

2023 SENATE APPROPRIATIONS

SB 2014

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

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$3,396,095	\$4,360,132	\$7,756,227
2023-25 Base Level	3,139,350	4,263,590	7,402,940
Increase (Decrease)	\$256,745	\$96,542	\$353,287

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$384,042 is for salary increases and \$144,014 is for health insurance increases	\$231,801	\$296,255	\$528,056
2. Decrease in federal funds authority	\$0	(\$229,682)	(\$229,682)
3. Adds funding for increased Information Technology Department rates	\$4,348	\$4,665	\$9,013

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

There are no other sections recommended to be added in the executive budget.

Continuing Appropriations

There are no continuing appropriations for this agency.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

The operational audit for the Protection and Advocacy Project conducted by the State Auditor's office for the 2-year period ended June 30, 2020, identified no significant audit findings.

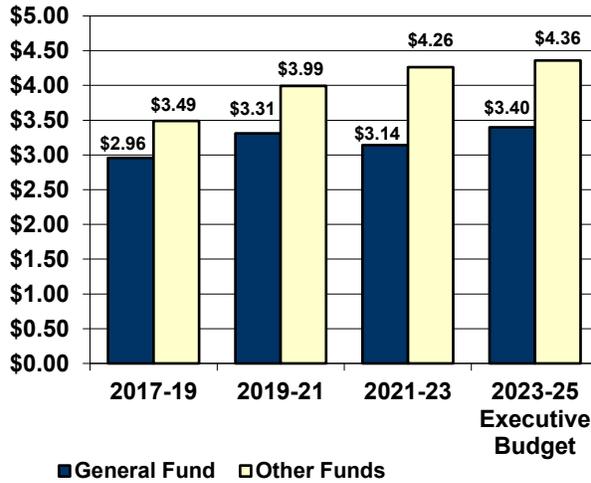
Major Related Legislation

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

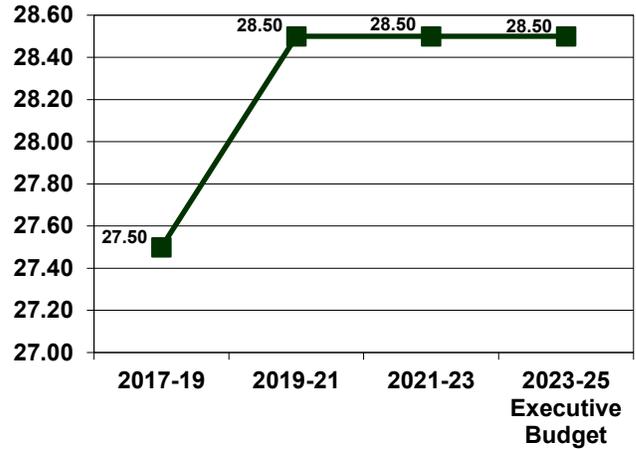
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$3,020,926	\$2,958,999	\$3,240,015	\$3,139,350	\$3,396,095
Increase (decrease) from previous biennium	N/A	(\$61,927)	\$281,016	(\$100,665)	\$256,745
Percentage increase (decrease) from previous biennium	N/A	(2.0%)	9.5%	(3.1%)	8.2%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(2.0%)	7.3%	3.9%	12.4%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Reduced funding for operating expenses (\$63,243)

2019-21 Biennium

1. Added funding for 1 FTE Olmstead Commission position \$164,314
2. Added funding for operating expenses, primarily related to professional service fees and travel expenses \$190,103

2021-23 Biennium

1. Adjusted funding for operating expenses, resulting in a decrease from the general fund and an increase from federal funds (\$48,070)

2023-25 Biennium (Executive Budget Recommendation)

1. Decrease in federal funds authority (\$229,682)
2. Adds funding for increased Information Technology Department rates \$9,013

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$0	\$0	\$72,550	\$0	\$0

Major One-Time General Fund Appropriations

2017-19 Biennium

1. None \$0

2019-21 Biennium

1. Added one-time funding for a Polycom communications machine \$8,000

2. Added one-time funding for accrued leave payments \$64,550

2021-23 Biennium

1. None \$0

2023-25 Biennium (Executive Budget Recommendation)

1. None \$0

Protection and Advocacy Project - Budget No. 360
Senate Bill No. 2014
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	28.50	\$3,139,350	\$4,263,590	\$7,402,940
2023-25 Ongoing Funding Changes				
Cost to continue salary increase		\$20,596	\$25,304	\$45,900
Salary increase		167,923	216,119	384,042
Health insurance increase		63,878	80,136	144,014
Increase in information technology rates		4,348	4,665	9,013
Decrease in federal funds authority			(229,682)	(229,682)
Total ongoing funding changes	0.00	\$256,745	\$96,542	\$353,287
One-time funding items				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$256,745	\$96,542	\$353,287
2023-25 Total Funding	28.50	\$3,396,095	\$4,360,132	\$7,756,227
<i>Federal funds included in other funds</i>			\$4,360,132	
<i>Total ongoing changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%
<i>Total changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%

Other Sections in Protection and Advocacy Project - Budget No. 360

Executive Budget Recommendation

There are no other sections for this agency.

SENATE BILL NO. 2014
(Governor's Recommendation)

Introduced by

Appropriations Committee

(At the request of the Governor)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the committee on protection and advocacy for the purpose of defraying the expenses of the committee on protection and advocacy, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and Advocacy Operations	<u>\$7,402,940</u>	<u>\$353,287</u>	<u>\$7,756,227</u>
Total All Funds	<u>\$7,402,940</u>	<u>\$353,287</u>	<u>\$7,756,227</u>
Less Estimated Income	<u>4,263,590</u>	<u>96,542</u>	<u>4,360,132</u>
Total General Fund	<u>\$3,139,350</u>	<u>\$256,745</u>	<u>\$3,396,095</u>
Full-Time Equivalent Positions	28.50	0	28.50

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations

Rough Rider Room, State Capitol

2014

1/9/2023

To provide an appropriation for defraying the expenses of the Protection and Advocacy Project

11:02 am Chairman Bekkedahl called the meeting to order.

Senators Bekkedahl, Burkhard, Davison, Dever, Dwyer, Erbele, Krebsbach, Kreun, Mathern, Meyer, Schaible, Sorvaag, and Vedaa present. Senators Wanzek and Roers are absent this morning.

Discussion Topics:

- Agency overview
- Services: protective, assistance with self-advocacy, information and referral, education and training, systems and legislative advocacy
- Federal requirements and programs
- Federal grant history
- Comparison of Federal and State funding for the 2023-2025 Biennium
- Employee turnover
- Case Examples

11:02 am Veronica Zietz, Executive Director of the ND Protection and Advocacy Project, introduced the bill and testified affirmatively. # 12608

Additional Testimony: #21251

Chairman Bekkedahl assigned this bill to the Government Operations Division

Committee. 11:38 Chairman Bekkedahl closed the meeting.

Carol Thompson, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

SB 2014
1/20/2023

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

8:34 AM **Chairman Dever** called the hearing to order. **Senators Dever, Davison, Burckhard, Mathern, Kreun** are present.

Discussion Topics:

- Green sheet review
- ND Protection Advocacy Project budget

8:35 AM **Levi Kinnischtke, Senior Fiscal Analyst, State of North Dakota** discussed green sheet #21251

8:38 AM **Veronica Zietz, Executive Director, North Dakota Protection & Advocacy Project** provided testimony in favor #14756

9:15 AM **Senator Dever** closed the hearing.

9:20 AM **Chairman Dever** closed hearing on SB 2014

Patricia Lahr on behalf of Susan Huntington, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations – Human Resource Division Rough Rider Room, State Capitol

SB 2014
2/8/2023

A bill for an act to provide an appropriation for defraying the expenses of the Protection and Advocacy Project.

8:44 AM Chairman Dever called the meeting to order.
Senators Burkhard, Davison, Dever, Mathern, and Kreun are present.

Discussion Topics:

- Payroll changes
- ITD rates
- Spending authority

8:46 AM Brady Larsen, Assistant Legislative Budget Analyst and Auditor, testified.
Neutral #23899.

8:47 AM Senator Davison moved to adopt an amendment. LC 23.0268.01001
Senator Burkhard seconded the motion.

Senators	Vote
Senator Dever	Y
Senator Davison	Y
Senator Burkhard	Y
Senator Kreun	Y
Senator Mathern	Y

Motion passed 5-0-0

8:48 AM Senator Davison moved Do Pass as Amended.
Senator Mathern seconded the motion.

Senators	Vote
Senator Dever	Y
Senator Davison	Y
Senator Burkhard	Y
Senator Kreun	Y
Senator Mathern	Y

Motion passed 5-0-0

Senator Burkhard will carry the bill.

8:49 AM Chairman Dever closed the meeting.

Carol Thompson for Susan Huntington, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2014
2/9/2023

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

11:43 AM Chairman Burkkedahl opened the meeting.

Members present: **Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.**

Discussion Topics:

- Committee Action

11:43 AM Senator Burckhard introduces the bill, verbally.

11:45 AM Senator Burckhard moved DO AMEND. LC 23.0268.01001

11:45 AM Senator Davison seconded.

11:46 AM Roll call vote

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator David S. Rust	Y

Passed 16-0-0

11:46 AM Senator Burckhard moved DO PASS as AMENDED.

11:46 AM Senator Mathern seconded.

11:46 AM Roll call vote

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator David S. Rust	Y

Passed 16-0-0

Senator Burckhard will carry the bill.

11:47 AM Chairmand Bekkedahl closed the meeting.

Kathleen Hall, Committee Clerk

AG
2-9-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2014

Page 1, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,402,940	\$260,111	\$7,663,051
Total all funds	\$7,402,940	\$260,111	\$7,663,051
Less estimated income	4,263,590	44,081	4,307,671
Total general fund	\$3,139,350	\$216,030	\$3,355,380
Full-time equivalent positions	28.50	0.00	28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Changes	Senate Version
Protection and advocacy operations	\$7,402,940	\$260,111	\$7,663,051
Total all funds	\$7,402,940	\$260,111	\$7,663,051
Less estimated income	4,263,590	44,081	4,307,671
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FTE	28.50	0.00	28.50

Department 360 - Protection and Advocacy Project - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for ITD Rate Increase ³	Decreases Federal Funds Authority ⁴	Total Senate Changes
Protection and advocacy operations	\$45,900	\$434,880	\$9,013	(\$229,682)	\$260,111
Total all funds	\$45,900	\$434,880	\$9,013	(\$229,682)	\$260,111
Less estimated income	25,304	243,794	4,665	(229,682)	44,081
General fund	\$20,596	\$191,086	\$4,348	\$0	\$216,030
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary Increase	\$125,739	\$161,815	\$287,554
Health insurance increase	65,347	81,979	147,326
Total	\$191,086	\$243,794	\$434,880

³ Funding is added for information technology rate increases.

⁴ Federal funds spending authority is decreased due to reflect estimated federal grant funding.

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
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STATEMENT OF PURPOSE OF AMENDMENT:

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

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Department 360 - Protection and Advocacy Project - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Adds Funding for ITD Rate Increase³</u>	<u>Decreases Federal Funds Authority⁴</u>	<u>Total Senate Changes</u>
Protection and advocacy operations	\$45,900	\$434,880	\$9,013	(\$229,682)	\$260,111
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FTE	0.00	0.00	0.00	0.00	0.00

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2023 HOUSE APPROPRIATIONS

SB 2014

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

First Chamber Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 First Chamber Version	\$3,355,380	\$4,307,671	\$7,663,051
2023-25 Base Level	3,139,350	4,263,590	7,402,940
Increase (Decrease)	\$216,030	\$44,081	\$260,111

First Chamber Changes

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

Selected Bill Sections Included in the First Chamber Version

The Senate did not include any other sections related to the Protection and Advocacy Project.

Continuing Appropriations

There are no continuing appropriations for this agency.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

The operational audit for the Protection and Advocacy Project conducted by the State Auditor's office for the 2-year period ended June 30, 2020, identified no significant audit findings.

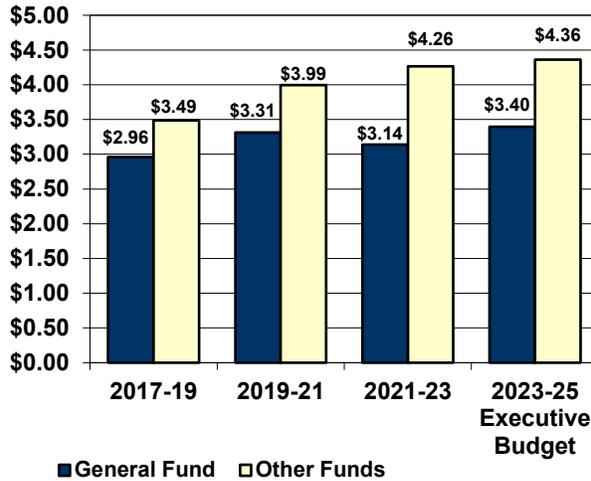
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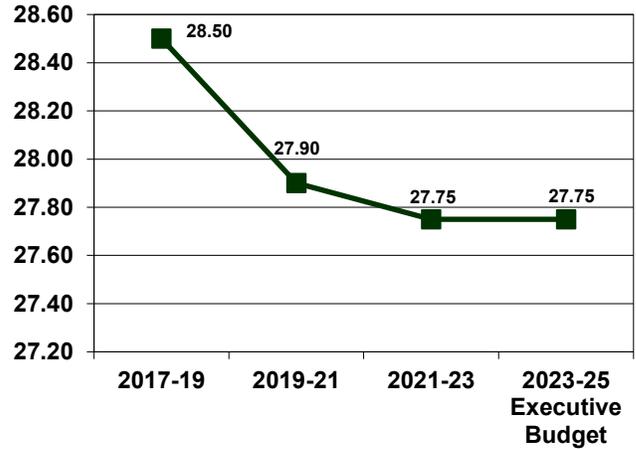
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (millions)



FTE Positions



Ongoing General Fund Appropriations

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Major Increases (Decreases) in Ongoing General Fund Appropriations

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- Added funding for 1 FTE Olmstead Commission position \$164,314
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2021-23 Biennium

Adjusted funding for operating expenses, resulting in a decrease from the general fund and an increase from federal funds (\$48,070)

2023-25 Biennium (Executive Budget Recommendation)

- Decrease in federal funds authority (\$229,682)
- Adds funding for increased Information Technology Department rates \$9,013

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$0	\$0	\$72,550	\$0	\$0

Major One-Time General Fund Appropriations

2017-19 Biennium

None \$0

2019-21 Biennium

1. Added one-time funding for a Polycom communications machine \$8,000

2. Added one-time funding for accrued leave payments \$64,550

2021-23 Biennium

None \$0

2023-25 Biennium (Executive Budget Recommendation)

None \$0

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2014
3/3/2023

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

9:00 AM Chairman J. Nelson opened the meeting.

Roll call taken.

Chairman J. Nelson, Vice Chairman Stemen, Representatives Kreidt, Mitskog, O'Brien, Schobinger, Strinden were present. Representative B. Anderson was not present.

Discussion Topics:

- Staffing and operations
- Services
- Accomplishments and challenges
- Funding

Veronica Zietz, Executive Director of the North Dakota Protection and Advocacy Project presented an overview of the department, (Testimony #21802).

9:44 AM Chairman J. Nelson closed the meeting.

Jan Kamphuis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2014
3/28/2023

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

3:00 PM Chairman J. Nelson opened the meeting.

Roll call taken.

Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Kreidt, Mitskog, O'Brien, Schobinger, Strinden were present.

Discussion Topics:

- Committee Action

Brady Larson, Fiscal Analyst, Legislative Council: (#26996).

Representative Stemen moved to bring the salary increases over seconded by **Representative Strinden**.

Roll Call vote taken:

Representatives	Vote
Representative Jon O. Nelson	N
Representative Greg Stemen	Y
Representative Bert Anderson	Y
Representative Gary Kreidt	N
Representative Alisa Mitskog	Y
Representative Emily O'Brien	Y
Representative Randy A. Schobinger	N
Representative Michelle Strinden	Y

Motion carried, 5-3-0

Representative Kreidt moved to pass the health insurance increase over, seconded by **Representative Mitskog**.

Roll Call vote taken:

Representatives	Vote
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Representative Jon O. Nelson	Y
Representative Greg Stemen	Y
Representative Bert Anderson	Y
Representative Gary Kreidt	Y
Representative Alisa Mitskog	Y
Representative Emily O'Brien	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y

Motion Carried, 8-0-0

Representative Anderson moved to remove salary funding for funding pool, seconded by **Representative Schobinger**.

Roll Call vote taken:

Representatives	Vote
Representative Jon O. Nelson	Y
Representative Greg Stemen	Y
Representative Bert Anderson	Y
Representative Gary Kreidt	Y
Representative Alisa Mitskog	Y
Representative Emily O'Brien	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y

Motion carried, 8-0-0.

Brady Larson, Fiscal Analyst, Legislative Council, proposed amendment 23.0268.02001, (#26995).

Representative Kreidt moved to adopt the amendment (#26995), seconded by **Representative Stemen**.

Roll Call vote taken:

Representatives	Vote
Representative Jon O. Nelson	Y
Representative Greg Stemen	Y
Representative Bert Anderson	Y
Representative Gary Kreidt	Y
Representative Alisa Mitskog	Y
Representative Emily O'Brien	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y

Motion carried, 8-0-0

Representative O'Brien moved a do pass as amended, seconded by **Representative Mitskog**.

Representatives	Vote
Representative Jon O. Nelson	Y
Representative Greg Stemen	Y
Representative Bert Anderson	Y
Representative Gary Kreidt	Y
Representative Alisa Mitskog	Y
Representative Emily O'Brien	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y

Motion carried, 8-0-0.

Representative Strinden to carry.

3:14 PM Chairman J. Nelson closed the meeting.

Jan Kamphuis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2014
4/6/2023

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

11:16 AM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not present: Representative Brandenburg, Representative Mock

Discussion Topics:

- Amendment
- Committee Action

Representative Strinden Give the statement of purpose and the amendment 23.0268.02001 (Testimony # 27347).

Representative Strinden moves a do pass on amendment 23.0268.02001

Representative G. Stemen seconds the motion

Committee discussion, Roll call vote:

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	AB
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	AB
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 19-2-2

Representative Strinden moves a do pass as amended

Representative Kreidt seconds the motion

Roll call vote:

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	AB
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	AB
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	AB
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	AB

Motion carries 17-2-4 Representative Strinden will carry the bill.

11:20 AM Chairman Vigesaa Closed the meeting for SB 2014.

Risa Berube, Committee Clerk

OR
182
4-6-2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,402,940	\$186,971	\$7,589,911
Total all funds	\$7,402,940	\$186,971	\$7,589,911
Less estimated income	<u>4,263,590</u>	<u>2,951</u>	<u>4,266,541</u>
Total general fund	\$3,139,350	\$184,020	\$3,323,370
Full-time equivalent positions	28.50	0.00	28.50"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Protection and advocacy operations	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
Total all funds	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
Less estimated income	<u>4,263,590</u>	<u>4,307,671</u>	(41,130)	<u>4,266,541</u>
General fund	\$3,139,350	\$3,355,380	(\$32,010)	\$3,323,370
FTE	28.50	28.50	0.00	28.50

Department 360 - Protection and Advocacy Project - Detail of House Changes

	<u>Adjusts Funding for Salary and Benefit Increases¹</u>	<u>Removes Salary Funding for Funding Pool²</u>	<u>Total House Changes</u>
Protection and advocacy operations	\$93,176	(\$166,316)	(\$73,140)
Total all funds	\$93,176	(\$166,316)	(\$73,140)
Less estimated income	<u>52,461</u>	<u>(93,591)</u>	(41,130)
General fund	\$40,715	(\$72,725)	(\$32,010)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$42,184	\$54,304	\$96,488
Health insurance adjustment	(1,469)	(1,843)	(3,312)
Total	\$40,715	\$52,461	\$93,176

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

New FTE positions
Vacant FTE positions
Total

<u>General</u> <u>Fund</u>	\$0	<u>Other</u> <u>Funds</u>	\$0	<u>Total</u>	\$0
	(72,725)	(93,591)		(166,316)	
	(\$72,725)	(\$93,591)		(\$166,316)	

DR
282
4-6-2023

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

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Total general fund	\$3,139,350	\$184,020	\$3,323,370
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
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Total	\$40,715	\$52,461	\$93,176

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	\$0	\$0	\$0
Vacant FTE positions	(72,725)	(93,591)	(166,316)
Total	(\$72,725)	(\$93,591)	(\$166,316)

TESTIMONY

SB 2014



PROTECTION & ADVOCACY PROJECT

400 EAST BROADWAY, SUITE 409

BISMARCK, ND 58501-4071

Senate Appropriations Committee

Senate Bill 2014 – January 9, 2023

Testimony of Veronica Zietz, P&A Executive Director

Greetings Chairman Bekkedahl and members of the Senate Appropriations Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). I will be providing you with an overview of P&A's purpose, programs and services, and appropriation request.

Overview

Protection & Advocacy is an independent state agency established in 1977 to advance the human and legal rights of people with disabilities. P&A's mission is to champion the equality and inclusion of people with disabilities where we live, work, and play. P&A fulfills its mission by providing services to individuals with disabilities, their support networks, and the public.

Every US state and territory (57 agencies nationwide) is federally mandated to have a protection and advocacy agency. While most are private, non-profit entities, in ND the P&A is an independent state agency with a seven-member governing board, which includes appointees from the Legislature, Mental Health America ND, The Arc of ND, an advocacy-based non-profit for individuals with disabilities, and the public.

P&A is statutorily authorized under NDCC § 25-01.3. Century code includes sections regarding the governing board, reporting of abuse, neglect, or exploitation, authority, access, investigations, and confidentiality. Accompanying rules are detailed in NDAC Title 65.5 and are specific to the organization of the governing board, definitions, access to records, authority of P&A, grievance procedures, and public inquiries. P&A also follows federal laws and regulations applicable to its federal grants.

P&A provides services to North Dakota's largest minority population, people with disabilities which makes up between 20-25% of ND residents. Ensuring the availability of services to this large population over an expansive geography is possible due to ten offices located throughout the state. P&A is designated 28.5 FTEs by the Legislature. This includes, an executive director, two program directors, a director of policy and operations, seventeen full-time advocates, one part-time advocate, three attorneys, a fiscal manager, and two administrative assistants. P&A's structure and staff levels allow the agency to meet the needs of our diverse population. In 2019, the Legislature additionally designated P&A as the new home of the Olmstead Commission and it's coordinator. The organizational chart is attached for reference.

Services

P&A's services seek to protect and advocate for individuals with disabilities. Services include:

- **Protective Services:** P&A receives and investigates reports of abuse, neglect, and exploitation (ANE).
- **Assistance with Self-Advocacy:** P&A provides advocacy skills development for individuals seeking to advocate for themselves regarding disability issues.
- **Advocacy & Legal Services:** P&A provides Advocates and Attorneys to represent eligible individuals with disabilities whose rights have been violated.
- **Information & Referral:** P&A staff provides information and answers questions about disability-related issues.
- **Education & Training:** P&A staff provide presentations to groups on disability-related issues.
- **Systems & Legislative Advocacy:** P&A works to realize positive change in the systems and laws that impact individuals with disabilities.

During Federal Fiscal Years (FFY) 2021 – 2022, P&A provided case level services, including advocacy, legal representation, and protective services for 1,668 clients (799 in FFY 2021 and 869 in FY 2022). The previous two years totaled 1,934. Case level services appear to be rebounding from a decrease during the pandemic.

Over the last two federal fiscal years, P&A provided information and referral services on 5,552 occasions (2,687 in FFY 2021 and 2,865 in FFY 2022). In FFY 2022 P&A had a 7% increase in requests for information and referral services and in the last decade P&A has seen a 49% increase (1,928 in FFY 2013) in requests for information and referral services.

In FFY 2021 – 2022 P&A provided education and training to 11,719 individuals (3,208 in FFY 2021 and 8,511 in FFY 2022) across all programs. This is a drastic increase compared to the two previous reporting periods with a 62% increase from FFY 2017 – 2018 and 72% increase from FFY 2019 – 2020. This number increased largely due statewide trainings efforts on the following topics supported decision making, individual justice planning, and abuse, neglect, and exploitation.

In addition to case work, education and training, and information and referrals, P&A works with various partners to make systemic improves for people with disabilities.

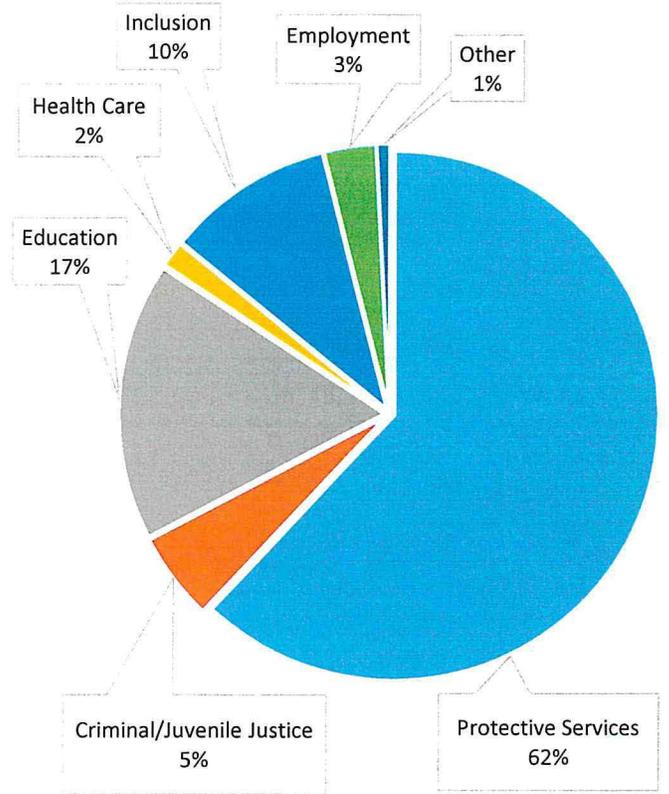
P&A establishes annual priorities per federal requirements. These priorities take into account stakeholder input through a public comment period and guide the agency’s work for the following year. Public comment data from July 2022, found that 94% of individuals surveyed agreed that P&A’s work is beneficial to people with disabilities and their families. P&A actively worked 2,264 cases during Federal Fiscal Years (FFY) 2021 – 2022. Service requests were specific to the following priorities:

Priority Area	FFY 21	FFY 22	FFY 21 - 22 Total
ANE/Protective Services	689	715	1,404
Criminal/Juvenile Justice	47	74	121
Education	200	185	385
Employment	26	45	71
Health Care	23	13	36
Inclusion	109	120	229
Other	6	12	18
Total	1,100	1,164	2,264

Protective services or abuse, neglect, and exploitation investigations historically make up 60-70% of all case work; consistent with that 62% of casework in FFY 2021 – 2022 was in this area. In these cases, P&A conducts objective investigations or reviews investigations completed by providers to address alleged incidents of abuse, neglect, and exploitation. P&A addresses issues identified to ensure the safety of involved individuals.

Case work is conducted in various other priority areas such as education and inclusion. Case level services focus on the rights of clients and resolving the issue at the lowest level possible. Thus, litigation is a last resort. P&A is committed to ensuring client rights are fully protected and that issues are appropriately resolved. Please see the attachment for case examples.

FFY 2021 - 2022 Active Cases By Priority



Federal Programs

P&A receives grants from the federal government to meet its obligations. These grants come through the:

- US Department of Health & Human Services:
 - P&A for Developmental Disabilities (DD)
 - P&A for Mental Health (MH)
 - P&A for Assistive Technology (AT)
 - P&A for Voting Access (PAVA)
 - P&A for Traumatic Brain Injury (TBI)
- US Department of Education:

- P&A for Individual Rights (PAIR)
- Social Security Administration:
 - P&A for Beneficiaries of Social Security (PABSS)
 - P&A for Beneficiaries with Representative Payees (Rep Payee)

Each federal program allows P&A to provide services, fulfilling various obligations to people with disabilities as defined by the federal government. North Dakota is a minimum allotment state for federal grants, which have seen little to no growth in more than a decade. Regardless of funding level, P&A is required to continue to provide level and often increase services.

Federal Grant History

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DD	362,881	362,881	362,881	384,693	384,693	404,556	404,556	404,556	414,977	414,977
MH*	406,700	428,000	428,000	428,000	428,000	428,000	428,000	428,000	428,000	450,000
AT	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAVA	70,000	70,000	70,000	70,000	70,000	98,209	98,209	105,261	112,313	119,365
TBI	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAIR	166,132	171,598	171,598	171,598	171,598	171,598	171,598	171,598	176,454	186,177
PABSS*	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	144,776
Rep Payee							60,000	62,137	62,667	63,482
COVID-19**									39,713	
PAPH**										114,000
Total	1,205,713	1,232,479	1,232,479	1,254,291	1,254,291	1,302,363	1,362,363	1,371,552	1,434,124	1,592,777

- Note: All federal grants detailed above follow the federal fiscal year, which runs October – September, except for the Rep Payee grant which runs from August – July.
- * These grants received a one-time funding boost related to covid-19 and will return to 2021 levels in 2023.
- ** P&A received one-time funding to carryout pandemic related activities. COVID-19 ended 9.30.22. PAPH ends 9.30.2024

P&A also receives a contract from the ND Department of Health and Human Services - Vocational Rehabilitation to implement the Client Assistance Program (CAP). CAP is a federally funded program designed to assist individuals with disabilities who are experiencing challenges with federally funded rehabilitation programs, which includes Vocational Rehabilitation, Centers for Independent Living, and Tribal Vocational Rehabilitation. The service agreement for the upcoming biennium is expected to be level funded at \$263,834.

Additionally, P&A's receives Medicaid funds through ND Department of Health and Human Services – Developmental Disabilities Division. As endorsed by the Center for Medicare & Medicaid Services (CMS), P&A serves as an independent screener of mandated reports of serious events concerning individuals with developmental disabilities. Serious events are categorically defined and include examples such as broken bones or sexual assault. For the current biennium, this contract is valued at approximately \$200,000 which is matched 100% with State General Funds as federally required.

P&A was audited by the ND Office of the State Auditor in 2021 for the two-year period ending June 30, 2020. The audit did not find any areas of concern.

2021 – 2023 Biennium

For the current biennium, the Legislature appropriated \$4,263,590 in federal funds and \$3,139,350 in State General Funds for a grand total of \$7,402,940 with level staffing at 28.5 FTEs. While the overall appropriation increased in the biennium, the appropriation of State Funds decreased by \$100,665. There were no one-time funding requests.

Through November 30, 2022 (70.8% of biennium), P&A has spent approximately 66% of its State General Funds and approximately 63% of its total 2021 – 2023 biennium appropriation. P&A expects to expend all State Funds by the close of the current biennium. All projected unspent federal funds from the 2021 – 2023 biennium are budgeted to be carried over to the 2023 – 2025 biennium.

2023 - 2025 Biennium

P&A's 2023 - 2025 base level budget is made up of 58% Federal Funds and 42% State General Funds. Of P&A's \$7,402,940 base level budget 21% is allocated to operating expenses with the remaining 79% being used for salaries and benefits. Note P&A is not requesting any new FTEs for the next biennium.

The Governor's budget recommendation for P&A is 56% Federal Funds and 44% State General Funds. The Governor's recommended budget of \$7,756,227 includes an increase of \$353,287. This includes an

increase to salaries and benefits calculated by OMB at \$6,339,310 (82% of budget). P&A supports Governor's recommended increase to salary, as P&A is consistently named one of the lowest paid agencies in the state. In summary, here is a comparison for the base level budget to the Governor's recommended budget:

2023 - 2025	Base Level	Gov. Budget	Difference
Federal Funds	4,263,590	4,360,132	+ 96,542
State General Funds	3,139,350	3,396,095	+ 256,745
Total	7,402,940	7,756,227	+ 353,287

Federal grant funds are not projected to increase for the next biennium and are expected to be close to a maintenance level. Federal grant monies that are unspent during the current biennium (carry-over funds) are tracked carefully and budgeted into 2023-2025.

Thank you for your time and I'd be happy to address any questions.

Veronica Zietz

Executive Director Protection & Advocacy Project

vzietz@nd.gov

701.328.295

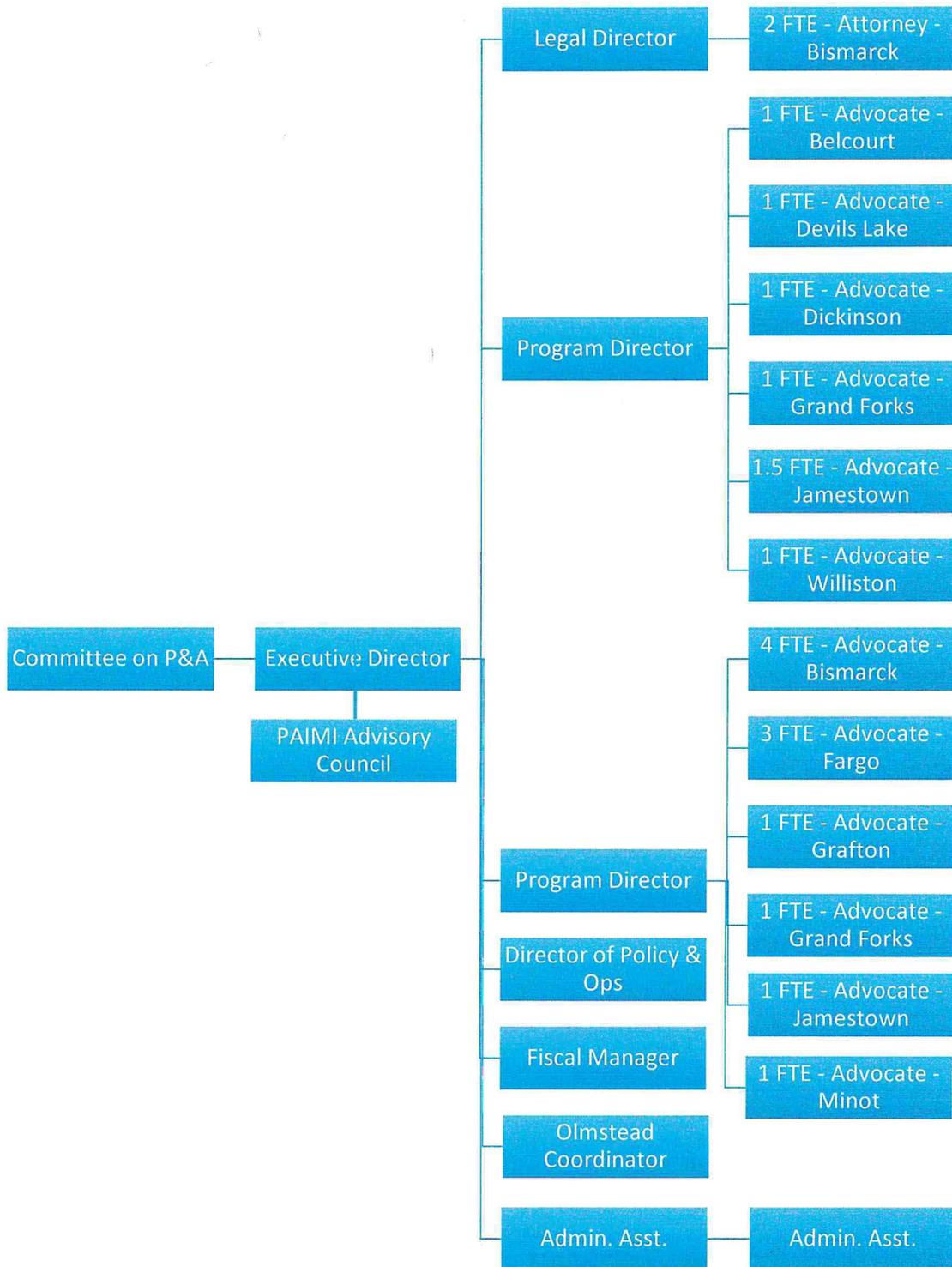


PROTECTION & ADVOCACY PROJECT

400 EAST BROADWAY, SUITE 409

BISMARCK, ND 58501-4071

Organizational Chart





PROTECTION & ADVOCACY PROJECT

400 EAST BROADWAY, SUITE 409

BISMARCK, ND 58501-4071

701.328.2950

Senate Appropriations Committee, Human Resource Division

Senate Bill 2014 – January 20, 2023

Testimony of Veronica Zietz, P&A Executive Director

Greetings Chairman Dever and members of the Human Resource Division of the Senate Appropriations Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play. I will be providing you with an overview of the agency and P&A's 2023 – 2025 appropriation request.

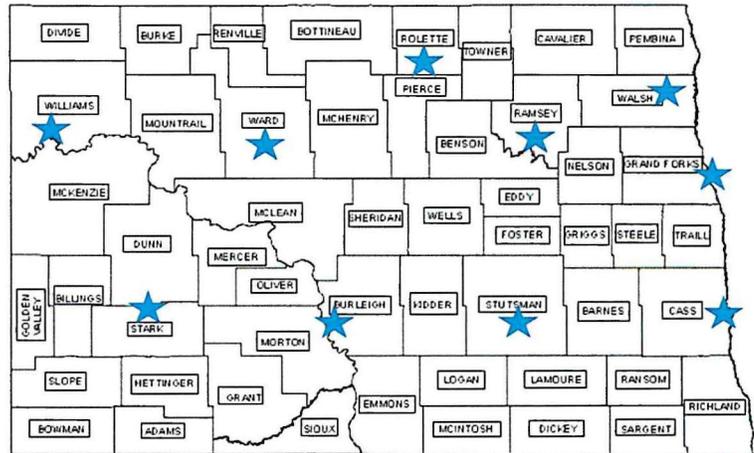
Overview

US Congress enacted the Developmental Disabilities Assistance and Bill of Rights Act of 1975, which recognized that a federally directed system of legal advocacy was necessary to ensure the humane care, treatment, habilitation and protection of individuals with disabilities. Every US state and territory is federally mandated to have a protection and advocacy agency. The North Dakota Protection & Advocacy Project is an independent state agency established in 1977 to advance the human and legal rights of people with disabilities.

P&A is guided by a seven-member governing board, which includes appointees from the Legislature (2), Mental Health America of ND (1), The Arc of ND (1), an advocacy-based non-profit for individuals with disabilities (1), and members of the public appointed by the governor (2). P&A is statutorily authorized under NDCC § 25-01.3. Century code includes sections regarding the governing board, reporting of abuse, neglect, or exploitation, authority, access, investigations, and confidentiality. Accompanying rules are detailed in NDAC Title 65.5 and are specific to the organization of the governing board, definitions, access to records, authority of P&A, grievance procedures, and public inquiries. P&A also follows federal laws and regulations applicable to federal grants.

Staffing & Operations

P&A has ten locations and is designated 28.5 FTEs by the Legislature. This includes, five director level positions, 17.5 disability advocates, three attorneys, and three administrative staff. For reference, the organizational chart is on page 9. P&A's structure and staffing levels allow the agency to meet the needs of our diverse population.



P&A has experienced turnover in recent times and has seen less qualified applicants. In 2021, P&A had six vacancies, five of which were due to retirement and one due to an internal promotion. In 2022, P&A had six vacancies, three of which were due to staff leaving for higher pay and more prestigious positions, one retired, and one elected to go part-time. It is worth noting, that P&A is receiving fewer applications for openings and less qualified applicants. This is especially true with legal positions.

Services

P&A provides services to North Dakota's largest minority population, people with disabilities, which makes up approximately 25% of ND residents. P&A's services seek to protect and advocate for individuals with disabilities. Services include:

- Protective Services: P&A receives and investigates reports of abuse, neglect, and exploitation (ANE).
- Assistance with Self-Advocacy: P&A provides advocacy skills development for individuals seeking to advocate for themselves regarding disability rights issues.
- Advocacy & Legal Services: P&A provides Advocates and Attorneys to represent eligible individuals with disabilities whose rights have been violated.

- Information & Referral: P&A staff provide information and answer questions about disability-related issues.
- Education & Training: P&A provides presentations on disability-related issues.
- Collaboration, Systems & Legislative Advocacy: P&A works to realize positive change in the systems and laws that impact individuals with disabilities.

Federal Programs

P&A receives grants from the federal government to meet its obligations. These grants come through the:

- US Department of Health & Human Services:
 - P&A for Developmental Disabilities (DD) – provide protective and advocacy services for individuals with intellectual and developmental disabilities.
 - P&A for Mental Health (MH) – provide protective and advocacy services for individuals with mental health related disabilities.
 - P&A for Assistive Technology (AT) – assist individuals with disabilities in accessing AT devices and services.
 - P&A for Voting Access (PAVA) – ensure full participation in the electoral process for individuals with disabilities.
 - P&A for Traumatic Brain Injury (TBI) – provide protective and advocacy services for individuals with brain injury.
- US Department of Education:
 - P&A for Individual Rights (PAIR) – provide protective and advocacy services for individuals not eligible for DD or MH programs.
- Social Security Administration:
 - P&A for Beneficiaries of Social Security (PABSS) – provide services to SSDI and SSI beneficiaries to promote employment.
 - P&A for Beneficiaries with Representative Payees (Rep Payee) – conduct reviews of individuals and organizations acting as representative payees.

Outcomes

During Federal Fiscal Years (FFY) 2021 – 2022, P&A provided case level services, including advocacy, legal representation, and protective services to 1,668 clients (799 in FFY 2021 and 869 in FFY 2022). The previous two years totaled 1,934. Case level services appear to be rebounding from a decrease during the pandemic. In FFY 2022, 97% of cases were resolved completely or partially in the client's favor.

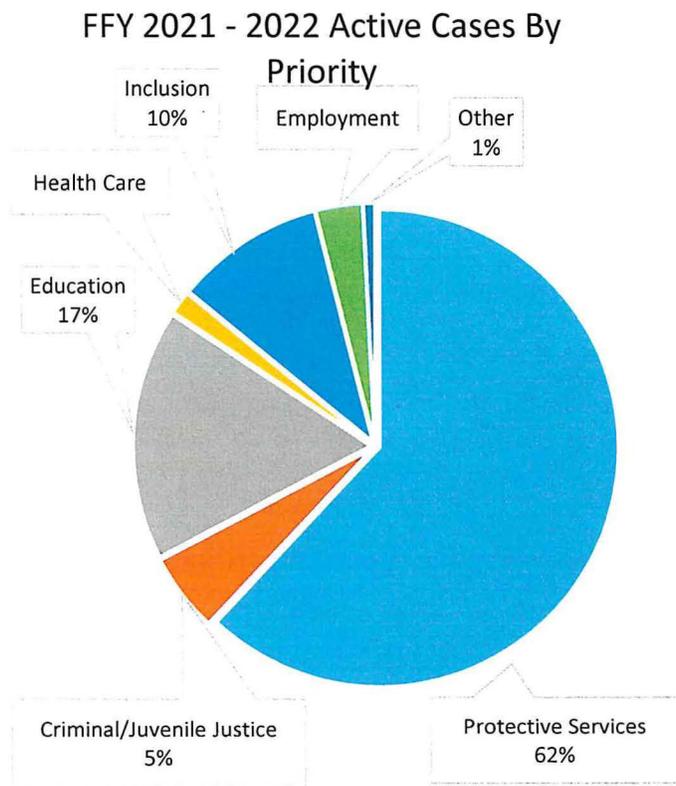
Over the last two federal fiscal years, P&A provided information and referral services on 5,552 occasions (2,687 in FFY 2021 and 2,865 in FFY 2022). In FFY 2022 P&A had a 7% increase in requests for information and referral services and in the last decade P&A has seen a 49% increase (1,928 in FFY 2013) in requests for information and referral services.

In FFY 2021 – 2022 P&A provided education and training to 11,719 individuals (3,208 in FFY 2021 and 8,511 in FFY 2022) across all programs. This is a drastic increase compared to previous reporting periods with a 72% increase from FFY 2019 – 2020. This number increased largely due statewide trainings efforts on supported decision-making, individual justice planning, and abuse, neglect, and exploitation.

In addition to case work, information and referral, and training, P&A works with various partners to make systemic improves for people with disabilities.

P&A establishes annual priorities per federal requirements. These priorities take into account stakeholder input through a public comment period and guide the agency's work for the following year. Public comment data from July 2022, found that of individuals surveyed, 94% agreed that P&A's work is beneficial to people with disabilities and their families. P&A actively worked 2,264 cases during FFY 2021 – 2022.

Protective services cases also referred to as abuse, neglect, and exploitation investigations historically make up 60-70% of all case work. During FFY 2021 – 2022, 62% of casework was related to ANE investigations. In these cases, P&A conducts objective investigations or reviews investigations completed by providers to address alleged incidents of abuse, neglect, and exploitation. P&A addresses issues identified to ensure the safety of involved individuals and to improve the quality of services.



Advocacy case work focuses on the rights of clients and resolving the issue at the lowest level possible. Thus, litigation is a last resort. P&A is committed to ensuring client rights are fully protected and that issues are appropriately resolved. Please see page 10 for case examples. Cases numbers specific to priority areas are as follows:

Priority Area	FFY 21	FFY 22	FFY 21 - 22 Total
ANE/Protective Services	689	715	1,404
Criminal/Juvenile Justice	47	74	121
Education	200	185	385
Employment	26	45	71
Health Care	23	13	36
Inclusion	109	120	229
Other	6	12	18
Total	1,100	1,164	2,264

Funding

P&A is funded by a combination of federal grants, contracts, and state general funds. Federal grants and service contracts work on a reimbursement bases, meaning P&A performs services and incurs costs upfront and cannot access funds until after services are rendered.

Federal Grants

Federal grants generally follow the federal fiscal year, which runs October – September, with one exception, the Rep Payee grant which runs from August – July. North Dakota is a minimum allotment state for federal grants, which have seen little to no growth in more than a decade. Each federal program has minimum allotments determined using different metrics. For example:

- DD Program – Requires the federal increase in appropriations to be greater than inflation for minimum allotment states to receive an increase. This means most often increases in this program go to large states. This is very detrimental to ND, as this population uses the largest volume of P&A services.
- MH, PAIR and PAVA Programs – Requires the percentage increase in federal appropriations to be equal to the percentage increase to minimum allotment states.
- Rep Payee Program – Allotment determined by number of representative payees in North Dakota with an automatic increase tied to Social Security’s cost of living adjustment.

Fed Grants	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DD	362,881	362,881	362,881	384,693	384,693	404,556	404,556	404,556	414,977	414,977
MH**	406,700	428,000	428,000	428,000	428,000	428,000	428,000	428,000	428,000	450,000
AT	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAVA	70,000	70,000	70,000	70,000	70,000	98,209	98,209	105,261	112,313	119,365
TBI	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAIR	166,132	171,598	171,598	171,598	171,598	171,598	171,598	171,598	176,454	186,177
PABSS**	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	144,776
Rep Payee							60,000	62,137	62,667	63,482
COVID-19**									39,713	
PAPH**										114,000
Total	1,205,713	1,232,479	1,232,479	1,254,291	1,254,291	1,302,363	1,362,363	1,371,552	1,434,124	1,592,777

** P&A received increased one-time funding to carryout pandemic related activities.

Contracts

P&A receives income from the ND Department of Health and Human Services for services provided. P&A provides these contracted services as an independent subject matter expert. First, P&A is contracted with Vocational Rehabilitation (VR) to implement the Client Assistance Program (CAP). CAP is a federally funded program designed to assist individuals with disabilities who are experiencing challenges with federally funded rehabilitation programs such as VR, Tribal VR, or Centers for Independent Living. VR is the designated agency for receiving CAP funds; however, they contract with P&A to provide the required services in ND. The service agreement for the upcoming biennium is expected to be level funded at \$263,834.

P&A's is also contracted with the Developmental Disabilities Division to independently screen mandated reports of serious events impacting individuals with developmental disabilities. Examples of serious events are broken bones and sexual assault. This is an activity required and funded by the Center for Medicare & Medicaid Services (CMS). These funds require 100% match with State General Funds. This service agreement for the upcoming biennium is expected to be funded at \$200,000.

Contracts	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
CAP	113,618	121,870	121,870	133,309	133,310	127,917	127,917	127,917	127,917	131,917
Medicaid			44,508	75,865	97,576	97,652	95,123	96,779	98,570	102,485

2021 – 2023 Biennium

For the current biennium, the Legislature appropriated \$4,263,590 in federal funds and \$3,139,350 in State General Funds for a grand total of \$7,402,940 with level staffing at 28.5 FTEs. While the overall appropriation increased in the biennium, the appropriation of State Funds decreased by \$100,665. There were no one-time funding requests.

Through December 31, 2022 (75% of biennium), P&A has spent approximately 69% of its State General Funds, between 50-100% of federal grants, and a total of approximately 66% of the 2021 – 2023 biennium appropriation. P&A expects to expend all State Funds by the close of the current biennium. All projected unspent federal funds from the current biennium are budgeted to be carried over to the 2023 – 2025 biennium.

P&A was audited by the ND Office of the State Auditor in 2021 for the two-year period ending June 30, 2020. The audit did not find any areas of concern.

2023 - 2025 Biennium

P&A's 2023 – 2025 base level budget of \$7,402,940 consists of 42% State General Funds and 58% Federal Funds. P&A's base level budget is approximately 23% operating and 77% salaries/benefits. Note P&A is not requesting any new FTEs for the next biennium.

P&A's 2023 – 2025 executive budget recommendation of \$7,756,227 consists of 44% State General Funds and 56% Federal Funds. The executive budget is approximately 18% operating and 82% salaries/benefits. The Governor's recommended budget includes an increase of \$353,287 to address increased IT, salaries, and benefits costs. P&A supports the Governor's recommended increase to salary, as P&A is consistently named one of the lowest paid agencies in the state. Federal grant funds are not projected to increase for the next biennium, but rather will be close to base level. Please see page 12 for a comparison of the base level and executive budget recommendations by fund source and line item.

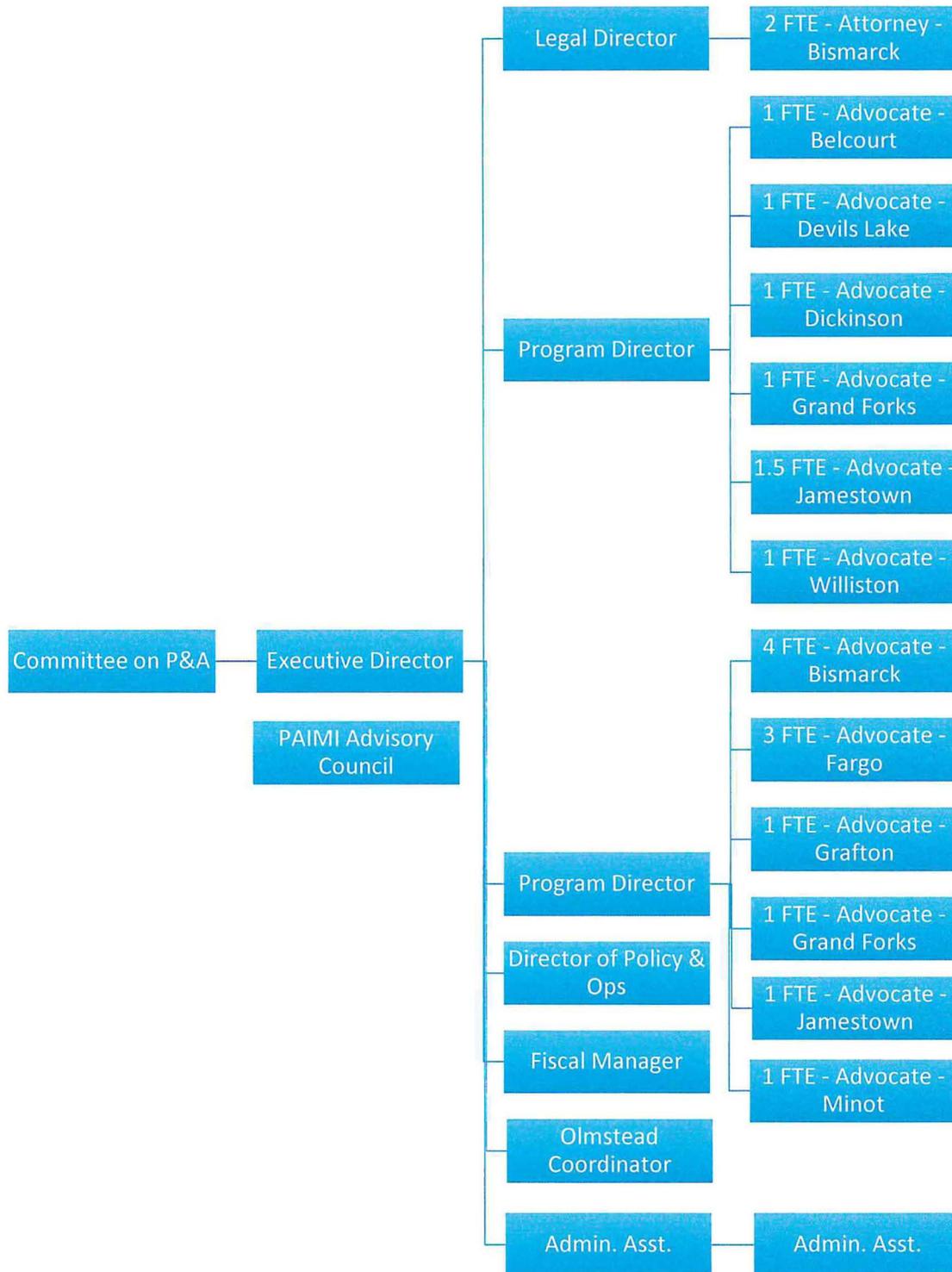
Thank you for your time and I'd be happy to address any questions.

Veronica Zietz

Executive Director Protection & Advocacy Project

vzietz@nd.gov

Protection & Advocacy Organizational Chart



Protection & Advocacy Case Examples

Abuse, Neglect, & Exploitation

1. P&A received a report of suspected abuse, neglect, and exploitation of the individual with a disability. The report identified that her siblings were pursuing guardianship to move her out of her home and take control of her money and property. It was also reported that the siblings contacted the individual's physician and had given instructions to stop her medications, which was done, without the individual's consent. P&A conducted a primary investigation and found that neglect and exploitation occurred. P&A provided legal representation to the individual to ensure that she retained her right to make decisions and that her voice was heard within the court process regarding her expressed wishes. As a result of P&A involvement the individual was able to retain her right to make decisions and to take medications that her physician prescribed.
2. P&A received a report of suspected financial exploitation of the individual with a disability by a service provider staff. It was identified that a staff member took the individual's food stamp benefit card and used over \$300 worth of benefits. P&A conducted an investigation, and found, through video surveillance and electronic receipts that a staff member had used the individual's benefits during a time when they were not working and that they kept the items purchased. P&A then worked with law enforcement to ensure that criminal charges were pursued, and that the individual's money could be recovered. P&A also worked with the provider to ensure that there were improved procedures in place to protect individual monies, food stamp cards, and PIN numbers.
3. P&A received a report that a person with a disability being held at a correctional facility had lost 100 pounds and was severely emaciated. The report also identified that the client had been kept in administrative segregation for an inappropriate duration of time and was not provided adequate medical and mental health care. P&A conducted a primary investigation and determined that there was adequate evidence to substantiate abuse and neglect. P&A initiated contact with the ND Department of Corrections & Rehabilitation (DOCR); which had also been notified of the report. DOCR determined that the correctional facility had not been compliant with ND Correctional Facility Standards. It was also identified that the facility did not follow regulations regarding administrative segregation. P&A also conducted additional investigation regarding the involvement of other systems in this incident, including the judicial system and the human services delivery system. P&A provided comprehensive recommendations and education to involved parties. As a result of P&A involvement the client's rights were enforced and health and safety needs were addressed.

Criminal Juvenile Justice

1. P&A received a referral from juvenile court staff relative to a juvenile with a disability. P&A provided advocacy services to the youth to address his behavioral support needs that were primarily stemming from challenges at school. Unfortunately, the school district chose to use juvenile citations as a method to address impulsive behavior that was occurring at school. P&A supported the child's team to complete an individual justice plan (IJP) assessment, which identified that additional support would be helpful to the child. The child's IJP was accepted by juvenile court as an appropriate remedy and the formal charges were dismissed. Juvenile court staff identified a need for the child to remain engaged with

services as a condition of the dismissal. The student has successfully transitioned back to his home school.

Education

1. P&A was contacted regarding a student with a disability. It was reported that the student's was not receiving the accommodations identified in his IEP and is getting Cs and Ds in classes. For three years the IEP identified that the student should be provided Dragon Naturally Speaking due to the disability, but it had not been provided. P&A provided representation level advocacy to assist the client. Through advocacy efforts and mediation, the client was provided with needed Assistive Technology. As a result of P&A intervention, an updated assistive technology assessment was obtained, and assistance was provided with enforcing the client's rights. The client received the supports and accommodations along with a good transition plan, which he needed to obtain credits required for graduation. The client was able to walk with his peers at graduation.
2. P&A was contacted by a parent to request advocacy services for their child with a disability. The school was refusing to develop an effective transition plan from middle school to high school. It was also identified that the student was frequently placed in seclusion and restraint, despite it being identified by professionals that these were not effective. P&A provided advocacy representation to support the student. P&A ensured that a new functional behavioral assessment and a positive behavioral support plan were completed. In addition, P&A's involvement resulted in the establishment of a comprehensive transition plan with both the environment and personnel to ensure the students' success during the transition process. The student successfully transitioned to high school and no interventions were needed in the high school setting at case closure.

Healthcare

1. Advocacy services were requested on behalf of the client with a disability to address a recent decision by the family's private health insurance carrier to deny 24-hour private duty nursing within the family's home. P&A provided assistance to the client to formally appeal the denial of nursing hours by private insurance and seek supplemental nursing services funded by Medicaid. These efforts were successful, and the client was able to remain living in the family home with the required support.

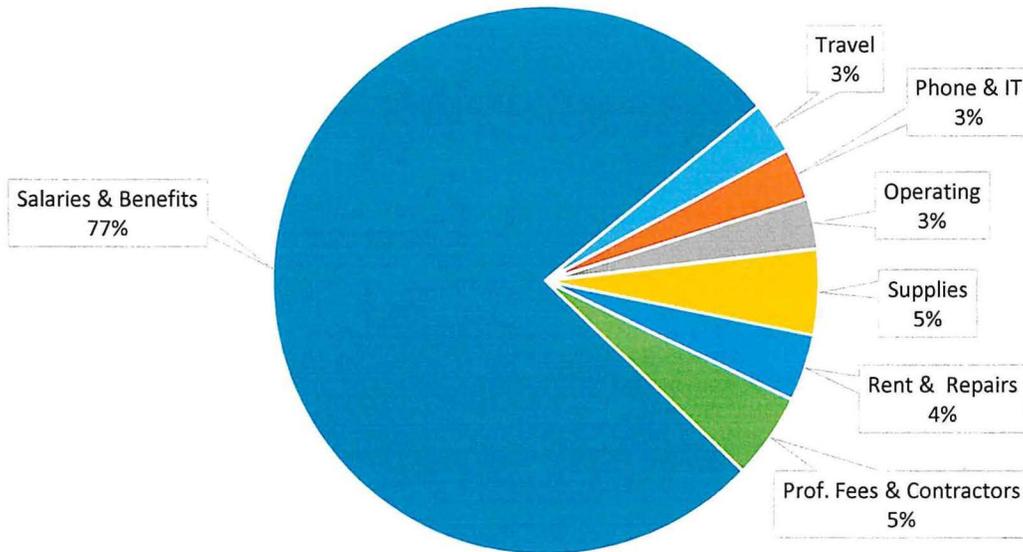
Inclusion

1. An individual with a disability was admitted to a hospital after a fall. The hospital reported the individual was doing well and due to go home when the client was then put in the psychiatric unit at the hospital for 17 days. From there the client was transferred to a nursing home outside of her town of residence. P&A received a report that client was being held there against her will. P&A assisted the client in returning from the nursing home to her home.

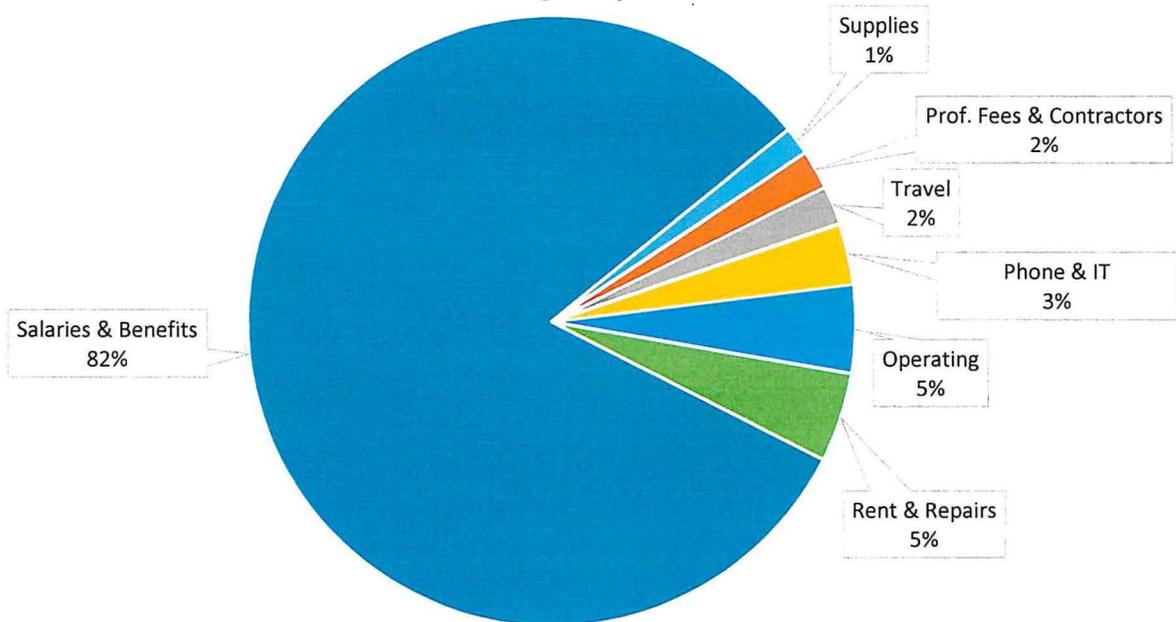
Protection & Advocacy Budget Comparison

2023 - 2025	Base Level	Gov. Budget	Difference
Federal Funds	4,263,590	4,360,132	+ 96,542
State General Funds	3,139,350	3,396,095	+ 256,745
Total	7,402,940	7,756,227	+ 353,287

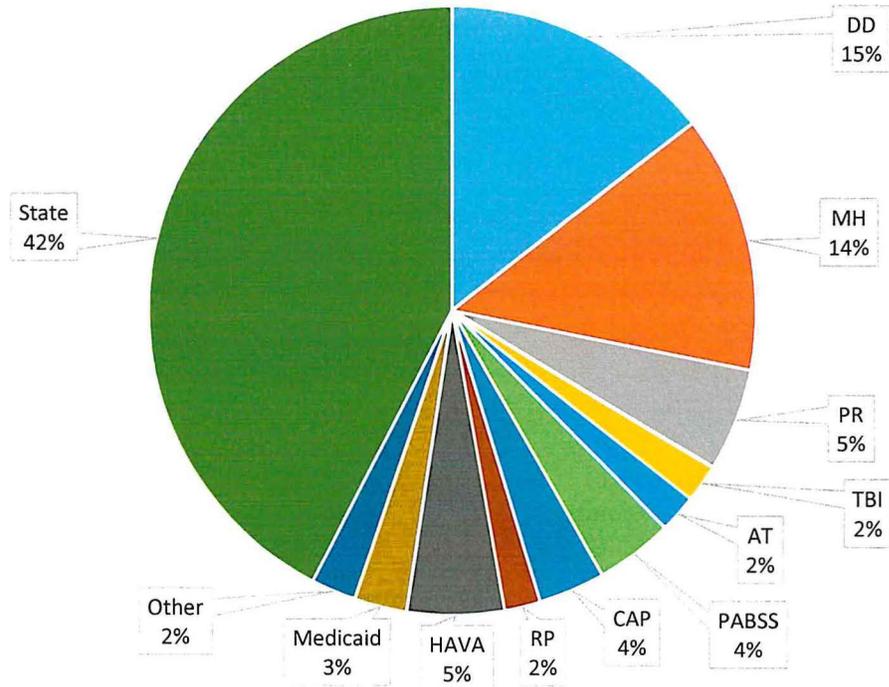
Base Level Budget By Line Item



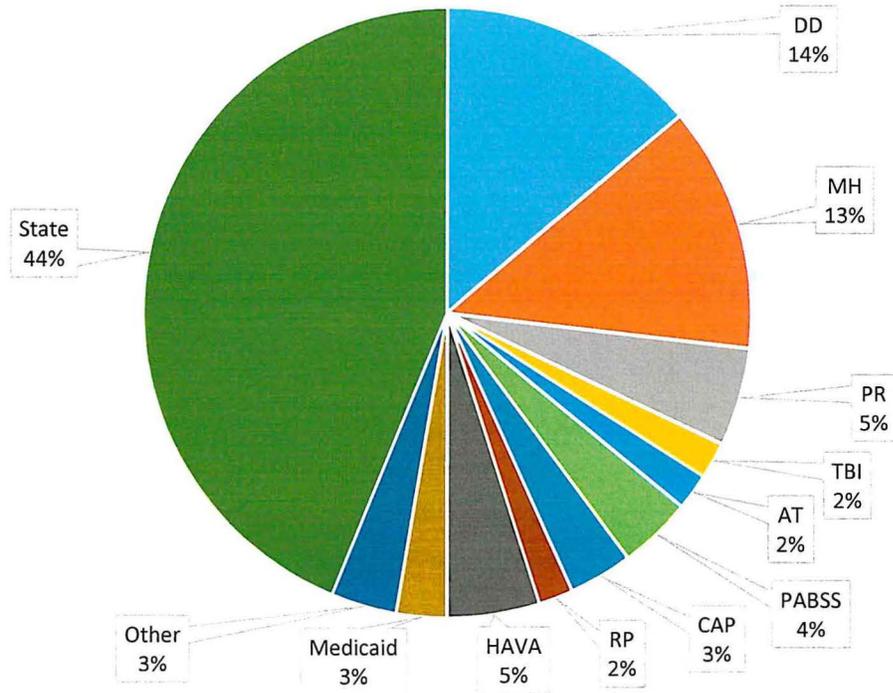
Executive Budget By Line Item



Base Level Budget By Funding



2023 - 2025 Executive Budget By Funding



Prepared for the Senate Appropriations Committee

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

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$3,396,095	\$4,360,132	\$7,756,227
2023-25 Base Level	3,139,350	4,263,590	7,402,940
Increase (Decrease)	\$256,745	\$96,542	\$353,287

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$384,042 is for salary increases and \$144,014 is for health insurance increases	\$231,801	\$296,255	\$528,056
2. Decrease in federal funds authority	\$0	(\$229,682)	(\$229,682)
3. Adds funding for increased Information Technology Department rates	\$4,348	\$4,665	\$9,013

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

There are no other sections recommended to be added in the executive budget.

Continuing Appropriations

There are no continuing appropriations for this agency.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

The operational audit for the Protection and Advocacy Project conducted by the State Auditor's office for the 2-year period ended June 30, 2020, identified no significant audit findings.

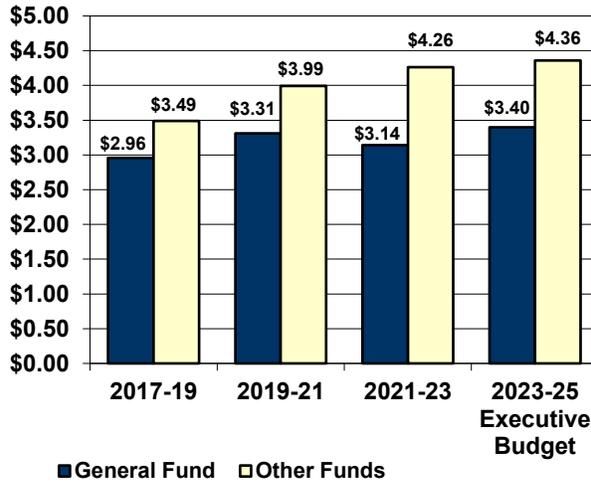
Major Related Legislation

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

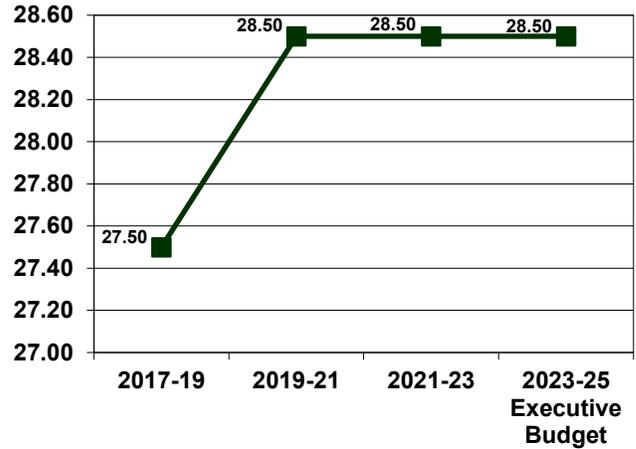
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$3,020,926	\$2,958,999	\$3,240,015	\$3,139,350	\$3,396,095
Increase (decrease) from previous biennium	N/A	(\$61,927)	\$281,016	(\$100,665)	\$256,745
Percentage increase (decrease) from previous biennium	N/A	(2.0%)	9.5%	(3.1%)	8.2%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(2.0%)	7.3%	3.9%	12.4%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Reduced funding for operating expenses (\$63,243)

2019-21 Biennium

1. Added funding for 1 FTE Olmstead Commission position \$164,314
2. Added funding for operating expenses, primarily related to professional service fees and travel expenses \$190,103

2021-23 Biennium

1. Adjusted funding for operating expenses, resulting in a decrease from the general fund and an increase from federal funds (\$48,070)

2023-25 Biennium (Executive Budget Recommendation)

1. Decrease in federal funds authority (\$229,682)
2. Adds funding for increased Information Technology Department rates \$9,013

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$0	\$0	\$72,550	\$0	\$0

Major One-Time General Fund Appropriations

2017-19 Biennium

1. None \$0

2019-21 Biennium

1. Added one-time funding for a Polycom communications machine \$8,000

2. Added one-time funding for accrued leave payments \$64,550

2021-23 Biennium

1. None \$0

2023-25 Biennium (Executive Budget Recommendation)

1. None \$0

Protection and Advocacy Project - Budget No. 360
Senate Bill No. 2014
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	28.50	\$3,139,350	\$4,263,590	\$7,402,940
2023-25 Ongoing Funding Changes				
Cost to continue salary increase		\$20,596	\$25,304	\$45,900
Salary increase		167,923	216,119	384,042
Health insurance increase		63,878	80,136	144,014
Increase in information technology rates		4,348	4,665	9,013
Decrease in federal funds authority			(229,682)	(229,682)
Total ongoing funding changes	0.00	\$256,745	\$96,542	\$353,287
One-time funding items				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$256,745	\$96,542	\$353,287
2023-25 Total Funding	28.50	\$3,396,095	\$4,360,132	\$7,756,227
<i>Federal funds included in other funds</i>			\$4,360,132	
<i>Total ongoing changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%
<i>Total changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%

Other Sections in Protection and Advocacy Project - Budget No. 360

Executive Budget Recommendation

There are no other sections for this agency.

SENATE BILL NO. 2014
(Governor's Recommendation)

Introduced by

Appropriations Committee

(At the request of the Governor)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the committee on protection and advocacy for the purpose of defraying the expenses of the committee on protection and advocacy, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and Advocacy Operations	<u>\$7,402,940</u>	<u>\$353,287</u>	<u>\$7,756,227</u>
Total All Funds	<u>\$7,402,940</u>	<u>\$353,287</u>	<u>\$7,756,227</u>
Less Estimated Income	<u>4,263,590</u>	<u>96,542</u>	<u>4,360,132</u>
Total General Fund	<u>\$3,139,350</u>	<u>\$256,745</u>	<u>\$3,396,095</u>
Full-Time Equivalent Positions	28.50	0	28.50



PROTECTION & ADVOCACY PROJECT

400 EAST BROADWAY, SUITE 409

BISMARCK, ND 58501-4071

701.328.2950

House Appropriations – Human Resources Division

Senate Bill 2014 – March 3, 2023

Testimony of Veronica Zietz, P&A Executive Director

Greetings Chairman Nelson and members of the House Appropriations – Human Resources Division. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A protects the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work, and play. I will be providing you with an overview of P&A and the agency's 2023 – 2025 appropriation request.

Overview

US Congress enacted the Developmental Disabilities Assistance and Bill of Rights Act of 1975, which recognized that a federally directed system of legal advocacy was necessary to ensure the humane care, treatment, habilitation, and protection of individuals with disabilities. Every US state and territory is federally mandated to have a protection and advocacy agency.

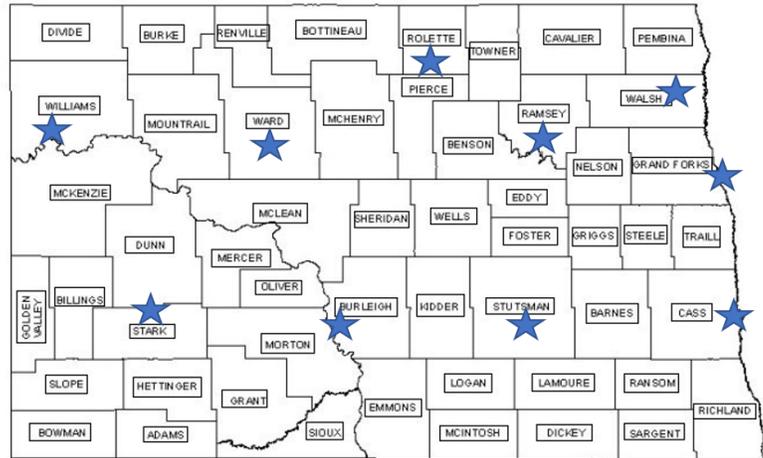
The North Dakota Protection & Advocacy Project is an independent state agency established in 1977 to advance the human and legal rights of people with disabilities. P&A is guided by a seven-member governing board, which includes appointees from the Legislature (2), Mental Health America of ND (1), The Arc of ND (1), an advocacy-based non-profit for individuals with disabilities (1), and members of the public appointed by the Governor (2).

P&A is statutorily authorized under NDCC Chapter 25-01.3 with accompanying rules detailed in NDAC Title 65.5. Century code and administrative code are specific to the governing board, reporting of abuse, neglect, or exploitation, authority of P&A, access to records, investigations, confidentiality,

grievance procedures, and public inquiries. P&A also follows federal laws and regulations applicable to federal grants.

Staffing & Operations

P&A has ten locations and is designated 28.5 FTEs by the Legislature. This includes, five director level positions, one Olmstead Coordinator, 17.5 disability advocates, two staff attorneys, and three administrative staff. For reference, the organizational chart is on page 11. P&A's structure and staffing levels allow the agency to meet the needs of our diverse population.



P&A has experienced increased turnover in recent times. In 2021, P&A had six vacancies, five of which were due to retirement and one due to an internal promotion. In 2022, P&A had six vacancies, three of which were due to staff leaving for higher pay and more prestigious positions, one retired, and one elected to go part-time. It is worth noting, that P&A is receiving fewer applications for openings and less qualified applicants. This is especially true with legal positions. In addition, P&A sees a challenge with responding to increased requests for services without increased resources.

Services

P&A provides services to North Dakota's largest minority population, people with disabilities, which makes up approximately 25% of ND residents. P&A's services seek to protect and advocate for individuals with disabilities. Services include:

- Protective Services: P&A receives and investigates reports of abuse, neglect, and exploitation (ANE).
- Assistance with Self-Advocacy: P&A helps individuals with disabilities develop skills so they can advocate for themselves on disability rights issues.

- Advocacy & Legal Services: P&A provides Advocates and Attorneys to represent eligible individuals with disabilities whose rights have been violated.
- Information & Referral: P&A staff provide information and answer questions about disability-related issues.
- Education & Training: P&A provides presentations on disability-related issues.
- Collaboration, Systems & Legislative Advocacy: P&A works to realize positive change in the systems and laws that impact individuals with disabilities.

Accomplishments & Challenges

During Federal Fiscal Years (FFY) 2021 – 2022, P&A provided case level services, including advocacy, legal representation, and protective services to 1,668 clients (799 in FFY 2021 and 869 in FFY 2022). The previous two years totaled 1,934. Case level services appear to be rebounding from a decrease during the pandemic. In FFY 2022, 97% of cases were resolved completely or partially in the client's favor.

Over the last two federal fiscal years, P&A provided information and referral services on 5,552 occasions (2,687 in FFY 2021 and 2,865 in FFY 2022). In FFY 2022 P&A had a 7% increase in requests for information and referral services compared to the prior year and P&A has seen a 49% (1,928 in FFY 2013) increase in request for information and referral services in the last decade.

In FFY 2021 – 2022, P&A provided education and training to 11,719 individuals (3,208 in FFY 2021 and 8,511 in FFY 2022) across all programs. This is a drastic increase compared to previous reporting periods with a 72% increase from FFY 2019 – 2020. This number increased largely due statewide trainings efforts on supported decision-making, individual justice planning, and abuse, neglect, and exploitation. Trainings for individuals with disabilities resulted in enhanced self-advocacy skills, which can often limit reliance on public systems. Trainings for professionals increased knowledge and skills resulting in improved quality of services provided to individuals with disabilities.

In addition to case work, information and referral, and training, P&A works with various partners to make systemic improvements for people with disabilities.

P&A establishes annual priorities per federal requirements. These priorities take into account stakeholder input through a public comment period and guide the agency’s work for the following year. Public comment data from July 2022, found that 94% of individuals surveyed agreed that P&A’s work is beneficial to people with disabilities and their families.

P&A actively worked 2,264 cases during FFY 2021 – 2022; this is a combination of protective and advocacy services.

Protective services cases are also referred to as abuse, neglect, and exploitation investigations. ANE investigations historically make up 60-70% of all case work. During FFY 2021 – 2022, 62% of casework was related to ANE investigations. In these cases, P&A conducts objective investigations or reviews investigations completed by providers to address alleged incidents of abuse, neglect, and exploitation. P&A addresses issues identified to ensure the safety of involved individuals and to improve the quality of services.

Advocacy case work focuses on the rights of clients and resolving the issue at the lowest level possible. Thus, litigation is a last resort. P&A is committed to ensuring client rights are fully protected and that issues are appropriately resolved. Cases numbers specific to priority areas are below.

Priority Area	FFY 21	FFY 22	FFY 21 - 22 Total	%
ANE Investigations	689	715	1,404	62%
Education	200	185	385	17%
Inclusion	109	120	229	10%
Criminal/Juvenile Justice	47	74	121	5%
Employment	26	45	71	3%
Health Care	23	13	36	2%
Other	6	12	18	1%
Total	1,100	1,164	2,264	100%

Case Examples

P&A received a report of suspected abuse, neglect, and exploitation of the individual with a disability. The report identified that her siblings were pursuing guardianship to move her out of her

home and take control of her money and property. It was also reported that the siblings contacted the individual's physician and had given instructions to stop her medications, which was done without the individual's consent. P&A conducted a primary investigation and found that neglect and exploitation occurred. P&A provided legal representation to the individual to ensure that she retained her right to make decisions and that her voice was heard within the court process regarding her expressed wishes. As a result of P&A involvement the individual was able to retain her right to make decisions and to take medications that her physician prescribed.

P&A was contacted regarding a student with a disability. It was reported that the student was not receiving the accommodations identified in his IEP and was getting Cs and Ds in classes. For three years the IEP identified that the student should be provided Dragon Naturally Speaking due to the disability, but it had not been provided. P&A provided representation level advocacy to assist the client. Through advocacy efforts and mediation, the client was provided with needed Assistive Technology. As a result of P&A intervention, an updated assistive technology assessment was obtained, and assistance was provided with enforcing the client's rights. The client received the supports and accommodations along with a good transition plan, which he needed to obtain credits required for graduation. The client was able to walk with his peers at graduation.

An individual with a disability was admitted to a hospital after a fall. The hospital reported the individual was doing well and due to go home when the client was then put in the psychiatric unit at the hospital for 17 days. From there the client was transferred to a nursing home outside of her town of residence. P&A received a report that client was being held there against her will. P&A assisted the client in returning from the nursing facility to her home. Additional case summaries are available on page 12.

Funding

P&A is funded by a combination of federal grants, contracts, and state general funds. Federal grants and service contracts work on a reimbursement bases, meaning P&A incurs costs upfront by performing services and cannot access funds until after services are rendered.

Federal Programs

P&A receives grants from the federal government to meet its obligations. These grants come through the:

- US Department of Health & Human Services
 - P&A for Developmental Disabilities (DD) – provide protective and advocacy services for individuals with intellectual and developmental disabilities.
 - P&A for Mental Health (MH) – provide protective and advocacy services for individuals with mental health related disabilities.
 - P&A for Traumatic Brain Injury (TBI) – provide protective and advocacy services for individuals with brain injury.
 - P&A for Assistive Technology (AT) – assist individuals with disabilities in accessing AT devices and services.
 - P&A for Voting Access (PAVA) – ensure full participation in the electoral process for individuals with disabilities.
- US Department of Education
 - P&A for Individual Rights (PAIR) – provide protective and advocacy services for individuals not eligible for DD or MH programs.
- Social Security Administration
 - P&A for Beneficiaries of Social Security (PABSS) – provide services to SSDI and SSI beneficiaries to promote employment.
 - P&A for Beneficiaries with Representative Payees (Rep Payee) – conduct reviews of individuals and organizations acting as representative payees.

Federal grants generally follow the federal fiscal year, which runs October – September, with one exception, the Rep Payee grant which runs from August – July. North Dakota is a minimum allotment state for federal grants, which have seen little to no growth in more than a decade. Federal funding for the 2023 – 2025 biennium is anticipated to be near current levels.

Fed Grants	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DD	362,881	362,881	362,881	384,693	384,693	404,556	404,556	404,556	414,977	414,977
MH*	406,700	428,000	428,000	428,000	428,000	428,000	428,000	428,000	428,000	450,000
AT	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAVA	70,000	70,000	70,000	70,000	70,000	98,209	98,209	105,261	112,313	119,365
TBI	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
PAIR	166,132	171,598	171,598	171,598	171,598	171,598	171,598	171,598	176,454	186,177
PABSS*	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	144,776
Rep Payee							60,000	62,137	62,667	63,482
COVID-19*									39,713	
PAPH*										114,000
Total	1,205,713	1,232,479	1,232,479	1,254,291	1,254,291	1,302,363	1,362,363	1,371,552	1,434,124	1,592,777

* P&A received increased one-time funding to carryout pandemic related activities.

Contracts

P&A receives income from the ND Department of Health and Human Services for services provided. P&A provides these services as an independent contractor. First, P&A is contracted with Vocational Rehabilitation (VR) to implement the Client Assistance Program (CAP). CAP is a federally funded program designed to assist individuals with disabilities who are experiencing challenges with federally funded rehabilitation programs such as VR, Tribal VR, or Centers for Independent Living. VR is the designated agency for receiving CAP funds; however, VR contracts with P&A to provide the required services in ND. The service agreement for the upcoming biennium is expected to be level funded at \$263,834.

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Medicaid			44,508	75,865	97,576	97,652	95,123	96,779	98,570	102,485

2021 – 2023 Budget

For the current biennium, the Legislature appropriated \$4,263,590 in federal funds and \$3,139,350 in State General Funds for a grand total of \$7,402,940 with level staffing at 28.5 FTEs. While the overall appropriation increased in the biennium, the appropriation of State Funds decreased by \$100,665. There were no one-time funding requests.

Through January 31, 2023 (79% of biennium), P&A has spent approximately 73% of its State General Funds and between 52% - 100% of federal grants, and approximately 70% of the total 2021 – 2023 biennium appropriation. P&A expects to expend all State Funds by the close of the current biennium. During the current biennium federal grants and contract funds amounted to approximately \$3,487,790, which included one-time covid related funding. This is substantially less than our appropriated federal funds. Any unspent federal funds from the current biennium will be carried over to the 2023 – 2025 biennium.

Audit Findings

P&A was audited by the ND Office of the State Auditor in 2021 for the two-year period ending June 30, 2020. The audit did not find any areas of concern.

2023 – 2025 Budget Comparison

	Base Level	Governor	Senate	Senate Difference From Base
FTEs	28	28	28	0
Federal Funds	4,263,590	4,360,132	4,307,671	+ 44,081
State General Funds	3,139,350	3,396,095	3,355,380	+ 216,030
Total	7,402,940	7,756,227	7,663,051	+ 260,111

2023 – 2025 Budget Changes By Spending Category

	Governor	Senate
Base Payroll Change	+ 45,900	+ 45,900
Salaries	+ 384,042	+ 287,554
Health Insurance Premiums	+ 144,014	+ 147,326
IT	+ 9,013	+ 9,013
Federal Funds	- 229,682	- 229,682
Total	+ 353,287	+ 260,111

2023 – 2025 Base Level Budget

P&A's 2023 – 2025 base level budget of \$7,402,940 consists of 42% State General Funds and 58% Federal Funds. P&A's base level budget is approximately 23% operating (leases, IT/communications, travel, supplies, operational/professional fees, etc.) and 77% salaries/benefits. Note P&A is not requesting any new FTEs or one-time funding for the next biennium.

P&A expects to have approximately \$4,063,877 in funds available through non-State sources in the next biennium. This includes contract funds, carryover of federal grant funds for the current biennium, and future federal grant awards. This is a decrease in federal/other funds which brings this in line with actual funds available.

2023 – 2025 Governor's Budget

P&A's 2023 – 2025 executive budget recommendation of \$7,756,227 consists of 44% State General Funds and 56% Federal Funds. The Governor's recommendation addressed decreased federal funding (\$229,682), cost to continue salaries (\$45,900), increased IT costs (\$9,013), increased health insurance premiums (\$144,014), and allowed for a 6% and 4% increase for salaries (\$384,042). This equates to a total increase of \$353,287 of which 73% is allocated to State General Funds.

2023 – 2025 Senate Budget

P&A's budget as passed by the Senate is \$7,663,051 and is made up of 44% State General Funds and 56% Federal Funds. The Senate's budget includes a total increase of \$260,111 of which 83% is allocated to State General Funds. The Senate appropriation includes decreases for federal funding (\$229,682), and increases for base payroll changes (\$45,900), IT (\$9,013), health insurance premiums (\$147,326), and allows for a 4% salary increase each year of the biennium (\$287,554).

2023 – 2025 House Budget Request

P&A would request that the House consider restoring funds to P&A's budget to bring salary increases back to 6% and 4% to address the needs of the agency to recruit and retain staff. P&A is consistently named one of the lowest paid agencies in the state and increased monies for salaries will help the agency address this issue.

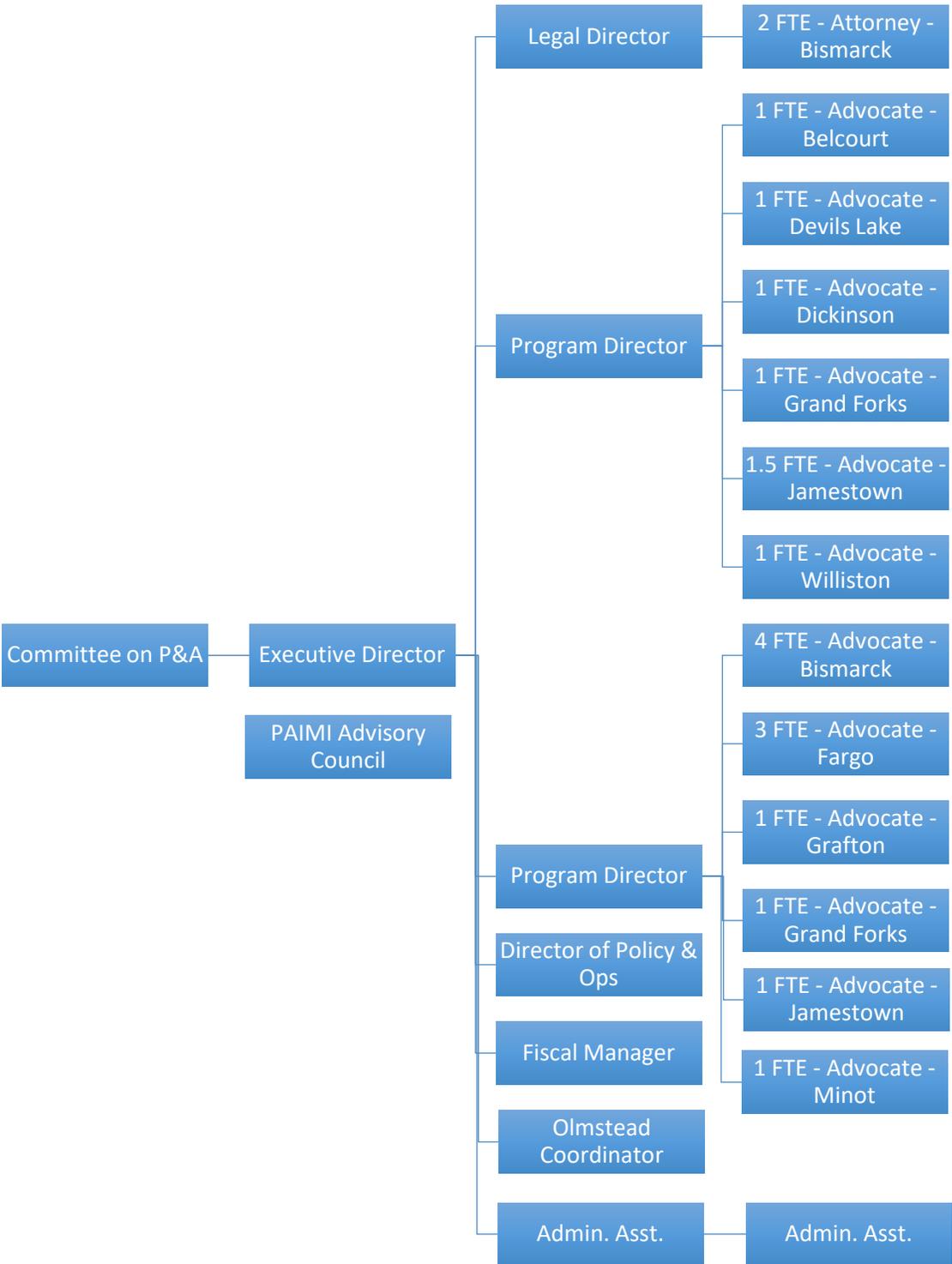
Thank you for your time and I'd be happy to address any questions.

Veronica Zietz, Executive Director

Protection & Advocacy Project

vzietz@nd.gov

Protection & Advocacy Organizational Chart



Protection & Advocacy Case Examples

Abuse, Neglect, & Exploitation

P&A received a report of suspected financial exploitation of the individual with a disability by a service provider staff. It was identified that a staff member took the individual's food stamp benefit card and used over \$300 worth of benefits. P&A conducted an investigation, and found, through video surveillance and electronic receipts that a staff member had used the individual's benefits during a time when they were not working and that they kept the items purchased. P&A then worked with law enforcement to ensure that criminal charges were pursued, and that the individual's money could be recovered. P&A also worked with the provider to ensure that there were improved procedures in place to protect individual monies, food stamp cards, and PIN numbers.

P&A received a report that a person with a disability being held at a correctional facility had lost 100 pounds and was severely emaciated. The report also identified that the client had been kept in administrative segregation for an inappropriate duration of time and was not provided adequate medical and mental health care. P&A conducted a primary investigation and determined that there was adequate evidence to substantiate abuse and neglect. P&A initiated contact with the ND Department of Corrections & Rehabilitation (DOCR); which had also been notified of the report. DOCR determined that the correctional facility had not been compliant with ND Correctional Facility Standards. It was also identified that the facility did not follow regulations regarding administrative segregation. P&A also conducted additional investigation regarding the involvement of other systems in this incident, including the judicial system and the human services delivery system. P&A provided comprehensive recommendations and education to involved parties. As a result of P&A involvement the client's rights were enforced and health and safety needs were addressed.

Criminal Juvenile Justice

P&A received a referral from juvenile court staff relative to a juvenile with a disability. P&A provided advocacy services to the youth to address his behavioral support needs that were primarily stemming from challenges at school. Unfortunately, the school district chose to use juvenile citations as a method to address impulsive behavior that was occurring at school. P&A supported the child's team

to complete an individual justice plan (IJP) assessment, which identified that additional support would be helpful to the child. The child's IJP was accepted by juvenile court as an appropriate remedy and the formal charges were dismissed. Juvenile court staff identified a need for the child to remain engaged with services as a condition of the dismissal. The student has successfully transitioned back to his home school.

Education

P&A was contacted by a parent to request advocacy services for their child with a disability. The school was refusing to develop an effective transition plan from middle school to high school. It was also identified that the student was frequently placed in seclusion and restraint, despite it being identified by professionals that these were not effective. P&A provided advocacy representation to support the student. P&A ensured that a new functional behavioral assessment and a positive behavioral support plan were completed. In addition, P&A's involvement resulted in the establishment of a comprehensive transition plan with both the environment and personnel to ensure the students' success during the transition process. The student successfully transitioned to high school and no interventions were needed in the high school setting at case closure.

Healthcare

Advocacy services were requested on behalf of the client with a disability to address a recent decision by the family's private health insurance carrier to deny 24-hour private duty nursing within the family's home. P&A provided assistance to the client to formally appeal the denial of nursing hours by private insurance and seek supplemental nursing services funded by Medicaid. These efforts were successful, and the client was able to remain living in the family home with the required support.

Protection and Advocacy Project - Budget No. 360
Senate Bill No. 2014
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	28.50	\$3,139,350	\$4,263,590	\$7,402,940	28.50	\$3,139,350	\$4,263,590	\$7,402,940
2023-25 Ongoing Funding Changes								
Cost to continue salary increase		\$20,596	\$25,304	\$45,900				\$0
Salary increase		167,923	216,119	384,042				0
Health insurance increase		63,878	80,136	144,014				0
Increase in information technology rates		4,348	4,665	9,013				0
Decrease in federal funds authority			(229,682)	(229,682)				0
Total ongoing funding changes	0.00	\$256,745	\$96,542	\$353,287	0.00	\$0	\$0	\$0
One-Time Funding Items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$256,745	\$96,542	\$353,287	0.00	\$0	\$0	\$0
2023-25 Total Funding	28.50	\$3,396,095	\$4,360,132	\$7,756,227	28.50	\$3,139,350	\$4,263,590	\$7,402,940
<i>Federal funds included in other funds</i>			\$4,360,132				\$4,263,590	
<i>Total ongoing changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%	0.0%	0.0%	0.0%	0.0%
<i>Total changes as a percentage of base level</i>	0.0%	8.2%	2.3%	4.8%	0.0%	0.0%	0.0%	0.0%

Other Sections in Protection and Advocacy Project - Budget No. 360

There are no other sections for this agency.

	Executive Budget Recommendation				Senate Version			
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23.0268.02001
Title.

Prepared by the Legislative Council staff for
the House Appropriations - Human Resources
Division Committee

Fiscal No. 1

March 28, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,402,940	\$186,971	\$7,589,911
Total all funds	\$7,402,940	\$186,971	\$7,589,911
Less estimated income	4,263,590	2,951	4,266,541
Total general fund	\$3,139,350	\$184,020	\$3,323,370
Full-time equivalent positions	28.50	0.00	28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Protection and advocacy operations	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
Total all funds	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
Less estimated income	4,263,590	4,307,671	(41,130)	4,266,541
General fund	\$3,139,350	\$3,355,380	(\$32,010)	\$3,323,370
FTE	28.50	28.50	0.00	28.50

Department 360 - Protection and Advocacy Project - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Salary Funding for Funding Pool ²	Total House Changes
Protection and advocacy operations	\$93,176	(\$166,316)	(\$73,140)
Total all funds	\$93,176	(\$166,316)	(\$73,140)
Less estimated income	52,461	(93,591)	(41,130)
General fund	\$40,715	(\$72,725)	(\$32,010)
FTE	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$42,184	\$54,304	\$96,488
Health insurance adjustment	(1,469)	(1,843)	(3,312)
Total	\$40,715	\$52,461	\$93,176

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<u>General</u>	<u>Other</u>	<u>Total</u>
	Fund	Funds	
New FTE positions	\$0	\$0	\$0
Vacant FTE positions	<u>(72,725)</u>	<u>(93,591)</u>	<u>(166,316)</u>
Total	(\$72,725)	(\$93,591)	(\$166,316)

Protection and Advocacy Project - Budget No. 360
Senate Bill No. 2014
Base Level Funding Changes

	Senate Version				House Version				House Changes to Senate Version Increase (Decrease) - Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	28.50	\$3,139,350	\$4,263,590	\$7,402,940	28.50	\$3,139,350	\$4,263,590	\$7,402,940	0.00	\$0	\$0	\$0
2023-25 Ongoing Funding Changes												
Cost to continue salary increase		\$20,596	\$25,304	\$45,900		\$20,596	\$25,304	\$45,900				\$0
Salary increase		125,739	161,815	287,554		167,923	216,119	384,042		42,184	54,304	96,488
Health insurance increase		65,347	81,979	147,326		63,878	80,136	144,014		(1,469)	(1,843)	(3,312)
Removes salary funding for funding pool				0		(72,725)	(93,591)	(166,316)		(72,725)	(93,591)	(166,316)
Increase in information technology rates		4,348	4,665	9,013		4,348	4,665	9,013				0
Decrease in federal funds authority			(229,682)	(229,682)			(229,682)	(229,682)				0
Total ongoing funding changes	0.00	\$216,030	\$44,081	\$260,111	0.00	\$184,020	\$2,951	\$186,971	0.00	(\$32,010)	(\$41,130)	(\$73,140)
One-Time Funding Items												
No one-time funding items				\$0				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$216,030	\$44,081	\$260,111	0.00	\$184,020	\$2,951	\$186,971	0.00	(\$32,010)	(\$41,130)	(\$73,140)
2023-25 Total Funding	28.50	\$3,355,380	\$4,307,671	\$7,663,051	28.50	\$3,323,370	\$4,266,541	\$7,589,911	0.00	(\$32,010)	(\$41,130)	(\$73,140)
<i>Federal funds included in other funds</i>			\$4,307,671				\$4,266,541				(\$41,130)	
<i>Total ongoing changes as a percentage of base level</i>	0.0%	6.9%	1.0%	3.5%	0.0%	5.9%	0.1%	2.5%				
<i>Total changes as a percentage of base level</i>	0.0%	6.9%	1.0%	3.5%	0.0%	5.9%	0.1%	2.5%				

Other Sections in Protection and Advocacy Project - Budget No. 360

	Senate Version	House Version
There are no other sections for this agency.	The Senate did not include any additional sections.	The House did not include any additional sections.

23.0268.02001
Title.

Prepared by the Legislative Council staff for
the House Appropriations - Human Resources
Division Committee

Fiscal No. 1

March 28, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, replace lines 10 through 16 with:

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Protection and advocacy operations	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
Total all funds	\$7,402,940	\$7,663,051	(\$73,140)	\$7,589,911
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General fund	\$3,139,350	\$3,355,380	(\$32,010)	\$3,323,370
FTE	28.50	28.50	0.00	28.50

Department 360 - Protection and Advocacy Project - Detail of House Changes

	<u>Adjusts Funding for Salary and Benefit Increases¹</u>	<u>Removes Salary Funding for Funding Pool²</u>	<u>Total House Changes</u>
Protection and advocacy operations	\$93,176	(\$166,316)	(\$73,140)
Total all funds	\$93,176	(\$166,316)	(\$73,140)
Less estimated income	52,461	(93,591)	(41,130)
General fund	\$40,715	(\$72,725)	(\$32,010)
FTE	0.00	0.00	0.00

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	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
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Total	\$40,715	\$52,461	\$93,176

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

² Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

New FTE positions
Vacant FTE positions
Total

<u>General</u> <u>Fund</u>		<u>Other</u> <u>Funds</u>		<u>Total</u>	
	\$0		\$0		\$0
	<u>(72,725)</u>		<u>(93,591)</u>		<u>(166,316)</u>
	(\$72,725)		(\$93,591)		(\$166,316)