

ATTORNEY GENERAL – MAIN LINE ITEM

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: STEVEN ALLRED

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.

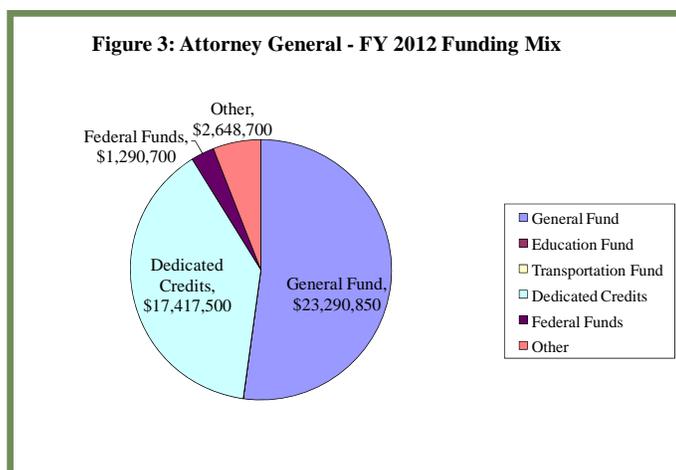
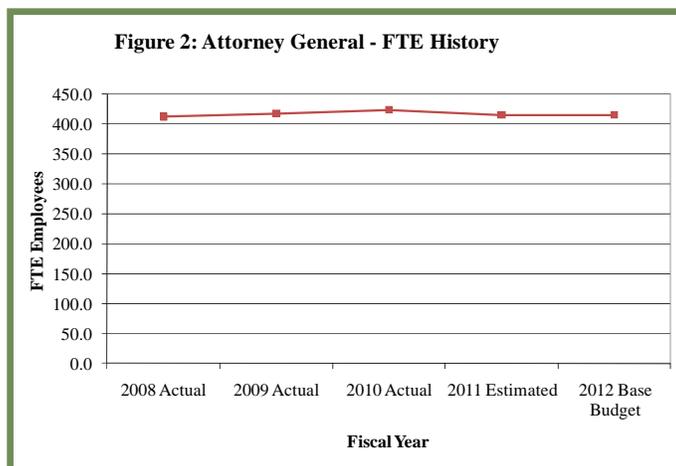
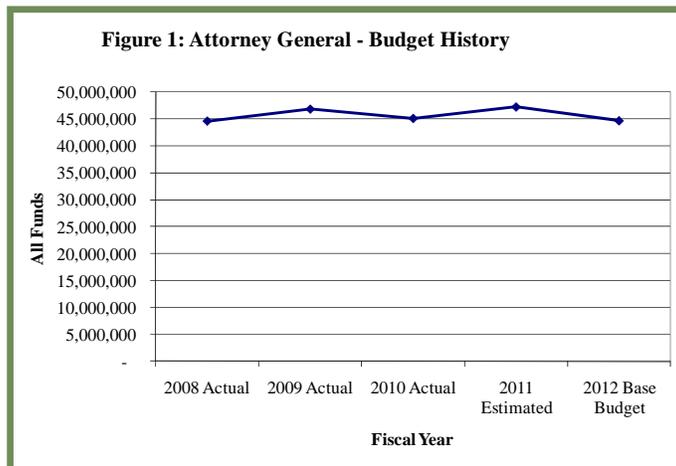
The Office of the Attorney General has five line items. They are:

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

This budget brief will discuss the Main Line Item. Other budget briefs will discuss the other line items.

The Attorney General Main Line Item is the single largest line item within the agency. It contains approximately ninety 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 agency.
2. Child Protection – represents the Division of Child and Family Services (DCFS) in court and administrative proceedings regarding child abuse, neglect, and substance dependency.
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. Criminal Prosecution – this large program consists of five internal divisions: Criminal Justice, Investigations, Commercial Enforcement, Child and Family Support, and Criminal Appeals.
5. Civil – another large program with seven internal divisions: State Agency Counsel, Education, Civil Appeals, Natural Resources, Litigation, Tax and Revenue, and Environment.

ISSUES AND RECOMMENDATIONS

SECURE Task Force

House Bill 64 (2009) created the SECURE (Statewide Enforcement of Crimes by Undocumented Residents) strike force with \$891,000 in federal stimulus funds. The AG supplemented the strike force with \$300,000 in General Funds that became available due to other federal grants. Now some of those federal grants are expiring and the AG may be facing other General Fund reductions in the base budget.

The strike force targets major organized crime committed by a small portion of the immigrant community, including violent and other major felony crimes such as gun trafficking, high-level narcotics distribution, document forgery, and human trafficking. The strike force may end in FY 2012 unless it receives replacement funding. The task force has proven to be effective and has had several high profile arrests. The Analyst recommends the Legislature consider an appropriation from the General Fund to keep this task force functioning. The Governor’s budget recommended \$156,000 ongoing and \$200,000 one-time.

Tobacco Settlement Restricted Account

Statewide, the Legislature appropriated \$31.3 million from the Tobacco Settlement Account to state agencies in FY 2011. Funds in this account come from the Master Settlement Agreement between various states and the large tobacco companies. Of the \$31.3 million appropriated, \$20.8 million is prioritized in statute, and the remaining \$10.5 million is discretionary. The Attorney General’s Office received an appropriation of \$276,100 under the “discretionary” category.

Due to economic circumstances and increased taxes, payments from tobacco companies declined in FY11 by approximately 25%. When the state collects less, the discretionary appropriations are the first to be reduced. For the Attorney General’s office, this could mean a loss of \$156,000, or 56%.

The Attorney General uses this money for ongoing defense and enforcement of the settlement agreement. A funding reduction could jeopardize the office’s ability to continue to enforce the agreement, or at least require the office to reallocate General Fund from other office programs. The Analyst recommends the Legislature consider an appropriation from the General Fund, especially if the base budget General Fund reductions are implemented.

Federal Stimulus (ARRA) Appropriation

The Legislature has maintained tight control on appropriations from federal American Recovery and Reinvestment Act (ARRA) funds. Every agency that received an ARRA appropriation also received intent language requiring that any ARRA funds spent above the appropriated amount would reduce the agency’s General Fund appropriation by the same amount.

During the 2010 General Session the Legislature appropriated \$437,500 in FY 2011. The Attorney General’s Office has requested FY 2011 and FY 2012 increases as follows:

<u>Purpose</u>	<u>FY 2011 Original</u>	<u>FY11 Request</u>	<u>FY12 Request</u>
Internet Crimes Against Children	\$221,300	\$82,400	\$77,600
UPAST (Mortgage Fraud/Asset Seizure)	\$216,200	\$267,000	\$483,200
Total	\$437,500	\$349,400	\$560,800

Please see the Issue Brief entitled, "Elected Offices – Federal Funds" for more detail. The Analyst recommends the Legislature approve an additional \$349,400 in FY 2011, and \$560,800 in FY 2012.

Intent Language

The Analyst recommends the following intent language to make AG Main Line Item's FY 2011 unexpended appropriations nonlapsing at the end of FY 2011:

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Attorney General in Item 8 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011.

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

BUDGET DETAIL

Budget History

The following data provide the history of the agency's (all line items) ongoing General Fund budget:

FY 2010 Base:	\$29,328,050	
Adjustment:	(\$1,918,000)	FY 2009 Supplemental Ongoing Reduction
Adjustment:	<u>(\$1,827,200)</u>	Discretionary Reductions and ISF Rate Adjustment
FY 2010 Final:	\$25,582,850	Plus \$3,372,000 one-time backfill
FY 2011 Base:	\$25,582,850	
Adjustment:	\$2,306,900	68% of FY 2010 one-time backfill (128% in CJC line item)
Adjustments:	\$32,600	Compensation, ISF, and program adjustments
FY 2011 Total:	\$27,922,350	Plus \$1,000,000 one-time for Pelt Settlement

BUDGET DETAIL TABLE

Attorney General						
Sources of Finance	FY 2010 Actual	FY 2011 Appropriated	Changes	FY 2011 Revised	Changes	FY 2012* Base Budget
General Fund	23,135,750	25,043,850	0	25,043,850	(1,753,000)	23,290,850
General Fund, One-time	1,838,400	0	0	0	0	0
Federal Funds	1,474,200	1,236,000	267,700	1,503,700	(213,000)	1,290,700
American Recovery and Reinvestment A	397,400	437,500	0	437,500	(437,500)	0
Dedicated Credits Revenue	18,360,200	17,433,600	(16,100)	17,417,500	0	17,417,500
GFR - Tobacco Settlement	274,300	276,100	0	276,100	0	276,100
Attorney General Litigation Fund	332,900	336,500	0	336,500	0	336,500
Transfers - Commission on Criminal and	711,100	863,300	(231,200)	632,100	(46,000)	586,100
Transfers - Federal	314,600	337,500	(16,600)	320,900	0	320,900
Transfers - Other Agencies	59,300	63,400	(3,500)	59,900	0	59,900
Beginning Nonlapsing	1,017,000	0	2,822,700	2,822,700	(1,239,800)	1,582,900
Closing Nonlapsing	(2,822,700)	0	(1,582,900)	(1,582,900)	1,069,200	(513,700)
Total	\$45,092,450	\$46,027,750	\$1,240,100	\$47,267,850	(\$2,620,100)	\$44,647,750
Programs						
Administration	3,860,900	3,659,950	293,550	3,953,500	(215,500)	3,738,000
Child Protection	7,115,250	6,285,600	1,242,800	7,528,400	(496,400)	7,032,000
Children's Justice	1,069,700	1,252,600	(83,500)	1,169,100	(63,600)	1,105,500
Civil	18,706,200	20,570,600	(3,287,750)	17,282,850	(698,400)	16,584,450
Criminal Prosecution	14,340,400	14,259,000	3,075,000	17,334,000	(1,146,200)	16,187,800
Total	\$45,092,450	\$46,027,750	\$1,240,100	\$47,267,850	(\$2,620,100)	\$44,647,750
Categories of Expenditure						
Personnel Services	40,712,600	41,576,150	682,700	42,258,850	(1,681,800)	40,577,050
In-state Travel	83,800	112,900	40,800	153,700	0	153,700
Out-of-state Travel	69,600	107,300	(38,700)	68,600	0	68,600
Current Expense	2,718,300	2,807,300	183,100	2,990,400	(327,600)	2,662,800
DP Current Expense	505,200	450,100	288,900	739,000	(194,300)	544,700
DP Capital Outlay	7,500	484,000	(476,500)	7,500	0	7,500
Capital Outlay	273,800	0	200,600	200,600	0	200,600
Other Charges/Pass Thru	683,450	490,000	359,200	849,200	(416,400)	432,800
Transfers	38,200	0	0	0	0	0
Total	\$45,054,250	\$46,027,750	\$1,240,100	\$47,267,850	(\$2,620,100)	\$44,647,750
Other Data						
Budgeted FTE	424.1	400.1	15.5	415.5	0.0	415.5
Actual FTE	397.4	0.0	0.0	0.0	0.0	0.0
Vehicles	50.0	47.0	3.0	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.

As shown in the table, the subcommittee's list included a General Fund reduction of \$1,753,100, which equates to 7% of the FY11 ongoing General Fund in this line item, and 3.7% of all funds.

SUMMARY OF RECOMMENDATIONS

The Analyst recommends the Legislature:

1. Adopt the base budget shown in the budget detail table.
2. Consider funding for the SECURE task force and tobacco settlement loss as shown on page 2.
3. Approve federal stimulus money shown on pages 2-3
4. Approve intent language and fees shown on page 3.