2009 HOUSE APPROPRIATIONS

HB 1014

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 1/14/09

Recorder Job Number: 7031

Committee Clerk Signature

Minutes:

Chairman Pollert: Called meeting to order. Took roll call and quorum was determined.

Opened hearing on HB 1014.

Teresa Larson: Testimony Handout (Attachment A).

Representative Wieland: What falls under this particular program?

Teresa Larson: There is a specific grant that is provided to all the Protection and Advocacy programs around the country that addresses voting specifically for people with disabilities to ensure that they are able to vote in an accessible and private way. We get a grant of $70,000 a year. We have chosen to collaborate with the Secretary of State's office and the Association of Counties so that we aren't duplicating services. So that we are using that to target people with disabilities.

Representative Wieland: How is that $70,000 spent?

Teresa Larson: Since the last session we did hire an individual who does implementation of the Help America Vote grant that we did receive. Some is spent on salaries and wages for her. We use quite a bit of the money to collaborate with the other two entities I mentioned. We produced a DVD called Voting its Your Right. It's about a 20 minute video and a booklet. We did a voting blitz in the fall and went around and trained people on the process of voting and

what they need to do as far as showing ID and accessibility options. The bulk of our money went to the production of a DVD and a booklet.

Teresa Larson: Continued testimony 11:23-13:00

Representative Bellew: Is it in statute that you have to spend your federal dollars before state dollars if at all possible?

Teresa Larson: No it's not. We aren't line itemed for our budget. What we do is at the beginning of the biennium I make out an expansive spreadsheet. Each individual is allocated funding from different federal grants and sometimes from state dollars to do their work. They keep time sheets. We also have a spending allocation plan that we use for operating expenses such as grants. If an individual in the office is 1/10 of the total rent, depending on how their time is allocated that would determine if it was charged off to state dollars or not. We have a plan put together at the beginning.

Representative Bellew: You said you are going to carry over federal dollars? Is that already included in the Governor's budget?

Teresa Larson: Yes.

Representative Bellew: When we get to that you will be able to tell us how much you are carrying over?

Teresa Larson: Yes. Continued testimony.

Representative Nelson; How many offices do you have across the state?

Teresa Larson: Nine. The smallest has one person. Our state office in Bismarck has 14 people.

Representative Nelson: The rent is inflating quite rapidly. Do you have a matrix of square footage and what you pay? Do you just have a lump sum or how do you determine what is applicable for rent when looking for office space?

Teresa Larson: We could put that together for you. We do contracts with the landlords and pay so much for square foot.

Representative Nelson: I would appreciate that.

Chairman Pollert: So the Williston office went from $200-$800 a month. I understand that there is oil and stuff but was this only office available?

Teresa Larson: It was kind of a fiasco. They told us they would have room for us and not to worry about it. Two months ago we were notified that there was no room for us. We went to a number of different places including looking at renting a home. We went to Job Service, the Highway Department, and a number of different places. There was nothing that was workable and accessible. We had to negotiate to get it to $800/month. They are doing significant renovations and it will be handicap accessible. We looked pretty hard given our time frame. There were a few other offices that were in the same boat as we are.

Representative Wieland: Do you ever do long term leases on any of your offices?

Teresa: We can only do two years through the biennium. We aren't allowed to obligate beyond the end of the biennium.

Representative Nelson: Are you under any requirement to have an office in Williston?

Teresa: We aren't under any requirement to have an office in any particular place. We started with a regional mode in 1984. We have continued that all of these years because it has worked very well for us.

Representative Nelson: Of course there are other towns in that region you could use. Obviously you need technology advances.

Teresa Larson: I don't want to make too huge of a deal out of this. Except for Williston we actually do very well in terms of rent and what we pay for square footage. We negotiate pretty hard with our other offices and we negotiate pretty hard in terms of that. Continued testimony.

Chairman Pollert: This is a question for Office of Management and Budget or Legislative Council. We had this discussion a biennium ago, but what is the replacement cycle? Isn't there a schedule?

Roxanne Woeste: Are you referring to IT equipment replacement?

Chairman Pollert: Yes because that is what we are talking about here.

Roxanne Woeste: It's up to each individual agency. I believe ITD may have issued a suggested replacement cycle. Each agency can determine what their needs are. Some agencies may have some special people like engineers that need to have their computers replaced annually due to the work and the functionality that they need. It's up to each agency.

Teresa Larson: My understanding is that the recommended replacement cycle is four years for computers and there years for laptops.

Chairman Pollert: Ok I remember that. Three years for laptops and four years for desktops.

Teresa Larson: Yes. Continued testimony.

Chairman Pollert: Going through the DHS budget, there are a number of them who have gotten Blackberries. Does each agency then give discretion as far as what they want? If they want the internet access to the Blackberry do they pay for them? Is it up to agency discretion and is there any written policy?

Roxanne Woeste: There is no written policy regarding the use of Blackberries or that the state would be responsible to pay.

Teresa Larson: None of our staff have Blackberries.

Chairman Pollert: I'm not saying they are good or bad. I know they are very useful. I didn't know if there was a state wide policy.

Representative Bellew: What is voice over IP?

Corrine Hoffman: Voice over IP utilizes the network system that you use for your internet explorer and connectivity to transmit voice data. It uses some of that bandwidth which is dedicated to transmit voice data versus just data packets. It just means that they dedicate part of the bandwidth so you can have voice over your computer network connection. It's a way to really decrease costs for telecommunications if you can get it to work well. For our offices that have this system it works very well.

Chairman Pollert: I will show my intellect on this. Are you saying that when you are sitting at your computer station and they are able to talk through the computer to another station?

Corrine Hoffman: There are different kinds of voice over IP. What the state has implemented from an end users perspective it's no different than if you didn't have it. You still pick up your phone and dial as you normally would. It's because they have dedicated the phone system to have a voice over IP component utilizing the network. Many businesses utilize a different system where you would use your computer. As a home user there is software mediated programs that will allow you to do that. There are a lot of different ways that this can be accomplished. The state has chosen to implement that more from hardware to software. They are utilizing the state network and tying the network into that. There is no difference in how you use that.

Representative Nelson: What has been the problem? Is it a problem with the network or the equipment or funding? I'm generalizing that ITD is implementing this for you.

Corrine Hoffman: Yes, ITD is in charge of this process. When this was initiated one thing that wasn't clear to us is that you need to have a minimum of a T-1 connection for this to really work effectively. You need that kind of bandwidth to have that dedicated quality of service that you need for voice transmission. Because we are trying to save money, not all of our offices have T-1 connections. We use DSL in many of our connections which is done through the local

phone company. They are not nearly as fast as a T-1 connection would be. Nor does the state really have control over those transmission lines to be able to necessarily dedicate bandwidth like they can with a T-1 line that is controlled by the state network. What we learned is that in our offices where we are using DSL connections to connect to the internet, we didn't have the capability at the beginning of the biennium. Nor do we now have that capability. It is possible that we might see some of our office get that type of connectivity. The cost for us in terms is really substantial with voice over IP versus a regular phone line. We are already paying for that computer connection. It totally eliminates the cost for long distance phone calls. We do a lot of business with the phone. Without having voice over IP we are paying less because the cost per minute has gone up. Initially for the biennium it went from 9 cents a minute to 7.5 which is what it is right now. Next biennium they are saying it is going to be 9 cents a minute. That is a huge issue for us.

Representative Bellew: You state in your testimony that funding for new computers was included in the current biennium but you have not completed this as scheduled. Are you going to buy computers this biennium or are you just going to wait until next biennium?

Teresa Larson: We have to have some replacement. We have a planned amount to carry over into next biennium to make that budget. If there is more left than I had thought we will use that towards computers this biennium. We are trying to make up the difference since we spent 91% of our communications budget. We have to make that up somehow. Continued testimony.

Chairman Pollert: There has been a drop in federal grant dollars coming in and basically you want to make that up with the $279,000 of general fund dollars?

Teresa Larson: Yes. The short answer is yes. There has been a decrease in those grants. The cost of doing business increases every year. Our federal grants have not. We do need to look at either discontinuing on providing some of the services we provide which we believe are very

important. Or ask for Governor's support and the Legislator's support to give us fund dollar for those. That is what is included in the budget.

Representative Bellew: On attachment B could you give us a breakdown of what is federal dollars and what is general fund dollars?

Teresa Larson: For both this biennium and next biennium?

Representative Bellew: Yes.

Chairman Pollert: Do you want that off the total budget? The numbers of how much operating is general and how much is federal? Is that what you are looking for?

Representative Bellew: I'm looking for individual line items too. And also a break out of your employees as to what is general and federal funded if you could.

Teresa Larson: Yes we could do that.

Chairman Pollert: And you will also bring the data as far as the case load that I had mentioned here previously.

Teresa Larson: Yes.

Representative Bellew: Last biennium you funded a new employee half federal and half state. I assume that employee is still here and are the funds still half and half?

Teresa Larson: The employee is still here. She started in May working mostly with the Help America Vote Act project. Her funding is still split between state and federal.

Representative Kreidt: On summary D, to continue the 4/4 07-09, that would be minus a 1% for one year. Is that like 4% going into the first half of the next biennium?

Teresa Larson: I got this number from Office of Management and Budget. I'm not sure if I can explain how they came up with that.

Representative Kreidt: You are looking at 5&5. We would have the 4&4 but we'd have to continue that. Does that make up 1%?

Office of Management and Budget: I believe that what happened was that they changed the funding source from that from federal dollars to general dollars. That is why you are seeing that there. I don't believe that it is part of that.

Chairman Pollert: So if I can go a step further, I thought that was including the 5&5. When I look at page 8, the $184,589 is an equity pool. When I look at equity pool and take that number divided by 2 years divided by 27.5 FTE's that is a $3,200 increase per employee. I'm not sure if you are looking at every employee for equity or are you just talking for a few?

Teresa Larson: We really haven't had any involvement in the decisions about the equity pool.

Chairman Pollert: Maybe that's a question for Office of Management and Budget. If I go by the 80 some thousand and take that by the total of FTE's, not only are you getting the 5&5 but you are getting another $3,200 for every employee.

Representative Kreidt: On the $73,432 can you give me some numbers?

Office of Management and Budget: That cost to continue the 4&4 is just based on the fact that in the current biennium the second year 4% has to be continued for two years so it is basically the additional cost. That higher level was only included at one year in the current biennium. It is two years of that cost in the current biennium. The 5&5 is the second year 4%.

Chairman Pollert: So the $73,432 is the 4% raises in the 09-11 that you have to continue on, plus the 5&5. So can I ask the question of why do we have wages and salaries as a line item? I know other agencies are seeing it too but why wouldn't the 09-11 budget have the 5&5 plus the last bienniums in there anyways? It seems like a double up. I guess we will look for further explanation by someone.

Roxanne Woeste: This really isn't anything new. It is a confusing issue. I think Joel probably provided the best explanation. When we provide salary increases for the two years of the current biennium we provide them July 1 of those years. That second year salary increase is

only funded for 12 months because that is all that is left of that biennium. When we start that new biennium, if they had a hold even budget, they don't have enough money to pay their current salaries for 24 months because that second year salary increase only had enough for 12 months. They need that $73,432 just to keep their current salaries for their current employees for the entire next biennium. That is why it is called the cost to continue. When we figure out salary increases, the same thing happens to the 5&5. We fund agencies enough to give them a 5% increase at the start of the biennium. That is 24 months. Then we give them an additional 5% to get their employees their pay. There will be another cost to continue in the next biennium.

Representative Wieland: When we look at the budget we have the 07-09 budget. We have a total dollar amount. Those salaries are already built into that. You are telling me that the 4&4 that we granted last time have not been funded. You are saying that they aren't funded?

Roxanne Woeste: They are funded for the 07-09 biennium entirely. There is a cost to continue that needs to be funded in 09-11.

Representative Wieland: It is already in that total budget. If it is going to be on top of that, then they are actually continuing. Are you telling us that next session we are going to have to have a 5&5 again?

Office of Management and Budget: To make it simple, if we have an employee that makes $1,000 the first year and $1,100 the second year, their budget for that employee in the current biennium is $2,100. To keep them at $1,100 a month for the next biennium is going to take $2,200. For the next biennium it would take that same amount to continue them.

Chairman Pollert: It seems like it would be in the reports. The 4&4 would be the 07 biennium and we would just have the 5&5 in the 09-11 biennium. To me it sounds like explaining this is

the 4% going into the next biennium. Then we are doing the 5% on top of that. We aren't the only ones questioning that. I have had other legislators asking the same question.

Representative Kreidt: To me you are looking at the second year of the biennium. Then we are going to anticipate an increase. That is what I would think.

Representative Bellew: Could you make a spreadsheet for us?

Office of Management and Budget: I will certainly try.

Roxanne Woeste: We can come up with something. The easiest thing will be to take an easy salary.

Representative Nelson: It would seem to be that it would be easier to do this in the wage line item. You adjust that from biennium to biennium don't you? With that 4&4, wouldn't the base line be the $22,000 after the 4% was added?

Office of Management and Budget: That is correct. We go in position by position and calculate that amount.

Representative Nelson: So you are using the larger number as a base line and you still have to add the 4% to continue. I am confused about that as well. I thought that would be the new baseline.

Office of Management and Budget: It is only an issue because of our biannual budget. If we were talking about an annual budget it wouldn't be the case.

Barbara Murry: Testimony Handout (Attachment B) 8:00-9:45

Chairman Pollert: When there is a complaint from the provider, P&A will come in? Then will the provider be there as well as the client and P&A or attorneys?

Barbara Murry: Some providers are on the level system. They are required to report a little differently then providers who are just responding to the 006 policy that has been in place for many years. Providers review all of the incidence internally and make the determination as to

whether they rise to the level of stats. We give them information that the other incidences have occurred. We do a formal investigation if they go to the investigative status. P&A reviews our investigation and that is where some of the changes could come in that are of the critical incidence nature. They may be doing some of those investigations now that we have done in the past.

JoeAnne Hoesel: Just wanted to spend a few minutes explaining more fully on the impact of the CMS regulations that are impacting P&A. We partner already with P&A with the delivery of services. They have a distinct roll in the system to take a look at abuse and neglect and exploitation. From the perspective of DHS, when we write a Medicaid waiver and the assurance that we give to the Federal Government is that in six areas, one of which is we will assure the health and safety of the clients that have a developmental disability. One thing that they are uncomfortable with and wanting us to change is our reporting and investigation processes. Despite our best efforts to explain what we feel is a very good system, and certainly we haven't had any instances in ND that would rise to the level of grave concern. However, there has been one case in another state that has impacted how they are viewing all states. They are requiring us to put in place a third party investigation process. That is where P&A is partnering and coming forward with saying that we already do the investigations in this area and they are going to broaden their scope and take a look at the serious incidences. They aren't going to need to go on sight for all serious incidences but there will be a process that will be developed the ones that they specifically investigate. As I said yesterday in my testimony, CMS is certainly becoming more prescriptive and requires much more reporting and an increased level of accountability. It is no longer sufficient to tell them about our investigation and our incident reporting system. The results of that will make sure we can track, train, and provide trend data and that we are able to assure that if there is an incident that the processes

in place of retraining so that it is not repeated again. I'm here to support the FTE based on the regulations that are coming to the state from the centers of Medicaid and Medicare. I'm here to hopefully communicate the level of specific regulations that they are applying to ND.

Representative Bellew: Is there any federal money that comes from CMS to this person? Could there be? They are funding it with general fund dollars. CMS is a federal program. Is that a possibility?

JoeAnne Hoesel: That is a very intriguing question. We can pursue that but it will be considered and administrative cost. At the very least we might be able to get 50% reimbursement from Medicaid.

Vince Iglehart: Testimony Handout (Attachment C)

Chairman Pollert: Any questions for Vince? You did very well and thanks for coming forward today.

Elaine Grasl: Testimony Handout (Attachment D) 49:30-51:08

Chairman Pollert: We are not going to make any decisions today. We will be adjourned until tomorrow morning.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1014 Amendments

House Appropriations Committee
Human Resources Division

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Hearing Date: 2/4/09

Recorder Job Number: 8661

Committee Clerk Signature

Minutes:

Chairman Pollert: What we should officially be doing is asking for the paper amendments to HB 1014. We don't so I'm hoping we can get what we are looking for today. If we have to have them officially in paper form than that is what we will do. What our plan is is we are going to have to meet on Monday at 9:00. We are going to discuss HB 1267, the Veteran's Home geothermal unit. Then at 9:30 we are going to vote on your budget. What I am asking for in the next few minutes is what amendments we are going to have so we can have your bill completely out of the section on Monday. We are going to reopen HB 1014. I'm asking if there are any questions of Teresa because we have heard this about 2.5 weeks ago.

Teresa Larson: I have a few pieces of information that were asked for by the committee. (Handout A). There is just a few sheets that you asked for when I saw you a few weeks ago. The first sheet has to do with our office lease information for the current biennium as well as for the next biennium. I delineated by office the amount of square feet that we have the price per square foot, the monthly amount, the annual amount, and the amount for the biennium. I also did projections for the next biennium. We do a survey of landlords. We would have done this last summer and contacted each of our landlords and talked with them about potential increases for the space. That is not written in stone. I negotiate with them prior to signing a

new lease for the new biennium. I do have to add a little bit for some projected increases. The total dollar amount for increases from the current biennium to next with the new FTE is a little over $25,000. That includes the space in Williston that we talked about. We are going to be moving in there in a few weeks at an amount of $800 a month, which is $7.96 per square foot. We are also looking at the possibility of moving into space at the state hospital. That depends a little bit on whether or not they have the funding available to make some accessibility changes with regard to the restroom and things like that. If there are questions on the rent I would be glad to answer those.

Representative Kerzman: Why is Belcourt so high compared to the others?

Teresa Larson: That is really a good question. Our office there and it was the only space that we could find that was accessible in that community. We have a very small office there but they are charging us $200 a month, and now it is $225. I did put in a small increase thinking they would ask for one as well. It's a very tiny office but we found that we just really had no options. The next thing lists our staff by title and how they are funded in terms of federal and state funds. I also wanted to let you know Representative Bellew asked at our last hearing about the possibility of some federal funding or department funding for half of our FTE that we requested. I was just talking with JoeAnne Hoesel and she mentioned that it is a possibility that they could fund those through federal dollars.

Representative Nelson: Just so I understand, that would be a 50/50 federal/general fund at that point?

Teresa Larson: Yes. It is currently in our budget as 100% general funds. This would make it 50/50.

Chairman Pollert: Can you repeat what you just said?

Teresa Larson: On the FTE? Currently the new FTE is in our budget at 100% general funds. There were some questions about the possibility of using federal funds and the department has discussed that and believes they can give us federal funds for half of that position.

Representative Kerzman: Do you still have a person working p in Williston that was blind?

Teresa Larson: Yes she is an advocate in our Williston office. She has been there for 24.5 years. She is legally blind. She is one of our top notch advocates.

Representative Kerzman: Is that why you need a support staff?

Teresa Larson: Yes she has a half time support staff person. She does clerical work for her. If you would like me to continue the next handout breaks down the spending of the current biennium by federal, state, and total and the percentage that has been spent to date and compares to what we are looking at for the next biennium.

Chairman Pollert: So if I look at this correctly, you are reducing the spending on travel expense?

Teresa Larson: That is correct. We have an overall reduction in our operating of about $120,000.

Chairman Pollert: When I look at the green sheet, I take it you have lost some federal funds or other funds of $279,000.

Teresa Larson: I passed out attached to my testimony last time, a historical perspective on our federal grants from 2001-2008. Our federal grants have been flat for the last five years. So with increases in salaries and health insurance, when the federal grants stay flat, we eventually run into a problem in terms of maintenance and costs. That is where the budget includes increased general funds for our agency. I wouldn't say that we have lost federal funds, but they have not increased with costs.

Representative Wieland: Do you have some sense of what the 2009 grants will run?

Teresa Larson: I do not. Most of those grants started on October 1 of 2008. There is still a continuing resolution through the middle of March. We build our budget expecting that they are going to be level funded just because I really don't know.

Chairman Pollert: I normally don't like to do this but when this goes over to the Senate side will you have an idea of what your rental rate is going to be in that one rental property in Williston where we are having higher rates going into effect? When we looked at the human service centers their rental rates were nowhere near what it looked like you might have to pay. Now maybe someone can remind me. Is that because they have old contracts that are kind of permanent contracts with cost of living increases?

Representative Nelson: I think that was answered by Office of Management and Budget earlier that in Williston in their office, they had an arrangement with a landlord that was in a different building. It was very reasonable. They just moved into a new facility that is lower than many of the comparable building sites in Bismarck or some of the other cities. I think it's in order.

Teresa Larson: We usually do our negotiations for rental rates for the next biennium's probably in May.

Chairman Pollert: I've got one more question. I think I know the answer but when we were going through the DHS budget we found out they had three attorneys for their whole department whereas you have four on your staff. My question is that I know your admissions is a little different than what DHS's is, but with this huge of agency as they are that is why the question kind of comes up. That is why I'm asking can you tell me why you need four attorneys versus DHS's three.

Teresa Larson: We are actually considered to be a legal services agency. The federal government requires that Protection and Advocacy systems have the authority to provide the whole range of services starting from information referral all the way through litigation. I do believe that why we have FTE's for 4 attorneys, our attorney's do as much to keep us out of court as they do to take others into court. There was a question of case load for the last three years. We put together a map to show you by county what our case loads have been over the last three years. These are federal fiscal years for 2006. It would run from 10/05-9/06. We did that because our regions are different than the human service centers. We also have advocates if they aren't busy and have office, they will serve clients from a different region. We thought it would just be more comparative to show you by county. We've went from a total of 582. These are actually client cases where we actually do advocacy or legal representation. We went from 582 in 06 to 780 in 08.

Chairman Pollert: If I'm correct we have to have these in hard copy for our amendments. That is normally how we have done that. I'm going to ask if you want to do this on your own or do you want to ask for it right now? We are going to spend a half hour on Monday. I had a discussion with Teresa about the one FTE that is a topic of discussion. I told her there is probably going to be an amendment coming forward on that. I appreciate you telling us about the split. I'll ask the committee if you would rather just get your amendments done by legislative council so you have it here ready for voting on Monday. I would think we are going to have the one FTE coming.

Representative Bellew: Yes, it's coming. I will ask for it now or I will do it on Monday.

Chairman Pollert: We know its coming and it's coming off of the sheet.

Representative Bellew: I do have a comment to make. This is a small budget in the overall picture of the state. The general fund is increased by 94% and that is a concern with me.

Chairman Pollert: I had a discussion with Teresa as far as the equity pool that is in the budget. I didn't bring that up in the DS budget but there is some discussion that there might be a move on the entire equity pool just agency wide is one pool. This time is done in each agency and there is not anything in plain black and white how this is going to be divvied out. I never asked for anything on the equity in DHS because there might be something coming down the pipe. I don't know that. That is why I'm not asking about that here. That might change. Your numbers could change and you will have that discussion over on the Senate side. If there are any other amendments I would ask that you have them ready so we can vote on this budget on Monday. The meeting is adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 2/9/09

Recorder Job Number: 8970

Committee Clerk Signature Marilyn Peterson

Minutes:

Representative Bellew: Handout amendment (Attachment A). What this amendment would do would remove the new FTE they are asking for, along with the related operating expenses. The total would be $131,071 out of general funds.

Chairman Pollert: On page 2 of the amendment .0101 is where you see that effect. Are you moving that amendment?

Representative Bellew: I will move the amendment.

Chairman Pollert: There is a motion to move amendment .0101 from Representative Bellew is there a second?

Representative Kreidt: I Second that.

Chairman Pollert: Is there any discussion?

Representative Ekstrom: It was my understanding that this was a request from the centers of Medicaid that they had to do this. To continue on page 1 item 2, add one FTE with the related dollars and ongoing operating expenses to conduct primary investigations as well as independent, third party when serious incidents warrant an investigation of DHS services by the centers of Medicaid and Medicare services.

Representative Bellew: It is my feeling that they have enough staff to already perform these duties. I think they do.

Representative Kerzman: I guess I would ask to resist the amendment for the same reasons. I think it is much needed. We are only looking at a small amount of general fund dollars here. These people advocate for a lot of tough situations and there aren't a lot of people to speak up for them. I'd ask you to resist the amendment.

Chairman Pollert: Do you have any other amendments.

Representative Bellew I do not.

Representative Ekstrom: The department of P&A is relatively small. It is spread over the state in multiple offices. They have 27.5 FTE's. This is a tiny leap forward. They are doing a superb job and I think they seriously need this person.

Chairman Pollert: Originally in the budget, the general fund increase is an increase of 94.3%. That would put it at $745,728 increase in general funds. I understand that there are other funds that have been pulled away. We are using general funds to continue them. That still institutes an 80.2% increase in general fund spending.

Representative Nelson: I thought there was some operating money that was removed as well but it looks like it is just the FTE and the cost of that is the only change.

Representative Bellew: With the FTE there is like a $17,000 reduction in operating expense. The total amount is $131,000. We didn't get into the rent it is all related to the FTE.

Chairman Pollert: So the operating line item for P&A remains intact the way they brought it forward except for the FTE.

Representative Ekstrom: If you look at attachment B in the line item breakdown, this department has made a substantial effort to reduce its cost, including doing video conferencing for training. There have been reductions in every line. We haven't seen this type of an effort

from any other agencies. I would reiterate that this is a small operation with a fairly small budget.

Chairman Pollert: I could probably say that normally some people in this section have taken a look at their operating expense and they are not attempting to reduce their expense at the same time. They realize that P&A is bringing some efficiencies in their budget.

Lori Laschkewitsch: I received an email from Brenda Weiss and she said they would be able to fund half of this position with Medicaid funding. It could be a half general fund and half federal fund.

Representative Bellew: I do appreciate that, however it is kind of late for that now. That would be discussed at a conference committee.

Chairman Pollert: If not, we will take a roll call on amendment .0101. The amendment passes 5-3.

Representative Kreidt: I move a do pass on HB 1014 as amended.

Representative Wieland: I second that.

Chairman Pollert: We will take the roll call. HB 1014 passes as amended with a 5-3 vote.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9590

Committee Clerk Signature Pe Ma Kuch

Minutes:

Chm. Svedjan: HB 1014 is protection and advocacy.

Rep. Bellew: On amendment .0101, the only thing we did differently than the Governor proposed was we removed the additional FTE and the expenses that go along with it for $131,071. I move the amendment.

Rep. Pollert: Seconded.

Rep. Ekstrom: That one FTE was for investigating extraordinary situations. The Centers for Medicare/Medicaid have requested it. Money for the FTE may be coming from the Dept. of Human Services. I will resist this amendment.

Voice Vote taken. (Vote 1) The amendment was adopted.

Rep. Bellew moved a Do Pass as amended to HB 1014.

Rep. Pollert seconded.

Rep. Bellew: This bill does increase approximately, without the equity pulled in, 80% increase in General Funds. Most of that increase is the 5 and 5 salary increase along with a benefit increase.

A Roll Call vote was taken on Do Pass as amended. (Vote 2) **Yes:** 16 **, No:** 8 **, Absent:** 1 **,** (Representative Kerzman).

Motion carries. Representative Bellew will carry the bill.

Attachment A
2/16/09

98015.0101
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Bellew
February 6, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1014

Page 1, line 12, replace "674,391" with "543,320" and replace "4,727,907" with "4,596,836"

Page 1, line 14, replace "892,653" with "761,582" and replace "1,805,940" with "1,674,869"

Page 1, line 15, replace "1.00" with "0.00" and replace "28.50" with "27.50"

Renumber accordingly

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Executive Budget	House Changes	House Version
Protection and Advocacy Project	$4,727,907	($131,071)	$4,596,836
Total all funds	$4,727,907	($131,071)	$4,596,836
Less estimated income	2,921,967	0	2,921,967
General fund	$1,805,940	($131,071)	$1,674,869
FTE	28.50	(1.00)	27.50

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

	Removes New FTE [1]	Total House Changes
Protection and Advocacy Project	($131,071)	($131,071)
Total all funds	($131,071)	($131,071)
Less estimated income	0	0
General fund	($131,071)	($131,071)
FTE	(1.00)	(1.00)

[1] This amendment removes the recommended FTE position and related funding to be used for third-party investigations of the epartment of Human Services.

Date: 2/9/09
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken HB 1014 move amendment 98015.0101

Motion Made By Bellew Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollert	X		Representative Ekstrom		X
Vice Chairman Bellew	X		Representative Kerzman		X
Representative Kreidt	X		Representative Metcalf		X
Representative Nelson	X				
Representative Wieland	X				

Total (Yes) 5 No ~~4~~ 3

Absent 0

Floor Assignment

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

Date: 2/9/09
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1014

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do pass as amended HB 1014

Motion Made By Rep. Kreidt Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollert	X		Representative Ekstrom		X
Vice Chairman Bellew	X		Representative Kerzman		X
Representative Kreidt	X		Representative Metcalf		X
Representative Nelson	X				
Representative Wieland	X				

Total (Yes) 5 No 3

Absent 0

Floor Assignment Rep. Bellew to full approps

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

Date: 2/16/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1014

Day 30

Full House Appropriations Committee

☐ Conference Committee

Legislative Council amendment Number adopt 98015.0101

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ As Amended

Motion Made By: Bellew Seconded By: Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total Yes _____ No _____

Absent _____

Floor Assignment: _____

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

Voice Vote - Carries

Date: 2/16/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1014

Full House Appropriations Committee

☐ Conference Committee

Legislative Council amendment Number 0101

Action Taken: ☑ Do Pass ☐ Do Not Pass ☑ As Amended

Motion Made By: Bellew Seconded By: Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber		✓
Rep. Wald		✓	Rep. Onstad		✓
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim		✓
Rep. Thoreson	✓		Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer		✓
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew	✓		Rep. Kerzman	—	
Rep. Kreidt	✓		Rep. Metcalf		✓
Rep. Nelson	✓				
Rep. Wieland	✓				

Total Yes 16 No 8

Absent 1

Floor Assignment: Rep. Bellew

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

REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "674,391" with "543,320" and replace "4,727,907" with "4,596,836"

Page 1, line 14, replace "892,653" with "761,582" and replace "1,805,940" with "1,674,869"

Page 1, line 15, replace "1.00" with "0.00" and replace "28.50" with "27.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0101 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

98015.0102
Title.0300
Fiscal No. 2

Prepared by the Legislative Council staff for
House Appropriations
February 16, 2009

VR
2/18/09
1062

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1014

Page 1, line 12, replace "674,391" with "288,285" and replace "4,727,907" with "4,341,801"

Page 1, line 13, replace "(218,262)" with "(265,692)" and replace "2,921,967" with "2,874,537"

Page 1, line 14, replace "892,653" with "553,977" and replace "1,805,940" with "1,467,264"

Page 1, line 15, replace "1.00" with "0.00" and replace "28.50" with "27.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0102 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Executive Budget	House Changes	House Version
Protection and Advocacy Project	$4,727,907	($386,106)	$4,341,801
Total all funds	$4,727,907	($386,106)	$4,341,801
Less estimated income	2,921,967	(47,430)	2,874,537
General fund	$1,805,940	($338,676)	$1,467,264
FTE	28.50	(1.00)	27.50

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

	Removes New FTE Position[1]	Reduces Funding for Anticipated Salary Savings[2]	Removes Salary Equity Funding[3]	Total House Changes
Protection and Advocacy Project	($131,071)	($70,446)	($184,589)	($386,106)
Total all funds	($131,071)	($70,446)	($184,589)	($386,106)
Less estimated income	0	(47,430)	0	(47,430)
General fund	($131,071)	($23,016)	($184,589)	($338,676)
FTE	(1.00)	0.00	0.00	(1.00)

[1] This amendment removes the recommended FTE position and related funding to be used for third-party investigations of the Department of Human Services.

[2] This amendment reduces salaries and wages funding to recognize anticipated savings from vacant positions and employee turnover.

[3] This amendment removes funding added in the executive budget for state employee salary equity adjustments.

REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "674,391" with "288,285" and replace "4,727,907" with "4,341,801"

Page 1, line 13, replace "(218,262)" with "(265,692)" and replace "2,921,967" with "2,874,537"

Page 1, line 14, replace "892,653" with "553,977" and replace "1,805,940" with "1,467,264"

Page 1, line 15, replace "1.00" with "0.00" and replace "28.50" with "27.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0102 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

HB 1014

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 4, 2009

Recorder Job Number: 10207

Committee Clerk Signature Rose Laning

Minutes:

Chairman Holmberg called the committee hearing to order on HB 1014 which is an appropriation for defraying the expenses of the committee on protection and advocacy.

Teresa Larsen, Executive Director, Protection & Advocacy Project (P&A).

Testified in favor of HB 1014. Written attached testimony # 1.

Chairman Holmberg: If I was to encapsulate this to the committee, there were three items of angst. One of them was the salary, one of them was the equity, and the other had to do with the FTE? And **Teresa Larsen** replied correct.

Carlotta McCleary, Executive Director, ND Federation of Families for Children's Mental Health (NDFFCMH)

Testified in favor of HB 1014. Written attached testimony # 2.

Barbara Murry, North Dakota Association of Community Providers

Testified in favor of HB 1014. No written testimony.

Dianne Sheppard, Executive Director, The ARC of North Dakota

Testified in favor of HB 1014. No written testimony.

Elaine Grasl, Member of District 47, Bismarck, ND

Testified in favor of HB 1014. Written attached testimony # 3.

Chairman Holmberg closed the hearing on HB 1014.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1014

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-18-09

Recorder Job Number: 11180

Committee Clerk Signature Alice Delzer

Minutes:

Chairman Holmberg called the committee to order in reference to HB 1014 in regards to Protection and Advocacy Department.

Senator Seymour explained the amendments and changes.

Discussion followed regarding the FTE position and where the funding would come from.

Chairman Holmberg stated they had money in the governor's budget for this FTE. The department of Human Services testified that they could pay for half of that. So that interfaces then with HB 1012, the department says yes but then the money was removed by the House.

Senator Mathern suggested just put half of it back and commented that maybe language could be put in the amendment that half of that FTE would be paid by DHS.

Chairman Holmberg said but only half, because they volunteered.

Senator Seymour explained the second amendment in regards to vacant positions and employee turnover.

Chairman Holmberg stated those are the two we have put back in another budget. We will have an amendment to restore the equity and the salary, restore the FTE and fund half of that FTE language.

Senator Robinson moved the amendment. Seconded by Senator Fischer. All in favor say aye. It carried.

SENATOR ROBINSON MOVED A DO PASS AS AMENDED, SECONDED BY SENATOR KREBSBACH. A ROLL CALL VOTE WAS TAKEN ON HB 1014 ON A DO PASS AS AMENEDED WHICH RESULTED IN 14 YEAS, 0 NAYS, 0 ABSENT. SENATOR SEYMOUR WILL CARRY THE BILL.

Chairman Holmberg closed the hearing on HB 1014.

98015.0301
Title.640
Fiscal No. 1

Prepared by the Legislative Council staff for
Senator Seymour
March 18, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 12, replace "288,285" with "674,391" and replace "4,341,801" with "4,727,907"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "827,117" and replace "1,467,264" with "1,740,404"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0301 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Executive Budget	House Version	Senate Changes	Senate Version
Protection and Advocacy Project	$4,727,907	$4,341,801	$386,106	$4,727,907
Total all funds	$4,727,907	$4,341,801	$386,106	$4,727,907
Less estimated income	2,921,967	2,874,537	112,966	2,987,503
General fund	$1,805,940	$1,467,264	$273,140	$1,740,404
FTE	28.50	27.50	1.00	28.50

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

	Restores Funding for Salaries[1]	Restores Salary Equity Funding[2]	Restores New FTE Position[3]	Total Senate Changes
Protection and Advocacy Project	$70,446	$184,589	$131,071	$386,106
Total all funds	$70,446	$184,589	$131,071	$386,106
Less estimated income	47,430	0	65,536	112,966
General fund	$23,016	$184,589	$65,535	$273,140
FTE	0.00	0.00	1.00	1.00

[1] This amendment restores salaries and wages funding removed by the House.

[2] This amendment restores salary equity funding removed by the House.

[3] This amendment restores the new FTE position removed by the House and provides that the position be funded equally from the general fund and from federal funds.

Date: 3/18/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1014

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☐ Do Pass ☐ Do Not Pass ☑ Amended

Motion Made By Robinson Seconded By Fischer

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes Voice Vote Yes No

Absent

Floor Assignment

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

Amendment is coming from Leg. Council

Date: 3/18/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1012

Senate **Senate Appropriations** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☑ Do Pass ☐ Do Not Pass ☑ Amended

Motion Made By Robinson Seconded By Krebsbach

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach	✓		Senator Seymour	✓	
Senator Fischer	✓		Senator Lindaas	✓	
Senator Wardner	✓		Senator Robinson	✓	
Senator Kilzer	✓		Senator Warner	✓	
V. Chair Bowman	✓		Senator Krauter	✓	
Senator Christmann	✓		Senator Mathern	✓	
V. Chair Grindberg	✓				
Chairman Holmberg	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Seymour

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

We need amendment.

REPORT OF STANDING COMMITTEE

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

Page 1, line 12, replace "288,285" with "674,391" and replace "4,341,801" with "4,727,907"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "827,117" and replace "1,467,264" with "1,740,404"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0301 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1014

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☑ Check here for Conference Committee

Hearing Date: 4/17/09

Recorder Job Number:

Committee Clerk Signature Mollyann Bellew

Minutes:

Representative Bellew: Called the meeting to order. My plan for this afternoon is to have the Senators explain what they did with the bill. We won't settle this afternoon but will adjourn and let everyone go home.

Senator Grindberg: We restored the salary and wages. We restored the equity line and we restored the new FTE position in there. It was noted the Senate changes total $386,106 for P&A less estimated income for the general fund increase of $273,140 and one FTE.

Senator Krebsbach: From my understanding the house is rather amenable to the salary adjustment of the 5&5. There was still question about the equity. Also the FTE I would be interesting in knowing the rulings of the house side on that.

Representative Bellew: I would be interested in knowing why the Senate thought they needed the extra FTE.

Senator Seymour: It was in the testimony where they justified it. At the end they are getting half from general funds and half from federal funds.

Senator Krebsbach: On the flip side it was the house that removed the FTE it was in the Governor's budget. My question would be why the house removed it.

Representative Bellew: We just didn't think they needed an extra employee that they had enough employees currently on staff to do what needed to be done for the project.

Senator Krebsbach: According to their testimony they have increased responsibility for screening incidents and conducting investigations recorded by DD case managers. There may be other things too. I'm' quickly scanning through the file. We felt that their justification for the position was justifiable.

Representative Kerzman: I was just going to say that the ruling of the FTE wasn't unanimous in the house so there is room to work.

Representative Bellew: We will adjourn and be back next week.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☒ Check here for Conference Committee

Hearing Date: 4/20/09

Recorder Job Number: 11996

Committee Clerk Signature

Minutes:

Representative Bellew: Called the meeting to order. I know we had some differences that won't be settled. Considering the equity, if we go forth with the equity and the equity proposed by the Governor stays in the budget, we will give the employees an 11.4% increase a year and that doesn't count the Blue Cross Blue Shield increases. I think that is extreme. The equity in the budget is $184,489.

Senator Grindberg: I appreciate your point but I am just curious to know if there is a salary study that would put them in that category. My assumption is that they are behind median and this is catch up. I would look at it as to what basis got into that recommendation. Across the board this might be too much. How do we move state employees to the mean or a certain percentage so we are retaining our employees?

Lori Laschkewitsch: Generally I don't have the information with me. One of the major factors is that they have long term employees. They have people with many years of service. They are below the midpoint for their years of service. That is why it took a significant amount of money to get the people where they should be.

Senator Grindberg: Can someone provide us with that?

Lori Laschkewitsch: I can do that.

Senator Krebsbach: I want to agree with Grindberg. We can't really include the equity money as part of an increase. That should be there anyway. It isn't a percentage to say this is more than what they have. It is bringing them to a level of what they should be.

Representative Kerzman: I would have to agree. The information I got is what Lori is relating to. There are pretty long term employees with 29 of them. When you look at the classification 16 are paid between the minimum and first quartile. Ten are with the first quartile and midpoint. Only one is in between the midpoint and the third quartile. They are on the lower end of the spectrum.

Representative Bellew: We will adjourn and reschedule.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☑ Check here for Conference Committee

Hearing Date: 4/25/09

Recorder Job Number: 12253

Committee Clerk Signature

Minutes:

Representative Bellew: We will call the meeting to order and let the record show that every member is present. We will agree with the underfunding of salaries. It is my understanding that the equity problem is resolved. It seems our disagreement is the one FTE. Personally I don't think they have justified it that they need another FTE. I will be open for discussion on that.

Senator Krebsbach: I think this is something that CMS is requiring investigations on the new cases they have. Their current staff can't handle that and what they are doing. It has been recommended by human services that they do such. They are willing to pay up to half of that salary.

Representative Bellew: My understanding is that the federal funds will pay up to half of it. That is probably our point at this point. If we can't solve it we will have to recess for now and schedule another.

Senator Krebsbach: It is. Not on our side and probably one of your members on your side. We need to have 2 from your side. It's a clear cut need and necessity that we shouldn't be arguing over that.

Representative Bellew: That is where we will disagree.

Senator Seymour: You have to look at it on its merits. I think the FTE is needed. The way it's funded we were very flexible and I think we should go ahead and approve it.

Representative Bellew: I don't think they absolutely need it to carry on with the function of the agency. I understand your side but I don't think it is necessary to function at the level they are currently.

Representative Kerzman: Do you think it's possible that this employee could make the state money by providing advocacy?

Representative Bellew: I don't know.

Senator Krebsbach: From what I'm seeing and hearing it is a requirement from CMS that this be done. If they don't have the available staff we put other funds in jeopardy. I don't' think we can afford to do that.

Representative Kreidt: I would just hope we can have some time to look into this further and take another look at it next week and see where we are at then.

Representative Bellew: We will stand adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☑ Check here for Conference Committee

Hearing Date: 4/27/09

Recorder Job Number: 12278

Committee Clerk Signature Marilyn Peterson

Minutes:

Representative Bellew: We will call the conference committee to order and note that everyone is present. Just for a point of information for Senators our point of disagreement is on the FTE. Since we are never going to resolve this we will adjourn.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☒ Check here for Conference Committee

Hearing Date: 4/29/09

Recorder Job Number: #12386

Committee Clerk Signature Marilyn Kienzle

Minutes:

Representative Kreidt: Called the meeting to order and took the roll. Every member was present. As you can see there has been a juggling of the chairs. Representative Nelson has joined us and I have turned into Representative Bellew. As you know we have met a few times on this budget and at this point we are kind of at the discussion point in regards to the FTE. In the house we had to remove the equity and that has been resolved. The one FTE is where we are at. I guess at the moment the House's position is still that we do not restore that one FTE. That is where we are at.

Representative Nelson: Can you refresh my memory as far as the FTE situation. The house proposed a pool where critical areas could be drawn from as far as additional FTE's?

Representative Kreidt: That is true. That is a question that is still under discussion. What we are thinking is if there is a department that feels they have a critical need if they can prove their case to Office of Management and Budget that those positions would be granted. That is the point of discussion that we are a little bit undecided if that is going to work. I guess until we would have that answer we are still not going to consider replacing that FTE.

Representative Nelson: My question is that P&A would have the ability to apply to Office of Management and Budget if this FTE was eliminated they could go through the process of applying for that?

Representative Kreidt: That option is available.

Representative Kerzman: I think this is a critical needed position. Representative Nelson if you can remember back that CMS is a major player with DD and P&A and they are asking for a third party investigation. It is very critical and DHS is willing to pick up half the salary. I think this is a very important area. I think we have discussed this quite lengthy. I would be willing to make a motion that the house recede from its amendments. I will make that motion.

Senator Krebsbach: I will second that motion.

Representative Kreidt: Is there any further discussion?

Senator Krebsbach: You are talking about the pool of FTE's and the only thing I'm talking about is the equity money and that has nothing to do with FTE's that I am aware of unless there is something else.

Representative Nelson: This discussion is in the Office of Management and Budget bill. It was a discussion that we have had in the house leadership and that Appropriation Committee has had. Leadership has developed a pool where agencies would come to and basically ask for those positions to be funded and they would have to prove their case to Office of Management and Budget and a setup amount. I'm thinking that there was somewhere like 100 new positions. That discussion is premature from the conference committee because you have not passed a OMB budget in the Senate yet. That is coming. That conversation hasn't taken place in Conference yet.

Senator Grindberg: In that stage anything could be coming. The language that we have been putting in the Office of Management and Budget bill is that we haven't passed that out of

committee yet. It has nothing to do with the FTE's as a position. It's more funding of equity, unless there is more come yet.

Representative Nelson: I know equity is in there as well. This discussion has taken place in the house.

Representative Kreidt: It has been an ongoing discussion. We do have a motion and a second on the floor.

Senator Krebsbach: I think that is rather iffy at this stage of the game if it's going to be adopted or accepted by both houses. I think there is definite need shown that this is a position that is required. It may cost the agency more in the fact that they would have to contract for a third party if we cannot provide the person to do it. There are our choices. Do we want to spend more in contracting or do we want to pay for a half a time person.

Becky Keller: For a clarification the House could not recede from its amendments the Senate would have to recede for their amendments.

Representative Kerzman: Than I make a motion that the House accedes from their amendments.

Becky Keller: If the House accede from the Senate amendments that would restore the Salary Equity Funding. The Senate could recede from its amendments and that is where we have to get to take that out.

Representative Kreidt: We will reschedule another conference meeting and maybe something further will develop with the OMB budget. We will follow up with that and have that available at the next meeting.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☒ Check here for Conference Committee

Hearing Date: 4/30/09

Recorder Job Number: 12409

Committee Clerk Signature

Minutes:

Representative Kreidt: We will call the meeting to order and note that every member is present. This is on the P&A budget. We haven't had a lot of discussion on this one. I guess right now we pretty much agree on everything. We have put the equity back in. We have one point that we are at odds with. Maybe we can move forward today and settle this and go to our other conference committees. I would accept a motion.

Representative Nelson: In light of the fact of the FTE issues it is my understanding. I am trying to remember back to the house appropriations committee that there was some federal funding that is being proposed to help assist in this position. I don't think that our leadership doesn't want that FTE position included in this budget. With that I will make a motion that we remove the FTE position and my hope would be because of the fact that there is potential federal funding that they will be able to go to Office of Management and Budget and draw that half time funding from that pool that will be established.

Representative Kreidt: We have a motion from Representative Nelson.

Senator Grindberg: I will second it for purpose of discussion. If I understand Representative Nelson's motion is that my understanding is that the Office of Management and Budget bill and the pool will provide for equity dollars. Not an allocation of unfilled FTE's that say they can

come apply for one FTE. I haven't heard any talk nor have I seen any language other than what we have had drafted. If that is truly the case it is something we can legitimately discuss and hear something that is tangible on both sides of the aisle. I can't vote for it yet.

Representative Kreidt: It has been on the house side and maybe it hasn't carried forward yet. That is the understanding as of now. There will be a pool of FTE's that departments could go in and show just cause and why they would need that individual.

Representative Nelson: I can't confirm that. Those discussions haven't taken place yet in the conference committee. We have been assured that it's going to be a house position. I understand your reluctance to trust the good intentions of the house. Maybe I would just withdraw that motion at this point in time until there is discussion between the two chambers on that issue.

Representative Kreidt: Is that your desire?

Representative Nelson: Ok.

Senator Seymour: I think we should do investigation in that. We have passed things in several budgets. I think you should do your homework into that.

Representative Nelson: The only FTE's we have added in house action are those that are federally funded positions that were added. Some have come back in the DOCR as well. I will take suggestions on what kind of confirmation you would be looking for prior to a conference committee report.

Senator Grindberg: Its simple steps. We have the Office of Management and Budget bill. We haven't acted on that. It doesn't include that. The bill is in our possession and there is no discussion on that. If something is circling in the wind that hasn't come from your side to ours.

Representative Nelson: If I could produce a proposed amendment that would create that pool is that the type of language you are looking for? Our hands are tied at this point in time until the conference committee is established and meets.

Representative Kerzman: I was just going to say that we have put 20 some employees into IT. I don't think they were all federally funded.

Representative Kreidt: We will adjourn until we get verification. We will not schedule a meeting until we do.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1014

House Appropriations Committee
Human Resources Division

☒ Check here for Conference Committee

Hearing Date: 5/1/09

Recorder Job Number: 12448

Committee Clerk Signature Morgan Rennerth

Minutes:

Representative Kreidt: Call the conference committee to order and let the record show everyone is present. At this point we have a caucus and wil keep this short.

Representative Nelson: I will move to reinstate the FTE position that was removed from the house amendment

Senator Grindberg: I second that.

Representative Nelson: I briefed Representative Metcalf on the issue on the way down. The motion passes 6-0-0.

98015.0302
Title.0500
Fiscal No. 1

Prepared by the Legislative Council staff for
Conference Committee
May 1, 2009

YR
5/1/09
1082

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

That the Senate recede from its amendments as printed on page 1027 of the House Journal and page 877 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 12, replace "288,285" with "489,802" and replace "4,341,801" with "4,543,318"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "642,528" and replace "1,467,264" with "1,555,815"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0302 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Protection and Advocacy Project	$4,727,907	$4,341,801	$201,517	$4,543,318	$4,727,907	($184,589)
Total all funds	$4,727,907	$4,341,801	$201,517	$4,543,318	$4,727,907	($184,589)
Less estimated income	2,921,967	2,874,537	112,966	2,987,503	2,987,503	0
General fund	$1,805,940	$1,467,264	$88,551	$1,555,815	$1,740,404	($184,589)
FTE	28.50	27.50	1.00	28.50	28.50	0.00

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

	Restores Funding for Salaries[1]	Restores New FTE Position[2]	Total Conference Committee Changes
Protection and Advocacy Project	$70,446	$131,071	$201,517
Total all funds	$70,446	$131,071	$201,517
Less estimated income	47,430	65,536	112,966
General fund	$23,016	$65,535	$88,551
FTE	0.00	1.00	1.00

[1] This amendment restores funding for salaries and wages removed by the House to recognize anticipated savings from vacant positions and employee turnover. This is the same amount that was restored by the Senate.

[2] This amendment restores the new FTE position removed by the House and provides that the position be funded equally from the general fund and from federal funds. This is the same amount of funding as provided by the Senate.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1014 (, as (re)engrossed): Date: 5/11/09

Your Conference Committee _____

For the Senate:	YES	NO	For the House:	YES	NO
Sen. Grindberg	X		Rep. Kreidt	X	
Sen. Krebsbach	X		Rep. Nelson	X	
Sen. ~~Seymour~~ Warner	X		Rep. ~~Kelsh~~ Metcalf	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ – _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

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

DATE: _____
CARRIER: _____

LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment

MOTION MADE BY: Rep. Nelson

SECONDED BY: Sen. Grindberg

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1014, as engrossed: Your conference committee (Sens. Grindberg, Krebsbach, Warner and Reps. Kreidt, Nelson, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1027, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on page 1027 of the House Journal and page 877 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 12, replace "288,285" with "489,802" and replace "4,341,801" with "4,543,318"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

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Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0302 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1014

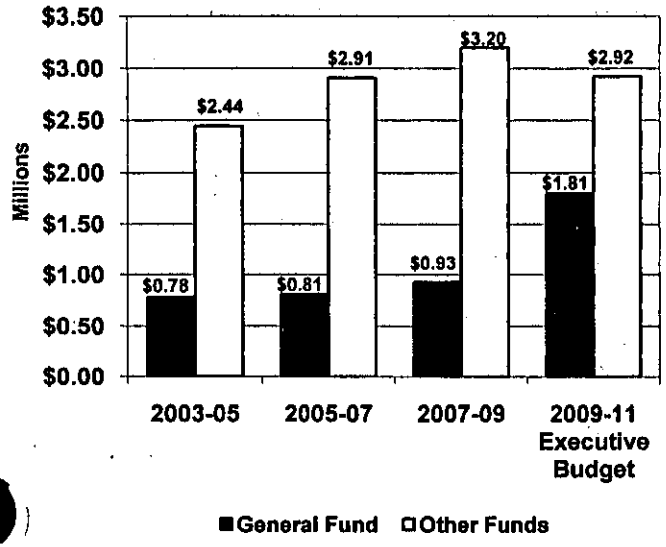
Prepared by the North Dakota Legislative Council staff for House Appropriations
January 13, 2009

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

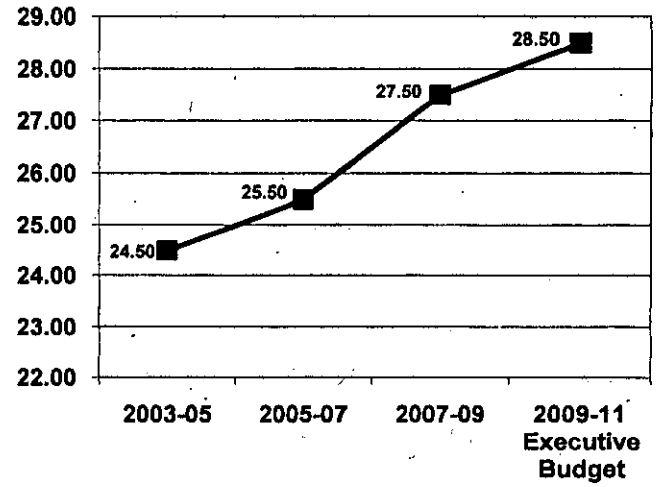
	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	28.50	$1,805,940	$2,921,967	$4,727,907
2007-09 Legislative Appropriations	27.50	929,141	3,201,334	4,130,475[1]
Increase (Decrease)	1.00	$876,799	($279,367)	$597,432

[1]The 2007-09 appropriation amounts include $76,959, $15,854 of which is from the general fund, for the agency's share of the $10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

Agency Funding



FTE Positions



Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 Executive Budget	$1,805,940	$0	$1,805,940
2007-09 Legislative Appropriations	929,141	0	929,141
Increase (Decrease)	$876,799	$0	$876,799

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides $184,589 of funding to address salary equity issues, including $8,790 for the related second-year salary increase	$184,589		$184,589
2. Adds 1 new FTE position ($113,358) and related operating expenses ($17,713) to conduct primary investigations as an independent third party when serious incidents warrant an investigation of the Department of Human Services by the Centers for Medicare and Medicaid Services	$131,071		$131,071
3. Provides funding for increased information technology costs	$20,185		$20,185
4. Provides additional funding for the Williston office due to increasing office rental costs	$12,000		$12,000

Continuing Appropriations

No continuing appropriations for this agency.

Major Related Legislation

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

A

HB 1014
Appropriations for the Protection & Advocacy Project
House Appropriations/Human Resources Division
January 14, 2009

Good afternoon Chairman Pollert and members of the Committee. I am Teresa Larsen, the Executive Director of the Protection & Advocacy Project (P&A). During testimony today, I will provide you with some information about P&A's services as well as detail of the recommended budget for the agency for the 09-11 biennium.

I. PROGRAMS AND SERVICES

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

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy & legal representation, protective services, education & training, systems advocacy, and information & referral services.

P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or guardian or other legal representative) to resolve the problem themselves to the extent they are able. P&A does not duplicate services that are available to individuals from other entities.

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

Federal Funding Source	Grant	1st Year
DHHS/Administration for Children & Families /Administration on Developmental Disabilities	• Developmental Disabilities (DD) • Help America Vote Act (HAVA)	• 1979 • 2003
DHHS/Substance Abuse & Mental Health Services Administration/Center for Mental Health Services	• Mental Health (MH)	• 1986
DHHS/Health Resources & Services Administration	• Traumatic Brain Injury (TBI)	• 2002
Department of Education	• Individual Rights (PR) • Assistive Technology (AT)	• 1992 • 1994
Social Security Administration	• Beneficiaries of Social Security (SS)	• 2001

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

Because there is no "typical case", I'd like to give you a few examples of our work with individual clients.

CASE A: Gail, a 45-year old woman with mental illness, had substantial medical problems. She was hospitalized and was unable to make or communicate her own medical decisions. Gail had no one close to make decisions for her. P&A received a report of Gail's dilemma and immediately petitioned for a temporary guardian. Gail's sister, Ruth, knew Gail's medical history but had not maintained contact for several years.

Ruth volunteered to serve as temporary guardian until Gail got through the crisis. P&A got Ruth appointed as temporary guardian for 90 days. Ruth and Gail re-established a relationship and, when Gail was able, worked together on medical decision-making until Gail could make her own decisions.

CASE B: Joey is a 26-year old man who lived with his mother, Edie. Edie and Joey's sister, Mary were co-guardians for Joey. This had worked well for the first six years. During the past two years, Edie has shown active symptoms of alcoholism.

Joey had been dependent on Edie for many of his regular activities of daily living. He needed help to get out of bed, take a shower, get dressed to leave for the day, and to eat.

P&A received a report of neglect and investigated Joey's living conditions. It was found that Joey had lost 13 pounds in the most recent month because he was not getting adequate nutrition. Some days, Edie did not even help Joey out of bed and so he remained there. He was in serious jeopardy.

P&A petitioned the court and got Mary appointed as sole guardian. Mary helped Joey get his own apartment, with a roommate, and services from a professional provider. Joey is doing very well. He can now eat with minimal supervision and has made substantial progress in his day program. Joey and Edie visit each other and speak by phone.

CASE C: Tony is 16-years old and in the 9th grade. He attends Dakota High School and lives with his mother in an apartment. He has a diagnosis of Autism and Attention Deficit Hyperactivity Disorder (ADHD). He receives services through the human service center.

Tony's mother came to P&A and expressed concerns that Tony was not receiving special education services. P&A helped her write a letter to the school requesting an evaluation for Tony. As a result, Tony was evaluated. He now has an Individual Education Plan (IEP) and is receiving special education services. His mother is better educated on Tony's rights.

Over the last two federal fiscal years, P&A provided an impressive number of services to individuals across the State. Advocacy and legal representation were provided to a total of 1,357 clients (599 individuals in fiscal year 2007 and 758 clients in 2008). This is an increase of 224 cases from the two years previous. Information & referral was provided to 3,390

individuals. 7,999 people participated in one of the agency's educational trainings.

Numbers are important and necessary for accountability purposes and for measuring outcomes. P&A provides detailed reports annually to the federal government for each of its federal advocacy programs.

P&A staff is also involved in many activities that lead to systemic changes for people with disabilities. These include a number of task forces, committees, and advisory councils that address issues such as state compliance with the Olmstead decision, reducing the number of residents at the Developmental Center, state emergency preparedness and planning for vulnerable populations, criminal justice issues, educational services for students with disabilities, and employment.

P&A has been effective in working with other state entities to address disability-related issues. For example, P&A has partnered effectively with the Secretary of State's Office and the N.D. Association of Counties on implementation of the Help America Vote Act. We collaborated in the production of a video and booklet on voting rights and procedures which was released prior to the 2008 election.

II. SPENDING FOR 2007-2009

Attachment A and Attachment B provide information on spending to-date for the current biennium. We have spent 73.5% of the amount budgeted for wages. We do not have any vacancies. We have spent 41% of the total amount allocated for operating. All projected unspent federal funds from the current biennium are budgeted for the 09-11 biennium.

III. BUDGET FOR 2009-2011

A. Federal Funding

Congress determines the dollar amount of the grants for the P&A system. The federal granting authority then applies a formula for determining the amount given to each state and territory. North Dakota is a minimum allotment state. P&A's budget for the 2009-2011 biennium was

developed assuming that the annual federal grants will be the same dollar amounts as those received in federal fiscal year 2008 (10/07 – 9/08). The grant amounts for fiscal year 2009 (10/08 – 9/09) are still unknown.

Attachment C provides the detail for P&A's federal grant dollars for the last eight years. The total of our federal grants has actually decreased since its peak in 2004, with some ups and downs through those years. Overall, the increases in federal grants have been minimal and are largely due to the fact that P&A has gained two new grants beginning in 2003, meaning more responsibility along with the funding. They do not provide for the increased cost of doing business (e.g. raises in pay, health insurance premiums, fuel prices, and information technology costs).

B. Position Funding

The proposed budget for the 09-11 biennium maintains nine offices located around the State (Williston, Minot, Belcourt, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, and Dickinson). The regional office model allows P&A staff to be available to individuals with disabilities in the provision of advocacy, protective services, and pro-active work.

P&A currently has 16 disabilities advocates, 3 attorneys, 2 program/advocate supervisors, a fiscal manager, 2.5 support staff, a program coordinator, an operations/policy administrator, and an executive director.

The budget includes increasing FTE's from 27.5 to 28.5. The new FTE is to help with increased responsibilities for screening incidents and conducting investigations reported by developmental disabilities case managers and licensed service providers. The Department of Human Services asked P&A to take on this responsibility as the Center for Medicare & Medicaid Services (CMS) has insisted on independent, third-party investigations of "serious events". The DHS/DD Division and DD service providers are working out the protocol for implementation. While P&A has agreed to take on additional work, resources are required to do the job in a responsible, effective and timely way. The cost for salary and benefits for the additional FTE is $120,425 for the biennium.

Because one additional FTE will not meet the additional workload demand in itself, P&A is also looking at some organizational changes. This will include having at least one advocate in each office who will respond to reports of alleged abuse, neglect, or exploitation as well as reports of "serious events". We currently have six advocates who work in the protective services unit and cover the entire State. We are also going to transition to a "centralized intake" model, which we believe will create a more efficient method of responding to reports and new referrals.

Additional funding has been included in the Governor's recommended budget to address pay equity, benefit increases (health insurance premiums), the 5%+5% salary increases, and the cost to continue the 4%+4% salary increases from the current biennium. The costs for these items are delineated under the summary on the last page of my testimony.

While I do not know the specifics of the pay equity plan, I want to point out that we have a very good history of staff longevity at P&A. Of the 29 current employees (including a temporary/hourly person) following is how long they have worked for P&A:

- 20+ years: five employees
- 15-19 years: seven employees
- 10-14 years: three employees
- 5-9 years: five employees
- 1-4 years: nine employees

Of the twenty-seven classified employees, sixteen are paid between the minimum and first quartile of their pay grades. Ten employees are between the first quartile and the midpoint of their grades. One individual is between the midpoint and the third quartile. The pay equity plan would certainly help with our compression problem.

C. <u>Operating</u>

The recommended budget includes $907,659 for operating. This is a decrease of $121,789 from 07-09 where $1,029,448 was budgeted for operating. P&A made significant cuts in a number of areas including travel,

office supplies, printing, office equipment & furniture, repairs, professional development, operating fees & services, and professional services.

Operating costs for the additional FTE are budgeted at $17,713 for the biennium. This includes $3,736 in start-up costs.

$20,185 was added by the Governor to bring the agency back into a reasonable replacement cycle for its technology equipment (computers, fax machines, and printers) and software. This amount also includes funding for the installation and maintenance of secure e-mail through ITD. While funding for computer replacement was included for the current biennium, we have not completed this as scheduled. Our IT communication bills are running much higher than anticipated and we have already spent 91% of what we budgeted. While we were told voice-over IP would be made available in all offices, in reality, only four of our nine offices have voice-over IP. We also spent IT dollars to have our website rebuilt by ITD, as recommended in the 2007 State audit report completed on our agency. Previously, we had a volunteer webmaster for our site.

Increases are budgeted in the areas of information technology, professional supplies & materials, postage, and office rent. The building in which P&A is renting office space in Williston is closing. We have found alternative space but not without a significant increase in rent. To help offset this, we are looking to rent office space on the State Hospital campus at a cheaper rate than we are currently paying in downtown Jamestown.

Another cost saving measure is being realized through how P&A conducts training. In collaboration with Minot State University, we have started using the Interactive Video Network (IVN) to conduct workshops to DD service providers on abuse, neglect, & exploitation. Where we used to go to individual provider facilities on a frequent basis, we now conduct the training statewide one to two times each month. This saves P&A staff time as well as travel dollars. The IVN hosting is sponsored, at no cost to P&A, through the Center for Persons with Disabilities.

D. Summary

In summary, the table below provides information on the major variance items:

	MAJOR VARIANCE ITEMS		General Funds	Federal Funds	TOTAL
A	Wages		795,786	(76,565)	719,221
	• Benefits increase	112,840			
	• Equity pool	184,589			
	• 5% + 5%	226,473			
	• Retirement health care	3,400			
	• Workers comp	(1,938)			
	• Continue 4% + 4% ('07-'09)	73,432			
	• New FTE	120,425			
B	Operating		81,013	(202,802)	(121,789)
	TOTAL:		876,799	(279,367)	597,432

Thank you for your time and consideration. I will be happy to answer any questions you might have for me.

Attachment A

PROTECTION & ADVOCACY PROJECT

2007 – 2009 BIENNIUM SPENDING as of 12/31/08

(75% of the biennium)

1.12.09

	BUDGETED			$ and % SPENT						BALANCE	
	FEDERAL	STATE	TOTAL	FEDERAL	%	STATE	%	TOTAL	%	TOTAL	%
Salaries & benefits	2,448,072	652,955	3,101,027	1,729,028	71%	549,465	84%	2,278,493	73.5%	822,534	26.5%
Operating	753,262	276,186	1,029,448	309,652	41%	113,976	41%	423,628	41%	605,820	59%
TOTAL	3,121,744	929,141	4,130,475	2,038,680	65%	663,441	71%	2,702,121	65.4%	1,428,354	34.6%

All projected unspent federal funds from the 2007-2009 biennium are budgeted for the 2009-2011 biennium.

Attachment B

PROTECTION & ADVOCACY PROJECT
SPEND DOWN OF THE 2009-2011 BIENNIUM (through 12/08)
CHANGES FOR THE 2009-2011 BIENNIUM

1.12.09

	07-09 BIENNIUM			09-11 BIENNIUM		
	BUDGETED	**SPENT**	**%**	**BUDGETED**	**CHANGE**	
SALARIES & BENEFITS	**3,101,027**	**2,278,493**	73.5%	**3,820,248**	719,221	
Travel	197,251	79,890	40.5%	163,051	(34,200)	Board, staff, advisory councils
Supplies – IT	6,125	915	15%	5,002	(1,123)	Software
Prof. materials	21,900	18,293	83.5%	39,010	17,110	Westlaw, database, law reporters
Misc. supplies	3,500	20	.6%	3,696	196	
Office supplies	14,401	8,450	58.7%	12,001	(2,400)	
Postage	13,401	7,469	55.8%	16,971	3,570	
Printing	48,990	20,569	42%	41,827	(7,163)	Brochures, advance directives
IT equip < $5K	31,372	11,966	38%	31,905	533	IT equipment replacement
Other equp < $5K	0	7		0	0	
Office equip/furn	16,531	1,296	8%	14,349	(2,182)	
Insurance	6,041	5,496	91%	5,024	(1,017)	Risk management, property insur.
Rent	163,947	124,311	75.8%	198,869	34,922	
Repairs	11,126	6,829	61.4%	9,007	(2,119)	Copy machine service agreements
IT – data process	68,957	40,351	58.5%	70,253	1,296	
IT – communic	36,555	33,321	91%	50,244	13,689	Voice-over IP not available for all
IT – cont. serv's	0	5,107		0	0	Website re-do; MS Exchange
Prof development	30,592	17,763	58%	29,926	(666)	Conf. reg., national dues
Oper. fees/serv's	76,839	7,111	9.3%	38,500	(38,339)	
Fees – prof serv's	281,920	34,464	12.2%	178,024	(103,896)	P&A attny's; reserve for contract
OPERATING	**1,029,448**	**423,628**		**907,659**	(121,789)	
TOTAL BUDGET	**4,130,475**	**2,702,121**		**4,727,907**	597,432	

PROTECTION & ADVOCACY PROJECT

FEDERAL GRANT HISTORY

INCOME SOURCE	2001 GRANTS	2002 GRANTS	2003 GRANTS	2004 GRANTS	2005 GRANTS	2006 GRANTS	2007 GRANTS	2008 GRANTS
DD	314,349	333,400	345,429	365,940	365,940	365,940	365,940	365,940
MH	355,300	384,900	400,000	410,000	406,700	402,700	402,700	413,000
PR	138,633	147,782	164,200	163,236	161,930	160,311	160,311	157,505
AT	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
SSA	66,667	100,000	100,000	100,000	100,000	100,000	100,000	100,000
TBI	N/A	N/A	50,000	50,000	50,000	50,000	50,000	50,000
HAVA	N/A	N/A	34,766	70,000	70,000	70,000	70,000	70,000
TOTAL	**924,949**	**1,016,082**	**1,144,395**	**1,209,176**	**1,204,570**	**1,198,951**	**1,198,951**	**1,206,445**

PROTECTION & ADVOCACY PROJECT
HB 1014
OFFICE LEASE INFORMATION

	2007 – 2009 BIENNIUM					2009 – 2011 BIENNIUM					
	SQ. FT.	PRICE	MONTHLY	ANNUAL	BIENN.	SQ. FT.	PRICE	MONTHLY	ANNUAL	BIENN.	CHANGE
LOCATION											
Williston*	293	7.50	183	2,197	4,394	1,206	9.95	1,000	12,000	24,000	19,606
Minot	223	10.50	195	2,340	4,680	223	11.00	204	2,453	4,906	226
DL	270	8.00	180	2,160	4,320	270	8.00	180	2,160	4,320	0
Belcourt	115	23.48	225	2,700	5,400	115	25.00	239	2,875	5,750	350
GF	540	11.11	500	6,000	12,000	540	11.50	517	6,210	12,420	420
Fargo	866	12.00	866	10,392	20,784	866	12.00	866	10,392	20,784	0
Jamestown	947	9.50	750	9,000	18,000	^	^	400	4,800	9,600	(8,400)
Bismarck	4,661	10.41	4,044	48,531	97,062	4,661	11.00	4,272	51,270	102,540	5,478
Dickinson	350	10.28	300	3,600	7,200	350	10.50	306	3,675	7,350	150
TOTAL			**7,243**	**86,920**	**173,840**			**7,986**	**95,835**	**191,670**	**17,830**
New FTE								300	3,600	7,200	7,200
TOTAL								**8,286**	**99,435**	**198,870**	**25,030**

*The P&A office in Williston is moving the beginning of February to its new space. P&A has a signed lease for $800/month through June 2009. When we met with OMB for our budget hearing last fall, we did not yet have a space for our new office. The Governor's recommended budget includes $1,000/month for rent for Williston. P&A will, of course, negotiate for the best lease possible for the two-year period beginning July 2009.

^P&A is in discussions with the ND State Hospital regarding the possibility of P&A moving its Jamestown office into one of the NDSH buildings. The exact square footage and rental price are not known but we believe it will not exceed $400/month.

House Appropriations/HRD 2.4.09

D

PROTECTION & ADVOCACY PROJECT
Staff Program Allocation Plan

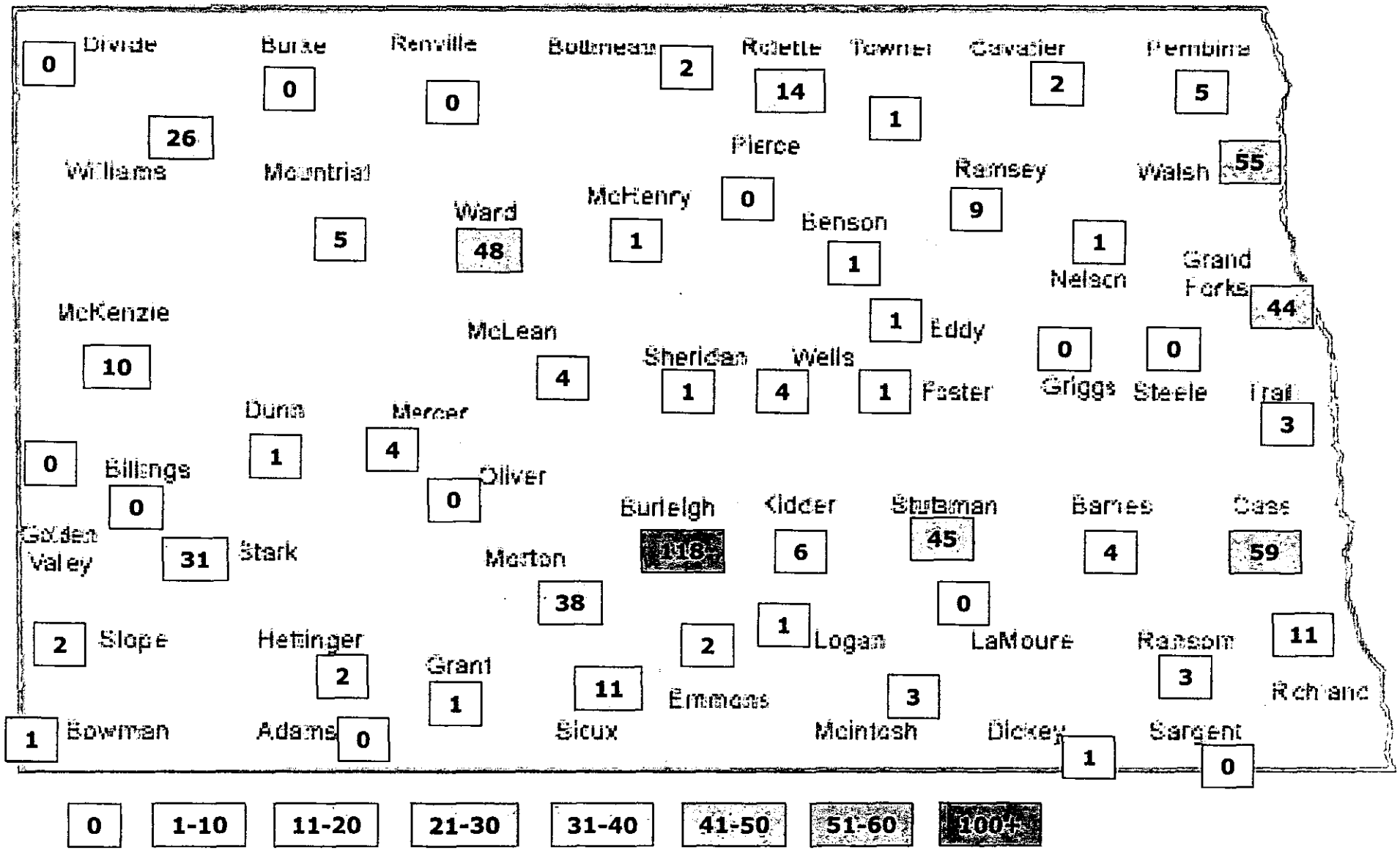
	% of FTE	
	FEDERAL	**STATE**
Williston Advocate	100	
Williston Supp. Staff (.5)	50	
Minot Advocate	100	
Devils Lake Advocate	90	10
Turtle Mt. Advocate	100	
Grand Forks Advocate	100	
Grand Forks Advocate	90	10
Fargo Advocate	85	15
Fargo Advocate	100	
Fargo Attorney	90	10
Jamestown Advocate	100	
Jamestown Advocate	100	
Bismarck Advocate	90	10
Bismarck Advocate	90	10
Bismarck Advocate	90	10
Bismarck Advocate	100	
Dickinson Advocate	90	10
Exec. Dir.	20	80
Adv. Services Dir.	90	10
Prot. Services Dir.	90	10
Dir. of Policy/Operations	15	85
PABSS Adv./Coordinator	100	
Program Coordinator	50	50
Admin. Assistant	0	100
Admin. Secretary	0	100
Fiscal Manager	0	100
Public Policy Advocate	90	10
Legal Services Dir.	95	5
TOTAL	**21.15 FTE's**	**6.35 FTE's**

PROTECTION & ADVOCACY PROJECT
SPEND DOWN OF THE 2009-2011 BIENNIUM (through 12/08)
CHANGES FOR THE 2009-2011 BIENNIUM

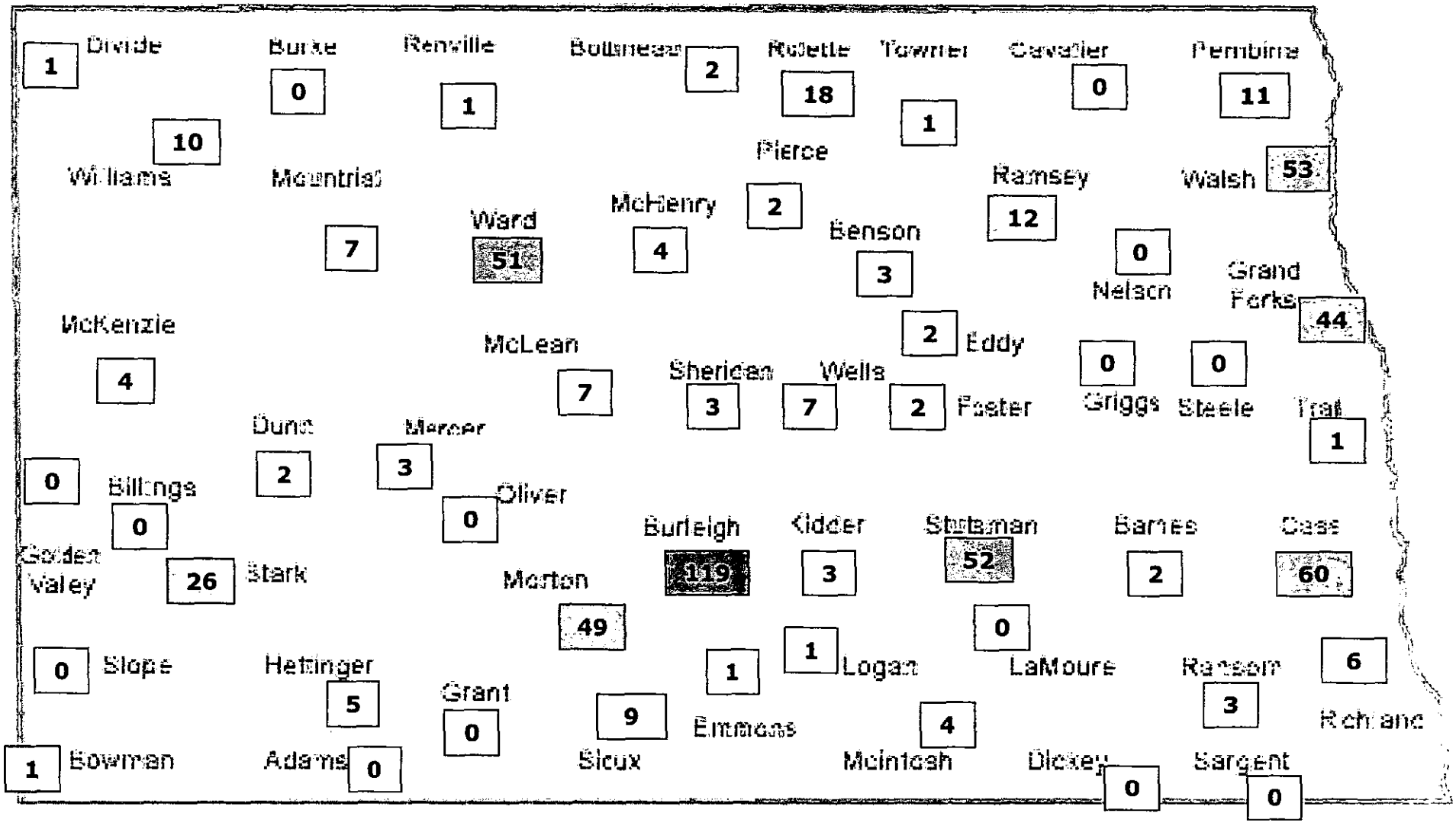
	07-09 BIENNIUM					09-11 BIENNIUM
	BUDGETED	SPENT				BUDGETED
		FEDERAL	STATE	TOTAL		
SALARIES & BENEFITS	**3,101,027**	**1,729,028**	**549,465**	**2,278,493**	**73.5%**	**3,820,248**
Travel	197,251	69,185	10,705	79,890	40.5%	163,051
Supplies – IT	6,125	1,169	(254)	915	15%	5,002
Prof. materials	21,900	13,310	4,983	18,293	83.5%	39,010
Misc. supplies	3,500	0	20	20	.6%	3,696
Office supplies	14,401	4,769	3,681	8,450	58.7%	12,001
Postage	13,401	4,398	3,071	7,469	55.8%	16,971
Printing	48,990	17,850	2,719	20,569	42%	41,827
IT equip < $5K	31,372	11,966	0	11,966	38%	31,905
Other equp < $5K	0	7	0	7		0
Office equip/furn	16,531	946	350	1,296	8%	14,349
Insurance	6,041	3,528	1,968	5,496	91%	5,024
Rent	163,947	83,631	40,680	124,311	75.8%	198,869
Repairs	11,126	5,118	1,711	6,829	61.4%	9,007
IT – data process	68,957	25,717	14,635	40,351	58.5%	70,253
IT – communic	36,555	20,471	12,850	33,321	91%	50,244
IT – cont. serv's	0	1,149	3,958	5,107		0
Prof development	30,592	14,723	3,040	17,763	58%	29,926
Oper. fees/serv's	76,839	1,479	5,632	7,111	9.3%	38,500
Fees – prof serv's	281,920	30,236	4,228	34,464	12.2%	178,024
OPERATING	**1,029,448**	**309,652**	**113,976**	**423,628**	**41.2%**	**907,659**
TOTAL BUDGET	**4,130,475**	**2,038,680**	**663,441**	**2,702,121**	**65.4%**	**4,727,907**

House Appropriations/HRD 2.4.09

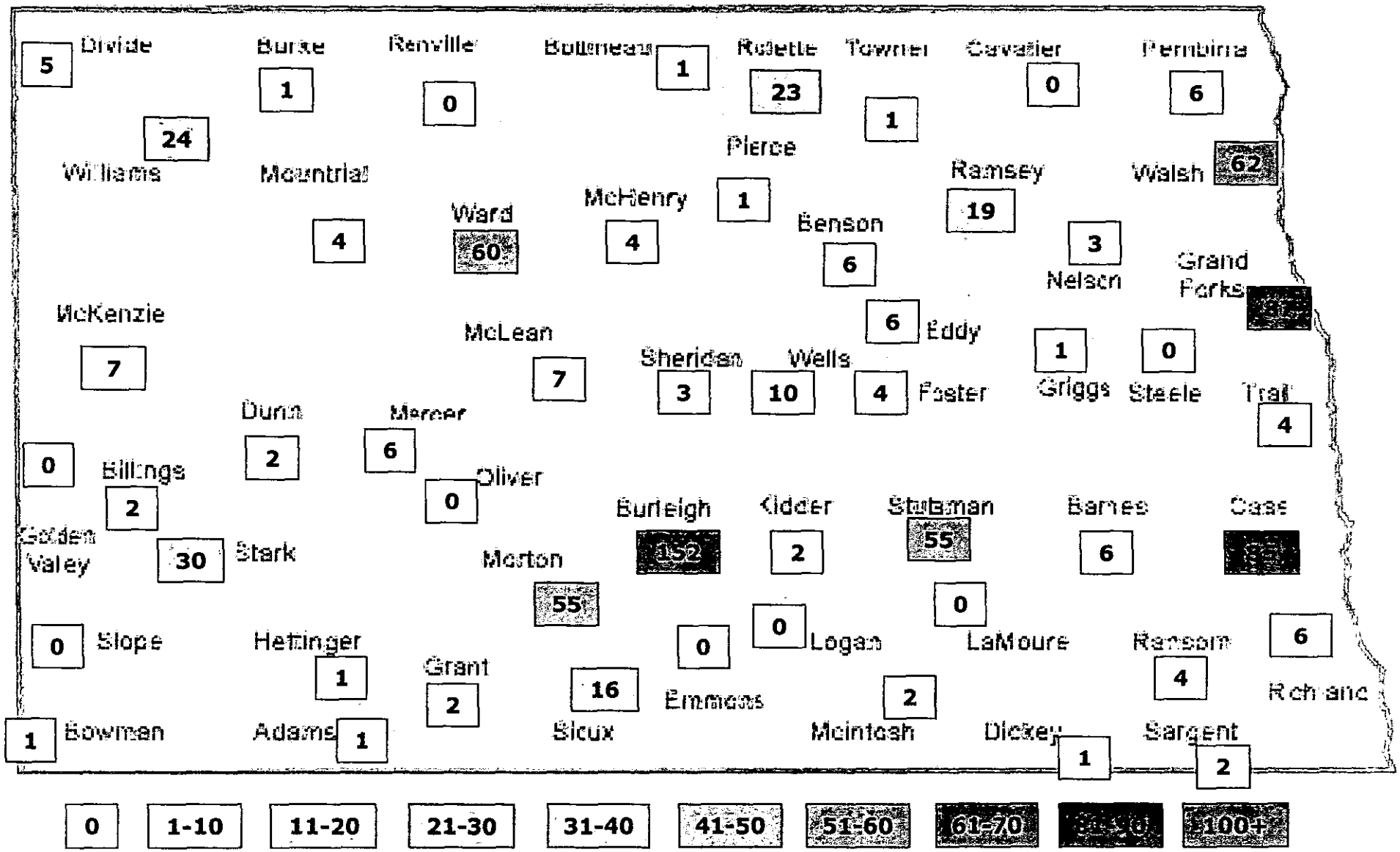
Protection & Advocacy
Client Caseloads by County - Fiscal Year 2006
Total = 582



Protection & Advocacy
Client Caseloads by County - Fiscal Year 2007
Total = 592



Protection & Advocacy
Client Caseloads by County - Fiscal Year 2008
Total = 780



B

TESTIMONY
HOUSE BILL 1014 – PROTECTION AND ADVOCACY PROJECT
House Appropriations – Human Resources Division
Representative Pollert, Chairman
January 14, 2009

Chairman Pollert, members of the House Appropriations Human Resources Division, I am Barbara Murry, Executive Director of the North Dakota Association of Community Providers. I am here today to testify on behalf of the appropriations bill for the Protection and Advocacy Project.

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

Providers are required, by law, to report any potential incidents of internal abuse, neglect, and exploitation. Advocates are frequently called upon to informally review incidents of concern that are identified by providers. Providers and P & A work closely to ensure people with disabilities understand their rights and are protected.

C

House Bill 1014
House Appropriations Committee Hearing
January 14, 2008

Good afternoon Chairman Pollert and other members of the Committee, my name is Vince Iglehart from Bismarck. I want to thank you for your time and attention to what I have to say this afternoon. I would like to comment on my experiences in working with the ND Protection and Advocacy Project. I am a legal guardian for my Mother, Margaret Iglehart of Bismarck. My sister and I became guardians for our Mother in 2000 at which time we replaced the Public Administrator's office in Bismarck. In this capacity, I have utilized the staff and resources at P&A on difficult issues in surrounding management of the guardianship. I think it is important for you to know how P&A has provided the much needed technical support and resources to my family, when issues with the guardianship went beyond our control and capability.

Discussion Items

1. Story of guardianship
    a. Background information
    b. Issues with trust
    c. Attempts at resolution
    d. Looking for help
    e. Assistance from P&A
    f. Adult foster-care home

2. Professionalism and compassion of P&A
    a. Advocacy - always looked out for my Mom's best interests.
    b. Objective - investigated the facts and took input from various parties involved
    c. Practical – able to tap into resources at P&A with out a lot of paper work
    d. Resourceful – staff worked inside their office to find the people they needed
    e. Frugal – balanced available resources with the needs of my Mother/others

    f. Accountable
        i. Originally misinformed – later things were resolved
        ii. Raised my concern when things needed to get done. I think there office could use more legal counsel for tougher cases such as this. From my perspective, I think they are strapped for time and need additional legal staff.
        iii. Unsuccessful obtaining assistance from other entities, public and private

    g. Promote self empowerment
        i. Let family take over when things are resolved
        ii. Ask for assistance when necessary
            1. Have problems from time to time with the trust

    h. Follow-through – I know that I can expect a return phone call or email.

i. Dedicated – It seems like this is more than just another job to the staff. These people work with a passion. I was able to work with staff in the evening outside of normal working hours. I think that the staff at P&A truly demonstrates what it means to be a public servant.

j. I feel that my tax dollars are well spent at P&A

3. Helping people that need help
    a. Personal convictions
        i. I should help my family if I am able – I feel like it is my responsibility
        ii. I should be able to ask for help when needed – struggle to go up against people who are well versed in law
    b. Information on services provided – both public and private
    c. Education to help family members/guardians
    d. More resources to help family members/guardians

Summary

In summary, I would like to say that P&A has been an invaluable resource in helping my family to help our Mother. As I mentioned earlier, I believe it is my responsibility to take care of my Mother if I am able. Without the technical support from P&A, I think that we may have had to give up the guardianship, releasing it to an entity outside of the family. The staff at P&A knows how to help, and they know when to help. It is my desire that you approve the funding for P&A. I believe that the funding will be well utilized as I trust the competency of staff and leadership at P&A. I think they are capable of handling the needs of people with disabilities and have a proven track record. They are open to constructive criticism and are humble servants. They are compassionate, meanwhile being frugal with resources. They embody what I envision a State agency should be. I ask you to consider what I have said today and use it to decide how to best use State taxpayer money.

Contact Information:
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Bismarck, ND 58501
(701) 527-6507
vinceiglehart@bis.midco.net

D

House Bill No. 1014 Committee on Protection and Advocacy

House Appropriations Committee–Chairman, Ken Svedjan
Human Resources Division–Chairman, Chet Pollert

January 14, 2009

Chairman Pollert and members of the committee, I am Elaine Grasl and a member of District 47. I am in support of house bill 1014, the appropriation for defraying the expenses of the committee on protection and advocacy.

People with disabilities are in need. People with disabilities are vulnerable. (but) People with disabilities are valuable and capable in their own right--just like the rest of the population.

I believe Protection and Advocacy does a tremendous job. They listen with a careful, compassionate, thoughtful mind set to those who live with the sometimes difficult realities of life with disability(ies). Not only do they help provide a voice for those who have not been heard, but they help individuals and/or their families, such as ours, to develop their own voices. We are mindful that any of us, or those whom we love, can become disabled in an instant. We are grateful, and wish that Protection and Advocacy continues in its endeavors to educate those with disabilities and the public of North Dakota about the right for equality and opportunity of these worthy and worthwhile members of our lives.

In my view, Protection and Advocacy has developed a program to discover and track the needs and vulnerabilities of people with disabilities, often by respectfully listening to those who are directly affected by difficulties such as those that cause their exclusion from every day life activities. Moreover, P & A seems to be building a more and more comprehensive program to fulfill ~~their~~ 175 duties.

Please support Protection and Advocacy in continuing their job.

Elaine Grasl
7314 Sunshine Lane
Bismarck, ND 58503-9134
701-223-8149

HB 1014
Appropriations for the Protection & Advocacy Project
Senate Appropriations
March 4, 2009

Good afternoon Chairman Holmberg and members of the Committee. I am Teresa Larsen, the Executive Director of the Protection & Advocacy Project (P&A). During testimony today, I will provide you with some information about P&A's services as well as detail of the recommended budget for the agency for the 09-11 biennium.

I. PROGRAMS AND SERVICES

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

As outlined in Federal and State law, P&A's primary mandate is to pursue legal, administrative and other appropriate remedies to ensure protection and assert the rights of people with disabilities. To carry this out, P&A provides advocacy & legal representation, protective services, education & training, systems advocacy, and information & referral services.

P&A's philosophy is to use the least intrusive service necessary to achieve problem resolution while, at the same time, supporting the individual (or guardian or other legal representative) to resolve the problem themselves to the extent they are able. P&A advocates for individuals with all types of disabilities and all ages however, P&A does not duplicate services that are available to individuals from other entities.

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

Federal Funding Source	Grant	1st Year
DHHS/Administration for Children & Families /Administration on Developmental Disabilities	• Developmental Disabilities (DD) • Help America Vote Act (HAVA)	• 1979 • 2003
DHHS/Substance Abuse & Mental Health Services Administration/Center for Mental Health Services	• Mental Health (MH)	• 1986
DHHS/Health Resources & Services Administration	• Traumatic Brain Injury (TBI)	• 2002
Department of Education	• Individual Rights (PR) • Assistive Technology (AT)	• 1992 • 1994
Social Security Administration	• Beneficiaries of Social Security (SS)	• 2001

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

Because there is no "typical case", I'd like to give you a few examples of our work with individual clients.

CASE A: Gail, a 45-year old woman with mental illness, had substantial medical problems. She was hospitalized and was unable to make or communicate her own medical decisions. Gail had no one close to make decisions for her. P&A received a report of Gail's dilemma and immediately petitioned for a temporary guardian. Gail's sister, Ruth, knew Gail's medical history but had not maintained contact for several years.

Ruth volunteered to serve as temporary guardian until Gail got through the crisis. P&A got Ruth appointed as temporary guardian for 90 days. Ruth and Gail re-established a relationship and, when Gail was able, worked together on medical decision-making until Gail could make her own decisions.

CASE B: Joey is a 26-year old man who lived with his mother, Edie. Edie and Joey's sister, Mary were co-guardians for Joey. This had worked well for the first six years. During the past two years, Edie has shown active symptoms of alcoholism.

Joey had been dependent on Edie for many of his regular activities of daily living. He needed help to get out of bed, take a shower, get dressed to leave for the day, and to eat.

P&A received a report of neglect and investigated Joey's living conditions. It was found that Joey had lost 13 pounds in the most recent month because he was not getting adequate nutrition. Some days, Edie did not help Joey out of bed and so he remained there. He was in serious jeopardy.

P&A petitioned the court and got Mary appointed as sole guardian. Mary helped Joey get his own apartment, with a roommate, and services from a professional provider. Joey is doing very well. He can now eat with minimal supervision and has made substantial progress in his day program. Joey and Edie visit each other and speak by phone.

CASE C: Tony is 16-years old and in the 9th grade. He attends Dakota High School and lives with his mother in an apartment. He has a diagnosis of Autism and Attention Deficit Hyperactivity Disorder (ADHD). He receives services through the human service center.

Tony's mother came to P&A and expressed concerns that Tony was not receiving special education services. P&A helped her write a letter to the school requesting an evaluation for her son. As a result, Tony was evaluated, has an Individual Education Plan (IEP), and is receiving special education services.

Over the last two federal fiscal years, P&A provided an impressive number of services to individuals across the State. Advocacy and legal representation were provided to a total of 1,372 clients (592 individuals in fiscal year 2007 and 780 clients in 2008). This is an increase of 239 cases from the two years previous. Attachments 1, 2, and 3 provide a picture of client caseloads by county for each of the last three federal fiscal years. In

addition, information & referral were provided to 3,390 individuals. 7,999 people participated in one of the agency's educational trainings.

Numbers are important and necessary for accountability purposes and for measuring outcomes. P&A provides detailed reports annually to the federal government for each of its federal advocacy programs.

P&A staff is also involved in many activities that lead to systemic changes for people with disabilities. These include a number of task forces, committees, and advisory councils that address issues such as state emergency preparedness and planning for vulnerable populations, criminal justice issues, educational services for students with disabilities, and employment.

P&A has been effective in working with other state entities to address disability-related issues. For example, P&A has partnered effectively with the Secretary of State's Office and the N.D. Association of Counties on implementation of the Help America Vote Act. We collaborated in the production of a video and booklet on voting rights and procedures which was released prior to the 2008 election.

II. SPENDING FOR 2007-2009

Attachment A and Attachment B provide information on spending through January 2009 for the current biennium. We have spent 78% of the amount budgeted for wages. We do not have any vacancies. We have spent 42% - 50% of the total amount budgeted for operating. Because we run behind on some operating bills such as motor pool, this amount is provided as a range. All projected unspent federal funds from the current biennium are budgeted for the 09-11 biennium.

III. BUDGET FOR 2009-2011

A. Federal Funding

Congress determines the dollar amount of the grants for the P&A system. The federal granting authority then applies a formula for determining the amount given to each state and territory. North Dakota is a

minimum allotment state. P&A's budget for the 2009-2011 biennium was developed assuming that the annual federal grants will be the same dollar amounts as those received in federal fiscal year 2008 (10/07 – 9/08). The grant amounts for fiscal year 2009 (10/08 – 9/09) are still unknown.

Attachment C provides the detail for P&A's federal grant dollars for the last eight years. The total of our federal grants has actually decreased since its peak in 2004, with some ups and downs through those years. Overall, the increases in federal grants have been minimal and are largely due to the fact that P&A has gained two new grants beginning in 2003, meaning more responsibility along with the funding. They do not provide for the increased cost of doing business (e.g. raises in pay, health insurance premiums, fuel prices, and information technology costs).

B. Position Funding

The proposed budget for the 09-11 biennium maintains nine offices located around the State (Williston, Minot, Belcourt, Devils Lake, Grand Forks, Fargo, Jamestown, Bismarck, and Dickinson). The regional office model allows P&A staff to be available to individuals with disabilities in the provision of advocacy, protective services, and pro-active work.

P&A currently has 16 disabilities advocates, 3 attorneys, 2 program/advocate supervisors, a fiscal manager, 2.5 support staff, a program coordinator, an operations/policy administrator, and an executive director. We have a total of 27.5 FTE's.

The budget recommended by the Governor includes one new FTE. This position is to help with increased responsibilities for screening incidents and conducting investigations reported by developmental disabilities case managers and licensed service providers. The DHS asked P&A to take on this responsibility as the Center for Medicare & Medicaid Services (CMS) has insisted on independent, third-party investigations of "serious events". The DHS/DD Division, DD service providers, and P&A are working out the protocol for implementation. While P&A has agreed to take on additional work, resources are required to do the job in a responsible, effective and timely way. The cost for salary and benefits for the additional FTE is

$120,425 for the biennium. It was questioned by a House Appropriations member if the DHS could pay for at least part of the FTE. DHS responded that they are able to pay for half. Regardless, it was removed by the House.

P&A is also looking at some organizational changes to address increased workload demand. This will include having at least one advocate in each office who will respond to reports of alleged abuse, neglect, or exploitation as well as reports of "serious events". We currently have six advocates who work in the protective services unit and cover the entire State. We are also going to transition to a "centralized intake" model, which we believe will create a more efficient method of responding to reports and new referrals.

While I do not know the specifics of the pay equity plan included in the Governor's budget, I want to point out that we have a good history of staff longevity at P&A. Of the 28 current employees, following is how long they have worked for the agency:

- 20+ years: five employees
- 10-19 years: nine employees
- 5-9 years: five employees
- 1-4 years: nine employees

Of the twenty-seven classified employees, sixteen are paid between the minimum and first quartile of their pay grades. Ten employees are between the first quartile and the midpoint of their grades. One individual is between the midpoint and the third quartile.

C. <u>Operating</u>

The Governor's recommended budget includes $907,659 for operating. This is a net decrease of $121,789 from 07-09 where $1,029,448 was budgeted for operating. P&A made significant cuts in a number of areas including travel, office supplies, printing, office equipment & furniture, repairs, professional development, operating fees & services, and professional services.

Operating costs for the additional FTE are budgeted at $17,713 for the biennium. This includes $3,736 in start-up costs.

$20,185 was added by the Governor to bring the agency back into a reasonable replacement cycle for its technology equipment (computers, fax machines, and printers) and software. This amount also includes funding for the installation and maintenance of secure e-mail through ITD. While funding for computer replacement was included for the current biennium, we have not completed this as scheduled. Our IT communication bills are running much higher than anticipated and we have already spent 91% of what we budgeted. While we were told voice-over IP would be made available in all offices, in reality, only four of our nine offices have voice-over IP. We also spent IT dollars to have our website rebuilt by ITD, as recommended in the 2007 State audit report completed on our agency. Previously, we had a volunteer webmaster for our site.

Increases are budgeted in the areas of information technology, professional supplies & materials, postage, and office rent. To help offset this, we are looking to rent office space on the State Hospital campus at a cheaper rate than we are currently paying in downtown Jamestown.

Another cost saving measure is being realized through how P&A conducts training. In collaboration with Minot State University, we have started using the Interactive Video Network (IVN) to conduct workshops to DD service providers on abuse, neglect, & exploitation. Where we used to go to individual provider facilities on a frequent basis, we now conduct the training statewide one to two times each month. This saves P&A staff time as well as travel dollars. The IVN hosting is sponsored, at no cost to P&A, through the Center for Persons with Disabilities.

D. Summary

The following table shows P&A's appropriation for the current biennium, increases/decreases made by the Governor for the next biennium, and the changes made by the House. The changes include the removal of the additional FTE and the equity pool as well as an underfunding of the agency's salaries by 2%.

	07-09 Budget	Increase/ decrease	09-11 Budget	House Changes	To Senate
Federal	3,101,027	(179,060)	2,921,967	(47,430)	2,874,537
State	929,141	876,799	1,805,940	(338,676)	1,467,264
TOTAL	4,130,475	597,432	4,727,907	(386,106)	4,341,801
FTE's	27.5	1	28.5	(1)	27.5

Thank you for your time and consideration. I will be happy to answer any questions you might have for me.

[redacted] [redacted] A[redacted]ment A

PROTECTION & ADVOCACY PROJECT

2007 – 2009 BIENNIUM SPENDING through 1/31/09

(79% of the biennium)

	BUDGETED			$ and % SPENT						BALANCE	
	FEDERAL	STATE	TOTAL	FEDERAL	%	STATE	%	TOTAL	%	TOTAL	%
Salaries & benefits	2,448,072	652,955	3,101,027	1,822,203	74%	588,874	90%	2,411,077	78%	689,950	22%
Operating	753,262	276,186	1,029,448	317,322	42%	117,340	42%	434,662	42%	594,786	58%
TOTAL	3,121,744	929,141	4,130,475	2,139,525	68.5%	706,214	76%	2,845,739	69%	1,284,736	31%

All projected unspent federal funds from the 2007-2009 biennium are budgeted for the 2009-2011 biennium.

3.03.09

Attachment B

PROTECTION & ADVOCACY PROJECT
SPEND DOWN OF THE 2009-2011 BIENNIUM (through 1/09)
CHANGES FOR THE 2009-2011 BIENNIUM

3.3.09

	07-09 BIENNIUM			09-11 BIENNIUM		
	BUDGETED	SPENT	%	BUDGETED	CHANGE	
SALARIES & BENEFITS	**3,101,027**	**2,411,077**	**78%**	**3,820,248**	**719,221**	
Travel	197,251	82,674	42%	163,051	(34,200)	Board, staff, advisory councils
Supplies – IT	6,125	1,287	21%	5,002	(1,123)	Software
Prof. materials	21,900	18,461	84%	39,010	17,110	Westlaw, database, law reporters
Misc. supplies	3,500	20	.6%	3,696	196	
Office supplies	14,401	8,697	60%	12,001	(2,400)	
Postage	13,401	7,484	56%	16,971	3,570	
Printing	48,990	20,569	42%	41,827	(7,163)	Brochures, advance directives
IT equip < $5K	31,372	11,966	38%	31,905	533	IT equipment replacement
Other equp < $5K	0	7		0	0	
Office equip/furn	16,531	1,296	8%	14,349	(2,182)	
Insurance	6,041	5,496	91%	5,024	(1,017)	Risk management, property insur.
Rent	163,947	130,874	80%	198,869	34,922	
Repairs	11,126	6,829	61%	9,007	(2,119)	Copy machine service agreements
IT – data process	68,957	40,352	59%	70,253	1,296	
IT – communic	36,555	33,440	91%	50,244	13,689	Voice-over IP not available for all
IT – cont. serv's	0	5,137		0	0	Website re-do; MS Exchange
Prof development	30,592	17,873	58%	29,926	(666)	Conf. reg., national dues
Oper. fees/serv's	76,839	7,111	9%	38,500	(38,339)	
Fees – prof serv's	281,920	35,089	12%	178,024	(103,896)	P&A attny's; reserve for contract
OPERATING	**1,029,448**	**434,662**	**42%**	**907,659**	**(121,789)**	
TOTAL BUDGET	**4,130,475**	**2,845,739**	**69%**	**4,727,907**	**597,432**	

rest of attachments – See House testing 1-14-09
Same to H/S

Testimony
House Bill 1014
Senate Appropriations
Senator Ray Holmberg, Chairman
March 4, 2009

Chairman Holmberg and members of the Committee: my name is Carlotta McCleary. I am the Executive Director of ND Federation of Families for Children's Mental Health (NDFFCMH). NDFFCMH is a parent run organization that focuses on the needs of children with emotional, behavioral and mental disorders and their families. On behalf of the NDFFCMH, I am writing to urge you to support HB 1014 which would provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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

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

A current priority of Protection and Advocacy is to advocate for people with disabilities to be free from harm and mistreatment and to receive quality services, individualized to each person's needs – providing protective services when necessary and appropriate. Many of the children we work with have co-occurring developmental disability and mental health needs. NDFFCMH supports the additional FTE that is necessary to complete the abuse and neglect investigations. It is necessary to have a third party do these investigations.

Protection and Advocacy is a valuable resource for children with emotional, behavioral and mental disorders and their families. I know that you have supported children with emotional, behavioral and mental disorders in the past, NDFFCMH urges you to continue your support by supporting HB 1014.

Thank you for your time.

Carlotta McCleary, Executive Director
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House Bill 1014 Committee on Protection and Advocacy

Senate Appropriations–Chairman, Ray Holmberg

March 4, 2009

Chairman Holmberg and members of the committee, I am Elaine Grasl and a member of District 47. I am in support of House Bill 1014, the appropriation for the defraying the expense of the committee on protection and advocacy.

In this time of uncertainty, people who have disabilities are in need and even more vulnerable. (but) People with disabilities, in their own right, are capable and valuable members of our society.

Protection and Advocacy does a wonderful job. In a supportive, thoughtful mind set, they listen compassionately about the sometimes difficult realities of life with disability(ies). They try to shine a light on solutions. They provide a voice for those who have not been heard. They seek to teach individuals with disabilities and their families to develop their own voices. They look towards equality, opportunity, and possibility to a group of individuals which any of us–or our loved ones can join in an instant–a heartbeat.

Protection and Advocacy continues to develop a program to discover and track the needs and vulnerabilities of people with disabilities, often by respectfully listening to those who are directly by difficulties such as those that cause their exclusion from everyday life activities–proper education–jobs--

Please support Protection and Advocacy in the continuation of building a more and more comprehensive program.

Elaine Grasl
7314 Sunshine Lane
Bismarck, ND 58503-9134

District 47