

# **LSC Greenbook**

**Analysis of the Enacted Budget**

**Ohio Legal Rights Service**

Todd A. Celmar, Economist  
Legislative Service Commission

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## **ATTACHMENT:**

Budget Spreadsheet By Line Item

# Ohio Legal Rights Service

- Budget requires transitioning OLRs to a nonprofit organization by October 1, 2012
- 92% funded with federal grants

## OVERVIEW

### Agency Overview

The Ohio Legal Rights Service (OLRS) was established in 1975 to address institutional reform and quality of care standards for individuals with disabilities. In 1980, OLRs was designated, under federal law, as a protection and advocacy (P&A) system for Ohioans with disabilities. P&As are located in every state and have been the primary nonfederal enforcers of the disability rights statutes. In that capacity, OLRs provides legal advocacy services to individuals with a developmental disability, mental illness, or other significant physical or mental impairment. The services provided include legal representation, information and referral, negotiation and mediation, education, and training. OLRs also responds to allegations of abuse, neglect, and rights violations and advocates for individuals with disabilities for access to appropriate education, health care, housing, employment, and institutional reform.

### Appropriation Overview

The budget appropriates \$5.5 million in FY 2012, a 19.3% increase over FY 2011, and \$1.4 million in FY 2013, a 75.2% decrease from FY 2012. Appropriations for FY 2013 account for only the first three months of the fiscal year, as OLRs will transition to a nonprofit organization by October 1, 2012, and hence will cease to exist as a state agency. Appropriations for FY 2013 will allow OLRs to continue operations until the transition to a nonprofit organization is completed.

<b>Fund Group</b>	<b>FY 2011*</b>	<b>FY 2012</b>	<b>% Change</b>	<b>FY 2013</b>	<b>% Change</b>
General Revenue	\$232,279	\$239,258	3.0%	\$60,064	-74.9%
General Services	\$393,853	\$181,352	-54.0%	\$32,839	-81.9%
Federal Special Revenue	\$3,951,388	\$4,983,404	26.1%	\$1,245,863	-75.0%
State Special Revenue	\$13,621	\$74,600	447.7%	\$18,652	-75.0%
<b>TOTAL</b>	<b>\$4,591,141</b>	<b>\$5,478,614</b>	<b>19.3%</b>	<b>\$1,357,418</b>	<b>-75.2%</b>

\*FY 2011 figures represent actual expenditures.

Federal Special Revenue appropriations account for the majority of OLRs's budget. Most of the federal dollars received are grants for nine federally mandated P&A programs and client assistance programs. GRF appropriations account for a smaller portion of OLRs's budget and are mainly used for the Ombudsperson Section and for administration. In FY 2010, OLRs handled 4,222 cases. Of these 4,133 (98%) were under federal P&A programs and 89 (2%) were under the Ombudsperson Section.

### **Transition to Nonprofit**

The budget requires that OLRs transition to a nonprofit organization by October 1, 2012, and that the nonprofit organization serve as the state's designated P&A system. The budget requires that the nonprofit P&A system be established no later than December 31, 2011. From then until October 1, 2012, OLRs may subcontract with the nonprofit to facilitate a gradual transition. The budget, on October 1, 2012, abolishes OLRs, the Legal Rights Service Commission, and the Ombudsperson Section of OLRs. The budget also eliminates most statutory provisions related to OLRs, except for extending the following to the nonprofit entity: access to records, confidential status of records that are received, subpoena powers, and some notification requirements. The budget also includes provisions related to transferring funds, equipment, and assets to the nonprofit; such activities must be conducted in accordance with federal requirements. Specific transition processes, including the transition of the P&A designation and the conveyance of assets, property, and funds, are included in the OLRs' report on transition feasibility.

OLRs' transition feasibility study was submitted to the Governor and General Assembly on January 19, 2010, as required under Am. Sub. H.B. 1 of the 128th General Assembly (FY 2010-FY 2011 biennial budget bill). The report concluded that transition was feasible and that the process could take 18 to 30 months. The report details the potential effects on service delivery, access to resources, and the organization, including particular challenges with transitioning and funding for the Ombudsperson Program. The final report and complete feasibility study are available on the OLRs web site and can be accessed at <http://olrs.ohio.gov/commission>.

## **ANALYSIS OF ENACTED BUDGET**

### **Introduction**

This section provides an analysis of each line item in OLRs's budget. In this analysis OLRs' line items are grouped into three major categories. For each category a table is provided listing the recommended appropriation in each fiscal year of the biennium. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation in the budget. The three categories used in this analysis are as follows:

1. Federal Protection and Advocacy;
2. Ombudsperson Section; and
3. Administration and Advocacy Support.

To aid the reader in finding each item in the analysis, Table 2 below shows the category in which each appropriation has been placed. The line items are listed in order within their respective fund groups and funds. This is the same order the line items appear in the budget bill.

<b>Fund</b>			<b>ALI and Name</b>		<b>Category</b>
<b>General Revenue Fund Group</b>					
GRF	054321	Support Service	3:	Administration and Advocacy Support	
GRF	054401	Ombudsman	2:	Ombudsperson Section	
<b>General Services Fund Group</b>					
5M00	054610	Settlements	1:	Federal Protection and Advocacy	
<b>Federal Special Revenue Fund Group</b>					
3050	054602	Protection and Advocacy – Developmentally Disabled	1:	Federal Protection and Advocacy	
3AG0	054613	Protection and Advocacy – Voter Accessibility	1:	Federal Protection and Advocacy	
3B80	054603	Protection and Advocacy – Mentally Ill	1:	Federal Protection and Advocacy	
3CA0	054615	Work Incentives Planning and Assistance	1:	Federal Protection and Advocacy	
3N30	054606	Protection and Advocacy – Individual Rights	1:	Federal Protection and Advocacy	
3N90	054607	Assistive Technology	1:	Federal Protection and Advocacy	
3R90	054616	Developmental Disability Publications	3:	Administration and Advocacy Support	
3T20	054609	Client Assistance Program	1:	Federal Protection and Advocacy	
3X10	054611	Protection and Advocacy – Beneficiaries of Social Security	1:	Federal Protection and Advocacy	
3Z60	054612	Protection and Advocacy – Traumatic Brain Injury	1:	Federal Protection and Advocacy	
<b>State Special Revenue Fund Group</b>					
5AE0	054614	Grants and Contracts	3:	Administration and Advocacy Support	

## Federal Protection and Advocacy

The table below shows the line items used by OLRs to operate the nine P&A programs. The budget requires OLRs transition to a nonprofit organization by October 1, 2012. Therefore, recommended appropriations are generally 75% less in FY 2013 than in FY 2012, as the appropriations would cover only the first quarter of FY 2013.

<b>Table 3. Appropriations for Federal Protection and Advocacy</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>General Services Fund Group</b>				
5M00	054610	Settlements	\$181,352	\$32,839
<b>Federal Special Revenue Fund Group</b>				
3050	054602	Protection and Advocacy – Developmentally Disabled	\$1,662,991	\$415,748
3AG0	054613	Protection and Advocacy – Voter Accessibility	\$135,000	\$33,752
3B80	054603	Protection and Advocacy – Mentally Ill	\$1,152,677	\$288,170
3CA0	054615	Work Incentives Planning and Assistance	\$355,000	\$88,752
3N30	054606	Protection and Advocacy – Individual Rights	\$591,112	\$147,779
3N90	054607	Assistive Technology	\$135,000	\$33,751
3T20	054609	Client Assistance Program	\$435,000	\$108,752
3X10	054611	Protection and Advocacy – Beneficiaries of Social Security	\$235,000	\$58,752
3Z60	054612	Protection and Advocacy – Traumatic Brain Injury	\$151,624	\$37,907
<b>Federal Special Revenue Fund Group Subtotal</b>			<b>\$4,853,404</b>	<b>\$1,213,363</b>
<b>Total Funding: Federal Protection and Advocacy</b>			<b>\$5,034,756</b>	<b>\$1,246,202</b>

Federal P&A grants are received by OLRs each federal fiscal year and may be expended over a two-year period, except for the grant for voter accessibility, which may be expended over four years. The balances of these federal funds as well as the Settlements Fund will be conveyed to the nonprofit organization by October 1, 2012, in accordance with federal requirements.

### Settlements (054610)

This line item is used to expend the settlement awards and attorney fees obtained by OLRs. Expenditures from this line item are used for costs associated with the program from which the settlement or attorney fees were derived. These funds are treated as federal income for the grant that funded the case. The budget provides \$181,352 for FY 2012, a 54% decrease from FY 2011, and \$32,839 for FY 2013. The budget includes a provision that requires that the compensation awarded for the attorney work in a class action lawsuit pursued by OLRs (or the nonprofit entity) be limited to the actual hourly rate of pay for that legal work.

**Protection and Advocacy – Developmentally Disabled (054602)**

This federally funded line item funds Protection and Advocacy for Individuals with Developmental Disabilities (PADD). PADD protects and advocates for the human and civil rights of people with developmental disabilities in developmental centers, schools, and communities. PADD was created through the Developmental Disabilities Assistance and Bill of Rights Act of 1975 and is administered by the United States Department of Health and Human Services, Administration for Children and Families, Administration on Developmental Disabilities. In FY 2010, PADD handled a total of 753 individual cases, or 18.2% of OLRs's individual P&A cases that year. The budget provides \$1.7 million for FY 2012, a 10.9% increase over FY 2011, and \$415,748 for FY 2013.

**Protection and Advocacy – Voter Accessibility (054613)**

This federally funded line item funds Protection and Advocacy for Voting Assistance (PAVA), which is funded by a federal grant to implement the Help America Vote Act of 2002. This Act provides protection and advocacy services to advance the voting rights of people with disabilities. OLRs monitors and investigates complaints that pertain to accessibility and privacy for voters who are developmentally disabled. PAVA is administered by the United States Department of Health and Human Services, Administration for Children and Families, Administration on Developmental Disabilities. In FY 2010, PAVA handled two individual cases, or less than 0.1% of OLRs's individual P&A cases that year. The budget provides \$135,000 for FY 2012, a 4.9% decrease from FY 2011, and \$33,752 for FY 2013.

**Protection and Advocacy – Mentally Ill (054603)**

This federally funded line item funds Protection and Advocacy for Individuals with Mental Illness (PAIMI). The PAIMI Program was established through the Protection and Advocacy for Individuals with Mental Illness Act of 1986. Each state has a PAIMI Program that is funded and administered by the federal Center for Mental Health Services' Substance Abuse and Mental Health Services Administration. The PAIMI Program is mandated to protect and advocate for the rights of people with mental illness, and investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness. In FY 2010, PAIMI handled a total of 1,325 individual cases, or 32.1% of OLRs's individual P&A cases that year. The budget provides \$1.2 million for FY 2012, a 4.9% increase over FY 2011, and \$288,170 for FY 2013.

**Work Incentives Planning and Assistance (054615)**

This federally funded line item funds the Work Incentives Planning and Assistance (WIPA) Program. In 1996, the federal Social Security Administration (SSA) designated OLRs as a WIPA Program provider serving beneficiaries of Supplemental

Security Income (SSI) or Social Security Disability Insurance (SSDI). The program is designed to assist SSA beneficiaries with disabilities to secure gainful employment, achieve financial stability, access supports, and secure affordable health care. WIPA services are available in all of Ohio's counties: OLRs provides WIPA services for 31 counties, the Center for Vocational Alternatives provides WIPA services to 50 counties, and the Legal Aid Society of Greater Cincinnati provides WIPA services to seven counties. In FY 2010, WIPA handled 819 individual cases, or 19.8% of OLRs's individual P&A cases that year. The budget provides \$355,000 for FY 2012, a 21% increase over FY 2011, and \$88,752 for FY 2013.

To receive this grant OLRs must expend a match of about \$15,000 each year. OLRs uses GRF dollars from line item 054321, Support Services, to meet the match requirement. To meet this requirement as a nonprofit organization, OLRs may need to seek private grants or raise other funds. According to OLRs's Executive Director, the nonprofit status will allow the newly formed organization to pursue grant opportunities that are unavailable to government agencies.

#### **Protection and Advocacy – Individual Rights (054606)**

This federally funded line item funds the Protection and Advocacy for Individual Rights (PAIR) Program. The PAIR Program was established by Congress in 1993 as a national program under the Rehabilitation Act of 1973 to protect and advocate for the legal and human rights of persons with disabilities other than those cases handled by the PADD, PAIMI, or Client Assistance programs. Those eligible for PAIR include individuals with chronic or serious medical conditions, individuals with physical disabilities, and individuals with traumatic brain injury who received the disabling injury after age 22. The federal Rehabilitation Services Administration Office of Special Education and Rehabilitative Services administers PAIR. In FY 2010, PAIR handled a total of 782 individual cases, or 18.9% of OLRs's individual P&A cases that year. The budget provides \$591,112 for FY 2012, a 9.1% increase over FY 2011, and \$147,779 for FY 2013.

#### **Assistive Technology (054607)**

This federally funded line item funds the Protection and Advocacy for Assistive Technology (PAAT) Program. The PAAT Program was created through the Assistive Technology Act of 1998, when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act to include funding for P&As to assist individuals with disabilities and their caregivers in the acquisition, utilization, or maintenance of assistive technology. The PAAT Program also provides case management services, legal representation, and self advocacy training regarding assistive technology. The federal Rehabilitation Services Administration Office of Special Education and Rehabilitative Services administers PAAT. In FY 2010, PAAT handled a total of

105 individual cases, or 2.5% of OLRs's individual P&A cases that year. The budget provides \$135,000 for FY 2012, a 4.4% decrease from FY 2011, and \$33,751 for FY 2013.

#### **Client Assistance Program (054609)**

This federally funded line item funds the Client Assistance Program (CAP). CAP was established in the 1984 amendments to the Rehabilitation Act of 1973. The purpose of CAP is to ensure the rights of individuals seeking or receiving services from the Ohio Rehabilitation Service Commission's Bureau of Vocational Rehabilitation or Bureau of Services for the Visually Impaired. CAP informs, advises, and can pursue legal, administrative, or other appropriate remedies for clients experiencing employment-related problems. CAP also provides information to clients on Title I of the Americans with Disabilities Act. In FY 2010, CAP handled a total of 190 individual cases, or 4.6% of OLRs's individual P&A cases that year. The budget provides \$435,000 for FY 2012, a 47.2% increase over FY 2011, and \$108,752 for FY 2013.

#### **Protection and Advocacy – Beneficiaries of Social Security (054611)**

This federally funded line item funds the Protection and Advocacy for Beneficiaries of Social Security (PABSS) Program. The PABSS Program was established in 1999 when the federal Ticket to Work and Work Incentive Improvement Act was enacted. The purpose of PABSS is to provide information and advocacy services to SSI and SSDI beneficiaries who want to work, and to provide advocacy or other services that beneficiaries with a disability may need to secure or regain gainful employment. The Social Security Administration administers PABSS. In FY 2010, the PABSS Program handled a total of 142 individual cases, or 3.4% of OLRs's individual P&A cases that year. The budget provides \$235,000 for FY 2012, a 38.9% increase over FY 2011, and \$58,752 for FY 2013.

#### **Protection and Advocacy – Traumatic Brain Injury (054612)**

This federally funded line item is used to fund the Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI) Program. The PATBI Program was established in the Children's Health Act of 2000 to improve access to health and other services for individuals with traumatic brain injury and their families. The Maternal and Child Health Bureau of the United States Department of Health and Human Services administers the PATBI Program. In FY 2010, the PATBI Program handled a total of 15 individual cases, or 0.4% of OLRs's individual P&A cases that year. The budget provides \$151,624 for FY 2012 and \$37,907 for FY 2013.

## Ombudsperson Section

The table below shows the line items used to fund the services provided under the Ombudsperson Section. The budget requires that OLRs transition to a nonprofit organization by October 1, 2012. Therefore, recommended appropriations are generally 75% less in FY 2013 than in FY 2012, as the appropriations would cover only the first quarter of FY 2013.

Table 4. Appropriations for Ombudsperson Section				
Fund		ALI and Name	FY 2012	FY 2013
<b>General Revenue Fund</b>				
GRF	054401	Ombudsman	\$142,003	\$35,750
<b>Total Funding: Ombudsperson Section</b>			<b>\$142,003</b>	<b>\$35,750</b>

### Ombudsman (054401)

This GRF line item funds the statutorily required Ombudsperson Section operated by OLRs. The section is composed of one and one half full-time equivalent staff. The budget provides \$142,003 for FY 2012, a 2.5% increase over FY 2011, and \$35,750 for FY 2013. The budget allows that this line item, along with GRF line item 054321, Support Services, may be used to help support the costs of transitioning to a nonprofit organization. The Ombudsperson Section will not transition to the nonprofit organization.

The Ombudsperson Section was created in 1986 by the General Assembly to protect people with disabilities from immediate and long-term harm and to issue and monitor rule and policy recommendations to state and local agencies. It is funded exclusively through GRF. The Section receives and monitors all Major Unusual Incident (MUI) reports from the departments of Developmental Disabilities and Mental Health. These departments are required to notify OLRs of all investigations of MUIs and furnish all relevant reports within 48 hours. If the complaint involves a crime or a violation of standards of professional conduct, the Ombudsperson Section has the authority to notify the Attorney General, county prosecuting attorney, or other appropriate law enforcement agencies. In FY 2010, OLRs initiated over 100 investigations based on MUI reports. The Section also conducts "secondary investigations." These are cases that either involve a death of an individual with developmental disabilities or where another state agency (usually the Department of Developmental Disabilities) is conducting the primary investigation.

## Administration and Advocacy Support

The table below shows the line items used by OLRs for administration and other projects that support OLRs operations. The budget requires that OLRs transition to a nonprofit organization by October 1, 2012. Therefore, recommended appropriations are generally 75% less in FY 2013 than in FY 2012, as the appropriations would cover only the first quarter of FY 2013.

<b>Table 5. Appropriations for Administration and Advocacy Support</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>General Revenue Fund</b>				
GRF	054321	Support Service	\$97,255	\$24,314
<b>Federal Special Revenue Fund Group</b>				
3R90	054616	Developmental Disability Publications	\$130,000	\$32,500
<b>State Special Revenue Fund Group</b>				
5AE0	054614	Grants and Contracts	\$74,600	\$18,652
<b>Total Funding: Administration and Advocacy Support</b>			<b>\$301,855</b>	<b>\$75,466</b>

### Support Service (054321)

This GRF line item is used to pay a portion of costs related to personal services, maintenance, and equipment. It also serves as a source of match dollars (about \$15,000 each year) for the federal WIPA grant. As a nonprofit organization, OLRs may need to seek private grants or raise other funds to meet the match requirement for the WIPA grant. According to OLRs's Executive Director, the nonprofit status will allow the newly formed organization to pursue grant opportunities that are unavailable to government agencies.

The budget provides \$97,255 for FY 2012, a 3.8% increase over FY 2011, and \$24,314 for FY 2013. The budget allows that this line item, along with line item 054401, Ombudsman, may be used to support the costs of transitioning to a nonprofit organization. Transition costs may include conveying assets and property and making adjustments to bookkeeping, accounting, and other administrative functions. Current OLRs employees may be rehired by the nonprofit organization during the transition process to carry out some of these functions. According to the Executive Director, federal (P&A) dollars are not allowed to be used for the direct costs of the transition.

### Developmental Disability Publications (054616)

This federally funded line item is used to fund a quarterly newsletter for the Ohio Developmental Disabilities Council. This line item is funded with federal pass-through dollars from the Department of Developmental Disabilities. The budget provides \$130,000 for FY 2012, an 18.1% increase over FY 2011, and \$32,500 for FY 2013.

**Grants and Contracts (054614)**

This line item is used to fulfill OLR's individual grant and contract obligations. OLR applies for and receives a variety of grants that are deposited into the Grants and Contracts Fund (Fund 5AE0), which supports this line item. The Ohio State Bar Foundation has provided a \$29,700 grant for redesigning OLR's web site to make it more current and user friendly. The budget provides \$74,600 for FY 2012 and \$18,652 for FY 2013. The increase from FY 2011 to FY 2012 will allow OLR to expend funds from another grant from the Ohio State Bar Foundation to create a central repository of information regarding Ohio Supreme Court cases involving individuals with developmental disabilities. OLR has applied for this grant and expects approval in the coming months.

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# FY 2012 - FY 2013 Final Appropriation Amounts

# All Fund Groups

Line Item Detail by Agency			FY 2010	FY 2011	Appropriations FY 2012	FY 2011 to FY 2012 % Change	Appropriations FY 2013	FY 2012 to FY 2013 % Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: Enacted</b>					
<b>LRS Legal Rights Service</b>								
GRF	054321	Support Services	\$ 99,378	\$ 93,674	\$ 97,255	3.82%	\$ 24,314	-75.00%
GRF	054401	Ombudsman	\$ 134,359	\$ 138,605	\$ 142,003	2.45%	\$ 35,750	-74.82%
<b>General Revenue Fund Total</b>			<b>\$ 233,737</b>	<b>\$ 232,279</b>	<b>\$ 239,258</b>	<b>3.00%</b>	<b>\$ 60,064</b>	<b>-74.90%</b>
5M00	054610	Settlements	\$ 3,250	\$ 393,853	\$ 181,352	-53.95%	\$ 32,839	-81.89%
<b>General Services Fund Group Total</b>			<b>\$ 3,250</b>	<b>\$ 393,853</b>	<b>\$ 181,352</b>	<b>-53.95%</b>	<b>\$ 32,839</b>	<b>-81.89%</b>
3050	054602	Protection and Advocacy-Developmentally Disabled	\$ 1,326,987	\$ 1,101,818	\$ 1,662,991	50.93%	\$ 415,748	-75.00%
3AG0	054613	Protection and Advocacy-Voter Accessibility	\$ 92,557	\$ 141,961	\$ 135,000	-4.90%	\$ 33,752	-75.00%
3B80	054603	Protection and Advocacy-Mentally Ill	\$ 1,176,932	\$ 1,098,820	\$ 1,152,677	4.90%	\$ 288,170	-75.00%
3CA0	054615	Work Incentives Planning and Assistance	\$ 320,385	\$ 293,335	\$ 355,000	21.02%	\$ 88,752	-75.00%
3N30	054606	Protection and Advocacy-Individual Rights	\$ 592,962	\$ 541,832	\$ 591,112	9.10%	\$ 147,779	-75.00%
3N90	054607	Assistive Technology	\$ 110,893	\$ 141,203	\$ 135,000	-4.39%	\$ 33,751	-75.00%
3R90	054604	Family Support Collaborative	\$ 12,500	\$ 0	\$ 0	N/A	\$ 0	N/A
3R90	054616	Developmental Disability Publications	\$ 89,809	\$ 110,099	\$ 130,000	18.08%	\$ 32,500	-75.00%
3T20	054609	Client Assistance Program	\$ 343,569	\$ 295,590	\$ 435,000	47.16%	\$ 108,752	-75.00%
3X10	054611	Protection and Advocacy - Beneficiaries of Social Security	\$ 224,665	\$ 169,145	\$ 235,000	38.93%	\$ 58,752	-75.00%
3Z60	054612	Protection and Advocacy-Traumatic Brain Injury	\$ 80,481	\$ 57,584	\$ 151,624	163.31%	\$ 37,907	-75.00%
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 4,371,741</b>	<b>\$ 3,951,388</b>	<b>\$ 4,983,404</b>	<b>26.12%</b>	<b>\$ 1,245,863</b>	<b>-75.00%</b>
5AE0	054614	Grants and Contracts	\$ 40,962	\$ 13,621	\$ 74,600	447.67%	\$ 18,652	-75.00%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 40,962</b>	<b>\$ 13,621</b>	<b>\$ 74,600</b>	<b>447.67%</b>	<b>\$ 18,652</b>	<b>-75.00%</b>
<b>Legal Rights Service Total</b>			<b>\$ 4,649,690</b>	<b>\$ 4,591,141</b>	<b>\$ 5,478,614</b>	<b>19.33%</b>	<b>\$ 1,357,418</b>	<b>-75.22%</b>