

DEPARTMENT OF THE PUBLIC ADVOCATE
SENATE BUDGET COMMITTEE TESTIMONY
MONDAY, MAY 7, 2007

Thank you Mr. Chairman for the opportunity to speak with you today regarding the Department of Public Advocate's proposed FY08 budget.

Let me start out by expressing my appreciation for the Legislature passing the Department of the Public Advocate Restoration Act in 2005. Advocacy on behalf of individuals with disabilities and mental illness, consumers, the elderly and children is as important today as they were back in 1972, when this department was first created.

I also greatly appreciate the Legislature and the Governor's funding over the last two years that has resulted in a fully functioning Department capable of achieving its mission. The Department's proposed FY08 budget maintains FY07 funding level, or "flat funding," and only technical changes in staffing levels.

As I am aware that the state's fiscal situation remains paramount in this Committee's deliberations, I would like to highlight the Department's unique administrative agreement with the Department of Treasury that has resulted in real cost savings.

For the last year, the Department of Treasury has performed all fiscal,

human resource and technology services for this Department. These services historically would have been provided internally by staff within a Division of Administration. In our opinion, this agreement with Treasury has been a huge success on many levels including saving taxpayers a significant amount of money.

Some highlights include:

1. We avoided creating a new Division of Administration that would have required approximately 12 to 16 administrative and technology support staff.
2. We worked with highly-trained Treasury technology staff to build a new technology platform for the department. Without Treasury staff this project would have taken more time and been much more costly to the state's taxpayers.
3. We made a decision to use Treasury's computer server to achieve significant cost savings, rather than constructing the Department's own server.

We estimate that this agreement with Treasury has save us more than \$500,000 a year in administrative costs, and another \$500,000 in capital savings by utilizing Treasury's server and other technology savings.

In addition to creating an administrative and technology infrastructure, we also have made major strides at our top priority – recruiting highly qualified and motivated staff. As of April, 2007, we have hired 44 out of the 50 new positions the Legislature granted us last year. We have preferred candidates for the remaining positions and all of the Department's new positions will be filled by June 30th.

I am proud of both our hiring process – reviewing over 800 resumes and conducting 300 interviews for these 50 positions, and the result. The

Department has an incredibly qualified, motivated and diverse workforce.

If you are interested, please check out our Department web site that has detailed biographic and qualifications for most of our senior staff. We are constantly expanding this and other information on our website. We also are working on filling critical vacancies that exist in units that were transferred to the Department, including the office that provides Constitutionally-mandated representation to individuals in civil commitment hearings and the Division of Rate Counsel.

While we have worked hard on building a proper foundation for the Department, I would like to turn quickly to discuss some of the Department's program highlights during the past year.

1. The Department worked hard to reform New Jersey's eminent domain laws and curtail abuses of this government power to ensure that constitutional rights of private property owners are protected. In addition to working with the Legislature on reforms, the department has joined as an amicus in court cases in Long Branch, Lodi and Paulsboro where residents are fighting for the right to keep their homes, businesses and land, and where important legal precedents are at stake.
2. The Department joined in a legal effort by New Jersey communities that seeks to hold paint manufacturers liable for the cost of cleaning up lead paint contamination. We also have undertaken a broad study of existing state and local systems designed to protect children from lead poisoning, with an eye toward improving these systems to safeguard the health of all New Jersey children.
3. When New Jersey's largest utility, PSEG, proposed merging with Exelon Corporation to create the largest energy company in the nation, my staff and I voiced serious concerns about the potential adverse impact on ratepayers. We targeted our efforts at educating New Jersey consumers about the risks of the merger, while providing aggressive consumer advocacy both in the

legal proceedings and negotiations. Ultimately, the merger petition was withdrawn. In addition, the Division of Rate Counsel has saved utility ratepayers an estimated \$473 million in reduced rate hikes and other credits. These savings are critical to the quality of life of New Jersey families and businesses as energy prices continue to soar.

4. The Department won a major victory when the New Jersey Supreme Court voted unanimously to strike down a regulation that has been on the books for some time that limited the access of individuals with developmental disabilities to services to which they were entitled. The Department had filed a comprehensive amicus brief in the case, and I argued the case before the Supreme Court. Specifically, the regulation denied services to people if they were unable to prove that they had at least three specific limitations, such as speech or mobility problems, prior to the age of 22. We argued that the regulation went beyond what this Legislature had had intended or authorized when it defined the requirements to qualify for DDD services.

5. Finally, the Department has successfully recreated the Division of Citizen Relations to respond directly to New Jersey residents concerns about inaction by state agencies. Citizen Relations staff have responded to hundreds of inquiries, including many from legislative offices. These inquiries range from simple referrals to complex cases that require our staff to work with state officials to resolve residents' concerns. This year, our staff will be directly reaching out to your district offices with contact information for this wonderful service.

There are so many other accomplishments that are included in the materials we have circulated to the Committee, but suffice to say, I am extremely proud of the Department's first year of operation. I am also excited about the Department's 2007 agenda and beyond, including:

- Reforming Eminent Domain
- Giving Students Quality Special Education
- Ensuring Safety, Supports For People With Disabilities, Mental Illness

- Protecting Voters' Rights
- Expanding Mental Health Coverage
- Preventing Childhood Lead Poisoning
- Resolving Conflicts Without Litigation
- Expanding Tax Credits for Working Families
- Helping Seniors Age With Dignity
- Guarding the Interests of Utility Ratepayers

I look forward to answering any questions you might have about the budget or any other matter.