

ATTORNEY GENERAL

Enabling Laws

Act 534 of 2007
Act 933 of 2007
A.C.A. §25-16-701 et seq.
A.C.A. §04-88-101 et seq.
A.C.A. §05-55-101 et seq.
A.C.A. §16-90-706 et seq.
A.C.A. §23-04-301 et seq.
A.C.A. §04-111-101 et seq.
Constitution of Arkansas, Article 6
Constitution of Arkansas, Amendment 63

History and Organization

The Office of Attorney General in Arkansas was established by Article 6, Section 1 of the Arkansas Constitution of 1874, which section has been likely superseded by Amendment 63, Section 1. It reads, in applicable part, as follows:

“The Executive Department of this state shall consist of a(n) ... Attorney General, . . . all of whom shall keep their offices at the seat of Government and hold their offices for the term of four years and until their successors are elected and qualified.”

Article 6, Section 3 of the Constitution provides that the Attorney General is elected by the qualified electors of the state at large at the general elections. The salary for the office is established by Amendment 70, Sections 1 and 3.

The only constitutional or statutory qualification for holding the office of Attorney General is that of Article 19, Section 3 and 4, Constitution of Arkansas, which requires all state officers to possess the qualifications of electors and requires officers for the state at large to reside within the state.

The statutory subchapter setting forth the fundamental duties for the Attorney General is found at A.C.A. §25-16-702 et seq. The primary responsibilities created therein are set forth below.

A.C.A. §25-16-702 provides as follows: “The Attorney General shall be the attorney for all state officials, departments, institutions, and agencies. Whenever any officer or department, institution, or agency of the state needs the services of an attorney, the matter shall be certified to the Attorney General for attention.”

Section 702 also provided that the Attorney General shall have the authority to initiate civil lawsuits under all environmental protection statutes.

A.C.A. §25-16-703 provides that the Attorney General shall maintain and defend the interest of the state in the federal courts and that he or she shall be the legal representative of all state parties in litigation where the interests of the state are involved.

A.C.A. §25-16-704 provides that the Attorney General will attend and defend the state before the Supreme Court.

A.C.A. §25-16-706 provides that the Attorney General will, upon request, give his opinion to the Governor and heads of executive departments on any constitutional or legal questions concerning the official actions of such officers. The Attorney General is also authorized to give his opinion on certain legal matters to prosecuting attorneys, members of the General Assembly, county commissions and all state boards and commissions.

A.C.A. §25-16-709 empowers the Attorney General to bring suit against state officials who have collected or received state monies and not accounted for them according to the law.

In addition to the fundamental duties of the Attorney General set forth at A.C.A. §25-16-701 et seq., additional statutory duties have been prescribed for the office over the years. The most significant of these are set forth below.

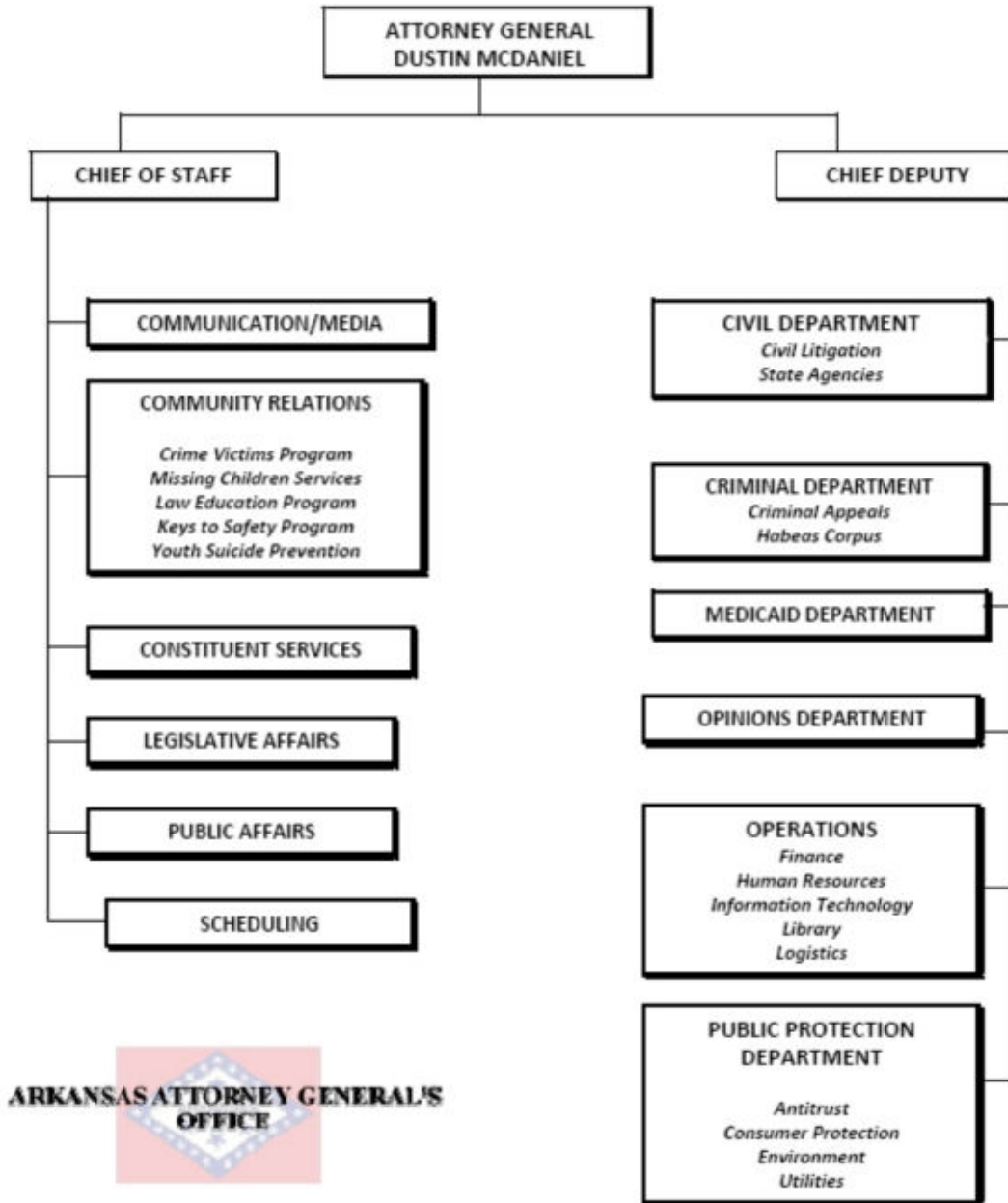
Consumer Protection. The Attorney General is charged with enforcing the "Deceptive Trade Practices Act," A.C.A. §4-88-101 et seq. This act creates the Consumer Protection Division, and authorizes that division to conduct investigation, promote consumer education, and bring lawsuits to enforce the provisions of the law. The division is also charged with registration of charities and professional fundraisers by A.C.A. §4-28-401 et seq.

Medicaid Fraud, A.C.A. §5-55-101 et seq. provides that the Office of Attorney General will investigate and bring cases regarding abuse, exploitation or neglect of nursing home residents and fraud against the Medicaid Program. The Office is also empowered under federal and state law to conduct criminal investigations and refer cases for prosecution. The Attorney General's staff may also deputized by a prosecuting attorney and conduct prosecutions.

Crime Victims Reparations. The Crime Victims Reparations Board was created by A.C.A. §16-90-710 et seq. A.C.A. §16-90-706 provides that the Attorney General provide necessary office space, support staff and secretarial services to the Board for the administration of their statutory responsibilities.

Public Utilities, A.C.A. §23-4-301 et seq. creates a division within the office called the Consumer Utilities Rate Advocacy Division. This division is charged with representing the state, its subdivisions and ratepayers in state and federal proceedings related to utility matters.

An organization chart which reflects the structure of the Office of Attorney General is attached hereto.



Agency Commentary

The Office of the Attorney General is the statutory legal counsel for the State's officials, departments, institutions and agencies. This Office also has the responsibility to administer the Crime Victims Reparation Program and protect the environment as well as the consumers of Arkansas. Statutory obligations are carried out through the following functions:

- | | | |
|-------------------------|------------------------|----------------------------------|
| 1) Communication/Media | 5) Public Affairs | 9) Medicaid Fraud Department |
| 2) Community Relations | 6) Scheduling | 10) Opinions Department |
| 3) Constituent Services | 7) Civil Department | 11) Operations |
| 4) Legislative Affairs | 8) Criminal Department | 12) Public Protection Department |

BASE LEVEL:

In the area of Personal Services, the Office of the Attorney General's Base Level request is for funding of authorized positions at FY09 levels including implementation of the 2009-2011 Pay Plan Recommendations. We are also requesting minimal upgrades to some existing positions.

The upgraded positions include the reclassification of four (4) Attorney General VIII positions to Attorney General VII positions to insure all attorney positions in the Office are classified as under the Professional and Executive Pay Plan. An upgrade to investigator positions is also respectfully requested. Our investigators positions have not been upgraded since 2000. The remaining position upgrades are requested to allow class codes and titles to remain minimized.

In FY11, a 2.3% cost of living increase and related Personal Service Matching costs is requested. Such funding will permit the Office to maintain normal operations. For all other line items in all appropriations for which continuation into the new biennium is requested, the Office of the Attorney General respectfully requests appropriations at the full FY09 level, with minor exceptions justified below under the change level requests.

CHANGE LEVEL REQUESTS:

The Office of the Attorney General (Appropriation 004), funded through State Central Services Fund, is utilized to operate Communication/Media, Community Relations, Constituent Services, Legislative Affairs, Public Affairs, Scheduling, Civil, Criminal, Opinions, Operations and Public Protection functions.

We are requesting the addition of ten (10) new positions for this appropriation in the 2009-2011 biennium to insure the office maintains our quality of performance. Three (3) positions (Investigator III) will be used to hire security guards in the Operations Department to insure the safety of staff. In the Criminal Department, four (4) new positions are requested including one position (Investigator I) to assist with criminal investigations and three (3) positions (Attorney General III, Attorney General IV and Paralegal I) to assist with the growing Federal Capital Habeas Corpus litigation. Three (3) positions (Secretary III, Attorney General IV and Attorney General III) will be housed in the Civil Department to assist with representation of State Agencies, Boards and Commissions.

The Operating Expenses line item has been modestly increased to reflect rising costs for items such as fuel purchases and office rent. We are also requesting minimal increases in the Conference & Travel Expenses line item due to the rising cost of transportation as well as Professional Fees line item to accommodate anticipated expenditures for expert witness fees that continue to rise.

The Office of the Attorney General is requesting \$100,940 of appropriation for our Capital Outlay Line item in FY10 and \$103,968 in FY11. These funds are needed to replace equipment as it becomes obsolete as well as replacement of vehicles in our fleet.

The Medicaid Department of the Office receives federal funds from the United States Department of Health and Human Services. Medicaid requirements are comprised of the Federal Program (Appropriation 188) and State Program (Appropriation 189). The Federal Program pays 75% of total costs and the State Program pays the remaining 25% of total costs as match on the Federal dollars.

The two (2) remaining new positions requested (Auditor and Attorney General V) will be located in the Medicaid department to assist with the Qui Tam Legislation.

The Office is requesting a minimal increase in Operating Expenses, as well as the Conference & Travel Expenses to reflect increases in the cost of fuel and supplies. The Office is also requesting minimal increases in the Professional Fees line item for expert witnesses and the Capital Outlay line item be restored to the FY09 level with minor increases to allow for the replacement of vehicles in the fleet as well as obsolete equipment.

The Medicaid Indirect Costs (Appropriation 1PF) receives funding from the United States Department of Health and Human Services. The Office is requesting that the FY09 appropriation be restored with minor increases to cover fuel costs. We also respectfully request to move the appropriation in Professional Fees as well as the Capital Outlay line items to the Operating Expenses line item. This change is needed to enable our office to fully utilize this appropriation.

The Crime Victims Reparation Program receives federal funds from the United States Department of Justice. The Federal Program (Appropriation 1PH) funds approximately 40% of the crime victim payments. The State Program (Appropriation 1PE), funded by the State Office of Administrative Justice, is responsible for the remaining 60% of the crime victim payments. A minimal increase is requested in the Operating Expenses, Conference & Travel Expenses, as well as Professional Fees due to the rising costs for items such as fuel, common carrier and legal fees.

In addition, we respectfully request an increase to the Professional Fees line item in FY10 of \$75,000 for the State Program (1PE) to provide sufficient appropriation to update the Crime Victims Reparation payment software, as it is obsolete. The update will provide a faster response time when payments are made to victims of crime.

Each request in this budget is submitted in order that the Office of the Attorney General may continue to safeguard the interests of the citizens of Arkansas and to fulfill the statutory responsibilities of this Office by performing the legal actions of our state government.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
OFFICE OF THE ATTORNEY GENERAL
FOR THE YEAR ENDED JUNE 30, 2006

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	49	62	111	71 %
Black Employees	8	33	41	26 %
Other Racial Minorities	1	4	5	3 %
	Total Minorities		46	29 %
	Total Employees		157	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Lemon Law Books	Act 1313 of 2001	N	N	135,000	Required by Statutes to provide booklets to automobile dealers for every vehicle sold explaining the State's Lemon Law
Model Rules and Regulations for State Agencies	A.C.A. §25-15-215	N	N	250	Required by Statutes to provide model rules for each state agency

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation	2007-2008		2008-2009		2008-2009		2009-2010					2010-2011						
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
004 Attorney General - Administration	11,168,367	127	12,661,862	127	13,178,083	127	14,394,302	127	15,499,340	137	0	0	14,660,194	127	15,863,339	137	0	0
188 Medicaid Fraud - Federal	1,311,967	17	1,574,952	17	1,635,997	17	1,792,491	17	1,940,493	18	0	0	1,825,843	17	1,985,458	18	0	0
189 Medicaid Fraud - State	483,169	5	534,427	5	539,037	5	592,676	5	702,845	6	0	0	604,627	5	719,730	6	0	0
1PE Victims Reparations Program	2,775,226	11	3,821,032	11	3,837,815	11	4,008,023	11	4,182,748	11	0	0	4,026,891	11	4,225,280	11	0	0
1PF Medicaid Fraud - Indirect Costs	146,650	0	290,000	0	290,000	0	265,000	0	290,000	0	0	0	265,000	0	298,700	0	0	0
1PH Victims Reparations - Federal	1,325,672	1	1,480,138	1	1,479,579	1	1,489,232	1	1,531,646	1	0	0	1,490,204	1	1,576,304	1	0	0
2YK Spyware Monitoring	0	0	0	0	0	0	95,985	0	95,985	0	0	0	0	0	0	0	0	0
2YM Spyware Monitoring-State	4,015	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
38U Internet Crime Child	0	0	50,000	0	0	0	50,000	0	50,000	0	0	0	50,000	0	50,000	0	0	0
Total	17,215,066	161	20,412,411	161	20,960,511	161	22,687,709	161	24,293,057	173	0	0	22,922,759	161	24,718,811	173	0	0

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance	4000005	4,310,654	20.5	3,835,319	16.9		2,123,025	9.2	2,123,025	8.7	0	0.0	319,725	1.5	145,000	0.6	0	0.0
General Revenue	4000010	100,000	0.5	0	0.0		0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Federal Revenue	4000020	2,784,289	13.2	3,395,090	15.0		3,596,723	15.6	3,812,139	15.6	0	0.0	3,631,047	17.0	3,910,462	17.1	0	0.0
Special Revenue	4000030	114,183	0.5	115,000	0.5		210,985	0.9	210,985	0.9	0	0.0	115,000	0.5	115,000	0.5	0	0.0
State Central Services	4000035	11,651,536	55.4	13,196,289	58.3		14,986,978	65.1	16,202,185	66.3	0	0.0	15,264,821	71.3	16,583,069	72.6	0	0.0
State Administration of Justice	4000470	2,089,723	9.9	2,089,723	9.2		2,089,723	9.1	2,089,723	8.6	0	0.0	2,089,723	9.8	2,089,723	9.1	0	0.0
Total Funds		21,050,385	100.0	22,631,421	100.0		23,007,434	100.0	24,438,057	100.0	0	0.0	21,420,316	100.0	22,843,254	100.0	0	0.0
Excess Appropriation/(Funding)		(3,835,319)		(2,219,010)			(319,725)		(145,000)		0		1,502,443		1,875,557		0	
Grand Total		17,215,066		20,412,411			22,687,709		24,293,057		0		22,922,759		24,718,811		0	

No Executive Recommendations made on these appropriations except Spyware Monitoring - State (Appropriation 2YM).

The FY09 Budget amount in Victims Reparations - Federal (Appropriation 1PH) exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Budget exceeds Authorized Appropriation in Internet Crime Child (Appropriation 38U) due to a transfer from the Miscellaneous Federal Grant Holding Account.

Variance in fund balances due to a fund balance transfer request of \$95,985 from Spyware Monitoring - State (2YM) to Spyware Monitoring (2YK).

Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Total	Total	Total	Total			Total				
151	151	0	151	0	0.00 %	161	158	3	161	0	1.86 %	161	157	4	161	0	2.48 %

Appropriation Summary

Appropriation: 004 - Attorney General - Administration

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			Base Level	Agency	Executive
Regular Salaries	5010000	7,266,913	8,059,844	8,023,344	9,481,311	10,218,444	0	9,703,743	10,457,823	0
#Positions		127	127	127	127	137	0	127	137	0
Extra Help	5010001	26,100	36,000	36,000	36,000	40,000	0	36,000	41,200	0
#Extra Help		4	8	8	8	8	0	8	8	0
Personal Services Matching	5010003	1,979,466	2,012,432	2,565,153	2,421,405	2,610,703	0	2,464,865	2,657,428	0
Operating Expenses	5020002	1,515,493	1,801,104	1,801,104	1,801,104	1,855,137	0	1,801,104	1,909,170	0
Conference & Travel Expenses	5050009	76,767	96,873	96,873	96,873	99,779	0	96,873	102,685	0
Professional Fees	5060010	237,456	557,609	557,609	557,609	574,337	0	557,609	591,065	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	66,172	98,000	98,000	0	100,940	0	0	103,968	0
Total		11,168,367	12,661,862	13,178,083	14,394,302	15,499,340	0	14,660,194	15,863,339	0
Funding Sources										
State Central Services	4000035	11,168,367	12,661,862		14,394,302	15,499,340	0	14,660,194	15,863,339	0
Total Funding		11,168,367	12,661,862		14,394,302	15,499,340	0	14,660,194	15,863,339	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		11,168,367	12,661,862		14,394,302	15,499,340	0	14,660,194	15,863,339	0

No Executive Recommendation on this appropriation.

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$1,127,641.

Change Level by Appropriation

Appropriation: 004 - Attorney General - Administration

Funding Sources: HSC - State Central Services

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	14,394,302	127	14,394,302	100.0	14,660,194	127	14,660,194	100.0
C01	Existing Program	1,105,038	10	15,499,340	107.7	1,203,145	10	15,863,339	108.2

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Attorney General - Administration

Act #: 534 of 2007 Section(s) #: 3 & 18

Estimated Carry Forward Amount \$ 760,533.00 Appropriation Funds

Funding Source: State Central Services

Accounting Information:

Business Area: 0053 Funds Center: 004 Fund: HSC Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Extra Help	5010001	9,824.00	9,900.38
Personal Services Matching	5010003	100,406.00	535,407.63
Operating Expenses	5020002	241,322.00	232,969.25
Conference & Travel Expenses	5050009	27,568.00	17,762.83
Professional Fees	5060010	312,035.00	301,972.80
Capital Outlay	5120011	69,378.00	29,627.66
Total		\$ 760,533.00	\$ 1,127,640.55

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

The appropriation will be needed to ensure operations of the Attorney General's Office are continued.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

The Office of the Attorney General does not project a current need for this appropriation and is requesting DFA – Office of Budget to block the appropriation at this time.

Honorable Dustin McDaniel
Attorney General

08-25-2008
Date

Appropriation Summary

Appropriation: 188 - Medicaid Fraud - Federal
Funding Sources: FAY - Medicaid Operations Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	962,974	1,018,023	1,011,823	1,204,070	1,291,950	0	1,232,164	1,322,065	0
#Positions	17	17	17	17	18	0	17	18	0
Extra Help 5010001	22,152	25,000	25,000	25,000	29,000	0	25,000	29,870	0
#Extra Help	2	2	2	2	2	0	2	2	0
Personal Services Matching 5010003	261,062	256,538	323,783	314,030	335,891	0	319,288	341,592	0
Operating Expenses 5020002	41,018	190,841	190,841	190,841	196,566	0	190,841	202,286	0
Conference & Travel Expenses 5050009	6,698	35,100	35,100	35,100	36,153	0	35,100	37,206	0
Professional Fees 5060010	5,343	23,450	23,450	23,450	24,153	0	23,450	24,856	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	12,720	26,000	26,000	0	26,780	0	0	27,583	0
Total	1,311,967	1,574,952	1,635,997	1,792,491	1,940,493	0	1,825,843	1,985,458	0
Funding Sources									
Federal Revenue 4000020	1,311,967	1,574,952		1,792,491	1,940,493	0	1,825,843	1,985,458	0
Total Funding	1,311,967	1,574,952		1,792,491	1,940,493	0	1,825,843	1,985,458	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	1,311,967	1,574,952		1,792,491	1,940,493	0	1,825,843	1,985,458	0

No Executive Recommendation on this appropriation.

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$261,034.

Change Level by Appropriation

Appropriation: 188 - Medicaid Fraud - Federal
Funding Sources: FAY - Medicaid Operations Federal

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,792,491	17	1,792,491	100.0	1,825,843	17	1,825,843	100.0
C01	Existing Program	148,002	1	1,940,493	108.3	159,615	1	1,985,458	108.7

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Medicaid Fraud - Federal

Act #: 534 of 2007 Section(s) #: 13 & 18

Estimated Carry Forward Amount \$ 184,219.00 Appropriation Funds

Funding Source: Federal

Accounting Information:

Business Area: 0053 Funds Center: 188 Fund: FAY Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Extra Help	5010001	5,003.00	2,848.00
Personal Services Matching	5010003	8,331.00	56,373.64
Operating Expenses	5020002	120,172.00	144,273.31
Conference & Travel Expenses	5050009	30,704.00	27,301.84
Professional Fees	5060010	15,009.00	17,457.11
Capital Outlay	5120011	5,000.00	12,780.24
Total		\$ 184,219.00	\$ 261,034.14

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation will be needed to allow the agency to continue investigating and prosecuting Medicaid fraud and abuse cases.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

The Office of the Attorney General does not plan to spend this appropriation and is requesting the DFA - Office of Budget block the appropriation at this time.

Honorable Dustin McDaniel
Attorney General

08-22-2008
Date

Appropriation Summary

Appropriation: 189 - Medicaid Fraud - State

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	318,700	355,829	354,429	406,961	487,262	0	416,886	499,033	0
#Positions	5	5	5	5	6	0	5	6	0
Personal Services Matching 5010003	85,331	87,398	93,408	101,515	121,647	0	103,541	124,019	0
Operating Expenses 5020002	60,267	65,200	65,200	65,200	67,156	0	65,200	69,112	0
Conference & Travel Expenses 5050009	10,199	11,500	11,500	11,500	11,845	0	11,500	12,190	0
Professional Fees 5060010	3,344	7,500	7,500	7,500	7,725	0	7,500	7,950	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	5,328	7,000	7,000	0	7,210	0	0	7,426	0
Total	483,169	534,427	539,037	592,676	702,845	0	604,627	719,730	0
Funding Sources									
State Central Services 4000035	483,169	534,427		592,676	702,845	0	604,627	719,730	0
Total Funding	483,169	534,427		592,676	702,845	0	604,627	719,730	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	483,169	534,427		592,676	702,845	0	604,627	719,730	0

No Executive Recommendation on this appropriation.

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$15,120.

Change Level by Appropriation

Appropriation: 189 - Medicaid Fraud - State
Funding Sources: HSC - State Central Services

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	592,676	5	592,676	100.0	604,627	5	604,627	100.0
C01	Existing Program	110,169	1	702,845	118.6	115,103	1	719,730	119.0

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Medicaid Fraud - State

Act #: 534 of 2007 Section(s) #: 10 & 18

Estimated Carry Forward Amount \$ 17,101.00 Appropriation Funds

Funding Source: State Central Services

Accounting Information:

Business Area: 0053 Funds Center: 189 Fund: HSC Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Personal Services Matching	5010003	4,477.00	6,658.86
Operating Expenses	5020002	2,550.00	3,032.74
Professional Fees	5060010	3,374.00	4,056.30
Capital Outlay	5120011	6,700.00	1,372.16
Total		\$ 17,101.00	\$ 15,120.06

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation is necessary for the agency to continue investigating and prosecuting Medicaid fraud and abuse cases.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

We project that we may need to utilize some of this appropriation to meet the needs of the state matching portion for Medicaid Fraud investigations. We would use funding from current year salary savings to fund whatever shortfalls may arise.

Honorable Dustin McDaniel
Attorney General

08-25-2008
Date

Appropriation Summary

Appropriation: 1PE - Victims Reparations Program
Funding Sources: TCR - Crime Victims Revolving Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	345,876	491,726	490,326	640,640	640,640	0	656,532	656,532	0
#Positions	11	11	11	11	11	0	11	11	0
Extra Help 5010001	0	10,000	10,000	10,000	14,000	0	10,000	14,420	0
#Extra Help	0	2	2	2	2	0	2	2	0
Personal Services Matching 5010003	114,052	138,721	156,904	176,798	177,106	0	179,774	180,114	0
Operating Expenses 5020002	70,192	75,999	75,999	75,999	78,278	0	75,999	80,558	0
Conference & Travel Expenses 5050009	1,576	16,000	16,000	16,000	16,480	0	16,000	16,974	0
Professional Fees 5060010	5,264	10,600	10,600	10,600	85,918	0	10,600	11,246	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Claims 5110015	2,238,266	3,077,986	3,077,986	3,077,986	3,170,326	0	3,077,986	3,265,436	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	2,775,226	3,821,032	3,837,815	4,008,023	4,182,748	0	4,026,891	4,225,280	0
Funding Sources									
Fund Balance 4000005	4,310,654	3,739,334		2,123,025	2,123,025	0	319,725	145,000	0
Special Revenue 4000030	114,183	115,000		115,000	115,000	0	115,000	115,000	0
State Administration of Justice 4000470	2,089,723	2,089,723		2,089,723	2,089,723	0	2,089,723	2,089,723	0
Total Funding	6,514,560	5,944,057		4,327,748	4,327,748	0	2,524,448	2,349,723	0
Excess Appropriation/(Funding)	(3,739,334)	(2,123,025)		(319,725)	(145,000)	0	1,502,443	1,875,557	0
Grand Total	2,775,226	3,821,032		4,008,023	4,182,748	0	4,026,891	4,225,280	0

No Executive Recommendation on this appropriation.

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$916,929.

Change Level by Appropriation

Appropriation: 1PE - Victims Reparations Program
Funding Sources: TCR - Crime Victims Revolving Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	4,008,023	11	4,008,023	100.0	4,026,891	11	4,026,891	100.0
C01	Existing Program	99,725	0	4,107,748	102.5	198,389	0	4,225,280	104.9
C08	Technology	75,000	0	4,182,748	104.4	0	0	4,225,280	104.9

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Victims Reparations Program

Act #: 534 of 2007 Section(s) #: 6 & 18

Estimated Carry Forward Amount \$ 668,229.00 Appropriation Funds

Funding Source: Administration of Justice

Accounting Information:

Business Area: 0053 Funds Center: 1PE Fund: TCR Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Extra Help	5010001	10,000.00	10,000.00
Personal Services Matching	5010003	29,419.00	39,775.87
Operating Expenses	5020002	4,908.00	3,609.23
Conference & Travel Expenses	5050009	13,376.00	14,023.67
Professional Fees	5060010	7,010.00	5,036.50
Claims	5110015	603,516.00	844,483.85
Total		\$ 668,229.00	\$ 916,929.12

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation is needed for the continued operations of the Crime Victims Unit.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

The Office of the Attorney General is carrying forward this appropriation in the event the appropriation is needed for the continued operations of the Crime Victims Unit.

Honorable Dustin McDaniel
Attorney General

08-21-2008
Date

Appropriation Summary

Appropriation: 1PF - Medicaid Fraud - Indirect Costs
Funding Sources: FAY - Medicaid Indirect Costs Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses 5020002	146,650	215,000	215,000	215,000	290,000	0	215,000	298,700	0
Conference & Travel Expenses 5050009	0	0	0	0	0	0	0	0	0
Professional Fees 5060010	0	50,000	50,000	50,000	0	0	50,000	0	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	25,000	25,000	0	0	0	0	0	0
Total	146,650	290,000	290,000	265,000	290,000	0	265,000	298,700	0
Funding Sources									
Federal Revenue 4000020	146,650	290,000		265,000	290,000	0	265,000	298,700	0
Total Funding	146,650	290,000		265,000	290,000	0	265,000	298,700	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	146,650	290,000		265,000	290,000	0	265,000	298,700	0

No Executive Recommendation on this appropriation.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$143,350.

Change Level by Appropriation

Appropriation: 1PF - Medicaid Fraud - Indirect Costs

Funding Sources: FAY - Medicaid Indirect Costs Federal

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	265,000	0	265,000	100.0	265,000	0	265,000	100.0
C01	Existing Program	25,000	0	290,000	109.4	33,700	0	298,700	112.7
C04	Reallocation	0	0	290,000	109.4	0	0	298,700	112.7

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Medicaid Fraud - Indirect Costs

Act #: 534 of 2007 Section(s) #: 14 & 18

Estimated Carry Forward Amount \$ 132,780.00 Appropriation Funds

Funding Source: Federal

Accounting Information:

Business Area: 0053 Funds Center: 1PF Fund: FAY Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Operating Expenses	5020002	17,780.00	68,350.07
Professional Fees	5060010	90,000.00	50,000.00
Capital Outlay	5120011	25,000.00	25,000.00
Total		\$ 132,780.00	\$ 143,350.07

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation is needed for the continued operations of the Attorney General's Office.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

We project that we may need to utilize some of this appropriation to meet the needs of Medicaid Fraud – Indirect Costs. Expenditure of this appropriation would be contingent upon available federal funding.

Honorable Dustin McDaniel
Attorney General

08-21-2008
Date

Appropriation Summary

Appropriation: 1PH - Victims Reparations - Federal

Funding Sources: FAY - Crime Victims Reparation Program Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	26,620	29,697	28,797	36,584	36,584	0	37,404	37,404	0
#Positions		1	1	1	1	1	0	1	1	0
Personal Services Matching	5010003	9,589	9,742	10,083	11,949	11,949	0	12,101	12,101	0
Operating Expenses	5020002	223	26,900	26,900	26,900	26,900	0	26,900	26,900	0
Conference & Travel Expenses	5050009	0	0	0	0	0	0	0	0	0
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Claims	5110015	1,289,240	1,413,799	1,413,799	1,413,799	1,456,213	0	1,413,799	1,499,899	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		1,325,672	1,480,138	1,479,579	1,489,232	1,531,646	0	1,490,204	1,576,304	0
Funding Sources										
Federal Revenue	4000020	1,325,672	1,480,138		1,489,232	1,531,646	0	1,490,204	1,576,304	0
Total Funding		1,325,672	1,480,138		1,489,232	1,531,646	0	1,490,204	1,576,304	0
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		1,325,672	1,480,138		1,489,232	1,531,646	0	1,490,204	1,576,304	0

No Executive Recommendation on this appropriation.

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.

Special Language provides for carry forward of appropriation. For FY09, the amount carried forward was \$151,614.

Change Level by Appropriation

Appropriation: 1PH - Victims Reparations - Federal
Funding Sources: FAY - Crime Victims Reparation Program Federal

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,489,232	1	1,489,232	100.0	1,490,204	1	1,490,204	100.0
C01	Existing Program	42,414	0	1,531,646	102.8	86,100	0	1,576,304	105.8

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Victims Reparations - Federal

Act #: 534 of 2007 Section(s) #: 8 & 18

Estimated Carry Forward Amount \$ 211,323.00 Appropriation Funds

Funding Source: Federal

Accounting Information:

Business Area: 0053 Funds Center: 1PH Fund: FAY Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Personal Services Matching	5010003	238.00	378.43
Operating Expenses	5020002	26,677.00	26,677.00
Claims	5110015	184,408.00	124,558.85
Total		\$ 211,323.00	\$ 151,614.28

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation is needed to defray costs associated with the operation of the Crime Victims Program.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

The Office of the Attorney General is carrying forward this appropriation in the event the appropriation is needed to pay Crime Victim payments.

Honorable Dustin McDaniel
Attorney General

08-25-2008
Date

Appropriation Summary

Appropriation: 2YK - Spyware Monitoring

Funding Sources: SSM - Spyware Monitoring Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Spyware Monitoring 5900046	0	0	0	95,985	95,985	0	0	0	0
Total	0	0	0	95,985	95,985	0	0	0	0
Funding Sources									
Special Revenue 4000030	0	0		95,985	95,985	0	0	0	0
Total Funding	0	0		95,985	95,985	0	0	0	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	0		95,985	95,985	0	0	0	0

No Executive Recommendation on this appropriation.

This is a biennial appropriation. For FY09, the amount carried forward was \$100,000.

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Spyware Monitoring

Act #: 534 of 2007 Section(s) #: 15 & 18

Estimated Carry Forward Amount \$ 100,000.00 Appropriation Funds

Funding Source: Special

Accounting Information:

Business Area: 0053 Funds Center: 2YK Fund: SSM Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Spyware Monitoring	5900046	100,000.00	100,000.00
Total		\$ 100,000.00	\$ 100,000.00

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation was not funded in FY2008 but in the event funding is provided in FY 2009, this appropriation will be needed to assist in the preparation of the Spyware Unit.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

The Office of the Attorney General does not anticipate the receipt of these funds and is requesting DFA - Office of Budget block the appropriation at this time.

Honorable Dustin McDaniel
Attorney General

08-25-2008
Date

Analysis of Budget Request

Appropriation: 2YM - Spyware Monitoring-State

Funding Sources: HUA - Miscellaneous Agencies Fund

Act 2255 of 2005, The Consumer Protection Against Computer Spyware Act established the Spyware Monitoring Program to be enforced by the Attorney General's Office. This program safeguards Arkansas consumers from the unauthorized installation of spyware. Spyware is software that causes unwanted advertising pop-ups, collects personal information and changes the configurations of your computer without your consent.

The Agency Request provides to discontinue this appropriation and to transfer the remaining funds to Spyware Monitoring (Appropriation 2YK) to provide for continued enforcement of the Consumer Protection Against Computer Spyware Act (A.C.A. § 4-111-101 et seq.) The Agency has requested Special Language that would provide for this transfer.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2YM - Spyware Monitoring-State
Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Spyware Monitoring-State 5900046	4,015	0	0	0	0	0	0	0	0
Total	4,015	0	0	0	0	0	0	0	0
Funding Sources									
Fund Balance 4000005	0	95,985		0	0	0	0	0	0
General Revenue 4000010	100,000	0		0	0	0	0	0	0
Total Funding	100,000	95,985		0	0	0	0	0	0
Excess Appropriation/(Funding)	(95,985)	(95,985)		0	0	0	0	0	0
Grand Total	4,015	0		0	0	0	0	0	0

APPROPRIATION NOT REQUESTED FOR THE 2009-2011 BIENNIUM.

This is a biennial appropriation. For FY09, the amount carried forward was \$95,985.

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Attorney General

Program: Spyware Monitoring-State

Act #: 534 of 2007 Section(s) #: 16 & 18

Estimated Carry Forward Amount \$ 96,000.00 Appropriation Funds

Funding Source: Miscellaneous Agencies

Accounting Information:

Business Area: 0053 Funds Center: 2YM Fund: HUA Functional Area: CNST

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Spyware Monitoring-State	5900046	96,000.00	95,984.98
Total		\$ 96,000.00	\$ 95,984.98

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

This appropriation is needed to assist the agency as it continues preparation of the Spyware Unit.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

This appropriation is needed to assist the agency as it continues preparation of the Spyware Unit as well as pay for the Internet line being utilized to monitor spyware.

Honorable Dustin McDaniel
Attorney General

08-18-2008
Date

Appropriation Summary

Appropriation: 38U - Internet Crime Child
Funding Sources: FAY - Internet Crimes Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses 5020002	0	45,450	0	45,450	45,450	0	45,450	45,450	0
Professional Fees 5060010	0	4,550	0	4,550	4,550	0	4,550	4,550	0
Total	0	50,000	0	50,000	50,000	0	50,000	50,000	0
Funding Sources									
Federal Revenue 4000020	0	50,000		50,000	50,000	0	50,000	50,000	0
Total Funding	0	50,000		50,000	50,000	0	50,000	50,000	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	50,000		50,000	50,000	0	50,000	50,000	0

No Executive Recommendation on this appropriation.

Budget exceeds Authorized Appropriation in Operating Expenses and Professional Fees due to a transfer from the Miscellaneous Federal Grant Holding Account.