do performance audits where there is some concern and complaining about. The House took that out. We will not concur. The Conference Committee will be Grindberg, Holmberg, Robinson.

SB 2005 was the State Treasurer. What they (the House) did there is we had not agreed to the Treasurer's request for more money, we did not put it in. The House put it in. We will not concur. Conference Committee will be Grindberg, Holmberg, Robinson.

SB 2009 is the Ag. Commissioner. The House made a bunch of changes. I won't go into them because I don't have them in front of me. Do Not Concur. The Conference Committee will be Christmann, Wanzek , O'Connell.

SB 2018 DO CONCUR, The State Historical Society. They (the House) made minor changes in that and the Historical Society is fine with the changes that they made so we will concur on that and the carrier is Senator Erbele.

**SB 2014 on Protection and Advocy**. They (the House) took $50,000, remember they had a pretty decent increase in funding this time, they took $50,000 out of that budget. They didn't

tell the agency where to take the money from. They said reduce your general fund by $50,000. And Senator Christmann isn't here right now, and I would like him to have been here for this. There he is. (Senator Christmann came into the meeting at that time).

**Senator Warner**: I would urge a do not concur.

**Senator Krebsbach**: I would recommend that we do not concur.

**Chairman Holmberg:** OK, **we will do not concur.** Let us do, he's very busy but, let's do Erbele, and do you want to be on that, Randy, you're pretty busy.

**Senator Christmann:** I can be on that one.

**Chairman Holmberg:** OK, **Conference Committee will be Christmann, Erbele, and Warner.** That's the end of that. We will come back at 9:40 a.m. The discussion was closed and committee dismissed.

11.8145.01001
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Senator Christmann
February 18, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, replace line 12 with:

"Total all funds $4,543,318 $556,935 $5,100,253"

Page 1, replace line 14 with:

"Total general fund $1,555,815 $425,550 $1,981,365"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action**

| | Executive Budget | Senate Changes | Senate Version |
|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | ($39,000) | $5,100,253 |
| Total all funds | $5,139,253 | ($39,000) | $5,100,253 |
| Less estimated income | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | ($39,000) | $1,981,365 |
| FTE | 28.50 | 0.00 | 28.50 |

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

| | Reduces Operating Expenses Fees[1] | Total Senate Changes |
|---|---|---|
| Protection and Advocacy Project | ($39,000) | ($39,000) |
| Total all funds | ($39,000) | ($39,000) |
| Less estimated income | 0 | 0 |
| General fund | ($39,000) | ($39,000) |
| FTE | 0.00 | 0.00 |

[1] This amendment reduces funding by $39,000 from the general fund to reflect a reduction in funding for professional services fees.

Date: 2.22.11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2014

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.8145.01001 chairman

Action Taken: ☑ Do Pass ☐ Do Not Pass ☐ Amended ☑ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Christmann Seconded By Bowman

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| | | | | | |
| Chairman Holmberg | ✓ | | Senator Warner | | ✓ |
| Senator Bowman | ✓ | | Senator O'Connell | | ✓ |
| Senator Grindberg | ✓ | | Senator Robinson | | ✓ |
| Senator Christmann | ✓ | | | | |
| Senator Wardner | ✓ | | | | |
| Senator Kilzer | ~~✓~~ | ✓ | | | |
| Senator Fischer | | ✓ | | | |
| Senator Krebsbach | | ✓ | | | |
| Senator Erbele | | ✓ | | | |
| Senator Wanzek | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 6 No ~~6~~ 7

Absent

Floor Assignment

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

failed

Date: 2-22-11

Roll Call Vote # 2

**2011 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 2014

Senate APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Warner Seconded By Krebsbach

| Senators | Yes | No | Senators | Yes | No |
|---|---|---|---|---|---|
| | | | | | |
| **Chairman Holmberg** | ✓ | | **Senator Warner** | ✓ | |
| **Senator Bowman** | ✓ | | **Senator O'Connell** | ✓ | |
| **Senator Grindberg** | ✓ | | **Senator Robinson** | ✓ | |
| **Senator Christmann** | | ✓ | | | |
| **Senator Wardner** | ✓ | | | | |
| **Senator Kilzer** | ✓ | | | | |
| **Senator Fischer** | ✓ | | | | |
| **Senator Krebsbach** | ✓ | | | | |
| **Senator Erbele** | ✓ | | | | |
| **Senator Wanzek** | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 12 No 1

Absent 0

Floor Assignment Warner

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

## REPORT OF STANDING COMMITTEE

**SB 2014: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2014 was placed on the Eleventh order on the calendar.

2011 HOUSE APPROPRIATIONS

SB 2014

# 2011 HOUSE STANDING COMMITTEE MINUTES

**House Appropriations Human Resources Division**
Roughrider Room, State Capitol

SB 2014
March 7, 2011
14979

☐ Conference Committee

Committee Clerk Signature Julia Hoeja

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy

**Minutes:**

**Chairman Pollert** called House Appropriations Human Resources Division to order. Clerk took role and quorum declared. He announced committee would reconvene at 2:15 pm this afternoon despite the time that floor session ends to start detailing of the DHS budget. Chairman Pollert opened hearing on SB 2014. He informed committee that there would be a couple of individuals testifying on SB 2014, following overview of the budget.

**Teresa Larsen**, Executive Director of the Protection and Advocacy Project (P & A), presented testimony, labeled as attachment **ONE**, which gives an overview of the P & A budget. Committee members interjected the testimony with questions and the questions and answers are illustrated as follows.

**Chairman Pollert:** regarding Case A (attachment **ONE**), was the new guardian a family member or a state appointed guardian?
**Teresa Larsen:** We petitioned and Catholic Charities was assigned to be the guardian.
**Chairman Pollert:** would any of the siblings come forward regarding guardianship in other cases?
**Teresa Larsen:** It varies by circumstance. Regarding these types of situations, it gets to be a family feud so it is often the preference of the family for the decision be taken out of their hands and given to a third party like Catholic Charities. If the family preference is to a family member have guardianship and it is deemed that the family member is able to make decisions in the individuals' best interest, it would be allowed.

**Chairman Pollert**: Is the $294,550 off the green sheets all salary, benefits; all related to salaries so those are general funds. The other increases are federal or special funds? (green sheet: attachment **FOUR**)
**Teresa Larsen:** The increases in federal are $130,000some and is due to carryover.
**Chairman Pollert**: the $294,550 must correlate to all the salaries and benefits and the cost to continue the salaries from last biennium, right?
**Teresa Larsen:** Correct

**Representative Nelson**: you had significant increase in number of cases you are seeing and the referrals. Is there a general trend that is causing that?
**Teresa Larsen:** We are receiving reports for the 'serious events' that I spoke about. Also, our centralized intake process contributes to this increase. All the calls come into one number and we have more consistent interpretation of our eligibility and we are more efficient with getting back to people. We are doing more outreach as well.
**Representative Nelson**: One of the disturbing examples you gave was the woman was released from prison. We've had the DOCR budget in here and they spoke about programs they have set up to assist individuals in transitioning from prison to the community or lower levels of care. Do you see this from inmates being released from prison very often? Or is this a rare situation of somebody coming out of prison and appearing lost in the system?
**Teresa Larsen:** We don't get many referrals from those being discharged from prison. We do get some and unfortunately, these individuals have a serious mental illness, so it makes things more complicated. In this case, I'm not sure I can tell you all the details as far as why things didn't work. It sounded like her mental illness interfered and luckily her advocate established a good relationship with her that helped her get on track. We get referrals from individuals IN prison, but not all of them are eligibility. We have to screen those carefully.

**Representative Kaldor**: Regarding the increase in activity in your agency, I have a question about the capacity. Basically because of the centralized intake system, you've been able to accommodate this. But what if there continues to be a 26% increase next biennium or next year; what are you anticipating as a consequence of that?
**Teresa Larsen:** Internally, we have been talking about this and trying to use existing resources to be more efficient. We are looking at another advocate to assist with centralized intake because those folks are spread pretty thin. Those individuals not only answer the calls and receive the information, but they also have to follow up and do research and get back with that person before they transfer out. We continue to look at solutions to reorganize things.
**Representative Kaldor**: our population is growing in ND, but our proportion of elderly is growing ever more. Are you seeing more instances in the elderly to translate as part of your caseload? Do you have demographic analysis that gives an indication of particular areas or segments of those demographics that represent a bigger proportion of your caseload?
**Teresa Larsen:** I don't have that information off the top of my head, but I can bring it when we come back for detailing.

**Representative Nelson**: A growing need in the state is services for those with TBI especially with returned service people from overseas. Can you tell me about the services you provide for those with TBI and how do you collaborate with other agencies that deal with that type of injury?
**Teresa Larsen:** We do have a collaborative association with DHS, TBI Association of ND, UND, and service providers. One of our staff, Karen Pierceson, is the coordinator for that particular grant. It's a $50,000 grant. We do those same services for those with TBI that we do with others with disabilities. We provide case advocacy, legal representation, information and referral; there have been struggles with the Veterans' Administration for example. We don't duplicate what others do, but we might get involved and help advocate for them with those other kinds of systemic issues going on. We had one individual about a year ago who had been deployed 2-3 times and came back and was really struggling. The

individual was suppose to be deployed again, but was really suffering from PTSD and other mental health issues. We worked with the military so the individual wasn't deployed again.
**Representative Nelson**: In a case where a veteran comes back and the re-entry is a struggle, your mission would be to get them in a position where they would find the needed services to assist them, correct?
**Teresa Larsen:** There are Veteran service officers that do a nice job of that. However, there are individuals who fall through the cracks and end up in horrific situations where they are struggling. We help them identify what their needs are and what services are out there and available for them to help them get connected.
**Representative Nelson**: In these types of situations, a call to P & A would be the best bets, right?
**Teresa Larsen:** Yes, we would be glad to take that call.

**Chairman Pollert**: Some of your salaries must be federal because in looking at the green sheet, it says increased funding for operating expenses has $97,000 of general funds. It shows the $294,550 in your testimony, but the proposed general fund increase equates to $294,550 so they are the same dollar figure but you must have some salaries and benefits coming from federal or other funds. We'll find that out once we get to the detail (green sheet: attachment **FOUR**)
**Teresa Larsen:** I would be glad to bring that information.

**Veronica Zietz**, Executive Director of The Arc of Bismarck, presented testimony in support of SB 2014. Testimony is labeled as attachment **TWO.**

**Chairman Pollert:** in the 3rd paragraph, you talked about transit services and verbal abuse. Did you go by a legalese method of this or did you just have a meeting with the transit employees and try to solve things before going through the legal ramifications?
**Veronica Zietz:** This was a unique circumstance. American People Self-Advocacy Association meets monthly to discuss issues that are important to them and we happen to be talking about transportation in general and there was a P & A employee in attendance. When we were talking about different ideas and suggestions on what we can improve, how services have been and this came up and I'm not sure where it went as I believe the P & A employee assisted the self-advocate and remedying the situation. I believe they took the most appropriate action in the appropriate ways. Due to confidentiality, I don't know the details.
**Chairman Pollert:** I believe that instead of going through the legal system, it is better to try and solve things between meetings and it's better for all parties involved.
**Veronica Zietz:** I agree. I would suspect that they started with filing a complaint with the transit system in Bismarck as there is a process for that in place.
**Chairman Pollert**: are you going to be testifying tomorrow on the DHS budget?
**Veronica Zietz:** It is a possibility. Typically the head of the ARC of ND, Diane Sheppard, testifies on that and I'm not sure if she is going to be doing that or not.

**Jon Larson**, executive director of Enable, Inc. (provides services to people with intellectual disabilities of Bismarck and Mandan), presented testimony in support of SB 2014. Testimony is labeled as attachment **THREE.** He stated: Most of our activities are directed towards remedying the immediate risk and preventing it from happening again, so we rarely involve the legal process.

**Representative Wieland**: would I be able to get a completed list of the members of NDACP?
**Jon Larons:** Yes, we will be providing testimony tomorrow for the DHS budgetand make sure that, that list is part of our testimony.

**Chairman Pollert** informed P & A that detailing of the budget would take place the week of March 21st. He closed the hearing on SB 2014.

# 2011 HOUSE STANDING COMMITTEE MINUTES

**House Appropriations Human Resources Division**
Roughrider Room, State Capitol

SB 2014
March 18, 2011
15651

☐ Conference Committee

Committee Clerk Signature Julia Ziegler

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy

**Minutes:**

**Chairman Pollert** called House Appropriations Human Resources Division to order. Clerk took role and quorum declared. Chairman Pollert opened hearing on SB 2014 to do detailing of the budget.

**Teresa Larsen**, executive director of the Protection and Advocacy (P & A) committee, provided and presented testimony including 2009-11 biennium spending (spend down), 2011-13 biennium budget (including changes for the 2011-13 biennium), and P & A program and services. Testimony is labeled as attachment **ONE.**

**Representative Wieland**: you mentioned in your testimony that you get 7 federal grants. Do we have a list of what those grants are and what those grants are?
**Teresa Larsen:** I will provide that this morning in the detailing.

**Chairman Pollert**: the first two columns are 09-11 biennium and the last three columns are 11-13 biennium?
**Teresa Larsen:** Yes.

**Vice Chairman Bellew**: could we get the bars report? The spend down on the bars?
**Office of Management and Budget**: Yes, I can get that for you. However, the first year expenditures are going to be there instead of the expenditures do date, because those expenditures have to be pulled down from people soft and then be put into that report and that takes longer.

**Representative Nelson**: isn't this information pulled off of the bars report?
**Teresa Larsen:** it is. We did add some expenses that didn't make it into the accounting report as of the end of February. This is actually more up to date.
**Representative Nelson:** this is very current information.

**Chairman Pollert**: from Vice Chairman Bellew's perspective, taking year one, timing it by two, look at the budgeted amount and that can be easier. This will get give the breakdown between the federal and the general.

**Teresa Larsen:** in going back to the detail, travel is significantly under budget as we have spent $60,000 out of $160,000 budgeted. We've been using polycom for a number of our staff meetings which has been cost savings as we have 9 locations around the state (including an additional office on the Turtle Mountain Reservation in Belcourt). The majority of our budget is federal, to include travel.

**Representative Kaldor**: I appreciate the information about the use of polycom and its ability to replace travel costs. Has Office of Management and Budget ever done an analysis of this as far as how many agencies, with multiple locations across the state, are using this in place of the face to face meetings when possible because it seems to make a difference.
**Office of Management and Budget**: we don't have anything on an agency wide basis and have looked at it on an agency by agency basis, depending upon what they've included in their budget, but we haven't any kind of a study.

**Chairman Pollert**: Legislative Council, with any of the agencies you are dealing with too, do you know of any studies done regarding the polycom?
**Legislative Council**: we do not have any information compiled on that.

**Representative Nelson**: some agencies have the technology available to them and some don't. It would seem to me that if we wanted to promote that, there should be some collaboration among agencies, so those offices that don't have the ability can have this kind of access. It would be great if that interagency ability to share some of that technology would exist too and they could use that across the state more.
**Teresa Larsen:** we buy and borrow this technology from other agencies. For example, in Bismarck, we've been going to the Burleigh County extension office to use their polycom facilities. In each of the communities where we have offices, that is how it works. We've used the colleges, extension, and we use to use human services, but they've become very busy, so it's hard to get on their schedule.

**Representative Wieland**: is that the same as interactive TV?
**Teresa Larsen:** Yes
**Representative Wieland**: When did they change their name?
**Representative Kaldor**: Polycom is the name of the product. It's called a polycom system. It's still interactive TV or video.
**Chairman Pollert**: there could be 5-6 different versions and this is just one name of one company.
**Representative Kaldor**: most of the connections use a polycom system. University system calls it IVAN for instance. They all have a different name for it, but it is essentially the same thing.

**Representative Metcalf**: is there any cost of charge from other agencies for the use of their polycom?

**Teresa Larsen:** It depends on who we borrow it from. When we use Burleigh County Extension, for example, there is no charge for that, but there is a charge to use the University system's polycom. We always try to get the free ones.
**Representative Metcalf**: what is the charge from the University system?
**Teresa Larsen:** I don't have exact figures, but it's about $50 an hour per site. For example, if we have four different sites using a University System to connect, then it does increase the cost significantly.

**Teresa Larsen:** in continuing with the spend down of 2009-11 and changes for 2011-13, we are under budget for professional materials, but we do still have costs to pay for, for the rest of the biennium. Professional materials include a data base. This data base is used to collect all of our client information and this is put together by our national association and a majority of the P & A systems around the country use it. That's about $4-5,000 a year for the cost of that. As we have grown and learned to use it, it has become effective in assisting us to pull the information we need. West Law is the legal data base that our attorneys use and they also get a number of professional subscriptions.

**Office of Management and Budget** provided budget request summary (S Bars report) and break down of expenditures since 07-09 biennium (per Vice Chairman Bellew's request), labeled as attachment **TWO**.

**Vice Chairman Bellew**: is the 65 the cost to continue the raise from last biennium?
**Office of Management and Budget**: Yes.

**Vice Chairman Bellew**: last biennium, we gave you one new employee that was supposed to be half federal/ half general funds. Is that still the case?
**Teresa Larsen:** That's correct; half is paid with general funds from our agency and the other half is reimbursed to us by the Dept of Human Services (DHS) with Medicaid funds (federal).
**Vice Chairman Bellew**: two biennia ago, we gave you a couple of new employees and the same situation was there. Are parts of their salaries under federal funds? I think it was a Medicaid rate at that time, wasn't it?
**Teresa Larsen:** this is the first time we've ever had any Medicaid funding so the prior position that you are referring to, has the majority of it paid through the Help America Vote Act grant (TBI, Assistive Technology) and almost all of those positions are federal, if not all of it.
**Vice Chairman Bellew**: I wanted to make sure as in previous biennia, we made the statement that if the federal funds go away, the position has to go away.
**Teresa Larsen:** that is correct.

**Chairman Pollert**: I'll have the committee review the S Bars report down to where you left off and ask any questions they might have.

**Representative Nelson**: would you have a spreadsheet of the rental agreement you have per square foot?
**Teresa Larsen:** Yes. She provided and went over office lease information, labeled as attachment **THREE.** Our highest per square foot is in Belcourt. We've had several moves in that community with regard to office space. We've had trouble with accessibility issues,

parking issues, etc. We are now in a new office space which is a new building. It's for one person.
**Representative Nelson:** if you couldn't find a place in Belcourt, do you have the flexibility to go to Rolla for instance, and still do your work off the reservation with the tribal members?
**Teresa Larsen:** we could do that, but our intent when we set up this office was to specifically have an office on the reservation. However, if it precludes us from doing that, we could move it to Rolla.
**Representative Nelson**: do you rent from a private individual or the tribe?
**Teresa Larsen:** A private individual. There are a number of other state offices in that building as well. It's difficult to find any space, much less accessible space for those who might wheelchairs or have other ambulatory issues. We were in the Queen of Peace for quite awhile. We rented a very small office there. They started increasing their rent significantly and it was such a tiny office. They wanted up to $500 a month, so we moved out of there into another building where the landlord made a promise to do some renovations for accessibility. That did not come to fruition which is the reason we moved out of that space.

**Vice Chairman Bellew**: What is the reason that Williston is much larger than Minot, Grand Forks, and Fargo?
**Teresa Larsen:** Our office use to be in the courthouse building which ended up closing and they built a new one. They had told us that there would be space for us in the new building and as it turned out, they decided there was not. We were in a scramble to find office space last biennium. Basically this was the only space we could find that we could make accessible. We need two people there because we need a support staff. There is an office right next door (the buildings bud up to each other for indigent defense), so we are able to share some technology costs with them which brings down some other costs.

In going back to the detail, in printing, we haven't spent a lot of what we have we've budgeted yet, but we do have a number of big projects that are going to be printed within the next 2 months, including a brochure on commitment and a revised booklet on mental health advance care directives.

**Chairman Pollert**: what falls under the professional materials?
**Teresa Larsen:** that includes our data base (input demographics on clients, input case notes, $4-5000 a year), West Law (legal research for attorneys), and professional subscriptions to different law reporters and education subscriptions. We included extra money to put in new resources into our library where we check materials out to the general public. Our resources in there are getting to the point of being not reliable anymore because they are so old.
**Chairman Pollert**: what is the $14,000 mainly attributable to?
**Teresa Larsen:** Data base increase for our national association and for new resource materials for our library. West Law subscriptions do go up somewhat, but we've been able to negotiate on those as well.

**Representative Nelson**: what is going on with only spending a portion in the section of fees/professional services?

**Teresa Larsen:** a large portion of that is HAVA dollars that we did not spend this biennium because the secretary of state's office picked up those projects. We have carryover in the HAVA grants and we had budgeted about $150,000 in HAVA. The total for the projects was $300,000 because the secretary of state worked with us on those projects and they picked up all the costs for those.

**Chairman Pollert**: would this particular segment be all federal dollars? Do you have the breakdown of how much is general and how much is federal?
**Teresa Larsen:** for the current biennium, $6721 of that is budgeted from general funds and the remainder is federal.

**Representative Nelson**: the budget for 11-13 biennium is an increase. Are you anticipating those HAVA dollars to be spent through your agency again?
**Teresa Larsen:** that is mostly HAVA dollars. We are planning to spend down those funds regardless. We have projects going on. There is a national self advocacy group coming in, in May to do training with self advocacy around the state and we are picking up expenses for those kind of things. The general amount for fees and professional services is $10,000 for the next biennium.

There are other things that come out of fees and professional services. We do contracts for accessibility and for interpreters. When we do trainings or produce materials, sometimes we need to have those made into large print or brail. We hire interpreters, both for sign language as well as foreign languages, particularly in the Fargo area.

**Chairman Pollert**: IT equipments are updates or replacement of equipment?
**Corinne Hofmann**, Director of Policy and Operations: the $7342 would be a onetime purchase due to purchasing one polycom for our Bismarck office (hardware costs).
**Chairman Pollert**: if you would have the polycom in the Bismarck office, would that give access to your other offices?
**Corinne Hofmann** That would give us access to any other IVAN or polycom system. In our Bismarck office, we have been going out to the Burleigh County Extension Office, which is across town. We have approximately 13-14 people that periodically have to just leave the office and travel across town to do that. It is not time efficient to have that travel time, so we were hoping we could save some travel costs by doing that. Also, our supervisors for regional offices are located in our Bismarck office as our attorneys create some efficiencies with some of their travel costs in addition to what we are currently seeing by having a polycom available.
**Chairman Pollert**: do you know how much money has been spent in the P & A budget for polycom access?
**Corinne Hofmann** I don't know offhand, but it would be fairly minimal because we do make a concerted effort to utilize that equipment that is free of charge.

**Representative Nelson**: where exactly is your office located?
**Teresa Larsen:** We are in the Wells Fargo building; 4th and Broadway.

**Chairman Pollert**: on the bottom of that report (attachment **TWO** – means of funding), those are all federal funds?
**Teresa Larsen:** Yes, those are all federal funds.

**Chairman Pollert**: do you get a grant from the federal govt for the DD program? What is that used for? That is one of the few, besides HAVA that has increase in it.
**Teresa Larsen** provided a list of P & A Federal Grants and how much they bring in each year, including information from 2003 and on (annually). The information is labeled as attachment **FOUR.** 2003 was the first year we started receiving the Help American Vote Act funds. The increase from 2003 to 2010 is $117,000 in full and 35% of that is HAVA dollars. Thus the increase has been minimal.

**Chairman Pollert**: you see that being stable? Are you hearing anything as far as affecting your agency with federal grants dropping?
**Teresa Larsen:** At this point, there isn't any discussion that I've heard about cuts to the P & A programs, for 2011, anyway. What happens beyond 2011 is anyone's guess.

**Representative Wieland**: on your list of federal grants, what does PR stand for?
**Teresa Larsen:** That stands for the protection and advocacy for individual rights. This was the third of the seven grants to be put out by the federal govt. They initially did the first one for people with developmental disabilities. The second one was for people with mental illness in institutions who had experienced problems after 90 days of discharge from an institution. They added the PAIR program (Protection and Advocacy of Individual Rights) which was established to serve people with other kinds of disabilities who didn't qualify under the first two grants. Examples would include someone with a physical disability such as cerebral palsy or a quadriplegia.

**Chairman Pollert**: the salaries of $294550 (number 1 on the green sheet- attachment **FIVE**), which you show in your presentation, don't add up. All but $97,000 would have to be a federal fund or another funding source.
**Legislative Council**: the green sheet differs from the testimony in regards to the areas of the general fund increase. The green sheet was completed based on the information that was provided in I Bars. That is showing those increases that the general fund would be like increases in salaries, operating expenses. The dept is laying out their budget a little bit differently in this presentation than is currently in I Bars. The green sheet was completed on what was based the information that was submitted in I Bars.
**Chairman Pollert**: normally, what we would see in the detail report is the salary line broken down by federal and general and you would see the operating expenses as the same way, but we don't see it on the report this way.

**Teresa Larsen:** At the first hearing, there was a question about our service to individuals who are older and if we have seen an increase. Referred committee to end of attachment **ONE.**

**Representative Nelson**: what types of issues have you seen the increase with, with those older Americans?
**Teresa Larsen:** The issues vary. We get individuals who need assistance with assistive technology and usually there are other programs that can help like IPAT that can help identify what those needs are. We get referrals for individuals who are being denied payment for those things. For instance, we would help work with an entity that should provide payment for wheelchairs to help an individual get a new wheelchair if that's what his/her need was. **Representative Nelson**: for those people have long term care policies,

there is confusion about the number of ADLs and you qualify for payment. Do you get involved in those types of issues?
**Teresa Larsen:** Potentially, we could, but we have not had any referrals to date with regard to that issue.

**Representative Wieland**: at what age, do you consider them becoming older or elderly?
**Teresa Larsen:** That number varies by federal program in terms of how they define that. Some use 60 and some use 65.

**Chairman Pollert**: we will discuss amendments to SB 2014, the week after next and our clerk will get a hold of you about that. I will ask the committee to have amendments ready for discussion. We will vote on the amendments, vote on the budgets and prepare it for full committee. Chairman Pollert closed hearing on SB 2014.

# 2011 HOUSE STANDING COMMITTEE MINUTES

**House Appropriations Human Resources Division**
Roughrider Room, State Capitol

SB 2014
March 29, 2011
16142

☐ Conference Committee

Committee Clerk Signature

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy

**Minutes:**

**Chairman Pollert** called House Appropriations Human Resources Division to order. Clerk took role and quorum declared. Chairman Pollert opened hearing on SB 2014 and called for proposed amendments.

**Vice Chairman Bellew**: I move for amendment .01002 (attachment **ONE**) to be adopted to SB 2014
**Representative Kreidt**: second
**Vice Chairman Bellew**: I will explain the amendment. This budget is highly federally funded with their salary line item being about 58% general funded. Based on testimony, $294,000 in general fund increase came out of the salary line item. I believe that 58% of it should be federal funds. I put language in this amendment that funding from the general fund for P and A can be determined by P and A. This is a general fund reduction. That is how I came up with the proposed general fund reduction.
**Chairman Pollert**: discussion?
**Representative Kaldor**: does it work that way? If we reduce the $50,000, as you have described in your amendment, will we not affect the federal dollars that are attached?
**Vice Chairman Bellew**: I don't understand the question.
**Representative Kaldor**: I think you need to explain the amendment again.
**Vice Chairman Bellew**: their salary line item (from bars report) is 57-58% general funds. In the overview that was presented to us, the total increase of $294,550 was all general funds and it comes out of the salary line item. It was my thought, that it is 58% federal funds, that the increase should be 58% federal funds. That will come to $169,000 and I just threw out $50,000 to see where it went.
**Chairman Pollert**: you are saying that the $294,550 is not all salary and it's probably 43% federal funds. Are you saying that the $50,000 is coming out of their operating?
**Vice Chairman Bellew**: I left it open to P and A so take it out of any portion of their budget. They would probably have it take it out of their operating line item.
**Representative Kaldor**: where do they go to replace that? Are they ending up going to another general funded expenditure or budgetary item to do it? Will the $50,000 reduction

be covered in part by federal funds? Will they be able to use federal fund authorization in an operating line item to move it into salaries?
**Vice Chairman Bellew**: that is not my intention – reduction in general funds in the proposed amendment.
**Representative Kaldor**: I am trying to find out what the effect will be.
**Vice Chairman Bellew**: I am assuming it will have to come out of their operating also.
**Representative Kaldor**: as I read the overview (pg 5), the operating increases by $135,881 and I don't know what the makeup of those dollars are, but I'm assuming if they need the salary line, they will be taking it from that increase of $135,881.
**Vice Chairman Bellew**: if you go to the green sheet (attachment **TWO**), it says a general fund increase of $97,203 (increases funding for various ongoing operating expenses). When I did my proposed amendment, I didn't take that figure into consideration, but I think there is $50,000 in their operating expenses that they can reduce general funds.
**Representative Wieland**: in looking at the green sheet (attachment **TWO**), out of the increases for the upcoming biennium, it appears that $135,000 of it is operating. The balance of that $294,000 is the salary.
**Vice Chairman Bellew**: that is true according to the green sheet (attachment **TWO**), but according to the testimony, the $294,000 is all general funds. The salary increases are all funded by general fund dollars. I base my assumption on that 58% of their salary funding should be federal dollars, so that should be broken down to not all general funds, but part federal funds.

Roll call vote taken on amendment .01002, resulting in 4 yes, 3 no, 0 absent, thus motion carried.

**Representative Kreidt**: I move a Do Pass as Amended on SB 2014
**Vice Chairman Bellew**: second

**Chairman Pollert**: I looked at Senate testimony and there were no changes as it came over to the House. It is likely this bill will go into conference committee.

**Representative Nelson**: it's unfortunate that when an agency comes in with as lean a budget that they did (one highlight on a green sheet). If there was ever a time when we could have said thank you for being so reasonable, this was it.
**Representative Kaldor**: I concur.

Roll call vote taken on Do Pass as Amended for SB 2014, resulting in 5 yes, 2 no, 0 absent, thus motion carried. **Vice Chairman Bellew** was assigned as the carrier of the bill to full appropriations committee.

**Chairman Pollert** closed hearing on SB 2014.

# 2011 HOUSE STANDING COMMITTEE MINUTES

**House Appropriations Committee**
Roughrider Room, State Capitol

SB 2014
3/31/11
16252

☐ Conference Committee

Committee Clerk Signature Meredith Trachtt

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**Minutes:** You may make reference to "attached testimony."

**Chairman Delzer**: We'll discuss SB 2014, protection and advocacy (P&A). There is an amendment coming around.

**Representative Bellew**: I will move .01002.

**Representative Pollert**: Second.

**Representative Bellew**: The only thing we did to P&A's budget was reduce the general funds increase by $50,000. I'm the one that came up with that amount, from what they said in their testimony. They said all their general fund increases were in the salary line item. Approximately 58% of their salaries is federal funds, so I thought some of that budget increase should be federal funds. I ask for your concurrence on the change.

**Chairman Delzer**: Discussion by the committee. Seeing none, voice vote carries.

**Representative Bellew**: I explained what we did to the bill. We are allowing P&A to take the $50,000 out of operating expenses or salary, we gave them that option with the amendment. With that, I move Do Pass as Amended on 2014.

**Representative Pollert**: Second.

**Chairman Delzer**: We have a motion for a Do Pass as Amended. It looks like last time they got one extra FTE; do they have any vacant FTEs?

**Representative Bellew**: I think there is one on the list that they gave us.

**Chairman Delzer**: Looking through here, it looks like there was increased funding for various ongoing operating expenditures, $97,000 general fund?

**Representative Bellew**: I would have to have Legislative Council (LC) explain that. It's a difficult explanation. She explained it to me, but it gets pretty confusing.

**Roxanne Woeste, LC**: According to information that was included in IBARS, the budget system for the Office of Management and Budget, P&A did have an increase in their operating expenses of those amounts showing on the green sheet. The amendment that was passed by the committee could potentially reduce that operating increase from the general fund by $50,000.

**Chairman Delzer**: What is the federal/state split for most of this agency?

**Woeste**: The department has approximately seven major grants, so there is no general split that I'm aware of.

**Representative Pollert**: The vacant FTE report from January 2011 shows no vacant FTE positions.

**Chairman Delzer**: Further discussion on SB 2014? Seeing none, we'll call the roll for a Do Pass as Amended. Motion carries 13-7. Representative Bellew will be the carrier.

- March 29, 2011

11.8145.01002
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Bellew
March 28, 2011 - Attachment ONE

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, replace line 12 with:

| | | | |
|---|---|---|---|
| "Total all funds | $4,543,318 | $545,935 | $5,089,253" |

Page 1, replace line 14 with:

| | | | |
|---|---|---|---|
| "Total general fund | $1,555,815 | $414,550 | $1,970,365" |

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - House Action**

| | Executive Budget | Senate Version | House Changes | House Version |
|---|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Total all funds | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Less estimated income | 3,118,888 | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $2,020,365 | ($50,000) | $1,970,365 |
| FTE | 28.50 | 28.50 | 0.00 | 28.50 |

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

| | Reduces Funding for Protection and Advocacy Project[1] | Total House Changes |
|---|---|---|
| Protection and Advocacy Project | ($50,000) | ($50,000) |
| Total all funds | ($50,000) | ($50,000) |
| Less estimated income | 0 | 0 |
| General fund | ($50,000) | ($50,000) |
| FTE | 0.00 | 0.00 |

[1] Funding from the general fund for the Protection and Advocacy Project is reduced by $50,000 with specific budget reductions to be determined by the agency.

Date: 3/29/11
Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**
**BILL/RESOLUTION NO.** 2014

**House** Appropriations Human Resources Division **Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number .01002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Vice Chairman Bellew Seconded By Rep. Kreidt

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Chet Pollert | ✓ | | Rep. Lee Kaldor | | ✓ |
| Vice Chairman Larry Bellew | ✓ | | Rep. Ralph Metcalf | | ✓ |
| Rep. Gary Kreidt | ✓ | | | | |
| Rep. Jon Nelson | | ✓ | | | |
| Rep. Alon Wieland | ✓ | | | | |
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Total (Yes) 4 No 3

Absent 0

Floor Assignment

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

Funding from general fund for the Protection and Advocacy Project is reduced by $50,000 with specific budget reductions to be determined by the agency.

Motion Carried

Date: 3/29/11
Roll Call Vote # 2

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
## BILL/RESOLUTION NO. 2014

House **Appropriations Human Resources Division** **Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kreidt Seconded By Rep. Bellew (vice chairman)

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Chet Pollert | ✓ | | Rep. Lee Kaldor | | ✓ |
| Vice Chairman Larry Bellew | ✓ | | Rep. Ralph Metcalf | | ✓ |
| Rep. Gary Kreidt | ✓ | | | | |
| Rep. Jon Nelson | ✓ | | | | |
| Rep. Alon Wiedland | ✓ | | | | |
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Total (Yes) 5 No 2

Absent 0

Floor Assignment Vice Chairman (Rep.) Bellew

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

VR
4/1/11

11.8145.01002
Title.02000
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Bellew
March 28, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, replace line 12 with:

| | | | |
|---|---|---|---|
| "Total all funds | $4,543,318 | $545,935 | $5,089,253" |

Page 1, replace line 14 with:

| | | | |
|---|---|---|---|
| "Total general fund | $1,555,815 | $414,550 | $1,970,365" |

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - House Action**

| | Executive Budget | Senate Version | House Changes | House Version |
|---|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Total all funds | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Less estimated income | 3,118,888 | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $2,020,365 | ($50,000) | $1,970,365 |
| FTE | 28.50 | 28.50 | 0.00 | 28.50 |

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

| | Reduces Funding for Protection and Advocacy Project[1] | Total House Changes |
|---|---|---|
| Protection and Advocacy Project | ($50,000) | ($50,000) |
| Total all funds | ($50,000) | ($50,000) |
| Less estimated income | 0 | 0 |
| General fund | ($50,000) | ($50,000) |
| FTE | 0.00 | 0.00 |

[1] Funding from the general fund for the Protection and Advocacy Project is reduced by $50,000 with specific budget reductions to be determined by the agency.

Date: 3/31
Roll Call Vote #: 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**
**BILL/RESOLUTION NO.** 2014

House Appropriations Committee

Legislative Council Amendment Number .01002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Bellew Seconded By Rep. Pollert

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Delzer | | | Representative Nelson | | |
| Vice Chairman Kempenich | | | Representative Wieland | | |
| Representative Pollert | | | | | |
| Representative Skarphol | | | | | |
| Representative Thoreson | | | Representative Glassheim | | |
| Representative Bellew | | | Representative Kaldor | | |
| Representative Brandenburg | | | Representative Kroeber | | |
| Representative Dahl | | | Representative Metcalf | | |
| Representative Dosch | | | Representative Williams | | |
| Representative Hawken | | | | | |
| Representative Klein | | | | | |
| Representative Kreidt | | | | | |
| Representative Martinson | | | | | |
| Representative Monson | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 3/31
Roll Call Vote #: 2

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**
**BILL/RESOLUTION NO.** 2014

House Appropriations Committee

Legislative Council Amendment Number .01002

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

Motion Made By Rep Bellew Seconded By Rep. Pollert

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Delzer | | X | Representative Nelson | X | |
| Vice Chairman Kempenich | X | | Representative Wieland | X | |
| Representative Pollert | X | | | | |
| Representative Skarphol | | | | | |
| Representative Thoreson | X | | Representative Glassheim | | X |
| Representative Bellew | X | | Representative Kaldor | | X |
| Representative Brandenburg | X | | Representative Kroeber | | X |
| Representative Dahl | X | | Representative Metcalf | | X |
| Representative Dosch | | X | Representative Williams | | X |
| Representative Hawken | X | | | | |
| Representative Klein | X | | | | |
| Representative Kreidt | X | | | | |
| Representative Martinson | X | | | | |
| Representative Monson | X | | | | |

Total (Yes) 13 No 7

Absent 1

Floor Assignment Rep. Bellew

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

## REPORT OF STANDING COMMITTEE

**SB 2014: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

| | | | |
|---|---|---|---|
| "Total all funds | $4,543,318 | $545,935 | $5,089,253" |

Page 1, replace line 14 with:

| | | | |
|---|---|---|---|
| "Total general fund | $1,555,815 | $414,550 | $1,970,365" |

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - House Action**

| | Executive Budget | Senate Version | House Changes | House Version |
|---|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Total all funds | $5,139,253 | $5,139,253 | ($50,000) | $5,089,253 |
| Less estimated income | 3,118,888 | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $2,020,365 | ($50,000) | $1,970,365 |
| FTE | 28.50 | 28.50 | 0.00 | 28.50 |

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

| | Reduces Funding for Protection and Advocacy Project[1] | Total House Changes |
|---|---|---|
| Protection and Advocacy Project | ($50,000) | ($50,000) |
| Total all funds | ($50,000) | ($50,000) |
| Less estimated income | 0 | 0 |
| General fund | ($50,000) | ($50,000) |
| FTE | 0.00 | 0.00 |

[1] Funding from the general fund for the Protection and Advocacy Project is reduced by $50,000 with specific budget reductions to be determined by the agency.

2011 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2014

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2014 Conference Committee
April 12, 2011
Job # 16523

☒ Conference Committee

Committee Clerk Signature Rose Laning

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

This is a conference committee hearing in SB 2014 – Protection and Advocacy.

**( WRONG COMMITTEE -**
**There was an error on the scheduling program and the wrong committee from the Senate was listed on the conference committees list, HOWEVER, this was not the same committee that was appointed and listed on page 1149 in the 61st day of the Senate Journal on April 5, 2011. This meeting was later ruled ineffective. )**

**Minutes:** You may make reference to "attached testimony."

Conferees present: **Senators Christmann, Erbele & Wanzek**
**Representatives Bellew, Kreidt & Kaldor.**

**Roxanne Woeste** - Legislative Council; **Lori Laschkewitsch** - OMB

**Senator Christmann** called the conference committee hearing to order on SB 2014 and noted all committee members are present. Looks like the only change is $50,000 to the P&A budget. Do you want to share your thoughts?

**Rep. Bellew**: My proposed amendment, passed in our subsection and full committee, and we arrived at the $50,000 with a fairly simple explanation. In their budget, their total increase was $294,550 of general funds. In their overview, they stated that all the increase in general funds came out of the salary line item. When I got a list of all their salary employees and the breakdown of the list was that 58% of their salaries are funded by federal funds and 42% are general funds. If you take 58% times the $294 it's actually like $170,000, but being the compassionate guy that I was, I just recommended a $50,000 reduction in anywhere they could find it throughout their budget. Their budget is just a one line item budget so the $50,000 could come from anywhere. That's the amendment I proposed and that's what was accepted. It passed our subsection and the full House and on the floor.

**Senator Christmann**: Did they have a response or did they seem to feel it was achievable?

**Rep.Bellew:** We didn't ask, so I don't know.

**Senator Christmann:** They usually say things though without .....

**Rep. Bellew:** They didn't say anything to me. I don't know if they mentioned it to anybody else, but they didn't mention it to me. (**Senator Wanzek** asked for clarification) On the green sheets in the budget books on the original bill, it says the general fund increases $294,550 and in their written overview, they said all that increase came out of the salary line item. I got a print out of a list of all their employees and if you figure out their total salary, 58% of that is from federal funds and 42% is general funds. If you take 58% times 294, it's like a $169,000 or something like that. I thought that there should be a better division. It shouldn't have all come out of the salary line item. They have $50,000 within this budget, it's a one-line item budget. They can take it out of operating expense, salaries or wherever in their budget. It passed out side.

**Senator Wanzek**: That equates to $214,550 increase? **Rep. Bellew:** In general funds.

**Senator Erbele**: So you're saying that the overall increase was $294,000 and you said 58% of that.....

**Rep.Bellew**: 58% of their total salary line item is federal funds. In the written overview that they presented to us, they said the total $294,000 was for salaries. That's the total general fund increase.

**Senator Erbele**: There has to more than salaries in their operating, I would think.

**Rep. Bellew**: Correct, it's like travel expenses, IT expenses, mailing. They have a grants line item there too. And probably the rent on their properties and things of that nature.

**Senator Erbele:** And that's not part of the $294,000?

**Rep. Bellew**: According to the written testimony we receive, no. It was all from salaries.

**Senator Erbele**: Did you ever verify and ask what the line items were because I know their federal funds in the last 8 years have only increased by about $100,000. There is concern about whether that federal will come through at any given point – whether there will be a decrease even this biennium or this year because it's a per year thing.

**Senator Wanzek**: Can we get Council staff to provide a more detailed breakdown of the $294,000?

**Roxanne Woeste:** What I have for the breakdown is what was provided to the Senate Appropriations when the Senate had the budget the first time around.

**Rep. Kaldor**: We didn't all agree. I think one of the questions has to do with Senator Erbele's question about how they are using the funds. We are making an assumption here – that this is what should be allocated, but the salaries proportion with the fairly static federal funds – the proportion of salary to operating is probably increasing at a little bit higher rate. I don't know. We didn't concur in the House. It passed but we didn't share the same perspective.

**Rep. Kreidt:** What was presented by Rep. Bellew is the way it came forward in our section of appropriations and I did the math the way he did and I came to the same assumption so I am in agreement with the way we did remove the $50,000 from the line item of the budget.

**Senator Christmann:** We'll stand in recess a couple of minutes.

**Senator Christmann**: We'll come back to order. I don't know if the House members concluded anything differently. There is some feeling here that $50,000 might be leaving them a little bit strapped.

**Senator Wanzek moved that the House recede from the House amendments and amend to lower the reduction from $50,000 to $35,000.**

**Re. Kreidt: I second the motion for sake of discussion.**

**Senator Christmann:** Does everyone understand the motion? It would be that the House recede and further amend and then the new amendment would be written exactly as you have it at $35,000 instead of $50,000.

**Rep.Bellew**: Could Senator Wanzek explain where he got the $35,000.

**Senator Christmann**: He can add to it, but on this side it was a compromise proposal. There was some feeling that this is too much and some that feel it's too little.

**Rep. Bellew**: I'll call for the question.

**A Roll Call vote was taken. Yea: 4 Nay: 2.**

The clerk however, called Senator Warner's name after getting the name and committee list from the Senate Journal – page 1149 on the 61st legislative day – April 5, 2011. It was at that point that it was discovered that the wrong members were sitting on the committee.

No further action was taken on the bill at this time.

**New Senate members were later reappointed.**

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Appropriations Committee**
Harvest Room, State Capitol

SB 2014
April 15, 2011
Job # 16641

☒ Conference Committee

Committee Clerk Signature Rose Laning

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

A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**Minutes:** You may make reference to "attached testimony."

Conferees:
**Senators Christmann, Holmberg, Warner**
**Representatives Bellew, Kreidt, Kaldor**

**Brady Larson** - Legislative Council: **Lori Laschkewitsch** - OMB

**Senator Christmann**: The minutes are to reflect that all six of the committee members who actually are on the committee are here. I want to apologize to staff people who are duplicating time now and the Protection & Advocacy people who want to follow our progress here. We had an error where there was a drop down of the list of legislators (on the computer program) and the wrong one got clicked and we ended up with the wrong people at the last meeting. They were the people who showed up on the schedule, but they were not the people who had been appointed on the Senate side. We had reached resolution. I've talked to Legislative Council and we decided it was best to reappoint the committee, start fresh, make an announcement that we're starting fresh.

So as a refresher, the Senate passed the bill in the 1st half of the session. The House reduced it by $50,000 in the 2nd half. We had the one effort of the conference committee and the results were, as this amendment would reflect and if I have it all right. The House people who were here last time can see if that's what we had done. But bottom line, what we had done is gone and we're starting fresh and for the sake of our two committee members who weren't here last time, would someone from the House please explain your rationale behind the $50,000 reduction.

**Rep. Bellew:** When we were presented the budget from P&A, on the green sheets that we get, I believe there is a $294,550 increase in general funds. In the written testimony that P&A gave us, all those funds were attributed to salary increases. It was my assertion, because I was the one who made the proposed amendment, that since 58% of their salaries come from federal dollars, and upon further discussion with committee members, it was noted that P&A is

a one line item in the budget. They have operating expenses or whatever, but it's a one-line item. We thought on our committee that a reduction of $50,000 was not out of line because also on the green sheet, it said that their operating expenses increased by $97,000 in general funds.

**Senator Warner:** I'd like to address at least part of that. We are all more than familiar with the cost to continue. Most of the dollars that were attributed to salary increases were actually done through legislation from the last biennium. The amount of general fund increases reflected goes from the base budget of the last biennium to continue the cost to continue the equity increases plus the inflators. I realize that the number is quite large if you're looking at terms of percentage, but the decision was made during the last biennium, not something that is coming up. All we're doing is confirming the process that we did last time in which we worked, based on studies and recently confirmed by reports that came out last Thursday, that this is not an overfunded agency. It's still an agency that is significantly underfunded in terms of salaries. So I would resist the change.

**Rep. Bellew**: We just felt there is money there that should be looked at and we came up in our committee with a $50,000 reduction. If you take the full $294,000 which they gave to us in their testimony as general funds, and you multiply that by 58%, it's like a $170,000. So $170,000 of their salary increase should have been federal funds. Being a one-line item budget like they are, they can take the money from wherever they want; salaries, operating expenses or whatever.

**Senator Christmann:** Would you be willing to propose a compromise position?

**Rep.Bellew moved that the House recede from the House amendments and amend with amendment 11.8145.01003**
**Rep. Kreidt seconded.**

**Senator Warner**: I would resist that. Should this motion fail, I would however, support a reduction of $25,000.

**Senator Christmann**: Your motion is basically the conclusion of previous action.
**Rep. Bellew**: Correct.

**Rep. Kaldor:** It's come to my attention since this went through the Senate and the House that after looking at the pay reports and where the Protection and Advocacy stands, there are basically dead last place in state government in terms of pay. That concerns me in so far as where this comes from. The operating expenses, while there is an increase, they have generally been pretty static for a long time. I know the discussion is probably quibbling over a pretty small amount, but I think that considering what their task is and how they rank in terms of state agencies. I think this is still pretty aggressive.

**A Roll Call vote was taken. Yea: 4 Nay: 2**
**Motion carried.**

**Senator Warner will carry the bill on the Senate floor.**
**Representative Bellew will carry the bill on the House floor.**

# 2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Senate Appropriations

Bill/Resolution No. SB 2014 as (re) engrossed

Date: 4-12-11

Roll Call Vote #: 1

**Action Taken**

- ☐ SENATE accede to House amendments
- ☐ SENATE accede to House amendments and further amend
- ☐ HOUSE recede from House amendments
- ☒ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) --

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: _____ Seconded by: _____

| Senators | 4/12 | | | Yes | No | | Representatives | | | | Yes | No |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Senator Christmann | ✓ | | | ✓ | | | Rep. Bellew | ✓ | | | ✓ | |
| Senator Erbele | ✓ | | | | ✓ | | Rep. Kreidt | ✓ | | | ✓ | |
| Senator Warner Wanzek | ✓ | | | ✓ | | | Rep. Kaldor | ✓ | | | | ✓ |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

!!

Vote Count: Yes 4 No 2 Absent _____

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

11.8145.01003
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Conference Committee
April 14, 2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

That the House recede from its amendments as printed on pages 1117 and 1118 of the Senate Journal and pages 1304 and 1305 of the House Journal and that Senate Bill No. 2014 be amended as follows:

Page 1, replace line 12 with:

| | | | |
|---|---|---|---|
| "Total all funds | $4,543,318 | $560,935 | $5,104,253" |

Page 1, replace line 14 with:

| | | | |
|---|---|---|---|
| "Total general fund | $1,555,815 | $429,550 | $1,985,365" |

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action**

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|---|---|---|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | $5,139,253 | ($35,000) | $5,104,253 | $5,089,253 | $15,000 |
| Total all funds | $5,139,253 | $5,139,253 | ($35,000) | $5,104,253 | $5,089,253 | $15,000 |
| Less estimated income | 3,118,888 | 3,118,888 | 0 | 3,118,888 | 3,118,888 | 0 |
| General fund | $2,020,365 | $2,020,365 | ($35,000) | $1,985,365 | $1,970,365 | $15,000 |
| FTE | 28.50 | 28.50 | 0.00 | 28.50 | 28.50 | 0.00 |

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

| | Reduces Funding for Protection and Advocacy Project[1] | Total Conference Committee Changes |
|---|---|---|
| Protection and Advocacy Project | ($35,000) | ($35,000) |
| Total all funds | ($35,000) | ($35,000) |
| Less estimated income | 0 | 0 |
| General fund | ($35,000) | ($35,000) |
| FTE | 0.00 | 0.00 |

[1] Funding from the general fund for the Protection and Advocacy Project is reduced by $35,000 with specific budget reductions to be determined by the agency. The House reduced funding from the general fund for the Protection and Advocacy Project by $50,000.

# 2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Senate Appropriations

Bill/Resolution No. SB 2014 as (re) engrossed

Date: 4-15-11

Roll Call Vote #: 1

**Action Taken**

- ☐ SENATE accede to House amendments
- ☐ SENATE accede to House amendments and further amend
- ☐ HOUSE recede from House amendments
- ☒ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) 1117 - 1118

- ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: Bellew Seconded by: Kreidt

| Senators | | | | Yes | No | | Representatives | | | | Yes | No |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Senator Christmann | | | | ✓ | | | Rep. Bellew | | | | ✓ | |
| Senator Holmberg | | | | ✓ | | | Rep. Kreidt | | | | ✓ | |
| Senator Warner | | | | | ✓ | | Rep. Kaldor | | | | | ✓ |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Vote Count: Yes 4 No 2 Absent _____

Senate Carrier Warner House Carrier Bellew

LC Number 11.8145 . 01003 of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

## REPORT OF CONFERENCE COMMITTEE

**SB 2014:** Your conference committee (Sens. Christmann, Holmberg, Warner and Reps. Bellew, Kreidt, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1117-1118, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1117 and 1118 of the Senate Journal and pages 1304 and 1305 of the House Journal and that Senate Bill No. 2014 be amended as follows:

Page 1, replace line 12 with:

| | | | |
|---|---|---|---|
| "Total all funds | $4,543,318 | $560,935 | $5,104,253" |

Page 1, replace line 14 with:

| | | | |
|---|---|---|---|
| "Total general fund | $1,555,815 | $429,550 | $1,985,365" |

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action**

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|---|---|---|---|---|---|---|
| Protection and Advocacy Project | $5,139,253 | $5,139,253 | ($35,000) | $5,104,253 | $5,089,253 | $15,000 |
| Total all funds | $5,139,253 | $5,139,253 | ($35,000) | $5,104,253 | $5,089,253 | $15,000 |
| Less estimated income | 3,118,888 | 3,118,888 | 0 | 3,118,888 | 3,118,888 | 0 |
| General fund | $2,020,365 | $2,020,365 | ($35,000) | $1,985,365 | $1,970,365 | $15,000 |
| FTE | 28.50 | 28.50 | 0.00 | 28.50 | 28.50 | 0.00 |

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

| | Reduces Funding for Protection and Advocacy Project[1] | Total Conference Committee Changes |
|---|---|---|
| Protection and Advocacy Project | ($35,000) | ($35,000) |
| Total all funds | ($35,000) | ($35,000) |
| Less estimated income | 0 | 0 |
| General fund | ($35,000) | ($35,000) |
| FTE | 0.00 | 0.00 |

[1] Funding from the general fund for the Protection and Advocacy Project is reduced by $35,000 with specific budget reductions to be determined by the agency. The House reduced funding from the general fund for the Protection and Advocacy Project by $50,000.

SB 2014 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

SB 2014

information requested at the 2-10-11 hearing on SB2014

Prepared by the Legislative Council staff
for Senate Appropriations
February 2011

## PROTECTION AND ADVOCACY PROGRAM - SB 2014
## COMPARISON OF THE 2011-13 EXECUTIVE BUDGET TO 2009-11 LEGISLATIVE APPROPRIATIONS

| | 2009-11 Original Legislative Appropriation | 2009-11 Adjusted Legislative Appropriation | 2011-13 Executive Budget | 2011-13 Executive Budget Increase (Decrease) from the 2009-11 Adjusted Appropriation | 2011-13 Executive Budget Increase (Decrease) from the 2009-11 Original Appropriation |
|---|---|---|---|---|---|
| Salaries and wages | $3,627,459 | $3,797,459 | $4,087,515 | $290,056 | $460,056 |
| General fund | $1,372,799 | $1,542,799 | $1,740,146 | $197,347 | $367,347 |
| Federal funds | 2,254,660 | 2,254,660 | 2,347,369 | 92,709 | 92,709 |
| Total | $3,627,459 | $3,797,459 | $4,087,515 | $290,056 | $460,056 |

| | | | | | |
|---|---|---|---|---|---|
| Operating expenses | $915,859 | $915,859 | $1,051,738 | $135,879 | $135,879 |
| General fund | $183,016 | $183,016 | $280,219 | $97,203 | $97,203 |
| Federal funds | 732,843 | 732,843 | 771,519 | 38,676 | 38,676 |
| Total | $915,859 | $915,859 | $1,051,738 | $135,879 | $135,879 |

| | | | | | |
|---|---|---|---|---|---|
| Total | $4,543,318 | $4,713,318 | $5,139,253 | $425,935 | $595,935 |
| General fund | $1,555,815 | $1,725,815 | $2,020,365 | $294,550 | $464,550 |
| Federal funds | 2,987,503 | 2,987,503 | 3,118,888 | 131,385 | 131,385 |
| Total | $4,543,318 | $4,713,318 | $5,139,253 | $425,935 | $595,935 |

Agency: . rotection and Advocacy
Program: 100 Protection and Advocacy Program
Reporting Level 00-360-100-00-00-00-00-00000000

| 1 Object/Revenue Description | Code | 2 2009-11 Biennium Appropriation (Adjusted) | 3 Payroll Difference from 2009-11 | 4 Remove Capital and One Time | 5 2011-13 Base Budget Changes | 6 Compensation | 7 2011-13 Recommendation |
|---|---|---|---|---|---|---|---|
| **70 Protection and Advocacy Services** | | | | | | | |
| Salaries - Permanent | 511000 | 2,753,066 | 65,660 | 0 | 0 | 0 | 2,818,726 |
| Temporary Salaries | 513000 | 10,800 | (7,162) | 0 | 0 | 0 | 3,638 |
| Fringe Benefits | 516000 | 1,033,593 | 11,622 | 0 | 0 | 0 | 1,045,215 |
| Travel | 521000 | 160,050 | 0 | 0 | (18,466) | 0 | 141,584 |
| Supplies/IT Software | 531000 | 5,251 | 0 | 0 | (1,291) | 0 | 3,960 |
| Supply/Material-Professional | 532000 | 39,010 | 0 | 0 | 1,279 | 0 | 40,289 |
| Miscellaneous Supplies | 535000 | 3,696 | 0 | 0 | 2,304 | 0 | 6,000 |
| Office Supplies | 536000 | 12,000 | 0 | 0 | 4,994 | 0 | 16,994 |
| Postage | 541000 | 16,970 | 0 | 0 | 4,430 | 0 | 21,400 |
| Printing | 542000 | 60,825 | 0 | 0 | (15,625) | 0 | 45,200 |
| IT Equip Under $5000 | 551000 | 25,974 | 0 | 0 | 917 | 0 | 26,891 |
| Office Equip & Furn Supplies | 553000 | 11,899 | 0 | 0 | (724) | 0 | 11,175 |
| Insurance | 571000 | 5,024 | 0 | 0 | 821 | 0 | 5,845 |
| Rentals/Leases - Bldg/Land | 582000 | 184,185 | 0 | 0 | 19,047 | 0 | 203,232 |
| Repairs | 591000 | 10,241 | 0 | 0 | (1,671) | 0 | 8,570 |
| Salary Increase | 599110 | 0 | 0 | 0 | 0 | 128,111 | 128,111 |
| Benefit Increase | 599160 | 0 | 0 | 0 | 0 | 21,670 | 21,670 |
| Health Increase | 599161 | 0 | 0 | 0 | 0 | 40,757 | 40,757 |
| Retirement Increase | 599162 | 0 | 0 | 0 | 0 | 29,815 | 29,815 |
| FAD Increase | 599163 | 0 | 0 | 0 | 0 | 83 | 83 |
| IT - Data Processing | 601000 | 68,889 | 0 | 0 | 39,288 | 0 | 108,177 |
| IT - Communications | 602000 | 50,000 | 0 | 0 | (6,283) | 0 | 43,717 |
| IT - Contractual Srvcs and Rprs | 603000 | 800 | 0 | 0 | 1,000 | 0 | 1,800 |
| Professional Development | 611000 | 30,925 | 0 | 0 | 775 | 0 | 31,700 |
| Operating Fees and Services | 621000 | 38,500 | 0 | 0 | 6,500 | 0 | 45,000 |
| Fees - Professional Services | 623000 | 191,620 | 0 | 0 | 78,242 | 0 | 269,862 |
| IT Equip/Sftware Over $5000 | 693000 | 0 | 0 | 0 | 7,342 | 0 | 7,342 |
| TOTAL | | 4,713,318 | 70,120 | 0 | 135,879 | 219,936 | 5,139,253 |
| MEANS OF FUNDING | | | | | | | |
| MI Program | H101 | 964,766 | (30,161) | 0 | (2,085) | 0 | 932,520 |
| PAIR Program | H112 | 344,676 | 21,817 | 0 | 15,953 | 0 | 382,446 |
| DD Program | H113 | 788,589 | 91,226 | 0 | 55,426 | 0 | 935,241 |
| Assistive Technology | H115 | 161,582 | (14,159) | 0 | (31,940) | 0 | 115,483 |
| PABSS Program | H117 | 227,801 | (17,119) | 0 | (3,891) | 0 | 206,791 |
| TBI Program | H119 | 142,936 | 7,514 | 0 | (8,157) | 0 | 142,293 |
| HAVA Program | H120 | 286,390 | 34,087 | 0 | 12,197 | 0 | 332,674 |
| DD Council Grant-Indiv Justice Plan | H123 | 225 | 0 | 0 | (225) | 0 | 0 |
| Client Assistance | H125 | 4,793 | 0 | 0 | (4,793) | 0 | 0 |
| NDCPD | H126 | 4,500 | (4,500) | 0 | 0 | 0 | 0 |
| Medicaid Title 19 | H127 | 60,308 | 4,004 | 0 | 7,128 | 0 | 71,440 |
| PABSS Payee | H129 | 937 | 0 | 0 | (937) | 0 | 0 |

/

# SB 2014
## Appropriations for the Protection & Advocacy Project
## Senate Appropriations
## January 6, 2011

**Testimony of Teresa Larsen**
**P&A Executive Director**

## I. PROGRAMS AND SERVICES

P&A's budget for the 2011-2013 biennium has minimal changes from 2009-2011. The budget submitted by the agency is the same as that of the Governor, with the exception of the Governor's increases for salaries and benefits. We are not requesting new FTE's. We are continuing to work on being more efficient and effective with our existing resources.

We have seven federal grants. As a minimum allotment state, we have seen very little growth in federal dollars over many years. These grants come through the U.S. Department of Health & Human Services (Developmental Disabilities, Mental Health, Help America Vote Act, Traumatic Brain Injury), the U.S. Department of Education (Individual Rights, Assistive Technology), and the Social Security Administration (Beneficiaries of Social Security).

At the same time, the agency's workload has increased significantly. Over the last two federal fiscal years, P&A provided advocacy and legal representation to a total of 1,739 clients (759 individuals in fiscal year 2009 and 980 clients in 2010). This is an increase of 376 cases, or almost 28%, from the two previous years. Information & referral was provided to 4,318 individuals, an increase of 893, or 26%, from the two previous years. 7,023 people participated in the agency's educational training sessions.

P&A moved to a centralized intake system in August 2009. Two Advocates, with help from a third, are responsible for receiving referrals and reports statewide. These Advocates screen calls, provide information and referral, determine eligibility for P&A services, and transfer casework to

regional staff. This process provides a number of benefits. It allows regional Advocates more time to focus on existing cases and investigations. It provides for a more consistent and timely response to callers. It helps P&A to provide better quality services, including assisting callers with managing any immediate and long term risks when reporting suspected abuse, neglect, or exploitation.

The change to a centralized intake system coincided with the added responsibility of receiving reports of 'serious events' specific to individuals with developmental disabilities. 'Serious events' include : 1) events that result in medical treatment or care, for physical or mental health, beyond first aid; 2) unauthorized use of seclusion, chemical, or physical restraint; 3) alleged sexual abuse or inappropriate sexual contact; and 4) death. The Center for Medicaid and Medicare Services (CMS) insisted that the Department of Human Services involve an independent party with all such incidents. In federal fiscal year 2010, P&A screened 915 such reports. Of these, 212 (23%) warranted an investigation, involving a total of 163 clients.

While there really is no typical case, I will give you a few examples of our work with individual clients.

CASE A: P&A received a report of a 'serious event'. A woman with developmental disabilities fell and was hospitalized. It was determined that she sustained a broken hip. She required surgery however, her guardian, who was a brother to the woman, refused to allow the necessary medical treatment. Her medical condition was quickly deteriorating and the doctor actually stated she would die without treatment and surgery. P&A initiated an emergency petition to change the guardianship. The new guardian authorized the required treatment and surgery, which was performed immediately. The woman recovered fully and eventually returned to her previous placement in a group home in rural North Dakota.

CASE B: P&A received a referral regarding a 76 year-old veteran who was at risk of nursing home placement. He and his wife wanted to continue

to live together in their own home as long as possible, but the veteran was experiencing a worsening impact from his disability and was struggling. There were issues with accessibility within their home. The wife worked during the day and could not be available 24x7 to provide her husband with assistance with all of his activities of daily living. P&A helped the couple identify needed supports and environmental modifications, as well as sources for obtaining services. They were able to get home modifications, assistive technology, and in-home services. The couple reported that these were instrumental in allowing them to continue living together in their own home.

CASE C: P&A received a referral regarding someone who was recently discharged from the women's prison. This 40 year-old individual was homeless (temporarily staying with a friend), diagnosed with a mental illness, and reportedly at risk of re-offending and being incarcerated. P&A helped her connect with services including temporary shelter, case management supports, vocational rehabilitation services, and needed medical services. This was not a quick or smooth process. At one point the woman was temporarily incarcerated and threatened suicide. Due to the relationship between her and the P&A Advocate, she was reconnected with the service delivery system and avoided further involvement with the criminal justice system. She obtained part-time employment, housing with support services, and stability regarding her mental illness.

In 2009, P&A was monitored by the federal Administration on Developmental Disabilities (ADD). The report, issued in 2010, found no compliance issues. The report was, in fact, very complimentary to P&A. One concern raised however, was P&A's use of the State's ITD-managed servers for document storage and e-mail. The monitoring team believed there could be confidentiality issues with client records. P&A has satisfactorily addressed the e-mail issue. While we believe security and protection under State law, as well as ITD practices and procedures, are sufficient to ensure confidentiality of client records, ADD may push P&A to

manage its own file and print server. This will be costly. We believe it's unnecessary and, at this time, are not asking for funds to implement this change.

## II. 2009-2011 BIENNIUM FUNDING

For the current biennium, P&A has spent approximately 63% of its budget of $4,713,179 as of November 30, 2010. This includes 68.5% of the $3,797,459 budgeted for salaries and benefits and 41% of the $915,720 budgeted for operating. All projected unspent federal funds from the 2009-2011 biennium are budgeted for the 2011-2013 biennium.

## III. 2011-2013 BIENNIUM BUDGET

The proposed budget for the 11-13 biennium maintains nine offices located around the State and the existing 28.5 FTE's. We had a vacancy last fall for a short time for an Advocate position in Fargo. We currently have no vacancies.

The Governor's recommended budget includes the same salary and benefit increases as for all State employees. This provides a total of $4,087,513 for salaries and benefits, an increase of $290,054 from the current biennium.

The operating budget is $1,051,740, which is an increase of $135,881. Some items were decreased, such as travel, IT software supplies, printing, office equipment & furniture, repairs (which includes service contracts for copy machines), and IT-communications.

Other operating items were increased, such as IT-data processing, which will go from $68,889 to $108,177. Another area to be increased is fees/professional services. The majority of the $78,242 increase is for Help America Vote Act activities. These are planned and implemented in conjunction with the Secretary of State's Office and the Association of Counties. Past activities have included production of a video and voting

booklet. Prior to the 2010 election, we collaboratively produced several media ads for TV, radio, and print.

A total of $19,624 is included in the budget for video conferencing (Polycom) in the Bismarck office, $10,000 of which is for equipment and startup costs for ITD. P&A does a significant amount of training on abuse, neglect, & exploitation for service providers around the State. Conducting these sessions via Polycom from the Bismarck office will make these activities more efficient and cost effective. The Polycom will also be used for monthly agency staff meetings. We will connect the Bismarck office, where 16 of the 29 staff work, with P&A regional staff who will use off-site facilities.

P&A asks for your support of SB 2014 as recommended by the Governor. Thank you for your time and consideration. I will be happy to answer any questions you might have for me.

**TESTIMONY**
**Senate Bill 2014 – PROTECTION AND ADVOCACY PROJECT**
**Senate Appropriations**
**Senator Ray Holmberg, Chairman**
**January 6, 2011**

Chairman Holmberg, members of the Senate Appropriations Committee, I am Barbara Murry, Executive Director of the North Dakota Association of Community Providers. I am here today to testify in support of the appropriations bill for the Protection and Advocacy Project.

Protection and Advocacy is an integral part of the delivery system of services to people with disabilities in North Dakota. P & A provides training to DD Provider staff on a regular basis on the specifics of abuse, neglect, and exploitation reporting as required by law. Providers frequently refer individuals to P & A when they suspect abuse, neglect, and exploitation by caretakers outside of the Provider system. Advocates are frequently invited to team meetings to assure consumers understand difficult decisions related to their rights and are called upon to informally review incidents of concern that are identified by providers. Providers and P & A work closely to ensure people with disabilities understand their rights and are protected.

NDACP supports the continued funding for the Protection and Advocacy Project.

information requested at the 2-10-11 hearing on SB2014

1

Prepared by the Legislative Council staff
for Senate Appropriations
February 2011

## PROTECTION AND ADVOCACY PROGRAM - SB 2014
## COMPARISON OF THE 2011-13 EXECUTIVE BUDGET TO 2009-11 LEGISLATIVE APPROPRIATIONS

| | 2009-11 Original Legislative Appropriation | 2009-11 Adjusted Legislative Appropriation | 2011-13 Executive Budget | 2011-13 Executive Budget Increase (Decrease) from the 2009-11 Adjusted Appropriation | 2011-13 Executive Budget Increase (Decrease) from the 2009-11 Original Appropriation |
|---|---|---|---|---|---|
| Salaries and wages | $3,627,459 | $3,797,459 | $4,087,515 | $290,056 | $460,056 |
| General fund | $1,372,799 | $1,542,799 | $1,740,146 | $197,347 | $367,347 |
| Federal funds | 2,254,660 | 2,254,660 | 2,347,369 | 92,709 | 92,709 |
| Total | $3,627,459 | $3,797,459 | $4,087,515 | $290,056 | $460,056 |
| Operating expenses | $915,859 | $915,859 | $1,051,738 | $135,879 | $135,879 |
| General fund | $183,016 | $183,016 | $280,219 | $97,203 | $97,203 |
| Federal funds | 732,843 | 732,843 | 771,519 | 38,676 | 38,676 |
| Total | $915,859 | $915,859 | $1,051,738 | $135,879 | $135,879 |
| Total | $4,543,318 | $4,713,318 | $5,139,253 | $425,935 | $595,935 |
| General fund | $1,555,815 | $1,725,815 | $2,020,365 | $294,550 | $464,550 |
| Federal funds | 2,987,503 | 2,987,503 | 3,118,888 | 131,385 | 131,385 |
| Total | $4,543,318 | $4,713,318 | $5,139,253 | $425,935 | $595,935 |

Agency: Protection and Advocacy
Program: 100 Protection and Advocacy Program
Reporting Level 00-360-100-00-00-00-00-00000000

| 1 Object/Revenue Description | Code | 2 2009-11 Biennium Appropriation (Adjusted) | 3 Payroll Difference from 2009-11 | 4 Remove Capital and One Time | 5 2011-13 Base Budget Changes | 6 Compensation | 7 2011-13 Recommendation |
|---|---|---|---|---|---|---|---|
| **70 Protection and Advocacy Services** | | | | | | | |
| Salaries - Permanent | 511000 | 2,753,066 | 65,660 | 0 | 0 | 0 | 2,818,726 |
| Temporary Salaries | 513000 | 10,800 | (7,162) | 0 | 0 | 0 | 3,638 |
| Fringe Benefits | 516000 | 1,033,593 | 11,622 | 0 | 0 | 0 | 1,045,215 |
| Travel | 521000 | 160,050 | 0 | 0 | (18,466) | 0 | 141,584 |
| Supplies - IT Software | 531000 | 5,251 | 0 | 0 | (1,291) | 0 | 3,960 |
| Supply/Material-Professional | 532000 | 39,010 | 0 | 0 | 14,279 | 0 | 53,289 |
| Miscellaneous Supplies | 535000 | 3,696 | 0 | 0 | 2,304 | 0 | 6,000 |
| Office Supplies | 536000 | 12,000 | 0 | 0 | 4,994 | 0 | 16,994 |
| Postage | 541000 | 16,970 | 0 | 0 | 4,430 | 0 | 21,400 |
| Printing | 542000 | 60,825 | 0 | 0 | (15,625) | 0 | 45,200 |
| IT Equip Under $5000 | 551000 | 25,974 | 0 | 0 | 917 | 0 | 26,891 |
| Office Equip & Furn Supplies | 553000 | 11,899 | 0 | 0 | (724) | 0 | 11,175 |
| Insurance | 574000 | 5,024 | 0 | 0 | 821 | 0 | 5,845 |
| Rentals/Leases - Bldg/Land | 582000 | 184,185 | 0 | 0 | 19,047 | 0 | 203,232 |
| Repairs | 591000 | 10,241 | 0 | 0 | (1,671) | 0 | 8,570 |
| Salary Increase | 599110 | 0 | 0 | 0 | 0 | 128,111 | 128,111 |
| Benefit Increase | 599160 | 0 | 0 | 0 | 0 | 21,670 | 21,670 |
| Health Increase | 599161 | 0 | 0 | 0 | 0 | 40,757 | 40,757 |
| Retirement Increase | 599162 | 0 | 0 | 0 | 0 | 29,315 | 29,315 |
| EAP Increase | 599163 | 0 | 0 | 0 | 0 | 83 | 83 |
| IT - Data Processing | 601000 | 68,889 | 0 | 0 | 39,288 | 0 | 108,177 |
| IT - Communications | 602000 | 50,000 | 0 | 0 | (6,283) | 0 | 43,717 |
| IT - Contractual Srvcs and Rprs | 603000 | 800 | 0 | 0 | 1,000 | 0 | 1,800 |
| Professional Development | 611000 | 30,925 | 0 | 0 | 775 | 0 | 31,700 |
| Operating Fees and Services | 621000 | 38,500 | 0 | 0 | 6,500 | 0 | 45,000 |
| Fees - Professional Services | 623000 | 191,620 | 0 | 0 | 78,242 | 0 | 269,862 |
| IT Equip/Sftware Over $5000 | 693000 | 0 | 0 | 0 | 7,342 | 0 | 7,342 |
| TOTAL | | 4,713,318 | 70,120 | 0 | 135,879 | 219,936 | 5,139,253 |
| MEANS OF FUNDING | | | | | | | |
| MI Program | H101 | 964,766 | (30,161) | 0 | (2,085) | 0 | 932,520 |
| PAIR Program | H112 | 344,676 | 21,817 | 0 | 15,953 | 0 | 382,446 |
| DD Program | H113 | 788,589 | 91,226 | 0 | 55,426 | 0 | 935,241 |
| Assistive Technology | H115 | 161,582 | (14,159) | 0 | (31,940) | 0 | 115,483 |
| PABSS Program | H117 | 227,801 | (17,119) | 0 | (3,891) | 0 | 206,791 |
| TBI Program | H119 | 142,936 | 7,514 | 0 | (8,157) | 0 | 142,293 |
| HAVA Program | H120 | 286,390 | 34,087 | 0 | 12,197 | 0 | 332,674 |
| DD Council Grant-Indiv Justice Plan | H123 | 225 | 0 | 0 | (225) | 0 | 0 |
| Client Assistance | H125 | 4,793 | 0 | 0 | (4,793) | 0 | 0 |
| NDCPD | H126 | 4,500 | (4,500) | 0 | 0 | 0 | 0 |
| Medicaid Title 19 | H127 | 60,308 | 4,004 | 0 | 7,128 | 0 | 71,440 |
| PABSS - Rep Payee | H129 | 937 | 0 | 0 | (937) | 0 | 0 |

- Attachment ONE

# SB 2014
## Appropriations for the Protection & Advocacy Project
## House Appropriations/Human Resources Division
## March 7, 2011

**Testimony of Teresa Larsen**
**P&A Executive Director**

The Protection & Advocacy Project (P&A) is one of fifty-seven protection and advocacy systems operating in each of the states and territories. In North Dakota, the P&A is an independent State agency that operates under the governance of the Committee on Protection & Advocacy. This is a seven-member board with appointments being made by the Legislative Council, the Governor, and three North Dakota entities – The Arc of ND, AMVETS, and Mental Health America of ND (see Attachment A).

P&A's budget for the 2011-2013 biennium has minimal changes from 2009-2011. The budget submitted by the agency is the same as that of the Governor, with the exception of the Governor's increases for salaries and benefits. This is the budget that was passed by the Senate. P&A is not requesting new FTE's. The agency is continuing to work on being more efficient and effective with its existing resources.

## I. PROGRAMS AND SERVICES

P&A receives seven federal grants. As a minimum allotment state, P&A has seen very little growth in federal dollars over many years. These grants come through the U.S. Department of Health & Human Services (Developmental Disabilities, Mental Health, Help America Vote Act, Traumatic Brain Injury), the U.S. Department of Education (Individual Rights, Assistive Technology), and the Social Security Administration (Beneficiaries of Social Security).

At the same time, the agency's workload has increased significantly. Over the last two federal fiscal years, P&A provided advocacy and legal

representation to a total of 1,739 clients (759 individuals in fiscal year 2009 and 980 clients in 2010). This is an increase of 376 cases, or almost 28%, from the two previous years. Information & referral was provided to 4,318 individuals, an increase of 893, or 26%, from the two previous years. 7,023 people participated in the agency's educational training sessions.

P&A moved to a centralized intake system in August 2009. Two Advocates, with help from a third, are responsible for receiving referrals and reports statewide. These Advocates screen calls, provide information and referral, determine eligibility for P&A services, and transfer casework to regional staff. This process provides a number of benefits. It allows regional Advocates more time to focus on existing cases and investigations. It provides for a more consistent and timely response to callers. It helps P&A to provide better quality services, including assisting callers with managing any immediate and long term risks when reporting suspected abuse, neglect, or exploitation.

The change to a centralized intake system coincided with the added responsibility of receiving reports of 'serious events' specific to individuals with developmental disabilities. This is a cooperative venture with the Centers for Medicare and Medicaid Services (CMS) and the Department of Human Services. 'Serious events' include : 1) events that result in medical treatment or care, for physical or mental health, beyond first aid; 2) unauthorized use of seclusion, chemical, or physical restraint; 3) alleged sexual abuse or inappropriate sexual contact; and 4) death. In federal fiscal year 2010, P&A screened 915 such reports. Of these, 212 (23%) warranted an investigation, involving a total of 163 clients.

While there really is no typical case, I will give you a few examples of our work with individual clients.

CASE A: P&A received a report of a 'serious event'. A woman with developmental disabilities fell and was hospitalized. It was determined that she sustained a broken hip. She required surgery however, her guardian, who is a brother to the woman, refused to allow the necessary medical

treatment. Her medical condition was quickly deteriorating and the doctor actually stated she would die without treatment and surgery. P&A initiated an emergency petition to change the guardianship. The new guardian authorized the required treatment and surgery, which was performed immediately. The woman recovered fully and eventually returned to her previous placement in a group home in rural North Dakota.

CASE B: P&A received a referral regarding a 76 year-old veteran who was at risk of nursing home placement. He and his wife wanted to continue to live together in their own home as long as possible, but the veteran was experiencing a worsening impact from his disability and was struggling. There were issues with accessibility within their home. His wife worked during the day and could not be available 24x7 to provide her husband with assistance with all of his activities of daily living. P&A helped the couple identify needed supports and environmental modifications, as well as sources for obtaining services. They were able to get home modifications, assistive technology, and in-home services. The couple reported that these were instrumental in allowing them to continue living together in their own home.

CASE C: P&A received a referral regarding someone who was recently discharged from the women's prison. This 40 year-old individual was homeless (temporarily staying with a friend), diagnosed with a mental illness, and reportedly at risk of re-offending and being incarcerated. P&A helped her connect with services including temporary shelter, case management supports, vocational rehabilitation services, and needed medical services. This was not a quick or smooth process. At one point the woman was temporarily incarcerated and threatened suicide. Due to the relationship between her and the P&A Advocate, she was reconnected with the service delivery system and avoided further involvement with the criminal justice system. She obtained part-time employment, housing with support services, and stability regarding her mental illness.

## II. 2009-2011 BIENNIUM FUNDING

For the current biennium, P&A has spent approximately 71% of its budget of $4,713,179 as of January 31, 2010. This includes 77% of the $3,797,459 budgeted for salaries and benefits and 45% of the $915,720 budgeted for operating. All projected unspent federal funds from the 2009-2011 biennium are budgeted for the 2011-2013 biennium.

## III. 2011-2013 BIENNIUM BUDGET

The proposed budget was built with the expectation of P&A's seven federal grants being level funded. As you know, the federal government has been operating under a series of Continuing Resolutions since the current federal funding year began October 1, 2010.

The budget maintains P&A's nine offices located around the State, one in each of the eight regions and one in Belcourt on the Turtle Mountain reservation. The vast majority of the budget, 80%, is for salaries and benefits for the existing 28.5 FTE's. The FTE's are: sixteen advocates, two program coordinators, two program directors, four attorneys, one fiscal manager, one executive director, two full-time and one half-time half administrative assistant.

The majority of the P&A staff have been employed with the agency for a significant period of time. Of the 28.5 FTE's (twenty-nine people), thirteen individuals have been with P&A between six months and nine years; seven staff have been with the agency for ten to nineteen years; and nine people have been with P&A for over twenty years. Of the twenty-eight classified employees, sixteen are in the first quartile of their pay grade, eight are in the second, and three are in the third quartile. None are in the fourth quartile.

The Governor's recommended budget includes the same salary and benefit increases as for all State employees. The proposed General Fund increase equals $294,550 from the 09-11 to the 11-13 biennium. This is broken out as follows:

| | |
|---|---|
| Salaries | 128,111 |
| Benefits | 21,670 |
| Health insurance | 40,757 |
| Retirement | 29,315 |
| EAP | 83 |
| Cost to continue 2010 salary increase | 74,614 |
| TOTAL: | $294,550 |

The operating budget is $1,051,740, which is an increase of $135,881. Some items were decreased, such as travel, IT software supplies, printing, office equipment & furniture, repairs (which includes service contracts for copy machines), and IT-communications.

The use of video-conferencing for agency staff training has helped to decrease employee travel costs. This methodology is also often used for training service providers across the State on the topic of abuse, neglect, & exploitation.

Other operating items were increased, such as IT-data processing, which will go from $68,889 to $108,177. An increase of approximately 6.9% was included for rent for the nine offices. Another area with an increase is fees/professional services. The majority of the $78,242 increase is for Help America Vote Act activities. These are planned and implemented in conjunction with the Secretary of State's Office and the Association of Counties. Past activities have included production of a video and voting booklet. Prior to the 2010 election, we collaboratively produced several media ads for TV, radio, and print.

This concludes my formal testimony. Thank you for your time and consideration. I will be happy to answer any questions you might have for me.

Teresa Larsen
tlarsen@nd.gov
328-2950

ATTACHMENT A

# COMMITTEE ON PROTECTION & ADVOCACY

APPOINTED BY THE LEGISLATIVE COUNCIL:

Senator Gerry Uglem, Northwood

Senator Robert Erbele, Lehr

APPOINTED BY THE GOVERNOR:

Marcia Kilzer, Bismarck

Stan Stein, Wahpeton

APPOINTED BY AMVETS:

Gene Kouba, Bismarck

APPOINTED BY The Arc of ND:

Joletta Brunmeier, Dickinson

APPOINTED BY MENTAL HEALTH AMERICA OF ND:

Gin Mason, Fargo

P.O. Box 2081
Bismarck, ND 58502-2081
701.222.1854
veronica.zietz@thearcofbismarck.org
www.thearcofbismarck.org

- Attachment TWO

**Testimony of Support Senate Bill 2014**
**House Appropriations Committee, Human Resources Division**
**March 7, 2011**

Good morning Chairman Pollert and members of the House Appropriations Committee, Human Resources Division. My name is Veronica Zietz (#99); I am the Executive Director at The Arc of Bismarck and I'm here today representing both The Arc of Bismarck and The Arc of Cass County. The Arc is an organization that advocates for people with disabilities to foster empowerment and full inclusion in the community.

The Arc of Bismarck is a strong supporter of the North Dakota Protection and Advocacy Project (P&A). P&A in entirety works towards achieving positive outcomes for people with disabilities in all aspects of life. Always acting in the best interest of individuals with disabilities guides their daily activities and is exemplified in their services.

As an agency, The Arc provides referrals to businesses, families, and most importantly individuals with disabilities. Often, I refer clients to P&A for further information or consulting on legal and civil rights issues. For example, at an American People Self-Advocacy Association (of Bismarck) meeting a self-advocate who resides in a group home and relies heavily on transit services reported verbal abuse and instances of discrimination by transit employees. A representative from P&A happened to attend the meeting that night and volunteered to assist the self-advocate in filing complaints and taking other action to remedy the situation. Regardless of the situation self-advocates have always given positive feedback as to the helpful and professional service they receive when working with P&A. I myself have on more than one occasion called on P&A to answer questions about services and legal issues and have always been greeted with friendly staff that provide quality information. P&A's services are necessary for many individuals with disabilities in our state. P&A gives a voice to a population of individuals that are not always being heard.

Another instance of P&A's quality work is in the organization of Legislative Working Group. By managing and facilitating these groups they have allowed people of all abilities around the state to take action when it comes to disability related issues and encourages people with disabilities to become active citizens. This group is a forum for education, information exchange and action. I know of many advocates and professionals who have been inspired and encouraged to speak up because of P&A's support. P&A fosters positive change in lives of people with disabilities.

Finally, The Arc has had the privilege of collaborating with P&A on an infinite number of projects. These have included community education workshops and events with subjects such as emergency readiness, mental health, employment and self-advocacy. The Arc of Bismarck believes that P&A is a vital agency and serves a very specific need in North Dakota; the staff of P&A and the work completed by P&A is always professional, directed, friendly and aligns with what P&A is doing on a national level.

In closing, I believe P&A's efforts have limited instances of abuse, neglect and exploitation in our state all while creating opportunities for people with disabilities. I urge the committee to support Senate Bill 2014. Thank you for your time and attention.

- Attachment THREE

**Testimony on SB 2014**
**Human Resources Division**
**House Appropriations Committee**
**March 07, 2011**

Chairman Pollert and members of the House Appropriations Committee, my name is Jon Larson. I am executive director of Enable, Inc., a provider of services to people with intellectual disabilities Bismarck and Mandan. I am also here today representing the North Dakota Association of Community Providers (NDACP). I am here to testify in support of funding for the Protection and Advocacy Project.

NDACP is made up of 28 non-profit and for-profit agencies across the state. NDACP members provide services to some of the most vulnerable people in the State, those with intellectual disabilities. 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 affect 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.

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

Jon Larson, Executive Director, Enable, Inc. ; NDACP

Prepared by the North Dakota Legislative Council staff for House Appropriations
March 4, 2011

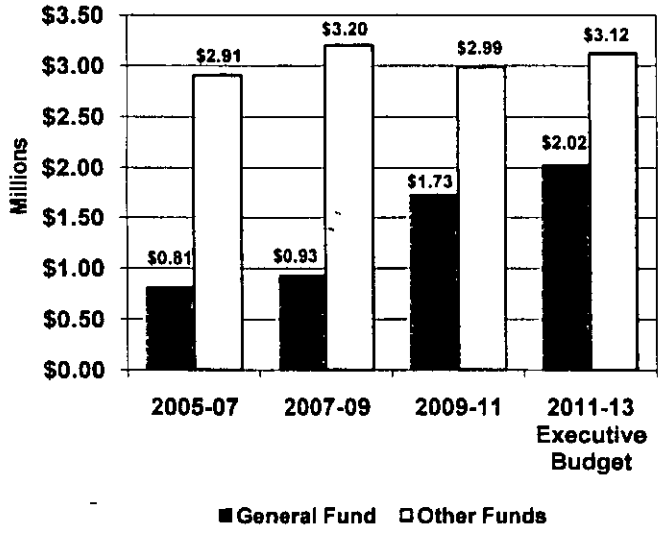
-Attachment - SB 2014 FOUR -March 7, 2011

## Department 360 - Protection and Advocacy Project
## Senate Bill No. 2014

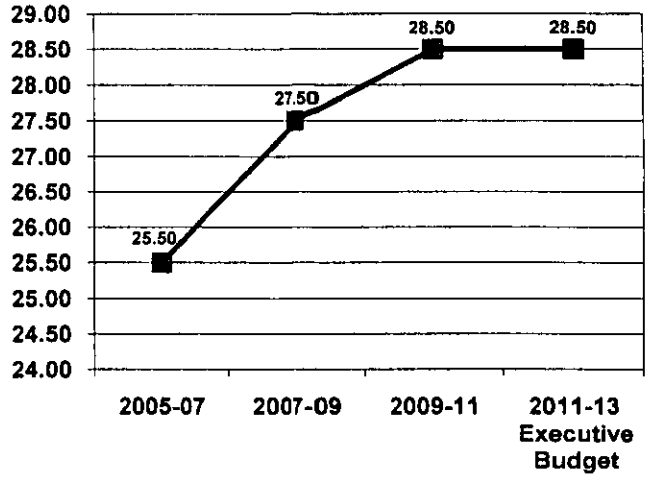
| | FTE Positions | General Fund | Other Funds | Total |
|---|---|---|---|---|
| 2011-13 Executive Budget | 28.50 | $2,020,365 | $3,118,888 | $5,139,253 |
| 2009-11 Legislative Appropriations | 28.50 | 1,725,815 | 2,987,503 | 4,713,318[1] |
| Increase (Decrease) | 0.00 | $294,550 | $131,385 | $425,935 |

[1]The 2009-11 appropriation amounts include $170,000 from the general fund for the agency's share of the $16 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for executive branch employees.

**Agency Funding**




**FTE Positions**




### Ongoing and One-Time General Fund Appropriations

| | Ongoing General Fund Appropriation | One-Time General Fund Appropriation | Total General Fund Appropriation |
|---|---|---|---|
| 2011-13 Executive Budget | $2,020,365 | $0 | $2,020,365 |
| 2009-11 Legislative Appropriations | 1,725,815 | 0 | 1,725,815 |
| Increase (Decrease) | $294,550 | $0 | $294,550 |

### First House Action

Attached is a summary of first house changes.

### Executive Budget Highlights (With First House Changes in Bold)

| | General Fund | Other Funds | Total |
|---|---|---|---|
| 1. Increases funding for various ongoing operating expenses | $97,203 | $38,676 | $135,879 |

### Continuing Appropriations

No continuing appropriations for this agency.

### Major Related Legislation

No major related legislation has been introduced affecting this agency.

ATTACH:1

## TATEMENT OF PURPOSE OF AMENDMENT:

### Senate Bill No. 2014 - Funding Summary

| | Executive Budget | Senate Changes | Senate Version |
|---|---|---|---|
| Protection and Advocacy Project | | | |
| Protection and Advocacy Project | $5,139,253 | | $5,139,253 |
| Total all funds | $5,139,253 | $0 | $5,139,253 |
| Less estimated income | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $0 | $2,020,365 |
| FTE | 28.50 | 0.00 | 28.50 |
| Bill Total | | | |
| Total all funds | $5,139,253 | $0 | $5,139,253 |
| Less estimated income | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $0 | $2,020,365 |
| FTE | 28.50 | 0.00 | 28.50 |

### Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action

The Senate did not change the executive recommendation for the Protection and Advocacy Project.

- Attachment ONE

**SB 2014**
**Appropriation for the Protection & Advocacy Project**
**House Appropriations/Human Resources Division**
**March 18, 2011**

**Testimony of Teresa Larsen**
**P&A Executive Director**

## I. 2009 – 2011 BIENNIUM SPENDING

For the current biennium, P&A has spent approximately 75% of its budget of $4,713,179 as of February 28, 2011. This includes 81% of the $3,797,459 budgeted for salaries and benefits and 48% of the $915,720 budgeted for operating. All projected unspent federal funds from the 2009-2011 biennium are budgeted into the 2011-2013 biennium.

As an example, P&A has not spent a significant amount budgeted for its Help American Vote Act (HAVA) grants under operating. We collaborate on our projects with the Secretary of State's Office. They reported they had a significant amount of funds they needed to spend or turn back so they paid the entire costs of our joint projects. The unspent P&A HAVA funds are carried over into the next biennium budget. For comparison purposes, if the HAVA funds are taken out of the operating line equation, P&A has spent approximately 60% of its funds budgeted for operating.

I have hand-outs that will give you more specific information as to P&A's spending for the current biennium.

## II. 2011 – 2013 BIENNIUM BUDGET

As I previously testified, the next biennium's budget was built with the expectation of P&A's seven federal grants being level funded. The grant amounts for the current federal fiscal year, which began last October, are still unknown with the federal government operating under Continuing Resolutions. I have a hand-out that provides information on our grant funding since the 2003 federal fiscal year. The total of all grants has gone

up and down over this time. The annual total amount, over the seven-year period, has increased by $117,082 (of which $35,234 or 30% is HAVA monies). This equates to a 10.2% increase in seven years time.

The Governor's recommended budget, which was passed by the Senate, includes a General Fund increase of $294,550 from the current biennium. This includes salaries ($128,111), benefits ($21,670), health insurance ($40,757), retirement ($29,315), employee assistance ($83), and the cost to continue the 2010 salary increases ($74,614).

The operating budget is $1,051,740 which is an increase of $135,881. As you will note on the hand-out, some of the items were decreased including travel, IT software and supplies, printing, office equipment and furniture, repairs (which includes service contracts for copy machines), and IT communications.

The most significant increase, by percentage, is for IT data processing which will be 57% higher. There is a 40% increase for fees and professional services, the majority of which is HAVA funds. About 4% of the fees and professional services line is budgeted with General Funds.

Of the total increase in General Funds ($294,550) a small amount ($4,496) was put into operating under IT data processing. This same amount was replaced with federal funds under salaries. This helps even out the operating line so that expenses correlate with the salary allocations. The agency's budget is built through a cost allocation plan. As an example, if an employee's salary is paid with 20% General Funds, the position's operating expenses are also generally paid with 20% General Funds.

## III. PROGRAMS AND SERVICES

With regard to our programs and services, I was previously asked if P&A has seen an increase in its services to individuals who are older, coinciding with 'the graying of North Dakota'. In the last five completed federal fiscal years, there has been an increase in the percentage of

individuals who are sixty and older receiving advocacy and legal services. While the increase is somewhat subtle, it does show a trend:

FY 2006 – 7.3% FY 2007 – 9.6% FY 2008 – 9.8%

FY 2009 – 11% FY 2010 – 11%

This concludes my formal testimony. I am happy to address any questions or concerns. Thank you.

tlarsen@nd.gov
328-2950

**PROTECTION & ADVOCACY PROJECT**
**SB 2014**
**2009 – 2011 BIENNIUM SPENDING as of 2/28/11**
(83.3% of the biennium)

3.18.11

| | TOTAL BUDGETED | SPENT | | | | BALANCE | |
|---|---|---|---|---|---|---|---|
| | | FEDERAL | STATE | TOTAL | % | TOTAL | % |
| Salaries & benefits | 3,797,459 | 1,808,451 | 1,271,631 | 3,080,082 | 81% | 717,377 | 19% |
| Operating | 915,859 | 269,205 | 168,736 | 437,941 | 48% | 477,918 | 52% |
| **TOTAL** | 4,713,318 | 2,077,656 | 1,440,367 | 3,518,023 | 75% | 1,195,295 | 25% |

All projected unspent federal funds from the 2009-2011 biennium are budgeted into the 2011-2013 biennium.

% of State dollars spent to date: 83%

% of Federal dollars spent to date: 70%

**PROTECTION & ADVOCACY PROJECT**
**SPEND DOWN OF THE 2009-2011 BIENNIUM (through 2/11)**
**CHANGES FOR THE 2011-2013 BIENNIUM**

3.18.11

| | 09-11 BIENNIUM | | 11-13 BIENNIUM | | |
|---|---|---|---|---|---|
| | **BUDGETED** | **SPENT** | **BUDGETED** | **CHANGE** | **NOTES** |
| **SALARIES & BENEFITS** | **3,797,459** | **3,080,082** | **4,087,513** | **290,054** | |
| Travel | 160,050 | 60,028 | 141,584 | (18,466) | Board, staff, advisory council |
| Supplies - IT | 5,251 | 3,965 | 3,960 | (1,291) | Software |
| Prof. materials | 39,010 | 25,001 | 53,289 | 14,279 | Westlaw, database, prof. subscriptions |
| Misc. supplies | 3,696 | 1,381 | 6,000 | 2,304 | |
| Office supplies | 12,000 | 13,348 | 16,994 | 4,994 | |
| Postage | 16,970 | 8,342 | 21,400 | 4,430 | |
| Printing | 60,825 | 4,555 | 45,200 | (15,625) | Records, brochures, booklets (advance directives) |
| IT equip < $5K | 25,974 | 16,958 | 26,891 | 917 | IT equipment replacement |
| Other equp < $5K | 0 | 0 | 0 | 0 | |
| Office equip/furn | 11,899 | 1,760 | 11,175 | (724) | Includes 2 copy machines |
| Insurance | 5,024 | 4,601 | 5,845 | 821 | Risk management, property insurance |
| Rent | 184,185 | 157,808 | 203,232 | 19,047 | Office leases |
| Repairs | 10,241 | 10,720 | 8,570 | (1,671) | Copy machine service agreements |
| IT/data process | 68,889 | 52,565 | 108,177 | 39,288 | |
| IT/communication | 50,000 | 35,547 | 43,717 | (6,283) | |
| IT/cont. serv's | 800 | 1,332 | 1,800 | 1,000 | Website updates |
| Prof development | 30,925 | 17,822 | 31,700 | 775 | Conference registration, national dues |
| Oper. fees/serv's | 38,500 | 12,894 | 45,000 | 6,500 | Answering service; advertising; courier |
| Fees/prof serv's* | 191,620 | 9,314 | 269,862 | 78,242 | Contracts; public comment |
| IT/Equip > $5K | 0 | 0 | 7,342 | 7,342 | |
| | | | | | |
| **OPERATING** | **915,859** | **437,941** | **1,051,740** | **135,881** | |
| | | | | | |
| **TOTAL BUDGET** | **4,713,318** | **3,518,023** | **5,139,253** | **425,935** | |
| | | | | | |

* A significant amount of this total is for the HAVA Program

**Agency:** Pro[redacted] and Advocacy
**Program:** 100 Protection and Advocacy Program
**Reporting Level** 00-360-100-00-00-00-00-00000000

| 1 Object/Revenue Description | Code | 2 2007-09 Biennium Expenditures | 3 2009-11 First Year Expenditures | 4 2009-11 Biennium Appropriation | 5 Compensation | 6 2011-13 Total Changes | 7 2011-13 Recommendation |
|---|---|---|---|---|---|---|---|
| **70 Protection and Advocacy Services** | | | | | | | |
| Salaries - Permanent | 511000 | 2,264,031 | 1,300,978 | 2,753,066 | 0 | 65,660 | 2,818,726 |
| Temporary Salaries | 513000 | 4,570 | 814 | 10,800 | 0 | (7,162) | 3,638 |
| Overtime | 514000 | 3 | 0 | 0 | 0 | 0 | 0 |
| Fringe Benefits | 516000 | 811,219 | 493,056 | 1,033,593 | 0 | 11,622 | 1,045,215 |
| Travel | 521000 | 103,503 | 36,511 | 160,050 | 0 | (18,466) | 141,584 |
| Supplies - IT Software | 531000 | 1,358 | 2,175 | 5,251 | 0 | (1,291) | 3,960 |
| Supply/Material-Professional | 532000 | 20,774 | 12,652 | 39,010 | 0 | 14,279 | 53,289 |
| Miscellaneous Supplies | 535000 | 20 | 200 | 3,696 | 0 | 2,304 | 6,000 |
| Office Supplies | 536000 | 13,804 | 7,692 | 12,000 | 0 | 4,994 | 16,994 |
| Postage | 541000 | 10,721 | 5,160 | 16,970 | 0 | 4,430 | 21,400 |
| Printing | 542000 | 23,221 | 2,738 | 60,825 | 0 | (15,625) | 45,200 |
| IT Equip Under $5,000 | 551000 | 11,966 | 9,846 | 25,974 | 0 | 917 | 26,891 |
| Other Equip Under $5,000 | 552000 | 7 | 0 | 0 | 0 | 0 | 0 |
| Office Equip & Furn Supplies | 553000 | 1,743 | 183 | 11,899 | 0 | (724) | 11,175 |
| Insurance | 571000 | 5,828 | 2,212 | 5,024 | 0 | 821 | 5,845 |
| Rentals/Leases - Bldg/Land | 582000 | 167,412 | 94,053 | 184,185 | 0 | 19,047 | 203,232 |
| Repairs | 591000 | 9,146 | 6,957 | 10,241 | 0 | (1,671) | 8,570 |
| Salary Increase | 599110 | 0 | 0 | 0 | 128,111 | 128,111 | 128,111 |
| Benefit Increase | 599160 | 0 | 0 | 0 | 21,670 | 21,670 | 21,670 |
| Health Increase | 599161 | 0 | 0 | 0 | 40,757 | 40,757 | 40,757 |
| Retirement Increase | 599162 | 0 | 0 | 0 | 29,315 | 29,315 | 29,315 |
| EAP Increase | 599163 | 0 | 0 | 0 | 83 | 83 | 83 |
| IT - Data Processing | 601000 | 58,951 | 30,309 | 68,889 | 0 | 39,288 | 108,177 |
| IT - Communications | 602000 | 44,529 | 19,287 | 50,000 | 0 | (6,283) | 43,717 |
| IT Contractual Srvcs and Rprs | 603000 | 5,873 | 728 | 800 | 0 | 1,000 | 1,800 |
| Professional Development | 611000 | 20,497 | 8,047 | 30,925 | 0 | 775 | 31,700 |
| Operating Fees and Services | 621000 | 9,653 | 8,508 | 38,500 | 0 | 6,500 | 45,000 |
| Fees - Professional Services | 623000 | 39,310 | 1,745 | 191,620 | 0 | 78,242 | 269,862 |
| IT Equip/Sftware Over $5000 | 693000 | 0 | 0 | 0 | 0 | 7,342 | 7,342 |
| TOTAL | | 3,628,139 | 2,043,851 | 4,713,318 | 219,936 | 425,935 | 5,139,253 |
| MEANS OF FUNDING | | | | | | | |
| MI Program | H101 | 969,763 | 428,652 | 964,766 | 0 | (32,246) | 932,520 |
| PAIR Program | H112 | 417,714 | 158,906 | 344,676 | 0 | 37,770 | 382,446 |
| DD Program | H113 | 745,523 | 407,800 | 788,589 | 0 | 146,652 | 935,241 |
| Assistive Technology | H115 | 98,566 | 67,547 | 161,582 | 0 | (46,099) | 115,483 |
| PABSS Program | H117 | 224,672 | 107,015 | 227,801 | 0 | (21,010) | 206,791 |
| TBI Program | H119 | 106,266 | 53,822 | 142,936 | 0 | (643) | 142,293 |
| HAVA Program | H120 | 115,359 | 41,060 | 286,390 | 0 | 46,284 | 332,674 |
| DD Council Grant-Indiv Justice Plan | H123 | 13,414 | 225 | 225 | 0 | (225) | 0 |
| Client Assistance | H125 | 3,395 | 4,793 | 4,793 | 0 | (4,793) | 0 |
| NDCPD | H126 | 4,360 | 3,710 | 4,500 | 0 | (4,500) | 0 |

- HB 1 SB 2014

- Attachment Two March 18, 2011

**Agency:** Pro[redacted]n and Advocacy
**Program:** 100 Protection and Advocacy Program
**Reporting Level** 00-360-100-00-00-00-00-00000000

| 1 Object/Revenue Description | Code | 2 2007-09 Biennium Expenditures | 3 2009-11 First Year Expenditures | 4 2009-11 Biennium Appropriation | 5 Compensation | 6 2011-13 Total Changes | 7 2011-13 Recommendation |
|---|---|---|---|---|---|---|---|
| Medicaid Title 19 | H127 | 0 | 14,173 | 60,308 | 0 | 11,132 | 71,440 |
| PABSS - Rep Payee | H129 | 0 | 937 | 937 | 0 | (937) | 0 |
| Federal Funds TOTAL | | 2,699,032 | 1,288,640 | 2,987,503 | 0 | 131,385 | 3,118,888 |
| State General Fund | 001 | 929,107 | 755,211 | 1,725,815 | 219,936 | 294,550 | 2,020,365 |
| General Fund TOTAL | | 929,107 | 755,211 | 1,725,815 | 219,936 | 294,550 | 2,020,365 |
| TOTAL | | 3,628,139 | 2,043,851 | 4,713,318 | 219,936 | 425,935 | 5,139,253 |
| **Agency TOTALS** | | | | | | | |
| TOTAL EXPENDITURES | | 3,628,139 | 2,043,851 | 4,713,318 | 219,936 | 425,935 | 5,139,253 |
| Federal Funds | | | | | | | |
| MI Program | H101 | 969,763 | 428,652 | 964,766 | 0 | (32,246) | 932,520 |
| PAIR Program | H112 | 417,714 | 158,906 | 344,676 | 0 | 37,770 | 382,446 |
| DD Program | H113 | 745,523 | 407,800 | 788,589 | 0 | 146,652 | 935,241 |
| Assistive Technology | H115 | 98,566 | 67,547 | 161,582 | 0 | (46,099) | 115,483 |
| PABSS Program | H117 | 224,672 | 107,015 | 227,801 | 0 | (21,010) | 206,791 |
| TBI Program | H119 | 106,266 | 53,822 | 142,936 | 0 | (643) | 142,293 |
| HAVA Program | H120 | 115,359 | 41,060 | 286,390 | 0 | 46,284 | 332,674 |
| DD Council Grant-Indiv Justice Plan | H123 | 13,414 | 225 | 225 | 0 | (225) | 0 |
| Client Assistance | H125 | 3,395 | 4,793 | 4,793 | 0 | (4,793) | 0 |
| NDCPD | H126 | 4,360 | 3,710 | 4,500 | 0 | (4,500) | 0 |
| Medicaid Title 19 | H127 | 0 | 14,173 | 60,308 | 0 | 11,132 | 71,440 |
| PABSS - Rep Payee | H129 | 0 | 937 | 937 | 0 | (937) | 0 |
| TOTAL | | 2,699,032 | 1,288,640 | 2,987,503 | 0 | 131,385 | 3,118,888 |
| General Fund | | | | | | | |
| State General Fund | 001 | 929,107 | 755,211 | 1,725,815 | 219,936 | 294,550 | 2,020,365 |
| TOTAL | | 929,107 | 755,211 | 1,725,815 | 219,936 | 294,550 | 2,020,365 |
| TOTAL FUNDING | | 3,628,139 | 2,043,851 | 4,713,318 | 219,936 | 425,935 | 5,139,253 |
| **AUTHORIZED EMPLOYEES** | | | | | | | |
| FTE | | 27.50 | 0.00 | 28.50 | 0.00 | (1.00) | 27.50 |
| Vacant | | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| TOTAL AUTHORIZED EMPLOYEES | | 27.50 | 0.00 | 28.50 | 0.00 | 0.00 | 28.50 |

- Teresa Larsen
- Attachment THREE
- March 18, 2011

SENATE BILL 2014

PROTECTION AND ADVOCACY

OFFICE LEASE INFORMATION FOR 2009-2011

| LOCATION | # SQ FT | PRICE /SQ.FT | MONTHLY RENT | RENT FOR BIENNIUM |
|---|---|---|---|---|
| | | | | |
| WILLISTON | 1206 | $7.96 | $800.00 | $19,200.00 |
| MINOT | 223 | $10.50 | $195.00 | $4,680.00 |
| D LAKE | 270 | $8.00 | $180.00 | $4,320.00 |
| BELCOURT | 256 | $25.78 | $550.00 | $13,200.00 |
| GR FORKS | 540 | $11.11 | $500.00 | $12,000.00 |
| FARGO | 866 | $12.00 | $866.00 | $20,784.00 |
| JAMESTOWN | 571.25 | $6.00 | $285.00 | $6,840.00 |
| DICKINSON | 350 | $10.80 | $315.00 | $7,560.00 |
| BISMARCK | 4661 | $10.90 | $4,233.75 | $101,610.00 |
| | | | | |
| TOTAL: | | | $7,924.75 | $190,194.00 |

FOR 2011-2013, BUDGETED A 6.9% INCREASE ($13,038) FOR A TOTAL OF $203,232. INDIVIDUAL LEASES ARE NEGOTIATED TO OBTAIN THE BEST POSSIBLE RATE.

## P&A Federal Grants

7.11.10

| Income Source | 2003 Grants | 2004 Grants | 2005 Grants | 2006 Grants | 2007 Grants | 2008 Grants | 2009 Grants | 2010 Grants | 2011 Grants |
|---|---|---|---|---|---|---|---|---|---|
| DD* | 345,429 | 365,940 | 365,940 | 365,940 | 365,940 | 365,940 | 375,316 | 384,693 | |
| MH* | 400,000 | 410,000 | 406,700 | 402,700 | 402,700 | 413,000 | 424,900 | 430,800 | |
| PR* | 164,200 | 163,236 | 161,930 | 160,311 | 160,311 | 157,505 | 166,262 | 175,984 | |
| AT* | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | |
| SSA** | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | |
| TBI^ | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 75,000 | 50,000 | |
| HAVA* | 34,766 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 | |
| **TOTAL** | **1,144,395** | **1,209,176** | **1,204,570** | **1,198,951** | **1,198,951** | **1,206,445** | **1,261,478** | **1,261,477** | |

Federal fiscal year: *Oct-Sept **Dec-Nov; changing in 2010 to Oct-Sept ^June-May; in 2009, changed to Oct-Sept; additional 25,000 to cover change

From Fiscal Year 2003 to 2010, the total annual increase in Federal grants has been $117,082.

- Teresa Larsen
- Attachment Four
- March 18, 2011
- SB 2012

- Attachment FIVE

Prepared by the North Dakota Legislative Council staff for House Appropriations
March 4, 2011

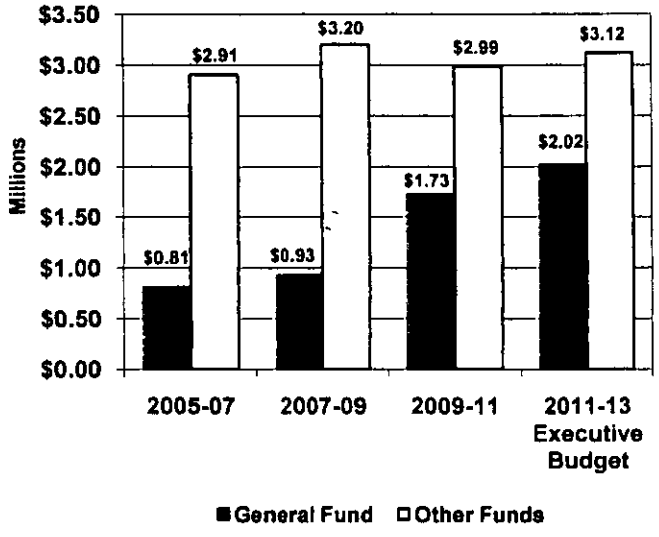
- SB 2014
- March 18, 2011

## Department 360 - Protection and Advocacy Project
## Senate Bill No. 2014

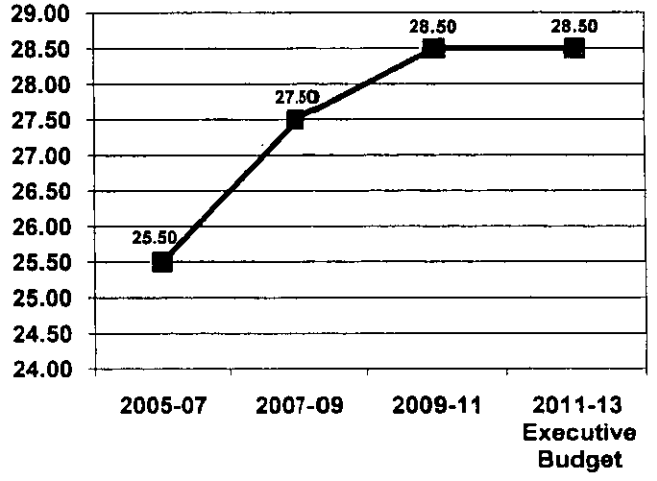
| | FTE Positions | General Fund | Other Funds | Total |
|---|---|---|---|---|
| 2011-13 Executive Budget | 28.50 | $2,020,365 | $3,118,888 | $5,139,253 |
| 2009-11 Legislative Appropriations | 28.50 | 1,725,815 | 2,987,503 | 4,713,318[1] |
| Increase (Decrease) | 0.00 | $294,550 | $131,385 | $425,935 |

[1]The 2009-11 appropriation amounts include $170,000 from the general fund for the agency's share of the $16 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for executive branch employees.

**Agency Funding**




**FTE Positions**




### Ongoing and One-Time General Fund Appropriations

| | Ongoing General Fund Appropriation | One-Time General Fund Appropriation | Total General Fund Appropriation |
|---|---|---|---|
| 2011-13 Executive Budget | $2,020,365 | $0 | $2,020,365 |
| 2009-11 Legislative Appropriations | 1,725,815 | 0 | 1,725,815 |
| Increase (Decrease) | $294,550 | $0 | $294,550 |

### First House Action

Attached is a summary of first house changes.

### Executive Budget Highlights (With First House Changes in Bold)

| | General Fund | Other Funds | Total |
|---|---|---|---|
| 1. Increases funding for various ongoing operating expenses | $97,203 | $38,676 | $135,879 |

### Continuing Appropriations

No continuing appropriations for this agency.

### Major Related Legislation

No major related legislation has been introduced affecting this agency.

ATTACH:1

## TATEMENT OF PURPOSE OF AMENDMENT:

**Senate Bill No. 2014 - Funding Summary**

| | Executive Budget | Senate Changes | Senate Version |
|---|---|---|---|
| Protection and Advocacy Project | | | |
| Protection and Advocacy Project | $5,139,253 | | $5,139,253 |
| Total all funds | $5,139,253 | $0 | $5,139,253 |
| Less estimated income | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $0 | $2,020,365 |
| FTE | 28.50 | 0.00 | 28.50 |
| Bill Total | | | |
| Total all funds | $5,139,253 | $0 | $5,139,253 |
| Less estimated income | 3,118,888 | 0 | 3,118,888 |
| General fund | $2,020,365 | $0 | $2,020,365 |
| FTE | 28.50 | 0.00 | 28.50 |

**Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action**

The Senate did not change the executive recommendation for the Protection and Advocacy Project.