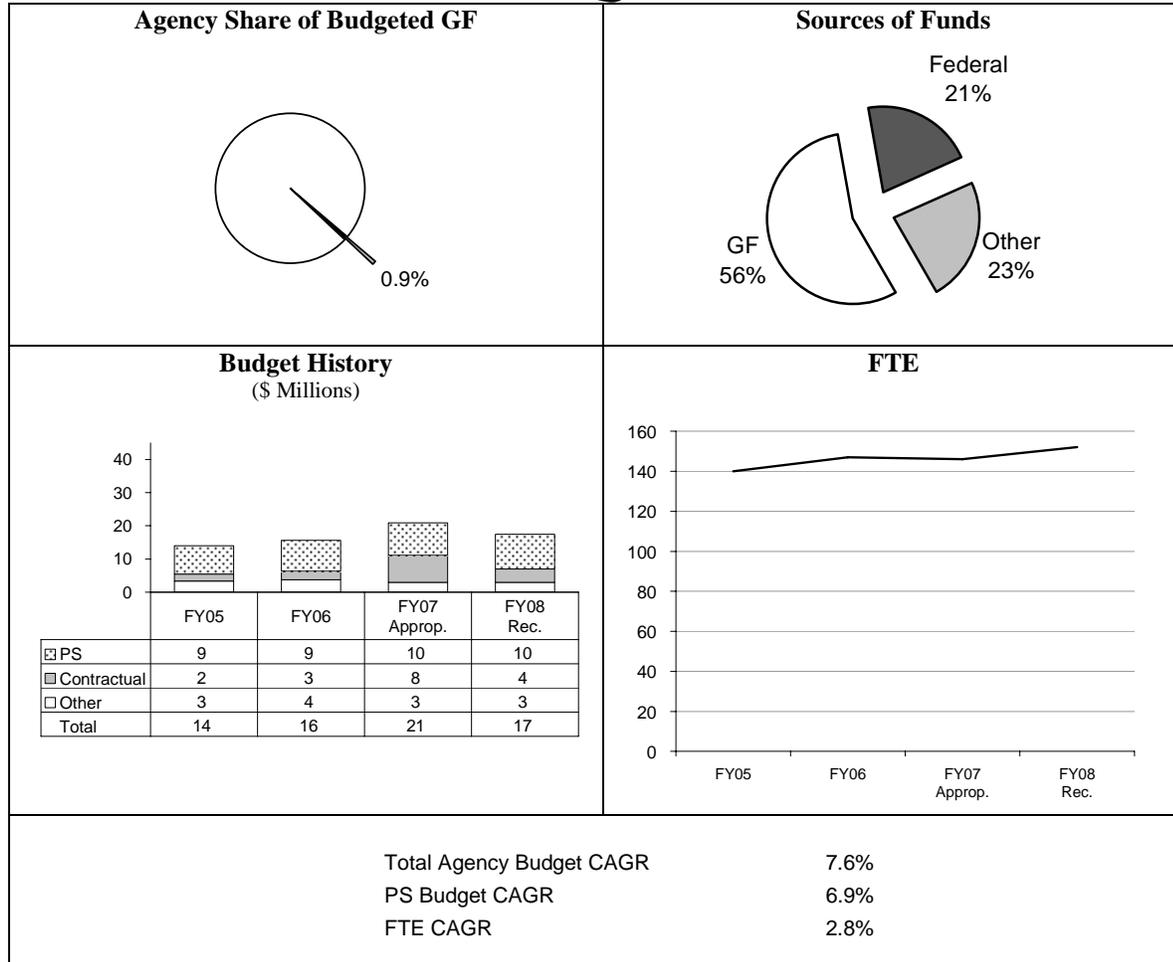


# FY2008 Budget Briefing

# Attorney General



## Key Responsibilities

To supervise, perform, and coordinate all responsibilities vested in the Attorney General; to provide effective legal counsel and representation to all agencies of state government and political subdivisions; to issue official legal opinions to clarify questions pertaining to state law; to provide criminal investigation and prosecution on office initiative and through support of the state's attorney; to handle all appeals in the Supreme Court of South Dakota and all other courts of higher appeal; to provide legal advice, counsel, and representation in all civil, criminal, and administrative matters in which the state is a party or interested; to provide law enforcement officer training and certification; to maintain efficient law enforcement communication between all state law enforcement personnel and interstate and national law enforcement agencies; to provide consumer protection through public information, investigation of complaints, and prosecution of violations when necessary; and to fulfill all of the above goals and statutory responsibilities to the greatest extent possible with the resources available.

## Key Personnel

- Larry Long, Attorney General
- Mark Barnett, Deputy Attorney General
- Kay McLain, Business Manager

## Department of Attorney General Total

The Governor recommends a total appropriation of \$17,408,075 and 152.0 FTEs for the Office of the Attorney General for FY 2008. This dollar amount consists of \$9,685,641 from the State General Fund, \$3,680,014 from federal sources, and \$4,042,420 from other funds. The Governor's recommendation is an overall decrease of 16.8% in funding, with the recommended appropriation from the State General Fund decreasing by 17.7% over FY 2007 and federal funds decreasing by 3.8%. FTEs are increasing by 6.0.

Items	Actual	Budgeted	Agency Req.	Gov Rec.	Inc/Dec	% Change
	FY06	FY07	FY08	FY08	FY08	From FY07
Personal Services	9,249,495	9,789,058	10,158,618	10,435,430	646,372	6.6%
Travel	759,370	748,570	792,286	757,954	9,384	1.3%
Contractual Services	2,570,835	8,190,919	4,047,581	4,040,352	(4,150,567)	(50.7%)
Supplies & Materials	744,927	838,677	855,562	846,677	8,000	1.0%
Grants And Subsidies	1,571,155	831,257	831,257	831,257	0	0.0%
Capital Outlay	692,654	481,517	491,451	464,521	(16,996)	(3.5%)
Other	9,678	31,884	31,884	31,884	0	0.0%
<b>Total</b>	<b>15,598,114</b>	<b>20,911,882</b>	<b>17,208,639</b>	<b>17,408,075</b>	<b>(3,503,807)</b>	<b>(16.8%)</b>
Funding Types						
General	7,055,961	13,378,532	9,510,613	9,685,641	(3,692,891)	(27.6%)
Federal	4,910,391	3,827,366	3,735,767	3,680,014	(147,352)	(3.8%)
Other	3,631,762	3,705,984	3,962,259	4,042,420	336,436	9.1%
<b>Total</b>	<b>15,598,114</b>	<b>20,911,882</b>	<b>17,208,639</b>	<b>17,408,075</b>	<b>(3,503,807)</b>	<b>(16.8%)</b>
FTE	146.9	146.0	153.0	152.0	6.0	4.1%

The Governor's recommendation throughout this analysis also includes funding for Performance And Compensation Equity (PACE) movement of 2.5% for those employees who are paid under the job-worth of their pay range, a 3% across-the-board increase for all permanent employees, and an increase in the employer paid portion of the state health insurance plan. The recommended amounts for each segment of the compensation package are as follows:

	General Funds	Federal Funds	Other Funds	Total
2.5% PACE Movement	20,585	5,205	6,905	32,695
3% Across-the-Board	177,801	43,419	61,744	282,964
Health Insurance	19,810	4,594	7,927	32,331
<b>Total</b>	<b>218,196</b>	<b>53,218</b>	<b>76,576</b>	<b>347,990</b>

In addition, the Governor's recommendation includes an increase of \$214,504 to reflect a square footage adjustment and offset a recalculation in the method of recovering maintenance and repair funding for the Capitol complex.

Further, the Governor recommended an increase in other fund authority for SCRAM unit funding as related to electronic monitoring of alcohol offenders which was not in the agency's initial request. Therefore, there is a net reduction of \$521,008 from the agency request. Almost all of these reductions are related to (1) removal of LEOT funding in the amount of \$152,140 pending passage of the funding bill (which the agency expected), and (2) \$352,185 related to an automated fingerprint program which is being alternatively funded by a Homeland Security grant.

**Major Expansions and Reductions**

Program	Agency Request			Governor's Recommendation		
	State General Fund	All Funds	FTE	State General Fund	All Funds	FTE
A. Legal Services	327,892	154,620	1.0	530,179	398,593	1.0
B. Criminal Investigation	367,319	572,973	3.5	174,492	493,293	3.5
C. Law Enforcement Training	-	127,044	2.5	165,396	165,782	1.5
D. Callable Bonds	(4,563,130)	(4,563,130)	0.0	(4,563,130)	(4,563,130)	0.0
<b>Total</b>	<b>-3,867,919</b>	<b>(3,708,493)</b>	<b>7.0</b>	<b>-3,693,063</b>	<b>-3,505,462</b>	<b>6.0</b>

- A. Legal Services—The Governor recommends replacing federal Edward Byrne funding with state general funds and one additional FTE to serve as Legal Director of the Conference of Western Attorney Generals.
- B. Criminal Investigation—The Governor recommends increased appropriation \$493,293 and 3.5 FTEs comprised of a DNA Examiner, a Forensic Serologist, .5 Evidence Support Staff, and an FTE to work on the Sex Offender Registry.
- C. Law Enforcement Training—The Governor recommends increased operating expenses related to instructors, tribal liaison, and travel.
- D. Callable Bonds—The Governor recommends a decrease in General Funds due to the calling of the Series A bonds used to finance the Mickelson Criminal Justice Center.

## **Legal Services**

The Governor's FY 2008 recommended appropriation for the Legal Services program consists of \$5,122,685 from the State General Fund, \$1,168,775 from federal sources, \$823,117 from other funds, and 74.0 FTEs. The Governor's recommended amounts are increases over FY 2007 in the State General Fund appropriation of \$530,179, a reduction of \$273,852 from federal funds, and an increase of \$142,536 from other funds. The Governor concurs with the agency with the recommendation for an increase of 1.0 FTEs.

Items	Actual	Budgeted	Agency Req.	Gov Rec.	Inc/Dec	% Change
	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2008</u>	<u>FY2008</u>	<u>From FY07</u>
Personal Services	4,825,254	5,072,986	5,197,993	5,377,164	304,178	6.0%
Travel	194,838	188,574	197,958	197,958	9,384	5.0%
Contractual Services	757,033	833,835	852,851	917,653	83,818	10.1%
Supplies & Materials	167,209	165,711	173,711	173,711	8,000	4.8%
Grants And Subsidies	1,009,258	359,999	359,999	359,999	0	0.0%
Capital Outlay	159,286	62,995	56,208	56,208	(6,787)	(10.8%)
Other	0	31,884	31,884	31,884	0	0.0%
<b>Total</b>	<b>7,112,878</b>	<b>6,715,984</b>	<b>6,870,604</b>	<b>7,114,577</b>	<b>398,593</b>	<b>5.9%</b>
Funding Types						
General	3,560,038	4,592,506	4,920,398	5,122,685	530,179	11.5%
Federal	2,754,400	1,442,627	1,145,374	1,168,775	(273,852)	(19.0%)
Other	798,442	680,851	804,832	823,117	142,266	20.9%
<b>Total</b>	<b>7,112,879</b>	<b>6,715,984</b>	<b>6,870,604</b>	<b>7,114,577</b>	<b>398,593</b>	<b>5.9%</b>
<b>FTE</b>	<b>71.0</b>	<b>73.0</b>	<b>74.0</b>	<b>74.0</b>	<b>1.0</b>	<b>1.4%</b>

## **Revenues**

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
DENR Legal	60,360	52,889	(7,471)	60,360	60,360	0	60,360
GFP Legal	22,439	24,195	1,756	22,439	24,195	1,756	24,195
Medicaid Fraud Grant	225,000	199,985	(25,015)	225,000	225,000	0	225,000
Drug Task Force Grant	2,700,000	2,218,730	(481,270)	880,000	880,000	0	500,000
Drug Control Fund	470,000	475,000	5,000	470,000	475,000	5,000	475,000
Statistical Analysis Grant	50,000	54,077	4,077	50,000	50,000	0	50,000
<b>Total</b>	<b>3,527,799</b>	<b>3,024,876</b>	<b>(502,923)</b>	<b>1,707,799</b>	<b>1,714,555</b>	<b>6,756</b>	<b>1,334,555</b>

## Selected Performance Indicators

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
Legal Services:							
Opinions Issued	30.0	14	(16.0)	20	15	(5)	15
New Cases Opened (Thousands)	1.5	1.2	(0.3)	1.4	1.3	(0.1)	1.3
Cases Closed (Thousands)	1.7	1.2	(0.5)	1.7	1.3	(0.4)	1.2
Cases Pending (Thousands)	1.7	1.9	0.2	2.1	2	(0)	2
Briefs/Mail Docketing	165/14,500	157/11,693	(8)/(2,807)	160/13,500	160/13,500	0/0	160/13,500
Consumer Protection:							
Complaints Opened/Closed	2,500/2,100	2,777/3,088	(277)/(988)	2,600/2,400	2,900/3,000	1	2,900/3,000
Mail Incoming/Outgoing	7,500/10,000	6,597/9,906	(903)/(94)	7,800/10,000	7,000/10,000	(800)/0	7,000/10,000
Phone Calls	21,000	16,998	(4,002)	18,000	17,000	(1,000)	17,000
Charitable Solicitation Reg.	300	379	79	350	380	30	380
Buying Club Registrations	2	3	1	3	3	0	3
Value of Consumer Protect.							0
Complaints Resolved	\$2,000,000	\$11,444,236	\$9,444,236	\$3,000,000	\$3,000,000	\$0	\$3,000,000
Solicitors	45	41	(4)	40	44	4	44
Medicaid Fraud:							0
Cases Opened/Closed/Pending	35/30/30	17/14/16	(18)/(16)/(14)	35/30/30	15/18/18	(20)/(12)/(12)	15/18/18
Felony Convictions	5	4	(1)	5	5	0	5
Misdemeanor Convictions	4	4	0	4	4	0	4
Recoveries	\$350,000	\$538,208	\$188,208	\$350,000	\$600,000	\$250,000	\$600,000
Funded Multi-Jurisdictional:							
Task Forces	1	1	0	1	1	0	1
Other Funded Projects	13	5	(8)	5	3	(2)	2
STAT Grant:							
Reports Published	6	4	(2)	7	5	(2)	5
Cordination Ativities	14	20	6	17	20	3	20
Requests Received	140	225	85	250	250	0	275

- The Governor recommends replacement of Edward Byrne funding, which is federal funds, with appropriations from the State General Fund.
- The Governor also recommends increased appropriations an additional FTE to serve as Legal Director of the Conference of Western Attorney Generals.

## Criminal Investigation

For FY 2008 the Governor recommends an increase from the State General Fund of \$174,492, an increase from federal funds of \$126,500, and an increase from other funds of \$192,301 for a combined, increased appropriation of \$493,293, or 6.3%, for Criminal Investigation. The Governor recommends no increase in FTEs.

Items	Actual	Budgeted	Agency Req.	Gov Rec.	Inc/Dec	% Change
	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2008</u>	<u>FY2008</u>	<u>From FY07</u>
Personal Services	3,826,332	4,031,622	4,220,680	4,350,188	318,566	7.9%
Travel	425,193	440,569	440,569	440,569	0	0.0%
Contractual Services	1,432,901	2,015,882	2,381,946	2,190,609	174,727	8.7%
Supplies & Materials	409,439	518,684	518,684	518,684	0	0.0%
Grants And Subsidies	512,332	386,258	386,258	386,258	0	0.0%
Capital Outlay	504,029	392,078	409,929	392,078	0	0.0%
Other	9,678	0	0	0	0	0.0%
<b>Total</b>	<b>7,119,904</b>	<b>7,785,093</b>	<b>8,358,066</b>	<b>8,278,386</b>	<b>493,293</b>	<b>6.3%</b>
Funding Types						
General	3,495,923	3,838,568	4,205,887	4,013,060	174,492	4.5%
Federal	2,155,991	2,384,739	2,590,393	2,511,239	126,500	5.3%
Other	1,467,989	1,561,786	1,561,786	1,754,087	192,301	12.3%
<b>Total</b>	<b>7,119,903</b>	<b>7,785,093</b>	<b>8,358,066</b>	<b>8,278,386</b>	<b>493,293</b>	<b>6.3%</b>
<b>FTE</b>	<b>64.7</b>	<b>63.0</b>	<b>66.5</b>	<b>66.5</b>	<b>3.5</b>	<b>5.6%</b>

## Revenues

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
Record Check	250,000	293,647	43,647	250,000	325,000	75,000	325,000
Marijuana Eradication Grant	77,000	2,000	(75,000)	50,000	20,000	(30,000)	50,000
<b>Total</b>	<b>327,000</b>	<b>295,647</b>	<b>(31,353)</b>	<b>300,000</b>	<b>345,000</b>	<b>45,000</b>	<b>375,000</b>

## **Selected Performance Indicators**

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
Investigations Conducted by DCI	700	599	(101)	700	650	(50)	700
Polygraph Exams Conducted	125	81	(44)	125	110	(15)	125
Criminal Fingerprint Card Received & Processed	28,000	28,617	617	28,000	29,256	1,256	30,256
Noncriminal Background Fingerprint Checks	18,500	19,576	1,076	18,500	21,700	3,200	21,700
Sex Offender Fingerprint Card Processing	1,850	2,204	354	1,850	2,305	455	2,405
Criminal Record Checks Received & Complied	83,000	74,345	(8,655)	76,000	75,234	(766)	76,234
Criminal Rec. Updated	42,000	42,926	926	42,000	45,789	3,789	48,976
Value of Drugs Seized	\$1,600,000	\$1,600,000	\$0	\$1,600,000	\$1,600,000	\$0	\$1,600,000
Lab Reports	800	498	(302)	800	700	(100)	800
Hours in Court by Lab	770	460	(310)	780	650	(130)	800

- The Governor recommends an increase of \$174,492 from general funds, \$126,500 from federal funds, and 192,301 from other funds to meet the requirements of expanded DNA analysis, the Sex Offender Compliance Program, and increased operating costs for this unit..

## **Law Enforcement Training**

The Governor recommends a total appropriation for Law Enforcement Training of \$1,820,574 of which \$549,724 is from the State General Fund and \$1,270,850 is from other funds. The Governor's recommendation of 9.5.0 FTEs is an increase of 1.5 from FY 2007.

This program conducts training for local law enforcement officials and prosecutors, both regionally and in Pierre.

Items	Actual	Budgeted	Agency Req.	Gov Rec.	Inc/Dec	% Change
	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2008</u>	<u>FY2008</u>	<u>From FY07</u>
Personal Services	502,873	585,680	641,175	605,912	20,232	3.5%
Travel	120,126	108,827	143,159	108,827	0	0.0%
Contractual Services	347,817	707,809	742,521	863,568	155,759	22.0%
Supplies & Materials	157,155	146,282	149,917	146,282	0	0.0%
Grants And Subsidies	49,565	85,000	85,000	85,000	0	0.0%
Capital Outlay	25,925	21,194	20,064	10,985	(10,209)	(48.2%)
<b>Total</b>	<b>1,203,461</b>	<b>1,654,792</b>	<b>1,781,836</b>	<b>1,820,574</b>	<b>165,782</b>	<b>10.0%</b>
Funding Types						
General	0	384,328	384,328	549,724	165,396	43.0%
Federal	0	0	0	0	0	0.0%
Other	1,203,461	1,270,464	1,397,508	1,270,850	386	0.0%
<b>Total</b>	<b>1,203,461</b>	<b>1,654,792</b>	<b>1,781,836</b>	<b>1,820,574</b>	<b>165,782</b>	<b>10.0%</b>
 FTE	 9.2	 8.0	 10.5	 9.5	 1.5	 18.8%

## **Revenues**

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
Law Enforcement Revolve Fund	2,722,765	2,703,591	(19,174)	2,645,620	2,703,590	57,970	2,703,590

## Selected Performance Indicators

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
Officers Certified, Basic 520-Hour Course	135	103	(32)	135	135	0	135
Officers Attending Specialized, Advanced & Field Courses	4,365	3,504	(861)	3,465	3,500	35	3,500
Courses Scheduled	70	58	(12)	70	70	0	70
Officers Attend Grant Training	200	101	(99)	200	200	0	200
Grants Awarded	14	3	(11)	14	14	0	14
Other Grps Conducting Seminars & Meetings Using Training Facilities (People)	2,100	3,000	900	2,100	3,200	1,100	3,200
Officer Request Reciprocity Cert	18	25	7	18	18	0	18
Officer Receive Reciprocity Cert	9	13	4	9	9	0	9
Reserve Officers Certified in SD Pending Cert. Law Enforcement	120	183	63	210	210	0	210
Officers in South Dakota	120	63	(57)	120	120	0	120
Officers Certified	1,625	1,682	57	1,625	1,625	0	1,625
D.A.R.E. Participating Agencies	78	69	(9)	78	70	(8)	70
Schools with D.A.R.E.	161	135	(26)	161	161	0	161
Student Participation	10,000	7,027	(2,973)	10,000	10,000	0	10,000
Cities with D.A.R.E.	100	67	(33)	80	80	0	80
D.A.R.E. Officers	137	140	3	160	160	0	160

- The Governor recommends an increased appropriation of \$165,396 in general funds, and \$386 in other fund expenditure authority to add 1.5 FTE instructors, 1.0 FTE for an Advanced Training Coordinator/ Tribal Law Enforcement Liaison to support SD based training, support for increased tribal students, building manager for the new facility, and provide regional firearms and use of force instruction, for a legal consultant for the Law Enforcement Standards and Training Commission as required to avoid conflict of interest, and for other increases in operating costs.

## 911 Training

The Governor recommends an appropriation of \$194,538 from other funds and 2.0 FTEs for the 911 Training program for FY 2008.

Items	Actual	Budgeted	Agency Req.	Gov Rec.	Inc/Dec	% Change
	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2008</u>	<u>FY2008</u>	<u>From FY07</u>
Personal Services	95,035	98,770	98,770	102,166	3,396	3.4%
Travel	19,214	10,600	10,600	10,600	0	0.0%
Contractual Services	33,083	70,263	70,263	68,522	(1,741)	(2.5%)
Supplies & Materials	11,125	8,000	13,250	8,000	0	0.0%
Capital Outlay	3,414	5,250	5,250	5,250	0	0.0%
<b>Total</b>	<b>161,871</b>	<b>192,883</b>	<b>198,133</b>	<b>194,538</b>	<b>1,655</b>	<b>0.9%</b>
Funding Types						
General	0	0	0	172	172	0.0%
Federal	0	0	0	0	0	0.0%
Other	161,871	192,883	198,133	194,366	1,483	0.8%
<b>Total</b>	<b>161,871</b>	<b>192,883</b>	<b>198,133</b>	<b>194,538</b>	<b>1,655</b>	<b>0.9%</b>
<b>FTE</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0%</b>

## Revenues

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
911 Law Enforcement Revolving Fund	134,124	135,022	898	132,537	135,000	2,463	135,000

## Selected Performance Indicators

	FY06			FY07			FY08
	Original Estimate	Actual	Difference Over (Under) Estm.	Original Estimate	Revised Estimate	Change in Estimate	Estimate
911 Telecom Certified Telecommunicators Attending Advanced Courses	70	39	(31)	70	70	0	70
Courses Scheduled	90	77	(13)	90	90	0	90
Terminal Operators Certified	15	30	15	15	15	0	15
Active Certified 911 Telecoms	300	375	75	300	300	0	300
Active Terminal Operators	470	210	(260)	470	470	0	400
Active Terminal Operators	925	1,617	692	925	925	0	1,000
Audits In-State National Crime Info. Center	50	0	(50)	0	0	0	0