

ATTORNEY GENERAL

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: ZACKERY KING

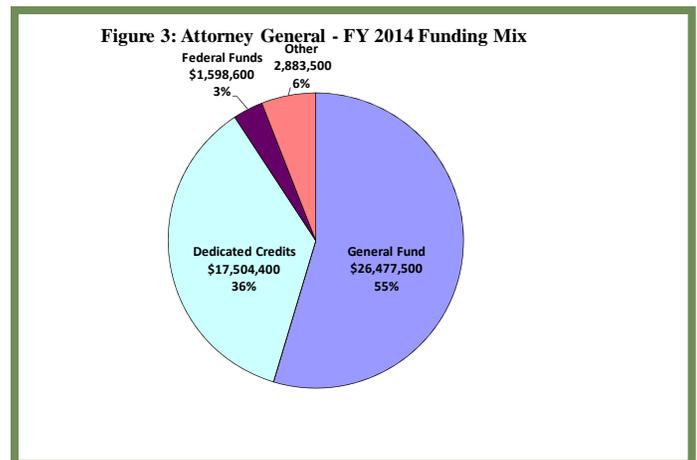
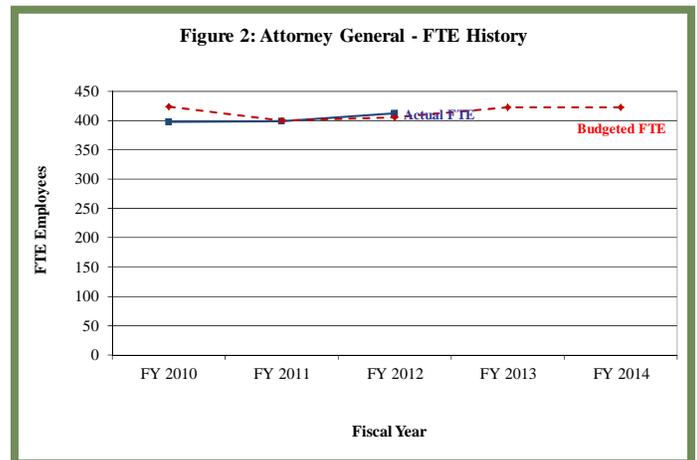
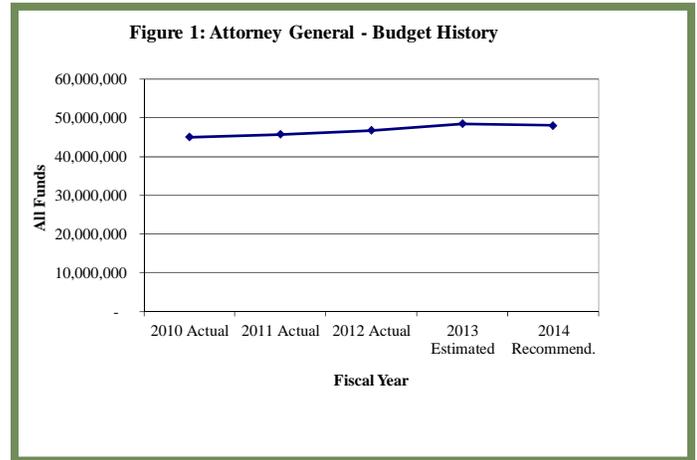
BUDGET BRIEF

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 Attorney General Main Line Item is the single largest line item within the agency. It contains approximately ninety percent of the Attorney General’s budget and 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***Base Budget***

For the Attorney General main line item, the Fiscal Analyst recommends a FY 2014 budget of \$48,464,000.

Department of Natural Resources (DNR) Fire/Forestry/State Lands Legal Support

Should funds become available, the Fiscal Analyst recommends that the subcommittee forward to the Executive Appropriations Committee for further consideration, an increase of \$100,000 from the General Fund for one additional FTE to provide legal support to the Department of Natural Resources' Fire, Forestry, and State Lands divisions.

This additional FTE is the Attorney General's top priority for new funding. If funded, the new position will bring the total number of attorneys assigned to the Department of Natural resources to two. The following is a summary of the Attorney General's reply as to the need for this FTE: workload needs cited for this request are 1) the more than 400 title boundary settlements on Utah Lake, Bear Lake, the Great Salt Lake, and the Jordan River; 2) reviewing the competitive public process for, and issuing, mineral and special use leases, as well as responding administratively, or in state court, to challenges brought on these leases; 3) disputes on the activities of a lessee, or over royalty payment audits, or natural resource development on state lands (an estimated \$10 million in revenue over the last three years from resources on lands owned and managed by the state); 4) legal work in connection with wild land fire suppression cost recovery efforts (\$1.75 million recovered over the last five years with approximately \$5 million in suppression costs for FY 2012 alone); and 5) to litigate cases, specific to the Division of Forestry, Fire, and State Lands, where the Federal government's intrusion on state interests.

Department of Public Safety (DPS) Legal Support

Should funds become available, the Fiscal Analyst recommends that the subcommittee forward to the Executive Appropriations Committee for further consideration, an increase of \$100,000 from the General Fund for one additional FTE to provide legal support to the DPS.

This additional FTE is the Attorney General's second priority for new funding. If funded, the new position would bring the total number of attorneys assigned to the DPS to two. The issue brief entitled *Department of Public Safety Attorney Request* contains the Attorney General's response to questions about time demands on the current attorney and performance measures the office uses in its analysis of the current legal support provided to DPS.

Federal Funds

UCA 63J-5-201 states, "the Legislative Fiscal Analyst shall submit a federal funds request summary for each agency... for review during each annual general session. Each legislative appropriations subcommittee shall review the federal funds request summary and may recommend that the agency accept the federal funds...or recommend that the agency not accept the federal funds..." A detailed listing of the Attorney General's request for federal funds authorization for FY 2013 and FY 2014 is found in the issue brief *EOCJ Federal Funds: FY 2013 Supplemental and FY 2014*.

Adoption of Fees

In accordance with UCA 63J-1-504 requiring the department to "submit its fee schedule . . . to the Legislature for its approval on an annual basis", the Attorney General's requested fee schedule is presented in the issue brief titled *Attorney General: FY 2014 Fee Schedule*. UCA 63J-1-504 also states, "the Legislature may approve, increase or decrease and approve, or reject any fee submitted to it by a fee agency." A detailed fee schedule for the Attorney General is found in the issue brief *EOCJ: FY 2014 Fee Schedule*.

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 titled *Attorney General Follow-up on Previous Intent Language*.

The Fiscal Analyst recommends the following intent language to make the Attorney General Main Line Item's FY 2013 unexpended appropriations nonlapsing at the end of FY 2013 (also recommended by Governor):

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

Governor's Recommendations

For FY 2014, the Governor recommended the following ongoing General Fund increases:

1. *DNR Fire/Forestry/State Lands Legal Support* - \$100,000
2. *Public Safety Additional Legal Support* - \$100,000 Budget Detail Table

BUDGET DETAIL TABLE

Attorney General						
Sources of Finance	FY 2012 Actual	FY 2013 Appropriated	Changes	FY 2013 Revised	Changes	FY 2014* Recommended
General Fund	24,366,350	26,477,500	0	26,477,500	0	26,477,500
General Fund, One-time	550,000	0	0	0	0	0
Federal Funds	2,028,400	1,538,700	79,900	1,618,600	(20,000)	1,598,600
Dedicated Credits Revenue	17,118,200	17,634,100	(129,700)	17,504,400	0	17,504,400
GFR - Constitutional Defense	350,000	359,200	0	359,200	0	359,200
GFR - Mortgage and Financial Fraud	0	2,000,000	0	2,000,000	(2,000,000)	0
GFR - Tobacco Settlement	66,600	73,500	0	73,500	0	73,500
Attorney General Litigation Fund	336,900	345,000	0	345,000	0	345,000
Transfers - Commission on Criminal	416,200	0	0	0	0	0
Transfers - Federal	573,100	601,900	(4,900)	597,000	0	597,000
Transfers - Other Agencies	60,000	61,500	(1,500)	60,000	0	60,000
Beginning Nonlapsing	3,869,300	2,853,600	47,900	2,901,500	504,300	3,405,800
Closing Nonlapsing	(2,901,500)	(976,900)	(2,428,900)	(3,405,800)	1,448,800	(1,957,000)
Lapsing Balance	(73,400)	(69,500)	69,500	0	0	0
Total	\$46,760,150	\$50,898,600	(\$2,367,700)	\$48,530,900	(\$66,900)	\$48,464,000
Programs						
Administration	4,236,100	3,935,200	308,000	4,243,200	0	4,243,200
Child Protection	7,246,800	7,467,500	(102,100)	7,365,400	(14,300)	7,351,100
Children's Justice	1,177,800	1,273,000	(69,300)	1,203,700	0	1,203,700
Criminal Prosecution	14,917,900	18,465,300	(2,734,300)	15,731,000	(52,600)	15,678,400
Civil	19,181,550	19,757,600	230,000	19,987,600	0	19,987,600
Total	\$46,760,150	\$50,898,600	(\$2,367,700)	\$48,530,900	(\$66,900)	\$48,464,000
Categories of Expenditure						
Personnel Services	41,668,600	46,197,300	(2,684,400)	43,512,900	0	43,512,900
In-state Travel	103,500	98,100	5,400	103,500	(200)	103,300
Out-of-state Travel	147,800	91,800	55,800	147,600	(700)	146,900
Current Expense	2,825,500	2,767,400	44,000	2,811,400	(5,200)	2,806,200
DP Current Expense	1,185,500	681,700	454,500	1,136,200	(46,500)	1,089,700
Capital Outlay	0	49,300	(49,300)	0	0	0
Other Charges/Pass Thru	829,300	1,013,000	(193,700)	819,300	(14,300)	805,000
Total	\$46,760,200	\$50,898,600	(\$2,367,700)	\$48,530,900	(\$66,900)	\$48,464,000
Other Data						
Budgeted FTE	406	420	3	423	0	423
Actual FTE	412	0	0	0	0	0
Vehicles	53	50	3	53	0	53

*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 FY 2014 budget of \$48,464,000 as shown in the budget detail table.
2. Pending availability of funds, forward to the Executive Appropriations Committee for further consideration, an increase of \$100,000 from the General Fund for one additional FTE to provide legal support to the Department of Natural Resources' Fire, Forestry, and State Lands divisions.
3. Pending availability of funds, forward to the Executive Appropriations Committee for further consideration, an increase of \$100,000 from the General Fund for one additional FTE to provide legal support to the Department of Public Safety.
4. After review and adjustment, authorize the Attorney General to accept federal funds for FY 2013 and FY 2014 listed in the issue brief titled *EOCJ Federal Funds: FY 2013 and FY 2014*. In conjunction with this action, direct the fiscal analyst to include the authorized federal funds and associated federal programs in the annual appropriations act for final approval by the Legislature.
5. After review and adjustment, adopt the fee schedule referenced on page 2 including the recommendations contained in the issue brief titled *EOCJ: FY 2014 Fee Schedule*
6. After review and adjustment, approve the intent language recorded on page 2.