

CONTRACT ATTORNEYS

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: ZACKERY KING

BUDGET BRIEF

SUMMARY

The Contract Attorneys line item tracks costs of outside attorneys and expert witnesses hired by the A.G. in cases where a conflict of interest exists, where the Legislature has specifically requested outside legal representation, or when the requisite legal expertise on specific issues is not available in the A.G. office.

The Contract Attorney line item has only one program. Any General Fund in this line item represents legal settlements or estimates of outside counsel costs for cases of a general statewide nature. Dedicated credits funding represents reimbursements from state agencies that benefit from litigation using outside counsel.

ISSUES AND RECOMMENDATIONS

Base Budget

For the Contract Attorneys line item, the Fiscal analyst recommends a FY 2014 budget of \$300,000.

Pelt Settlement

The Legislature is using this line item to make payments under settlement of the Pelt v. Utah case (Navajo Trust Fund litigation). Under the settlement, the state must pay \$1,000,000 in FY 2011; \$5,000,000 in FY 2012; and \$13,500,000 in each of FY 2013 and 2014.

Pending availability of funds, the Fiscal Analyst recommends a one-time General Fund appropriation of \$13,500,000 to the Contract Attorneys line item for FY 2014 to make the final payment in the Pelt Settlement case.

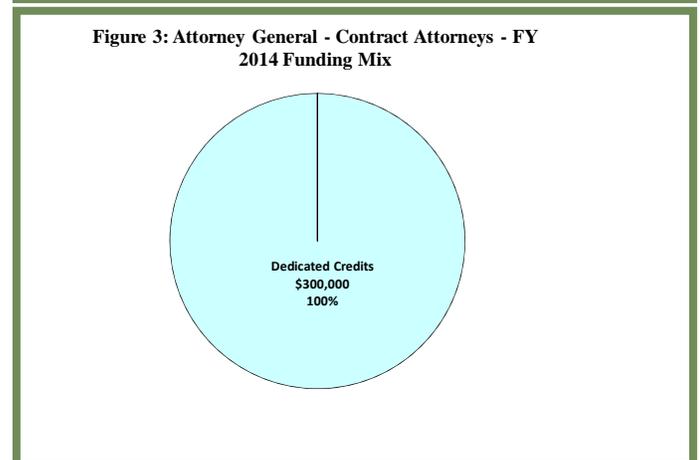
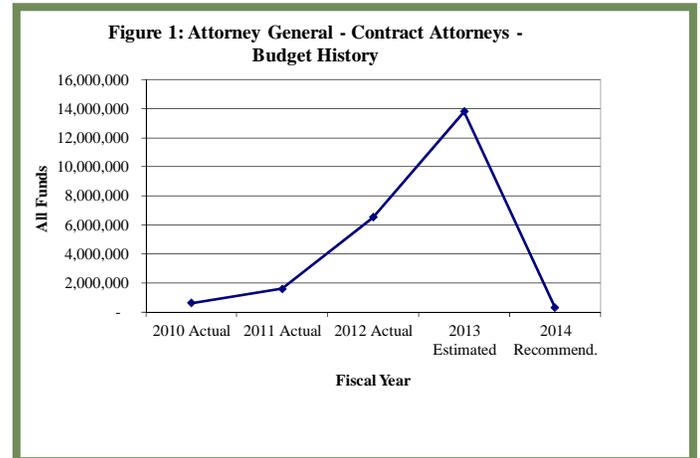
FY 2012 Budget

This line item closed FY 2012 with expenditures \$223,800 higher than revenues. After including \$51,400 in nonlapsing balances from the Contract Attorneys Line Item, \$223,800 is the remaining balance of a \$275,200 payment to the Special Fiduciary administering the United Effort Plan Trust on behalf of the State of Utah.

Intent Language

A report on intent language passed by the Legislature during the 2012 General Session for the Attorney General is included in the issue brief entitled *Attorney General Follow-up on Previous Intent Language*.

After review and adjustment, the Fiscal Analyst recommends the following intent language to make the Contract Attorneys Line Item's FY 2013 unexpended appropriations nonlapsing at the end of FY 2013 (recommended by the Governor:



CONTRACT ATTORNEYS

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Attorney General - Contract Attorneys in Item 12 Chapter 11 Laws of Utah 2012 not lapse at the close of fiscal year 2013

Governor's Recommendations

The Governor made the following recommendations for the Contract Attorneys line item:

1. **PELT Settlement** – \$13,500,000 one-time General Fund in FY 2014

BUDGET DETAIL TABLE

Attorney General - Contract Attorneys						
Sources of Finance	FY 2012 Actual	FY 2013 Appropriated	Changes	FY 2013 Revised	Changes	FY 2014*
General Fund, One-time	5,388,100	13,500,000	0	13,500,000	(13,500,000)	0
Dedicated Credits Revenue	850,300	300,000	0	300,000	0	300,000
Beginning Nonlapsing	51,400	0	0	0	0	0
Closing Nonlapsing	223,800	0	0	0	0	0
Total	\$6,513,600	\$13,800,000	\$0	\$13,800,000	(\$13,500,000)	\$300,000
Programs						
Contract Attorneys	6,513,600	13,800,000	0	13,800,000	(13,500,000)	300,000
Total	\$6,513,600	\$13,800,000	\$0	\$13,800,000	(\$13,500,000)	\$300,000
Categories of Expenditure						
Current Expense	6,513,600	300,000	13,500,000	13,800,000	(13,500,000)	300,000
Other Charges/Pass Thru	0	13,500,000	(13,500,000)	0	0	0
Total	\$6,513,600	\$13,800,000	\$0	\$13,800,000	(\$13,500,000)	\$300,000

*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. Approve a recommended budget of \$300,000 as shown in the budget detail table.
2. After review and adjustment, approve intent language as outlined on page 1.