

DEPARTMENT OF LAW

FY2014 HOUSE FINANCE BUDGET SUBCOMMITTEE NARRATIVE REPORT

February 28, 2013

SUBCOMMITTEE MEMBERS:

Rep. Holmes, Chair 

Rep. Pruitt

Rep. LeDoux

Rep. Gruenberg

Rep. Keller

Rep. Josephson

Rep. Stoltze

RECOMMENDATIONS:

The House Finance Budget Subcommittee for the Department of Law submits a recommended operating budget for FY2014 to the House Finance Committee as follows:

Unrestricted General Funds (UGF)	\$ 59,360.5
Designated General Funds (DGF)	\$ 2,698.7
Other Funds	\$ 28,332.7
Federal Funds	\$ 1,966.4
TOTAL	\$ 92,358.3

BUDGET ACTION:

The House Finance Budget Subcommittee for the Department of Law held 7 meetings with the Department and analyzed all of the Governor's budget transactions. The following are budget action highlights:

- The Subcommittee recommends authorizing \$3,755 less general funds, \$100.0 less other funds, and 3 fewer full-time positions as the Governor's FY2014 request.
- The Subcommittee recommends a total increase from the FY2014 Adjusted Base of \$3,867.6 UGF and \$772.8 in Other Funds. The total change from the Adjusted Base is \$4,640.4 and 2 new full-time positions.

Accepted

1. Criminal Division First Judicial District

An Attorney for the First Judicial District in Juneau \$250.0

In the last year, because of concerns about attorney capacity, the Attorney General moved a position from the Criminal Appeals/Special Litigation to work in the Juneau District Attorney's Office. This position is the one for which law is seeking a \$250.0 fund change (from uncollectible I/A to UGF).

2. Criminal Division Fourth Judicial District

A Victim/Witness Paralegal in Bethel \$140.0

The Bethel District Attorney's Office handles all criminal matters in the Yukon-Kuskokwim Delta and has seven attorneys who cover ten judicial offices in seven court locations. The high percentage of sexual assault and sexual abuse of minor cases, along with the highest felony referral rate, intensify the work required to prepare for and process these cases. The Department contends that an additional Victim/Witness Paralegal would facilitate better witness contact and victim communication.

3. Child Protection

A Child Protection Paralegal in Fairbanks \$140.0

The Fairbanks office has been experiencing insufficient paralegal support in the Child in Need of Aid section. To make up for this lack of assistance, the Department has been forced to utilize paralegal staff from other geographic areas. This approach increases costs and drains resources from other busy offices. An additional Child Protection paralegal in Fairbanks will alleviate this pressure and assist with timelier case processing.

4. Criminal Justice Litigation

Implement Victim Information and Notification (VINE) System \$80.0

The VINE system is a computer-based service that provides prisoner custody status information to victims and other subscribers. By implementing this system, the Department would be able to provide automatic notification to the victims while at the same time freeing up paralegals' time to prepare individuals for court. The subcommittee wishes that this will be a one-time increment this year, to allow the Department to return next budget cycle with an update on the effectiveness of this program.

5. Civil Division- Commercial and Fair Business

Outside Investigative Services for Consumer Protection Program \$100.0

Increased SDPR authority is requested to contract for additional investigative services to support the efforts of the Consumer Protection Unit in addressing both in state and out of state scamming operations. The subcommittee's wish is that this be a one-time increment, hoping that during the next budget cycle the Department can report back on whether these services were effective. The subcommittee wishes to partially fund this increment, as the Division was unable to provide certain costs for contracting these investigative services.

6. Civil Division- Oil, Gas and Mining

Work Related to the State Gas Pipeline and Bringing North Slope Gas to Market \$1,000.0

The Department requested funds to continue its role in one of the Governor's top priority projects – the construction of a gas pipeline and bringing natural gas to market.

Work Related to Major Oil and Gas Litigation \$2,000.0

Funding is requested for ongoing oil and gas matters including Pt. Thompson litigation, proceedings before the Federal Energy Regulatory Commission, and TAPS tariff issues and property tax matters.

The subcommittee wishes to partially fund this division's increments (50% of the requested amount) due to the uncertainty of costs associated with ongoing and future oil, gas, and mining litigation. The subcommittee believes that \$3,000.0 will be sufficient to manage outside counsel costs and other fees currently, and hopes that the Department will work to manage their funds effectively to keep them within this budgeted amount. This funding is also a one-time increment, hoping that the Department will provide the subcommittee in the next budget cycle a report on the effectiveness of the services funded.

7. Department of Administration

Increases for Core Services \$107.3

Charges for core services provided by the Department of Administration – including Risk Management, Personnel, Information Technology services, the Public Building, and the Working Reserve Account – are estimated to be \$12.1 million higher in FY14 than in FY13. The Department's share of these increments is in the Administration and Support appropriation/Administrative Services -

allocation.

8. Criminal Division

Fully Fund Items Added in FY13 \$91.2

Two of the agency's FY13 increments, a Language Interpreter in the Third Judicial District and a Cold Case Prosecutor in Criminal Appeals/Special Litigation, were funded at three-quarters of the requested GF levels to allow time for recruitment. Having been filled, the Department is now seeking the remainder of the position requests to be funded.

9. Various Allocations

Receipt Authority for Unbudgeted RSAs \$906.9

In an effort to establish authorization for previously unbudgeted RSAs, the Department is requesting additional I/A Receipt Authority for existing RSAs with the following departments:

- Health and Social Services, \$461.4
- Public Safety, \$233.0
- Revenue, \$47.5
- Commerce, Community, and Economic Dev., \$15.9
- Administration, \$14.1

Additionally, the Department requests \$135.0 I/A for *anticipated* FY14 RSAs with other state agencies.

Denied

1. Criminal Division First Judicial District

An Attorney for the First Judicial District in Juneau \$225.0

The Department requested funds to add an attorney to the Juneau District Attorney's Office to specialize in sexual assault, sexual abuse of minors and domestic violence litigation. It was the subcommittee's belief that a specialist could fill an existing attorney position, and thus funding a new position would not be necessary.

2. Criminal Division Fourth Judicial District

A Prosecuting Attorney for the Fourth Judicial District in Bethel \$225.0

The Department requested funds to add a prosecuting attorney in the Bethel District Attorney's Office to alleviate the caseload pressure and assist in addressing language barriers. It is the subcommittee's belief that by adding a paralegal to the Bethel office, some of the workload will decrease, and an additional attorney position will not be necessary to fund this fiscal year.

3. Criminal Division Fourth Judicial District

Add Prosecuting Attorney for the Fourth Judicial District in Fairbanks \$225.0

The Department requested funding for an additional prosecuting attorney for the Fairbanks District Attorney's Office to reduce the caseloads of existing attorneys. The subcommittee reviewed this request and determined that they would like the department to work on managing this caseload within their current funding.

4. Criminal Justice Litigation

Fund Mitochondria and Y-Chromosome DNA Testing along with Expert Testimony \$100.0

The Department requested funding to replace a federal grant for additional DNA testing, specifically on mitochondria and Y-chromosome DNA, and the expert testimony that such testing requires. Due to the fact that the state crime lab is currently in the certification process to perform Y-chromosome testing and such testing also occurs at a local level, the subcommittee found that such an increment was not necessary to fund this fiscal year.

AMENDMENT ACTION:

There were no amendments to the Department's section of the Governor's FY2014 Budget.

ATTACHED REPORTS:

The House Finance Budget Subcommittee for the Department of Law adopts the attached reports:

Subcommittee generated reports

Budget Action Worksheet

Legislative Finance Division Reports (Numbers Only) – House Structure

1. Agency Totals – FY2014 Operating Budget
2. Appropriation/Allocation Summary (All Funds)
3. Appropriation/Allocation Summary (GF)
4. Transaction Comparison between Adj Base and H Subcomm
5. Transaction Comparison between Gov Amd and H Subcomm
6. Wordage Report – FY2014 Operating Budget



Representative Lindsey Holmes, Chair
House Finance Budget Subcommittee for the Department of Law
February 28, 2013