



ATTORNEY GENERAL – MAIN LINE ITEM

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: ZACKERY KING

BUDGET BRIEF

SUMMARY

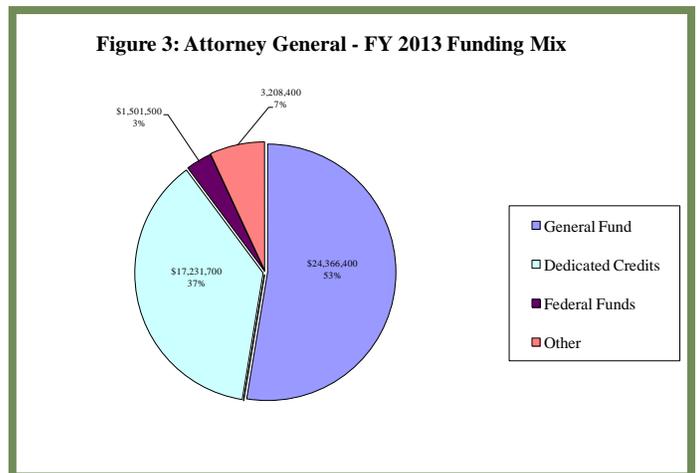
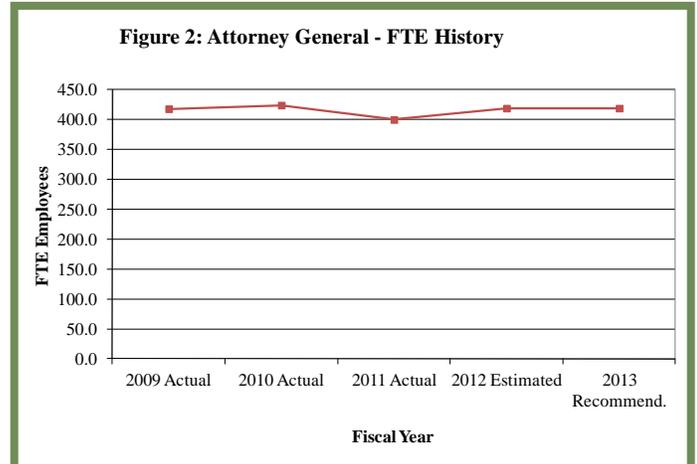
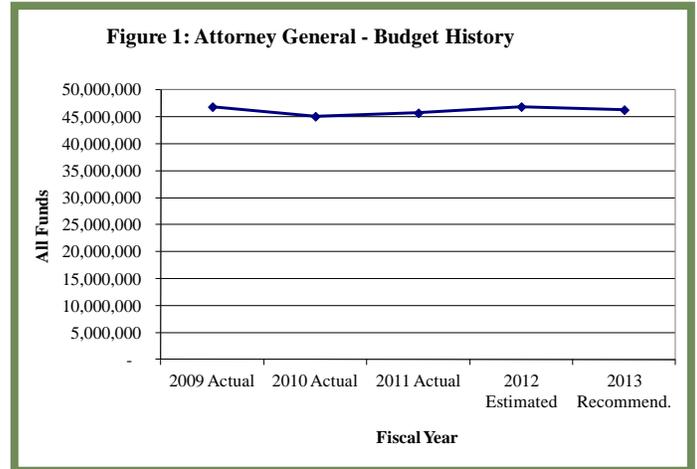
The Attorney General is the constitutional legal officer of the state, serves as counsel in all cases in which the state or its officers are a party, and provides legal services for the state. The Attorney General’s mission is to uphold the constitutions of the United States and of Utah, enforce the law, provide counsel to state agencies and public officials, work with law enforcement, and protect the interests of Utah, its people, environment and resources. The office's goals are to protect people from crime, protect children from abuse and neglect, protect the state as an entity, and protect the state’s natural resources.

The Office of the Attorney General has five line items. They are:

1. Attorney General (Main Line Item)
2. Contract Attorneys
3. Children’s Justice Centers
4. Prosecution Council
5. Domestic Violence

The Attorney General Main Line Item is the single largest line item within the agency. It contains approximately 90 percent of the A.G.'s budget, representing the major divisions and programs. The AG main line item has five programs:

1. Administration – provides executive oversight, management, and administrative support functions for the entire Attorney General's Office.
2. Child Protection – represents the Division of Child and Family Services (DCFS) in court and administrative proceedings regarding child abuse, neglect, and substance dependency. Also helps ensure that children are placed in safe environments, and advises DHS staff regarding licensure of child care centers and residential treatment centers.



3. Children's Justice – provides local prosecutors and investigators with expertise and training in child abuse prosecution. Attorneys in this program often act as co-counsel with local prosecutors on complex and multi-jurisdictional child abuse cases.
4. Civil – a large program with seven internal divisions: State Agency Counsel, Education, Civil Appeals, Natural Resources, Litigation, Tax and Revenue, and Environment. **State Agency Counsel** provides legal advice and representation to several state agencies. **Education** provides legal counsel to the State Board of Regents, the institutions of higher education, the Higher Education Assistance Authority's (UHEAA) student loan programs, and the State Board of Education. **Civil Appeals** handles most civil appeals for the office, providing centralized efforts and increased quality control for civil appeals from various divisions of the Attorney General's Office. **Natural Resources** serves as legal counsel to the Department of Natural Resources. **Litigation** defends civil suits for money damages covered by the state's Risk Management Fund, including claims brought against state agencies, school districts, and institutions of higher education. **Tax and Revenue** provides legal support to the Tax Commission, Insurance Department, Department of Financial Institutions, and state entities that issue bonds. **Environment** provides legal support to the Department of Environmental Quality.
5. Criminal Prosecution – this large program consists of five internal divisions: Criminal Justice, Investigations, Commercial Enforcement, Child and Family Support, and Criminal Appeals. **Criminal Justice** conducts criminal prosecutions, particularly homicide and public corruption cases. **Investigations** provides investigative services in support of all divisions of the Attorney General's Office. **Commercial Enforcement** represents most of the divisions of the Department of Commerce. **Child and Family Support** serves as legal counsel to the Office of Recovery Services (ORS). **Criminal Appeals** handles all appeals arising from felony prosecutions and juvenile delinquency.

ISSUES AND RECOMMENDATIONS

Base Budget

For this line item, the Analyst recommends an FY 2013 budget of \$46,308,000 as shown in the budget detail table on page 4. This amount includes a decrease of \$209,700 from the General Fund Restricted – Tobacco Settlement Account, as explained below, and a reduction of \$512,100 from transfers from CCJJ.

Intent Language

The Analyst recommends the following intent language to make the AG Main Line Item's unexpended appropriations nonlapsing at the end of FY 2012:

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Attorney General in Item 9 of Chapter 2 Laws of Utah 2011 not lapse at the close of fiscal year 2012.

Tobacco Settlement

The Analyst recommends a decrease of \$209,700 from the GFR – Tobacco Settlement Account as a result of declining receipts. The Legislature already replaced these lost funds with ongoing General Fund during the 2011 General Session, so this action will not result in a funding cut for the AG. In FY 2012 revenues will likely be 23 percent lower than FY 2011. The majority of tobacco settlement revenues are directed by statute to mandatory programs. The balance is directed by appropriation to discretionary programs. The Attorney General is one of the discretionary programs. The Attorney General uses these funds to ensure tobacco companies uphold their agreement. Tobacco companies are increasingly withholding payments or paying into disputed accounts. It is unknown if or when the state will prevail in obtaining these disputed payments.

Fees

The Analyst recommends no change to the following GRAMA fees charged by the Attorney General’s Office:

Non-color photocopy, per page.....	\$0.25
Color photocopy, per page.....	\$0.40
11 x 17 photocopy, per page.....	\$1.00
Odd size copies.....	Actual Cost
Document faxing, per page, plus long distance charges over 10 pages.....	\$1.00
Document Certification.....	\$2.00
Staff time to search, compile, and otherwise prepare a record	Actual Cost
Mailing and shipping preparation, plus actual postage costs.....	\$2.00
CD Duplication, per CD, plus actual staff costs.....	\$5.00
DVD Duplication, per DVD, plus actual staff costs.....	\$10.00
Other media.....	Actual Cost
Other services.....	Actual Cost

Federal Funds

The Fiscal Analyst recommends the subcommittee approve federal funds for the Attorney General as shown in the issue briefs titled “Executive Offices and Criminal Justice: Federal Funds FY 2012” and “Executive Offices and Criminal Justice: Federal Funds FY 2013.”

Grants associated with the main line item include the following: FY2012 – (Med) Medicaid Fraud Unit, Internet Crimes Against Children Task Force, ARRA Internet Crimes Against Children, FBI Joint Task Force; FY 2013 – (MED) Medicaid Fraud Unit, Internet Crimes Against Children Task Force, FBI Joint Task Force.

Governor’s Recommendations

The Attorney General requested budget increases in FY 2013 for the following items. The Governor’s budget recommended partial funding for one of them.

<u>Name</u>	<u>Requested</u>	<u>Governor Recomm</u>
Restoration of previous base funding cut	\$800,000	\$300,000
SECURE Strike Force	\$860,400	N/A
Continuation of Criminal Non-Support Program	\$131,200	N/A

BUDGET DETAIL

One-time appropriations in FY 2012 were made for the Citizens’ Communications Portal, \$200,000, and the SECURE Strike Force, \$350,000. Total General Fund appropriations for this line item since FY 2008 have been as follows.

(\$ Millions)	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
Ongoing	25.3	24.5	23.1	25.0	24.4
One-time	1.0	0.3	1.8	0.0	0.6
Total	26.3	24.8	24.9	25.0	25.0

BUDGET DETAIL TABLE

Attorney General						
Sources of Finance	FY 2011 Actual	FY 2012 Appropriated	Changes	FY 2012 Revised	Changes	FY 2013* Recommended
General Fund	25,043,850	24,366,350	0	24,366,350	50	24,366,400
General Fund, One-time	0	550,000	0	550,000	(550,000)	0
Federal Funds	2,140,300	1,285,400	586,400	1,871,800	(370,300)	1,501,500
American Recovery and Reinvestment	0	560,800	(560,800)	0	0	0
Dedicated Credits Revenue	17,919,400	17,359,200	(124,900)	17,234,300	(2,600)	17,231,700
GFR - Constitutional Defense	0	350,000	0	350,000	0	350,000
GFR - Tobacco Settlement	276,100	276,300	(209,700)	66,600	0	66,600
Attorney General Litigation Fund	336,500	336,900	0	336,900	0	336,900
Transfers - Commission on Criminal ar	701,500	586,100	(74,000)	512,100	(512,100)	0
Transfers - Federal	367,100	320,900	266,800	587,700	0	587,700
Transfers - Other Agencies	60,000	59,900	100	60,000	0	60,000
Beginning Nonlapsing	2,820,600	1,582,900	2,286,400	3,869,300	(1,015,700)	2,853,600
Closing Nonlapsing	(3,938,800)	(513,700)	(2,339,900)	(2,853,600)	1,876,700	(976,900)
Lapsing Balance	0	0	(69,500)	(69,500)	0	(69,500)
Total	\$45,726,550	\$47,121,050	(\$239,100)	\$46,881,950	(\$573,950)	\$46,308,000
Programs						
Administration	3,874,550	4,165,100	(296,600)	3,868,500	0	3,868,500
Child Protection	7,383,900	7,437,300	(75,100)	7,362,200	(43,500)	7,318,700
Children's Justice	1,137,600	1,167,700	75,550	1,243,250	50	1,243,300
Civil	18,737,900	17,563,650	1,663,350	19,227,000	0	19,227,000
Criminal Prosecution	14,592,600	16,787,300	(1,606,300)	15,181,000	(530,500)	14,650,500
Total	\$45,726,550	\$47,121,050	(\$239,100)	\$46,881,950	(\$573,950)	\$46,308,000
Categories of Expenditure						
Personnel Services	41,107,400	41,847,950	(23,750)	41,824,200	(400)	41,823,800
In-state Travel	97,000	153,700	(48,000)	105,700	(7,600)	98,100
Out-of-state Travel	99,400	68,600	25,100	93,700	(1,900)	91,800
Current Expense	2,818,450	3,088,000	(196,050)	2,891,950	(135,150)	2,756,800
DP Current Expense	744,000	744,700	93,900	838,600	(163,400)	675,200
DP Capital Outlay	0	7,500	(7,500)	0	0	0
Capital Outlay	49,300	200,600	(151,300)	49,300	0	49,300
Other Charges/Pass Thru	811,000	1,010,000	68,500	1,078,500	(265,500)	813,000
Total	\$45,726,550	\$47,121,050	(\$239,100)	\$46,881,950	(\$573,950)	\$46,308,000
Other Data						
Budgeted FTE	400.0	405.5	13.5	419.0	0.0	419.0
Actual FTE	398.9	0.0	0.0	0.0	0.0	0.0
Vehicles	50.0	50.0	0.0	50.0	0.0	50.0

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

SUMMARY OF RECOMMENDATIONS

The Analyst recommends the Legislature:

1. Adopt the base budget of \$46,308,000 as shown in the budget detail table.
2. Approve the intent language on page 2.
3. Approve the fee schedule on page 3.
4. Approve federal funds for the Attorney General item as shown in the issue briefs titled "Executive Offices and Criminal Justice: Federal Funds FY 2012" and "Executive Offices and Criminal Justice: Federal Funds FY 2013."