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AT A GLANCE

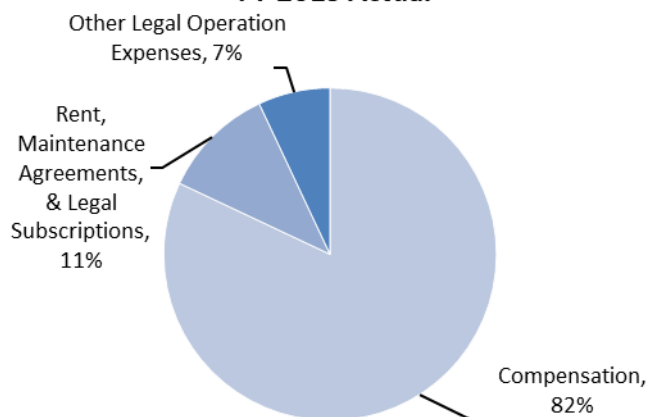
- Serves as Chief Legal Officer for the State of Minnesota.
- Defends State law when challenged in court.
- Provides legal representation to State agencies, boards, commissions, and officials.
- Helps Minnesotans afford their lives and live with dignity and respect by advocating for consumers and taking legal action on their behalf.
- Provides support to county attorneys in criminal matters.

PURPOSE

The Attorney General is the State of Minnesota's Chief Legal Officer. The Attorney General's Office defends Minnesota laws when they face a legal challenge. The Office provides legal representation to more than 100 State agencies, boards, and commissions. The Office also protects the public by advocating for consumers and bringing legal action in order to help Minnesotans afford their lives and live with dignity and respect. The work of the Attorney General's Office helps to support the following statewide outcomes:

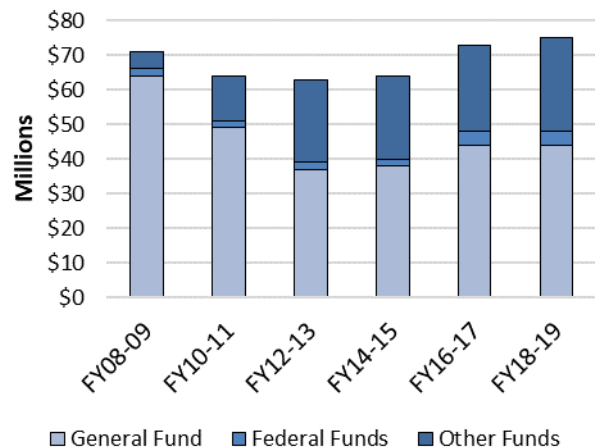
- State agencies, boards, and commissions deliver services to all Minnesotans fairly, effectively, and equitably.
- By reducing the cost of litigation and returning settlements to the State General Fund, the State of Minnesota has more resources to serve the needs of Minnesotans.
- All Minnesotans can afford their lives and live with dignity and respect.
- All Minnesotans benefit from an economy that works for everyone.
- All Minnesotans can afford and have easy access to high-quality, comprehensive healthcare, no matter where they live or how much they earn.
- All Minnesotans are healthy and live in healthy environments where natural resources are used sustainably.

**Spending by Category
FY 2019 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

STRATEGIES

- Facilitate the enforcement of, and defend challenges to, duly enacted Minnesota laws.
 - Deliver high-quality, efficient, and effective legal representation to State agencies, boards, commissions, and officials.
 - Protect and save taxpayers' dollars by defending claims for monetary judgments against the State. Provide proactive legal advice to avoid lawsuits.
 - Provide legal representation to State agencies and boards in various civil and administrative proceedings and obtain monetary payments as directed by the Minnesota Legislature.
 - Use the full power granted the Attorney General under Minn. Stat. 8.31 and other State laws to protect Minnesotans from unfair, discriminatory, or other unlawful practices in business, commerce, or trade.
 - Directly advocate for consumers in disputes with business in order to put money directly in their pockets.
 - Provide Minnesota counties and law enforcement agencies with assistance and expertise in serious criminal matters.
 - Ensure that the public interest is protected in delivering legal services.
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(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1000 - General	20,849	23,271	22,047	24,294	23,513	23,513	29,479	27,898
1201 - Health Related Boards	2,303	2,474	2,276	2,709	2,521	2,521	2,521	2,521
2000 - Restrict Misc Special Revenue	29	45	243	225	33	33	33	33
2001 - Other Misc Special Revenue	10,561	11,376	10,487	13,460	11,675	11,675	11,675	11,675
2800 - Environmental				145	145	145	145	145
2801 - Remediation				250	250	250	250	250
3000 - Federal	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
3010 - Coronavirus Relief			994	1,200				
6000 - Miscellaneous Agency	407	4,262	532	5	5		5	
Total	36,275	43,797	39,006	45,939	41,976	42,162	47,942	46,547
Biennial Change				4,874		(807)		9,544
Biennial % Change				6		(1)		11
Governor's Change from Base								10,351
Governor's % Change from Base								12

Expenditures by Program

Attorney General	36,275	43,797	39,006	45,939	41,976	42,162	47,942	46,547
Total	36,275	43,797	39,006	45,939	41,976	42,162	47,942	46,547

Expenditures by Category

Compensation	31,204	32,400	33,657	37,548	36,241	36,432	39,074	39,265
Operating Expenses	4,933	10,734	5,162	8,116	5,645	5,640	8,778	7,192
Capital Outlay-Real Property	90	205	116	225	90	90	90	90
Other Financial Transaction	48	457	71	50				
Total	36,275	43,797	39,006	45,939	41,976	42,162	47,942	46,547

Total Agency Expenditures	36,275	43,797	39,006	45,939	41,976	42,162	47,942	46,547
Internal Billing Expenditures	321	357	368	491	491	491	491	491
Expenditures Less Internal Billing	35,954	43,440	38,639	45,448	41,485	41,671	47,451	46,056

<u>Full-Time Equivalents</u>	327.30	323.04	320.58	330.39	330.39	330.39	345.39	345.39
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(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		1,182		781				
Direct Appropriation	22,031	22,140	22,828	23,513	23,513	23,513	29,479	27,898
Transfers In			150	1,393	1,393	1,393	1,393	1,393
Transfers Out			150	1,393	1,393	1,393	1,393	1,393
Cancellations		52						
Balance Forward Out	1,182		781					
Expenditures	20,849	23,271	22,047	24,294	23,513	23,513	29,479	27,898
Biennial Change in Expenditures				2,222		685		11,036
Biennial % Change in Expenditures				5		1		24
Governor's Change from Base								10,351
Governor's % Change from Base								22
Full-Time Equivalents	281.40	276.47	271.21	303.15	304.15	304.15	319.15	319.15

1201 - Health Related Boards

Balance Forward In		102		188				
Direct Appropriation	2,405	2,406	2,464	2,521	2,521	2,521	2,521	2,521
Cancellations		34						
Balance Forward Out	102		188					
Expenditures	2,303	2,474	2,276	2,709	2,521	2,521	2,521	2,521
Biennial Change in Expenditures				208		57		57
Biennial % Change in Expenditures				4		1		1
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	23.23	23.42	24.62					

2000 - Restrict Misc Special Revenue

Balance Forward In	2,309	2,301	2,282	2,044	1,861	1,828	1,861	1,828
Receipts	21	26	7	42				
Transfers Out			2					
Balance Forward Out	2,301	2,282	2,044	1,861	1,828	1,795	1,828	1,795
Expenditures	29	45	243	225	33	33	33	33
Biennial Change in Expenditures				394		(402)		(402)
Biennial % Change in Expenditures				535		(86)		(86)

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents			1.25	1.00				

2001 - Other Misc Special Revenue

Balance Forward In	330	1,301	995	2,003	218	218	218	218
Receipts	11,532	11,069	11,496	11,675	11,675	11,675	11,675	11,675
Internal Billing Receipts	321	357	368	375	375	375	375	375
Transfers In	8,371	7,281	8,905	8,911	7,643	7,643	7,643	7,643
Transfers Out	8,371	7,281	8,905	8,911	7,643	7,643	7,643	7,643
Balance Forward Out	1,301	995	2,005	218	218	218	218	218
Expenditures	10,561	11,376	10,487	13,460	11,675	11,675	11,675	11,675
Biennial Change in Expenditures				2,010		(597)		(597)
Biennial % Change in Expenditures				9		(2)		(2)
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	4.20	4.33	4.49	3.00	3.00	3.00	3.00	3.00

2800 - Environmental

Balance Forward In		145		145				
Direct Appropriation	145	145	145	145	145	145	145	145
Cancellations		290		145				
Balance Forward Out	145		145					
Expenditures				145	145	145	145	145
Biennial Change in Expenditures				145		145		145
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								0

2801 - Remediation

Balance Forward In		250		250				
Direct Appropriation	250	250	250	250	250	250	250	250
Cancellations		500		250				

Attorney General

Agency Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
Balance Forward Out	250		250					
Expenditures				250	250	250	250	250
Biennial Change in Expenditures				250		250		250
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								0

3000 - Federal

Receipts	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
Expenditures	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
Biennial Change in Expenditures				1,582		1,781		1,781
Biennial % Change in Expenditures				35		29		29
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	18.47	18.82	19.01	23.24	23.24	23.24	23.24	23.24

3010 - Coronavirus Relief

Direct Appropriation			994	1,200	0	0	0	0
Expenditures			994	1,200				
Biennial Change in Expenditures				2,194		(2,194)		(2,194)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								

6000 - Miscellaneous Agency

Balance Forward In	20,093	18,881	21,354	31,488	29,937	29,932	29,937	29,932
Receipts	2,254	7,905	10,666	3,454				
Transfers In	140							
Transfers Out	3,197	1,170		5,000				
Balance Forward Out	18,881	21,354	31,488	29,937	29,932	29,932	29,932	29,932
Expenditures	407	4,262	532	5	5		5	
Biennial Change in Expenditures				(4,132)		(532)		(532)
Biennial % Change in Expenditures				(88)		(99)		(99)

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Agency Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
Governor's Change from Base								0
Governor's % Change from Base								

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
Direct				
Fund: 1000 - General				
FY2021 Appropriations	23,513	23,513	23,513	47,026
Forecast Base	23,513	23,513	23,513	47,026
Change Items				
eDiscovery, Case Management, Charities Registration System, and Consumer Complaint Database		3,267	1,686	4,953
Maintain and Stabilize Experienced Attorney Staff		300	300	600
Enhanced Antitrust Resources		578	578	1,156
Enhanced Criminal Enforcement and Initiatives		1,821	1,821	3,642
Total Governor's Recommendations	23,513	29,479	27,898	57,377
Fund: 1201 - Health Related Boards				
FY2021 Appropriations	2,521	2,521	2,521	5,042
Forecast Base	2,521	2,521	2,521	5,042
Total Governor's Recommendations	2,521	2,521	2,521	5,042
Fund: 2800 - Environmental				
FY2021 Appropriations	145	145	145	290
Forecast Base	145	145	145	290
Total Governor's Recommendations	145	145	145	290
Fund: 2801 - Remediation				
FY2021 Appropriations	250	250	250	500
Forecast Base	250	250	250	500
Total Governor's Recommendations	250	250	250	500
Fund: 3010 - Coronavirus Relief				
FY2021 Appropriations	1,200	1,200	1,200	2,400
Base Adjustments				
All Other One-Time Appropriations		(1,200)	(1,200)	(2,400)
Forecast Base	1,200	0	0	0
Total Governor's Recommendations	1,200	0	0	0
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	225	33	33	66
Forecast Base	225	33	33	66
Total Governor's Recommendations	225	33	33	66

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
Fund: 2001 - Other Misc Special Revenue				
Planned Spending	13,460	11,675	11,675	23,350
Forecast Base	13,460	11,675	11,675	23,350
Total Governor's Recommendations	13,460	11,675	11,675	23,350
Fund: 3000 - Federal				
Planned Spending	3,651	3,834	4,025	7,859
Forecast Base	3,651	3,834	4,025	7,859
Total Governor's Recommendations	3,651	3,834	4,025	7,859
Fund: 6000 - Miscellaneous Agency				
Planned Spending	5	5		5
Forecast Base	5	5		5
Total Governor's Recommendations	5	5		5
Revenue Change Summary				
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Forecast Revenues	42			
Total Governor's Recommendations	42			
Fund: 2001 - Other Misc Special Revenue				
Forecast Revenues	11,675	11,675	11,675	23,350
Total Governor's Recommendations	11,675	11,675	11,675	23,350
Fund: 3000 - Federal				
Forecast Revenues	3,651	3,834	4,025	7,859
Total Governor's Recommendations	3,651	3,834	4,025	7,859
Fund: 6000 - Miscellaneous Agency				
Forecast Revenues	3,454			
Total Governor's Recommendations	3,454			
Non-Dedicated				
Fund: 1000 - General				
Forecast Revenues	1,305	1,275	1,275	2,550
Total Governor's Recommendations	1,305	1,275	1,275	2,550

Attorney General

FY 2022-23 Biennial Budget Change Item

Change Item Title: eDiscovery, Case Management, Charities Registration System, and Consumer Complaint Database

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures	3,267	1,686	1,686	1,686
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	3,267	1,686	1,686	1,686
FTEs	1	1	1	1

Recommendation:

The Governor recommends an increase of \$3,267,000 for the Attorney General's Office (AGO) for FY 2022, and an increase of \$1,686,000 for FY 2023 and thereafter to make further investments in critical litigation technology resources necessary in modern litigation for a public law office. This primarily will expand the use of eDiscovery software, support the necessary purchase of a centralized case management system, provide an updated consumer complaint database, and support the design and development of a modern online charity registration database needed to fulfill the AGO's statutory requirements.

Rationale/Background:

eDiscovery

The AGO currently uses a software platform that provides a variety of tools to analyze the ever-expanding number of electronic documents that are at the center of the complex litigation handled by the AGO. Such software is often referred to as electronic discovery, or e-discovery, software. The AGO must expand the use of this specialized legal software to benefit our state agency clients and the people of Minnesota. The AGO regularly litigates against top law firms in the state and country that utilize powerful litigation support tools. The AGO needs to expand the use of industry-standard software to go head-to-head with these large law firms. It is also critical that the AGO be able to provide its attorneys and other legal staff with these modern tools to attract and retain top-flight talent to represent the interests of the people of Minnesota.

The powerful analytical tools of e-discovery software have been critically important in recent litigation. These tools allow the AGO to take on cases that it may not otherwise be able to. These e-discovery tools were essential in several consumer protection matters including *CenturyLink*, *Comcast*, *Insys Therapeutics, Inc.*, *Minnesota School of Business/Globe University*, and the criminal charging of more than 21 individuals through the AGO's Medicaid Fraud Control Unit. Complex state agency matters including *Cruz-Guzman v. MDE*, *White Bear Lake Restoration Association v. DNR*, and *Murphy v. DHS*, have also benefited from the use of powerful e-discovery tools.

Moreover, there is currently no enterprise eDiscovery tool available to state agencies through Minnesota IT Services (MNIT), so agencies either rely on the AGO or outside third-party vendors. The AGO has resisted charging state agency clients for the cost of hosting agency data and the hourly time of its dedicated eDiscovery personnel. This approach is no longer viable given the explosive growth in data being sent to the AGO. The AGO hosts

approximately 25 terabytes (TB)¹ of data in its eDiscovery tool, with roughly 11TB attributable to the representation of agencies, commissions, and boards. Approximately 6TB of data (22,533,166 files) is related to the representation of the Department of Human Services in federal and state litigation, as well as administrative actions. The AGO hosts approximately 1TB of data for PCA and DNR litigation, including multiple administrative records that span thousands of documents. Another roughly 9TB of data (34,025,754 files) is attributable to the AGO's Medicaid Fraud Control Unit. These data sizes only continue to grow. Even when an enterprise solution is available for agencies to utilize (at an additional cost to them), the agencies will still need to provide their data to the AGO as part of its legal representation.

Additionally, both the AGO and state agencies have received Minnesota Government Data Practice Act (MGDPA) requests that require the ability to quickly search for keywords across large data sets (often hundreds of thousands of documents). Because no enterprise solution is available through MNIT, agencies have sought the assistance of the AGO and third-party vendors to aid in responding to these statutory requests.

Cloud Backup & Disaster Recovery

As highlighted above, the volume of data relevant to litigation continues to grow at an exponential pace. Adequate data storage is necessary to house the tens of millions of documents across hundreds of cases. Shifting to cloud-based storage will allow the AGO to maintain appropriate backup and disaster recovery in the event of failure or other catastrophic events.

Case Management

The AGO needs an office-wide, modern, case management system. The current antiquated, internally built system does not provide the functionality necessary to manage and report on the thousands of dockets that are open at any given time. The AGO intends to purchase a robust solution that is designed specifically for managing the approximately 2,500 legal matters initiated each year. Such a system will allow for tracking of a case through its entire lifecycle including matters in administrative law and appellate practice areas. This is critically important for the diverse areas of law practiced by the AGO, as well as the vast number of agencies, boards, and commissions the AGO represents.

Charities Database

Additionally, Minnesota law mandates that the Minnesota Attorney General's Office maintain a registry of soliciting charitable organizations, professional fundraisers, and charitable trusts that meet certain statutory requirements. See Minn. Stat. § 309.52, 309.531, 501B.37. The AGO currently has 13,129 soliciting charitable organizations, more than 2,783 charitable trusts, and 434 professional fundraisers registered. This registry is maintained by the Charities Division, and includes financial statements, tax filings, and other important information about the entity's operations and expenses.

The current system was implemented over two decades ago. It is paper-based—registrants fill out and mail to the AGO paper registration documents and checks. Although registrants can submit documents by email, and the Office provides an online payment option, there is no online registration option. As such, staff scan the paper filings mailed to the AGO, upload them into the database, manually input data into the database, manually process and deposit paper checks, manually run reports to determine deficiencies or reminders; and mail paper confirmations, deficiency letters, and reminders to registrants. Additionally, the database has incurred a significant number of bugs and errors that require fixes, workarounds, and extra steps to perform even the most basic functions. Some of these errors impact the ability of our Office to fulfill its statutory duties.

¹ One terabyte is equal to 1,024 gigabytes (GB). Depending on the data, 1GB of data can be estimated to be 50,000 to 75,000 pages.

A new online charity registration system will provide greater public access to charity activity, including those who wish to make donations. A new registration system will also increase the Division's ability to prevent and enforce charities laws violations. It could generate automated alerts to staff and reminders, deficiency notices, and other communications to registrants—instead of relying on staff to identify and manually generate these communications.

Consumer Complaint Database

The Consumer Action Division assists consumers, businesses and other organizations who contact it for information and assists them in obtaining settlements with other parties. Through its efforts, the division often eliminates the need for costly and time-consuming litigation for all parties. In FY 2019, Consumer Services staff answered more than 75,000 calls from the public. Some of the topics people call about include health care, housing, credit reports, and utilities. Second, Consumer Services staff help Minnesota residents informally resolve thousands of complaints with businesses and other organizations each year. The Consumer Action Division received 15,390 complaints in CY 2018, 16,825 in CY 2019, and 17,144 in CY 2020 (January to October). Through their efforts, the divisions often eliminate the need for costly and time-consuming litigation for all parties. In FY 2019, the Consumer Services Division saved or returned more than \$4 million to the public.

Like the Charities database discussed above, the Consumer Complaint database was implemented over two decades ago. The database holds a few hundred thousand complaints. Originally a paper-based database, it was slightly modified last year to allow for online submissions:

<https://www.ag.state.mn.us/Office/Forms/ConsumerAssistanceRequest.asp>. The ability to submit an electronic complaint was a frequent request from Minnesotans. And while it has been critical for the AGO's work during the COVID-19 pandemic, the online form is not automatically linked to the database, requiring manual data entry and document linking. In addition to automatically adding the complaints to the database and attaching supporting documentation, the new system will allow staff to track progress, schedule follow-ups, generate documents, and provide more advanced reporting and data visualization tools.

The underlying technology of the database must also change. This change is necessary to create a submission portal for consumers to track the status of all their complaints and documentation. A change in underlying technology will also allow the AGO to identify trends in complaint data – which often serve as the basis for investigations. An underlying technology change will also allow the AGO to perform analytics and visualization of complaint data like the Department of Health's COVID-19 dashboard², and allow the AGO to better identify scams and issues impacting Greater Minnesota, seniors, and minorities.

Proposal:

The AGO seeks an increase in the current base budget of \$2,167,000 in FY 2022 which includes a 25TB cloud-based eDiscovery subscription and the initial one-time cost of the case management system, and then \$1,522,000 each year thereafter for ongoing subscription and licensing costs. Also included in this request is the cost of one additional full time equivalent (FTE) position. This Litigation Support Specialist position would serve as a subject matter expert to assist attorneys and other AGO staff with e-discovery tailored to the unique needs of each case.

Additionally, the AGO seeks an increase in the current base budget of \$1,100,000 in FY 2022 to scope and develop a modern online charity registration system and consumer complaint database and then \$164,000 each year thereafter for maintenance and ongoing development. This proposal anticipates the costs associated with development and cloud infrastructure to store the information securely.

² <https://www.health.state.mn.us/diseases/coronavirus/situation.html>

Equity and Inclusion:

A new online charity registration system will provide greater public access to charity activity, including those who wish to make donations. A new consumer complaint database will provide greater public access to consumers who wish to file complaints in a secure and uniformed platform.

IT Related Proposals:

<i>Category</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>
Payroll	134	134	134	134	134	134
Infrastructure	60	60	60	60	60	60
Software	2,033	1,388	1,388	1,388	1,388	1,388
Training	0	0	0	0	0	0
Enterprise Services	0	0	0	0	0	0
Professional/Technical Contracts	1,040	104	104	104	104	104
Other	0	0	0	0	0	0
Total	3,267	1,686	1,686	1,686	1,686	1,686
MNIT FTEs	0	0	0	0	0	0
Agency FTEs	1	1	1	1	1	1

Results:

This proposal is intended to allow the AGO to continue to provide more efficient levels of service and additional information to the public. We will continue to track the measures below. With new technology we will be able to track additional measures, including demographics to identify scams targeting Greater Minnesota, senior citizens, and minority groups. Technology improvements will also allow for better monitoring of complaint categories (student loan, utilities, mortgage, credit report, healthcare, pharmaceuticals, landlord/tenant, price gouging, data privacy, etc.). Additional charity registration data will be available to the public including financial and governance data as well as verify compliance. With new technology, we will add additional metrics including the number of electronic vs. paper charity registrations.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Data attributed to representation of state agencies and boards		11 terabytes	FY 2020
Quantity	Data attributed to AGO initiated investigations or litigation including Medicaid Fraud Control Unit		17 terabytes	FY 2020
Quantity	Consumer complaints received by the AGO	16,825	20,815	CY 2019 & CY 2020
Quantity	Calls received from Minnesotans seeking assistance from the AGO Consumer Action Division	75,000	90,000	2019 & 2020

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Money saved or returned to consumers through the AGO Consumer Action Division	\$4,981,000	\$6,177,000	2019 & 2020
Quality	Consolidating multiple data sources into single office-wide single source of truth for each case matter	N/A	N/A	
Quantity	Number of registered charitable soliciting organizations (charities, trusts, professional fundraisers)	C: 12,029, T: 2,869 PFR: 427	C: 13,278 T: 2,787 PFR: 459	2019 & 2020
Quantity	Number of electronic vs. paper registrations	N/A	N/A	

Attorney General

FY 2022-23 Biennial Budget Change Item

Change Item Title: Maintain and Stabilize Experienced Attorney Staff

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures	300	300	300	300
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	300	300	300	300
FTEs	0	0	0	0

Recommendation:

For three successive biennia the total general fund appropriation for the Attorney General's Office was frozen at \$22,125,000. For the biennium beginning July 1, 2019, the AGO received the first real dollar increase in 6 years, bringing our general fund appropriation to 22,828,000 in FY 2020. Beginning July 1, 2022, the Governor recommends an additional \$300,000 for the Attorney General's Office (AGO) from the general fund to retain current staff by fairly and competitively compensating staff attorneys and legal support staff. This increase is the difference between our original request to the legislature in the 2019 session and what we were appropriated during the 2019 Special Session.

Rationale/Background:

The Attorney General's Office is the second largest public law office in Minnesota. Few public law offices in Minnesota handle the range, quantity, and complexity of civil litigation as the Minnesota Attorney General's Office. No other public law office serves as many clients as the Attorney General's Office. Clients include over 100 state agencies, boards and commissions. Its lawyers handle more than 7,000 legal files per year covering a wide range of legal matters. The AGO defends and implements laws enacted by the state legislature. This may require the Office to commence lawsuits to implement the laws enacted and to defend those laws against constitutional challenge or improper interpretation. In many instances the litigation involves significant claims for monetary damages or compensation against the state and state officials. Retaining a highly competent workforce is essential for the AGO to fulfill its duty to the state and serve and protect Minnesotans.

Among other things, the Attorney General's Office has recently: secured a victory at the Supreme Court for Minnesota students defrauded by MSB and Globe University; investigated and sued JUUL for deceptive marketing practices that target youth for addiction; charged, prosecuted, and won convictions against dozens for defrauding the State's Medicaid program; investigated and sued opioid manufacturers for knowingly devastating Minnesota families and communities; obtained a \$9 million settlement from CenturyLink for overcharging up to 300,000 Minnesota customers; joined every other attorney general's office in the country in winning new restrictions on robocalls; and charged and prosecuted several individuals involved in the neglect and abuse of seniors and vulnerable adults in Northern Minnesota. Further, on the basis of personnel size the Attorney General's Office would rank among the top ten private law offices in Minnesota. Matters litigated by attorneys of the Office bring them face to face across the table with attorneys employed by most of these large law offices. The attorneys at these firms receive compensation equivalent to multiple times that of their Attorney General Office opponents. Often these firms are able to recruit staff attorneys away from the Attorney General's Office by offering them significant pay increases. Public law offices cannot compete with the salaries paid lawyers in private law offices of similar size, but the Attorney General's Office and other public law offices must be able to pay salaries that will

enable them to recruit and retain high-quality attorneys capable of defending the interests of the state, its agencies and people in court.

Proposal:

The Attorney General's Office requests an increase in funds for competitive salary increases for attorney staff. To best serve the people of Minnesota, the Attorney General's Office must have the funds to attract and retain the best staff necessary to handle the enormous responsibility this office holds.

Equity and Inclusion:

The Attorney General's Office is committed to broaden its recruitment of attorneys, legal assistants and support staff that better reflects the State's diverse population. Our Affirmative Action Plan includes intentional recruitment and retention of underrepresented communities, which will enhance service to marginalized communities and protected classes.

IT Related Proposals:

This is not an information technology proposal.

Statutory Change(s):

This proposal will not require statutory changes.

Results:

To best serve the people of Minnesota, the AGO must have the ability to attract and retain the best staff necessary to handle the enormous responsibility this office holds. This change item request will allow the AGO to continue to serve the public and state agencies while fairly compensating our staff.

Attorney General

FY 2022-23 Biennial Budget Change Item

Change Item Title: Enhanced Antitrust Resources

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures	578	578	578	578
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	578	578	578	578
FTEs	3.0	3.0	3.0	3.0

Recommendation:

The Governor recommends additional funding for the Office of the Attorney General (OAG) to increase antitrust enforcement and protect competition in the State of Minnesota. The requested increase in funding will support the hiring of 3.0 FTEs by the Office of the Attorney General (2.0 FTE attorneys and 1.0 FTE legal assistant). The total amount requested is \$578,000 per fiscal year (\$1.156 million for the FY 2022-23 biennium). This increase in funding is assumed to continue in the FY 2024-25 biennium. This change represents a 2.5 percent increase in the Office's general fund appropriation.

Rationale/Background:

Antitrust laws are a critical piece of Minnesota's consumer protection framework. Rather than picking winners or losers among businesses, antitrust laws are designed to protect competition, allowing the marketplace to deliver superior goods and services to consumers at a higher quality and a lower price than a market without competition.

Competition generally ensures lower prices and higher quality for consumers. Competition also provides an incentive to businesses to become more efficient. Efficiency helps businesses survive in a transnational economy. Ultimately, this helps to protect consumers' purchasing power and to minimize business failure and retain local jobs.

Vigorous enforcement of antitrust laws is even more important today's global economy. For example, a recent report by the U.S. House Judiciary Committee's Antitrust Subcommittee summarized the state of competition in today's digital economy, including the dominance of Apple, Amazon, Google, and Facebook. These companies dominate our current economy, and the report found that action should be taken to protect competition, improve innovation, and safeguard our democracy.

The Minnesota Attorney General has authority to enforce both state and federal antitrust laws, which protect the marketplace and benefit consumers and businesses by maintaining competition.

State law authority. The Minnesota Attorney General is the chief legal officer of the State of Minnesota and is responsible for investigation and enforcement of Minnesota's antitrust laws. (Minn. Stat. §§ 8.31 & 325D.59.) The Attorney General may bring claims on behalf of the State, its agencies, on behalf of political subdivisions, or on behalf of the people of the state as *parens patriae*. (Minn. Stat. § 325D.59.)

Minnesota's Antitrust Law of 1971, Minn. Stat. §§ 325D.49 - .66, prohibits unreasonable restraints of trade or commerce and other anticompetitive conduct. The law also prohibits the establishment,

maintenance, or use of monopoly power; price fixing; production control; allocation or division of customers or markets; collusive bidding; concerted refusals to deal; and other discriminatory acts.

Courts in the state may enter injunctive orders as necessary to prevent and restrain violations of these laws. (Minn. Stat. §§ 8.31, subd. 3 & 325D.58.) The State, its subdivisions and agencies, or any injured person can recover three times the actual damages sustained, together with costs and disbursements, and reasonable attorneys' fees. (Minn. Stat. §§ 8.31, subd. 3a & 325D.57.) Violation of Minnesota's antitrust laws is punishable as a civil offense, and each such violation of the law is subject to a civil penalty of up to \$50,000. (Minn. Stat. §§ 8.31, subd. 3; 325D.56, subd. 1 & 645.24.) Willful violation of certain prohibited acts is also a felony and is subject to a fine of not more than \$50,000 for each such violation, or imprisonment for seven years, or both. (Minn. Stat. §§ 325D.56, subd. 2 & 645.24.) The Attorney General also may seek to terminate the privilege to do business in the state, where necessary. (Minn. Stat. § 325D.60.) Corporate directors, members, and officers, as well as employees and other agents, may face individual liability if they "knowingly authorized, ordered, aided, abetted, or advised in the commission of any of the acts constituting in whole or in part the violation." (Minn. Stat. § 325D.61, subd. 2.) Likewise, corporations and other entities are liable for the acts of its subordinates. (Minn. Stat. § 325D.61, subd. 1.)

In lieu of filing a lawsuit, the Attorney General may accept an assurance of discontinuance of any act or practice in violation of these laws, including a stipulation performance, provision, or payment by the alleged violator of any remedies otherwise allowed. (Minn. Stat. § 8.31, subd. 2b.)

Federal law authority. The Minnesota Attorney General also has standing to enforce federal antitrust laws on behalf of the consumers of the State of Minnesota. (15 U.S.C. § 15c.) The Sherman Act, 15 U.S.C. §§ 1-7, prohibits anticompetitive agreements and unilateral conduct to monopolize a market. The State can bring claims in federal court to recover three times the actual damages sustained by persons in the state, plus the costs of the action and reasonable attorneys' fees. (Id.) Additional federal antitrust authority is conferred by the Clayton Act, 15 U.S.C. §§ 12-27. The U.S. Department of Justice and the Federal Trade Commission also enforce federal competition laws, and the Office of the Minnesota Attorney General often works cooperatively with these agencies in matters that involve goods or services in Minnesota.

The Office of the Minnesota Attorney General currently has 2.5 FTE attorneys dedicated to antitrust enforcement in the State of Minnesota. The following are recent examples of antitrust enforcement work by the Office of the Attorney General:

Generic Drug Price Fixing. Minnesota and a coalition of states and territories have filed three complaints in federal court against a variety of generic-drug manufacturers and executives. The first complaint is against 18 pharmaceutical companies and 2 individuals. Two former executives from Heritage Pharmaceuticals have entered into settlement agreements and are cooperating with the attorneys general in that case. The second complaint is against 20 pharmaceutical companies and 15 individuals. The states are preparing for trial in this case. The third complaint was filed in June 2020 and is against 26 pharmaceutical companies and 10 individuals. All three of the complaints allege that the defendants violated state and federal antitrust laws by conspiring to fix prices and allocate markets for more than 180 generic drugs. The lawsuits seek injunctive relief, civil penalties, damages, and disgorgement. Litigation is ongoing.

Suboxone. Minnesota and other states have filed a complaint in federal court, alleging that manufacturers of the opioid addiction-treatment drug Suboxone violated state and federal antitrust laws by moving consumers from a tablet form of Suboxone to a film form, in order to prevent generic competition from entering the market. Litigation of this matter continues.

Market Allocation by Children's Hospitals. In 2015, Children's Hospitals and Clinics of Minnesota (CHCM) signed an agreement with MDLive, Inc., a technology platform allowing patients to obtain virtual appointments with doctors. In the 2015 agreement, CHCM obtained exclusive rights to provide MDLive services to patients in Minnesota and Western Wisconsin. CHCM referred to these MDLive-enabled services as "Children's Virtual Clinic" (CVC). Starting in late 2015, CHCM began looking into sublicensing its MDLive platform to other health care providers within Minnesota and Wisconsin. CHCM strongly wanted to sublicense MDLive, to defray its own costs incurred in the licensing agreement. The Attorney General's Office investigated and found that CHCM negotiated anticompetitive agreements with competing health care providers to refrain from advertising CVC in regions where those competitors—who were each potential sublicensees—operated. In 2018, the Attorney General's Office accepted an Assurance of Discontinuance from CHCM. In the Assurance, CHCM agreed it would not communicate or make any agreement with other health care providers regarding where CHCM would or would not advertise its services. The Assurance also imposes significant monetary penalties for any violation.

Agricultural Issues. The Antitrust Division continues to focus its resources particularly on issues of importance to farmers, the agricultural sector, and rural Minnesotans. Although details of the Division's investigations remain confidential and non-public, the matters involve important aspects of the livestock industry and other agricultural products of importance in Minnesota. The Division will continue to keep this focus over the upcoming year.

The Office of the Attorney General wants to increase its ability to enforce antitrust laws and protect competition. The current level of staffing is not sufficient to allow investigation of potential violations of the law and to litigate ongoing matters. Increased staffing will allow the Attorney General's Office to respond appropriately to the serious concerns raised by anticompetitive conduct.

Proposal:

This proposal for increased antitrust enforcement is a new initiative of the Office of the Attorney General. Funding of this proposal would result in increased resources to protect competition in the State of Minnesota. Increased resources will result in an increased ability to initiate investigations of anticompetitive conduct in Minnesota, and increased law enforcement actions to seek remedies for violations of state and federal law.

The Attorney General requests \$1.155 million in the FY 2022-23 biennium and thereafter to build the capacity of the office to protect consumers and meet its duty to enforce Minnesota's antitrust laws. This request would fund the addition to 2.0 FTE attorneys and 1.0 FTE legal assistant to investigate and litigate in antitrust matters.

This will result in increased enforcement of antitrust laws and be beneficial for Minnesota consumers and the economy of the state. In addition, increased staffing should have an impact on recovery of damages and civil penalties by the state, which, except for consumer restitution, are deposited in the general fund pursuant to Minn. Stat. § 16A.151. The amount and timing of these expected revenues for the state are uncertain, so they are not reflected in the fiscal impact summary at the top of this change item. Nevertheless, funding of this change item does increase the ability of the State to seek and recover this revenue.

As soon as the funds are appropriated, the Attorney General will recruit and train staff to implement these changes as soon as possible.

Impact on Children and Families:

Although funding of increased law enforcement resources for antitrust and competition-related matters does not directly target children or families, increased enforcement of antitrust laws will make the marketplace more fair for all participants, which brings benefits to children and families.

Equity and Inclusion:

The Attorney General’s Office is deeply committed to and has had early success broadening its recruitment of attorneys, legal assistants and support staff that better reflects the State’s diverse population.

People of color and marginalized communities, like all Minnesotans, benefit from increased enforcement of Minnesota’s antitrust laws and a fair marketplace. Positive changes to the state’s economy, and lower prices for higher-quality goods, benefit everyone. Additionally, communities of color and rural communities generally have a lower median family income and therefore successful antitrust actions can have a significant and meaningful impact on those family’s budgets.

IT Related Proposals:

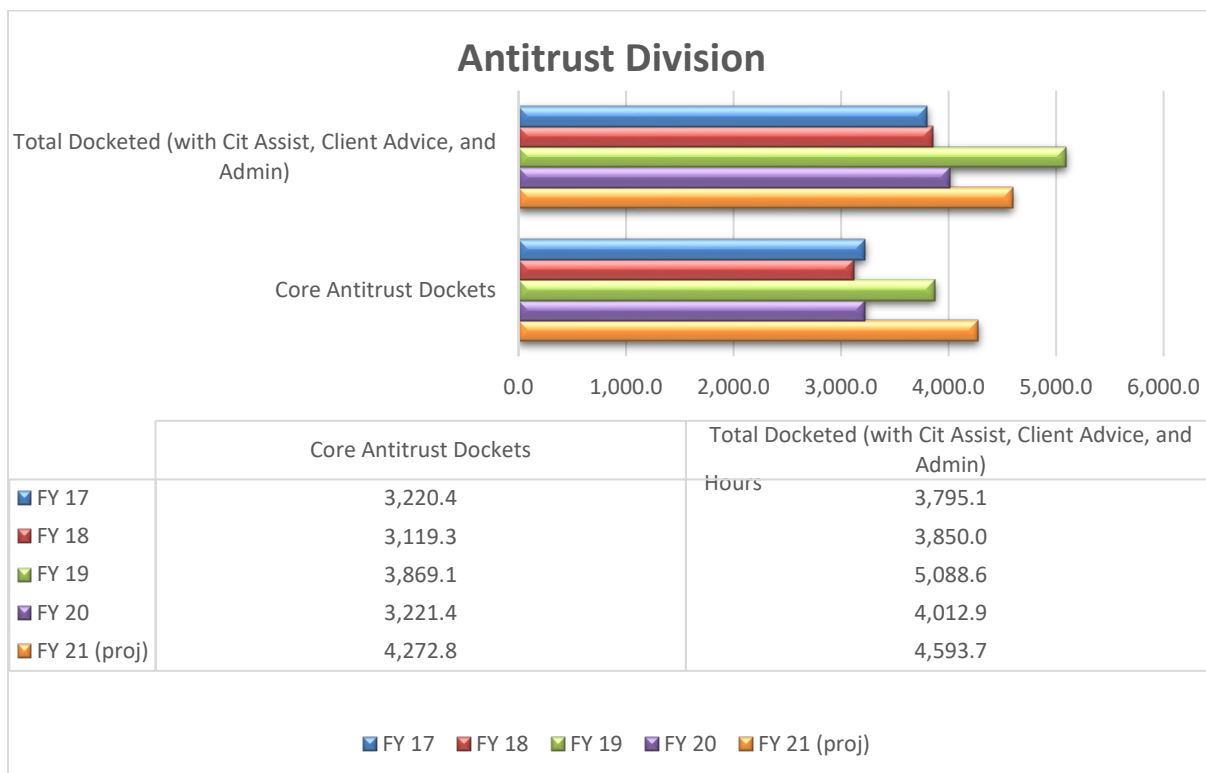
This is not an information technology proposal.

Statutory Change(s):

This proposal will not require statutory changes.

Results:

- Antitrust staff currently record time spent working on antitrust matters in a docketing system, which provides a detailed record of staff resources devoted to antitrust efforts and a historical dataset to document increased efforts with additional funding. These docketing records will document increased efforts to enforce Minnesota and federal antitrust laws and protect competition as a result of increased funding for additional positions.
- Information regarding docketing of antitrust matters is displayed below for FY 17 to FY 20, with projected information for FY 21 (based on data through December 31, 2020). Data displayed below includes hours billed to antitrust dockets (lower graph) and total hours billed to antitrust dockets plus time billed to citizen assistance, client advice, and general antitrust administrative matters (upper graph). Continued collection of docketing data will document increased resources dedicated to antitrust efforts if increased funding is provided.



Office of the Attorney General

FY 2022-23 Biennial Budget Change Item

Change Item Title: Enhanced Criminal Enforcement and Initiatives

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	1,821	1,821	1,821	1,821
Expenditures	0	0	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	1,821	1,821	1,821	1,821
FTEs	11	11	11	11

Recommendation:

The Governor recommends \$1.821 million for the Office of the Attorney General (OAG) to provide needed legal services to rural county attorneys and prosecute crimes that unfairly harm consumers and businesses. Under previous administrations, the AGO has significantly reduced the legal services available to respond to these requests. Due to this reduction, the AGO has not had the capacity to fully lend support in prosecuting violent or complex crimes, white collar crimes, cross-county crimes such as sex trafficking and financial exploitation, or responded to habeas corpus petitions, when requested. The outcome of additional resources would be to gradually rebuild the Office's capacity to aid counties to enforce the criminal laws in their jurisdiction that are beyond the scope of their resources and hold unscrupulous businesses accountable. This change represents a 7.7 percent increase in the Office's general fund appropriation.

Rationale/Background:

Pursuant to Minn. Stat. Sect. 8.01, upon request of the county attorney, the attorney general shall appear in court in such criminal cases as the attorney general deems proper.

Since 1999, the AGO has decreased its capacity to assist county attorneys with criminal prosecutions. At the present time, the Attorney General's Office has only three full-time criminal prosecutors whose assistance is limited to homicide cases and a limited number of other violent felonies including sexual assault. Requests from county attorneys for assistance with prosecution of other violent crimes, white collar crime, financial exploitation, multi-county prosecutions of drug or human trafficking, or other complex or unusual cases are routinely not accepted for prosecution due to lack of staff.

Many counties are served by small offices, in some cases, staffed by part-time county attorneys. These offices do an admirable job of handling local enforcement and prosecution of crimes typical to their communities. It is the rare instance of an atypical serious crime, including attempted murder, violent domestic or sexual assault, murder for hire, large-scale drug manufacture and sales, sex and human trafficking, or identified pattern of crime that crosses county lines, that is often beyond the experience and resources of these small offices. In addition to providing assistance to small county attorney offices, occasionally larger offices seek AGO services. For example, the Hennepin County Attorney and the Governor requested that the AGO assume prosecution of four Minneapolis police officers on murder charges following the killing of George Floyd. As section 8.01 states, when faced with such crimes, the county attorney has the option to request assistance from the Attorney General's Office. It is their expectation that the Attorney General's Office will employ a group of experienced prosecutors to handle these uncommon matters efficiently and effectively, as requested. This is currently not the case.

Proposal:

The Attorney General requests \$1.821 million in FY 22 and thereafter to rebuild the capacity of the office to meet its obligation to aid in the enforcement of the criminal laws of the state. Additionally, increased capacity will allow us to further assist county attorneys in handling appellate work on criminal cases.

As soon as the funds are appropriated, the Attorney General will recruit and train staff, and deepen strategic communications with the county attorneys and state investigators at the Bureau of Criminal Apprehension, Department of Commerce and Department of Labor and Industry.

With these additional resources, the Attorney General's Office will better respond to the unmet needs of the counties and begin to rebuild the capacity to provide necessary assistance with prosecution of serious offenses. It will also build the capacity to prosecute targeted cases against perpetrators of crimes that effect the economic security of Minnesotans.

It is expected that this initiative will become part of the Attorney General's Office base budget, and its efforts will be informed in the future by changing patterns of criminal activity. When unscrupulous actors, both individuals and businesses, recognize that illegal actions will be prosecuted, it should help deter future criminal activity, and increase the confidence of those businesses that follow the law that the unscrupulous will be held accountable.

The Attorney General will track the number of investigations and prosecutions commenced and completed, as well as the characteristics of crime victims and scope of economic loss.

Impact on Children and Families:

The Attorney General's statewide expungement program will help former offenders who have rehabilitated themselves to seal criminal records. This will improve employment and housing opportunities and provide economic benefits to their families and children.

Equity and Inclusion:

The Attorney General's Office is deeply committed to and has had early success broadening its recruitment of attorneys, legal assistants and support staff that better reflects the State's diverse population.

This will enhance service to marginalized communities, including but not limited to persons of color, those with limited education or English-language skills, and those living on fixed incomes or at or near the poverty level, who are disproportionately represented among crime victims. However, crime victims cut across all groups and demographics.

The Attorney General's criminal justice reform measures provide benefits to minority communities that have been overrepresented in the criminal justice system.

Stakeholder Engagement:

The Minnesota County Attorney's Association is very supportive and has written a letter of support for this request.

IT Related Proposals:

N/A

Results:

- Operating with a staff of only two full time prosecutors and two legal assistants, the Criminal Division of the AGO was able to take on 11 new cases in 2019 and 17 new cases in 2020. All cases were referred to the AGO by county attorneys. Currently, the AGO is typically only able to accept referrals from rural counties for murder cases, and other referrals are declined because of staff limitations at the AGO. With

the requested enhanced staffing levels, the AGO would be able to triple the annual number of new case referrals accepted. This would allow AGO prosecutors to expand case acceptance beyond murder cases to also include other types violent crimes, white collar crime, financial exploitation, multi-county prosecutions of drug or human trafficking, or other complex or unusual cases.

- Appellate attorneys in the AGO Criminal Division were able to take 77 appeals from county attorneys in 2019 and 58 appeals in 2020. These are cases in which county attorneys secured convictions, but upon the filing of appeals to the Minnesota Court of Appeals or Supreme Court, the county attorney refers the case to the AGO to litigate the appeal. Like the prosecution caseload, the appellate caseload is limited by availability of AGO staff. As a result, certain types of appeal referrals are categorically declined. For example, the AGO does not accept appellate referrals in sentencing appeals, probation violation appeals, or misdemeanor/gross misdemeanor appeals. The requested enhanced staffing levels would allow the AGO to eliminate the categorical limitations on appeal types and focus specifically on the merits of legal issues raised in each case.
- Measures of quality in criminal cases must be applied on a case-by-case basis. For example, a conviction in a particular case is not necessarily a measure of success if a conviction is unjust. Similarly, an acquittal or a decision not to charge a particular offense is not an indication of failure where sufficient evidence does not exist.

Program: Attorney General

Activity: Government Support

AT A GLANCE

In FY 2019-20, the Government Support Section:

- Enforced the laws and rules enacted to protect Minnesota residents.
- Defended State entities and laws in enforcement proceedings.
- Defended claims against State entities and employees saving millions of taxpayer dollars.
- Protected and saved taxpayer dollars by defending claims for monetary judgments against the Department of Human Services.
- Recovered monetary fines and overpayments.
- Pursued monetary recovery for cost of care.

PURPOSE & CONTEXT

The Government Support Section provides a broad range of legal representation to the vast majority of state government through Minnesota State entities including, among others, Minnesota Management and Budget, the Departments of Corrections, Commerce, Health, Human Services, Labor and Industry, the State Board of Investment, and Professional Educator Licensing and Standards Board, and all of the Minnesota health-related licensing boards.

The section represents these state agencies and boards in disciplinary and enforcement proceedings in administrative, state, and federal courts to ensure that Minnesota law is enforced and upheld. The section provides consistent, high quality legal advice and representation in a cost effective manner and works to ensure the public interest is represented in all matters.

The section primarily provides legal representation in state agencies' enforcement, disciplinary and regulatory actions to protect Minnesota residents. The section represents State entities in licensing, regulatory, rate making, disciplinary and enforcement actions. The section advises State agencies and boards in financial, investment, real estate, contract and bond issuance transactions. And, through its defense of the Minnesota Department of Human Services in litigation, the section defends the State's laws and the constitutionality of the State's actions and decisions.

SERVICES PROVIDED

- State agencies and boards are provided legal representation in enforcement and disciplinary proceedings.
- Claims and litigation are avoided by proactive legal advice.
- Millions of tax dollars are saved by defense of legal claims.
- Agencies and boards are represented in complex financial and contract transactions.
- Provides legal counsel to the Minnesota Department of Human Services, including the defense of the constitutionality of the Minnesota Sex Offender Program.
- Provides proactive legal counsel and representation in an effort to avoid lawsuits or resolve disputes.
- Litigates matters on behalf of state agencies and boards to ensure that Minnesota laws are enforced and upheld and that the public interest is protected.
- Pursues and recovers monetary fines, overpayments of government funds, and estate and subrogation claims.
- Protects government benefit program integrity by defending agency eligibility determinations.

RESULTS

- Enforcement of Minnesota laws and regulations protects Minnesotans' rights, health and safety.
- Legal advice and representation facilitate the implementation and enforcement of laws enacted by the Minnesota Legislature.
- The implementation and enforcement of laws enacted by the Minnesota Legislature are facilitated by the provision of efficient and competent legal advice and representation.
- Litigation is conducted in a manner to advance the public interest.
- Defense of claims and recovery actions for State entities protects the State Treasury.
- Represents the health-related licensing boards in disciplinary action so that Minnesota residents are provided with access to high quality healthcare through safe health care professionals.
- Obtained judgments requiring repayment of funds to State government.
- Pursued claims related to health care and health insurance paid, including subrogation claims.
- Defended agency eligibility determinations so that only eligible individuals receive government assistance.

Government Support

Activity Expenditure Overview

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1000 - General	3,769	4,109	4,022	5,022	4,970	4,970	5,060	5,060
1201 - Health Related Boards	2,282	2,453	2,255	2,688	2,500	2,500	2,500	2,500
2001 - Other Misc Special Revenue	2,025	2,535	1,252	3,605	3,657	3,657	3,657	3,657
Total	8,075	9,096	7,529	11,315	11,127	11,127	11,217	11,217
Biennial Change				1,672		3,410		3,590
Biennial % Change				10		18		19
Governor's Change from Base								180
Governor's % Change from Base								1

Expenditures by Category

Compensation	7,570	7,315	7,095	11,115	10,927	10,927	11,017	11,017
Operating Expenses	476	1,663	434	200	200	200	200	200
Capital Outlay-Real Property	20	18						
Other Financial Transaction	10	101	0					
Total	8,075	9,096	7,529	11,315	11,127	11,127	11,217	11,217

Full-Time Equivalents

72.94	67.66	67.68	82.20	82.20	82.20	82.20	82.20
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Government Support

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		162		52				
Direct Appropriation	3,931	3,951	4,074	4,000	4,000	4,000	4,090	4,090
Transfers In				970	970	970	970	970
Cancellations		5						
Balance Forward Out	162		52					
Expenditures	3,769	4,109	4,022	5,022	4,970	4,970	5,060	5,060
Biennial Change in Expenditures				1,167		896		1,076
Biennial % Change in Expenditures				15		10		12
Governor's Change from Base								180
Governor's % Change from Base								2
Full-Time Equivalents	49.71	44.24	43.06	82.20	82.20	82.20	82.20	82.20

1201 - Health Related Boards

Balance Forward In		102		188				
Direct Appropriation	2,384	2,385	2,443	2,500	2,500	2,500	2,500	2,500
Cancellations		34						
Balance Forward Out	102		188					
Expenditures	2,282	2,453	2,255	2,688	2,500	2,500	2,500	2,500
Biennial Change in Expenditures				208		57		57
Biennial % Change in Expenditures				4		1		1
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	23.23	23.42	24.62					

2001 - Other Misc Special Revenue

Balance Forward In	60	252	751	1,216				
Receipts	10,588	10,089	10,485	11,300	11,300	11,300	11,300	11,300
Transfers In		112						
Transfers Out	8,371	7,169	8,767	8,911	7,643	7,643	7,643	7,643
Balance Forward Out	252	750	1,216					
Expenditures	2,025	2,535	1,252	3,605	3,657	3,657	3,657	3,657
Biennial Change in Expenditures				297		2,457		2,457
Biennial % Change in Expenditures				7		51		51

Government Support

Activity Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
Governor's Change from Base								0
Governor's % Change from Base								0

Program: Attorney General
Activity: Health and Safety Section

AT A GLANCE

In FY 2019-20, the Health and Safety Section:

- Provided Minnesota counties and law enforcement agencies with prosecutorial assistance in serious criminal matters.
- Prosecuted healthcare providers that fraudulently obtained State Medicaid funds.
- Prosecuted criminal cases ranging from sexual assault to racketeering to murder.
- Handled False Claims Act cases.
- Represented the Department of Transportation in road improvement projects.
- Defended the Minnesota National Guard in a contract claim.
- Represented the Department of Public Safety at implied consent hearings.
- Provided assistance to Minnesota residents.

PURPOSE AND CONTEXT

The Health and Safety Section provides a broad range of legal services with the goals of protecting public safety and taxpayer dollars. The section provides assistance to county attorneys and local law enforcement agencies in prosecuting serious crimes and in the civil commitment of sex offenders. The section further provides assistance to Minnesota counties with criminal appeals. The section prosecutes healthcare providers committing Medicaid fraud and assists county attorneys in prosecuting vulnerable adult abuse, neglect, and financial exploitation cases.

Through its defense of the Minnesota Department of Human Services in litigation, the section defends the State's laws and the constitutionality of the State's actions and decisions. In addition, the section provides legal representation to the Commissioner of Public Safety, including at implied consent hearings, and the Minnesota State Patrol in forfeiture matters.

Through its work for the Minnesota Department of Transportation, the section provides legal advice and litigation representation regarding construction-related matters and assists in real estate transactions, evaluating claims and attempting to resolve claims before litigation arises. The section also protects taxpayers by filing claims on behalf of Transportation against entities that fail to pay employees legally mandated wages.

SERVICES PROVIDED

The Health and Safety Section provides the following services:

- Assists county attorneys in civil commitment hearings involving dangerous sexual predators.
- Provides assistance to county attorneys in felony appeals, including murder, sexual assault, child sexual abuse, felony assault, and drug distribution cases.
- Prosecutes healthcare provider fraud within the Medicaid program and recovers fraudulently obtained Medicaid funds.
- Appears in court on behalf of the Commissioner of Public Safety in implied consent cases, and on behalf of the Minnesota State Patrol in its forfeiture proceedings
- Delivers proactive legal advice to avoid lawsuits.
- Defends monetary claims brought against the Minnesota Department of Transportation and the Minnesota National Guard to protect millions of taxpayer dollars.

RESULTS

- Prosecuted healthcare providers that fraudulently obtained State Medicaid funds. Over \$1 million in restitution was ordered in these cases.
 - Prosecuted ten owners, managers, and employees of an outstate Minnesota assisted living facility who have been charged with a collective 76 counts of manslaughter, assault, neglect, racketeering, theft, operating a comprehensive home care facility without a license, concealing the proceeds of these crimes, perjury, and obstructing the State's criminal investigation.
 - Participated in False Claims Act cases which resulted in civil recoveries of over \$7 million.
 - Saved over \$3 million dollars of taxpayer money in defending the Minnesota National Guard in a contract claim.
 - Legal work helps facilitate the implementation and enforcement of laws enacted by the Minnesota Legislature.
 - High quality, effective and efficient legal representation delivered to state agencies, boards, and commissions protects the health and safety of Minnesotans.
 - Providers are prosecuted for fraudulent use of Medicaid funds.
 - Public interest is advanced by providing assistance in prosecutions and appeals.
 - Public interest is advanced in civil litigation.
 - Residents' rights and safety are protected.
 - Legal representation saves millions of dollars of taxpayers' dollars by its defense of claims against State agencies.
-

Health and Safety

Activity Expenditure Overview

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
<i>Expenditures by Fund</i>								
1000 - General	6,286	6,950	6,823	4,112	4,092	4,092	5,978	5,978
1201 - Health Related Boards	21	21	21	21	21	21	21	21
2000 - Restrict Misc Special Revenue	14	22	224	181	33	33	33	33
2001 - Other Misc Special Revenue	3,780	3,770	3,219	1,172	1,340	1,340	1,340	1,340
3000 - Federal	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
6000 - Miscellaneous Agency	7	3						
Total	12,233	13,136	12,713	9,137	9,320	9,511	11,206	11,397
Biennial Change				(3,519)		(3,019)		753
Biennial % Change				(14)		(14)		3
Governor's Change from Base								3,772
Governor's % Change from Base								20
<i>Expenditures by Category</i>								
Compensation	10,990	11,504	11,736	7,677	7,860	8,051	9,746	9,937
Operating Expenses	1,190	1,426	963	1,460	1,460	1,460	1,460	1,460
Capital Outlay-Real Property	34	32						
Other Financial Transaction	19	174	14					
Total	12,233	13,136	12,713	9,137	9,320	9,511	11,206	11,397
Total Agency Expenditures	12,233	13,136	12,713	9,137	9,320	9,511	11,206	11,397
Internal Billing Expenditures	321	357	368	491	491	491	491	491
Expenditures Less Internal Billing	11,912	12,779	12,345	8,646	8,829	9,020	10,715	10,906
<i>Full-Time Equivalents</i>	133.00	130.66	124.55	80.99	80.99	80.99	91.99	91.99

Health and Safety

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		319		20				
Direct Appropriation	6,605	6,637	6,843	4,100	4,100	4,100	5,986	5,986
Transfers Out				8	8	8	8	8
Cancellations		6						
Balance Forward Out	319		20					
Expenditures	6,286	6,950	6,823	4,112	4,092	4,092	5,978	5,978
Biennial Change in Expenditures				(2,301)		(2,751)		1,021
Biennial % Change in Expenditures				(17)		(25)		9
Governor's Change from Base								3,772
Governor's % Change from Base								46
Full-Time Equivalents	114.53	111.84	104.29	56.75	57.75	57.75	68.75	68.75

1201 - Health Related Boards

Direct Appropriation	21	21	21	21	21	21	21	21
Expenditures	21	21	21	21	21	21	21	21
Biennial Change in Expenditures				0		0		0
Biennial % Change in Expenditures				0		0		0
Governor's Change from Base								0
Governor's % Change from Base								0

2000 - Restrict Misc Special Revenue

Balance Forward In	2,299	2,285	2,263	2,040	1,861	1,828	1,861	1,828
Receipts				2				
Balance Forward Out	2,285	2,263	2,040	1,861	1,828	1,795	1,828	1,795
Expenditures	14	22	224	181	33	33	33	33
Biennial Change in Expenditures				369		(339)		(339)
Biennial % Change in Expenditures				1,033		(84)		(84)
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents			1.25	1.00				

2001 - Other Misc Special Revenue

Balance Forward In	21	406	8	190				
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Health and Safety

Activity Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
Transfers In	4,164	3,402	3,401	982	1,340	1,340	1,340	1,340
Transfers Out		29						
Balance Forward Out	406	8	190					
Expenditures	3,780	3,770	3,219	1,172	1,340	1,340	1,340	1,340
Biennial Change in Expenditures				(3,159)		(1,711)		(1,711)
Biennial % Change in Expenditures				(42)		(39)		(39)
Governor's Change from Base								0
Governor's % Change from Base								0

3000 - Federal

Receipts	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
Expenditures	2,126	2,370	2,427	3,651	3,834	4,025	3,834	4,025
Biennial Change in Expenditures				1,582		1,781		1,781
Biennial % Change in Expenditures				35		29		29
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	18.47	18.82	19.01	23.24	23.24	23.24	23.24	23.24

6000 - Miscellaneous Agency

Balance Forward In		9	6	6	6	6	6	6
Receipts	16							
Balance Forward Out	9	6	6	6	6	6	6	6
Expenditures	7	3						
Biennial Change in Expenditures				(10)		0		0
Biennial % Change in Expenditures				(100)				
Governor's Change from Base								0
Governor's % Change from Base								

Program: Attorney General

Activity: Consumer Protection Section

AT A GLANCE

In FY 2019-20, the Consumer Protection Section:

- Upheld and implemented the laws enacted by the Minnesota Legislature.
- Enforced Minnesota's consumer protection, worker protection, and antitrust laws.
- Responded to Minnesotans' concerns about fraud and other problems with businesses.
- Ensured Minnesota nonprofits, charities, and trusts registered and complied with Minnesota law.
- Advocated for residential and small business ratepayers on utility matters.

PURPOSE & CONTEXT

The Consumer Protection Section of the Attorney General's Office investigates potential violations and enforces Minnesota's consumer protection, worker protection (including wage theft), and antitrust laws. The section responds to concerns about businesses submitted by members of the public and facilitates resolution of these complaints. It also regulates nonprofits, charities, and trusts that operate and fundraise in Minnesota. The section also advocates for the interest of residential and small business ratepayers in matters involving electric, natural gas, and telecommunications services and rates.

SERVICES PROVIDED

The Consumer Protection Section provides the following services:

- The Consumer, Wage, and Antitrust Division investigates and, where appropriate, files enforcement actions to ensure businesses comply with the state consumer protection, worker protection (including wage theft), and antitrust laws. The laws enforced by the Division include laws prohibiting consumer fraud, deceptive trade practices, false advertising, wage theft, and state and federal antitrust laws. The Division conducts investigations and takes action where appropriate to stop and deter fraud, anticompetitive conduct, and other unlawful practices in business, commerce or trade and to protect consumers and workers. The Division also participates in numerous coordinated investigations of potential fraudulent or anticompetitive conduct by multiple state and federal enforcers of consumer protection, worker protection, and antitrust laws, including other state attorneys general, the U.S. Department of Justice, and the Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau (CFPB).
- The Consumer Action Division counsels consumers regarding disputes with businesses or concerns about fraudulent activity and responds to consumers' requests for assistance.
- The Charities Division oversees and regulates Minnesota nonprofit organizations, charities, and trusts. The Charities Division maintains a public registry of charities, charitable trusts, and professional fundraisers that operate in the State for transparency purposes. The Charities Division also oversees and regulates charities, charitable trusts, and nonprofits active in Minnesota pursuant to the Office's authority under statute and common law. Finally, the Charities Division enforces state charitable solicitation, charitable trust, and nonprofit laws.
- The Residential Utilities Division (RUD) represents the interests of residential and small-business utility consumers in the complex and changing electric, natural gas, and telecommunications industries, particularly regarding utility rates, reliability of service, and service quality issues. The RUD's work

supports Minnesota's economy and the quality of life of its residents by making sure that utilities' rates are reasonable, their expenses are prudent, and that customers receive high quality service. This is essential to ensure that the state's citizens and small businesses are not burdened by excessive costs or poor reliability for these necessary services. The RUD advocates for residential and small business ratepayers in utility matters before the Minnesota Public Utilities Commission (PUC).

RESULTS

The following are specific benefits the Consumer Protection Section obtained for the State in FY 2019-20:

- In FY 2020, the Consumer Action section answered more than 84,000 calls, responded to more than 17,500 written complaints, and reached resolutions for consumers to return approximately \$5.6 million.
- Legal work facilitates the implementation and enforcement of laws enacted by the Minnesota Legislature.
- Consumer protection, worker protection (including wage theft), and antitrust laws are fairly enforced.
- Ensures nonprofits, charities, and trusts manage, preserve, and use their charitable assets for the benefit of the public, and register and comply with Minnesota laws.
- Residential and small business ratepayer interests are advanced in utility matters. The RUD advocated for utility ratepayers in matters at the PUC where the final awarded amounts to utilities were reduced by over \$700 million compared to the utilities' initial requests.
- Recovers funds for the State and obtains restitution for Minnesota consumers. For example, the Consumer, Wage, and Antitrust and Charities divisions obtained new judgments/settlements for restitution for Minnesota consumers and funds for the State totaling over \$31 million in 2019 and 2020. As part of these new judgments/settlements the division also secured over \$9.5 million in debt forgiveness and relief for Minnesota consumers.
- Ensures the public interest is advanced in civil litigation.
- Residents' rights are protected by making sure Minnesota laws are enforced and upheld.
- The Section also supported our State's response to COVID-19 by enforcing the Governor's emergency executive orders relating to pandemic price gouging (E.O. 20-10), evictions and lease termination moratorium (E.O.s 20-14 and 20-79) and safety requirements applicable to bars and restaurants and large recreational events (E.O. 20-74). The Section has responded to thousands of COVID-19 related complaints and taken swift enforcement actions to protect residents' health, safety, and dignity during the peacetime emergency.

Consumer Protection

Activity Expenditure Overview

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1000 - General	3,042	3,431	2,753	4,877	4,423	4,423	5,065	5,065
2000 - Restrict Misc Special Revenue			2	44				
2001 - Other Misc Special Revenue	1,830	1,621	2,005	3,254	3,255	3,255	3,255	3,255
6000 - Miscellaneous Agency	401	4,259	532	5	5		5	
Total	5,272	9,310	5,292	8,180	7,683	7,678	8,325	8,320
Biennial Change				(1,111)		1,889		3,173
Biennial % Change				(8)		14		24
Governor's Change from Base								1,284
Governor's % Change from Base								8

Expenditures by Category

Compensation	4,520	4,569	4,470	8,175	7,678	7,678	8,320	8,320
Operating Expenses	726	4,638	822	5	5		5	
Capital Outlay-Real Property	17	16						
Other Financial Transaction	9	87	0					
Total	5,272	9,310	5,292	8,180	7,683	7,678	8,325	8,320

Full-Time Equivalents

45.67	43.89	46.18	82.50	82.50	82.50	85.50	85.50
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Consumer Protection

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		199		454				
Direct Appropriation	3,240	3,256	3,357	4,000	4,000	4,000	4,642	4,642
Transfers In				423	423	423	423	423
Transfers Out			150					
Cancellations		24						
Balance Forward Out	199		454					
Expenditures	3,042	3,431	2,753	4,877	4,423	4,423	5,065	5,065
Biennial Change in Expenditures				1,158		1,216		2,500
Biennial % Change in Expenditures				18		16		33
Governor's Change from Base								1,284
Governor's % Change from Base								15
Full-Time Equivalents	45.67	43.89	46.18	82.50	82.50	82.50	85.50	85.50

2000 - Restrict Misc Special Revenue

Balance Forward In				4				
Receipts			6	40				
Balance Forward Out			4					
Expenditures			2	44				
Biennial Change in Expenditures				46		(46)		(46)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								

2001 - Other Misc Special Revenue

Balance Forward In	3	186	9	116				
Transfers In	2,013	1,468	2,250	3,138	3,255	3,255	3,255	3,255
Transfers Out		24	138					
Balance Forward Out	186	9	116					
Expenditures	1,830	1,621	2,005	3,254	3,255	3,255	3,255	3,255
Biennial Change in Expenditures				1,808		1,251		1,251
Biennial % Change in Expenditures				52		24		24
Governor's Change from Base								0
Governor's % Change from Base								0

Consumer Protection

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
6000 - Miscellaneous Agency								
Balance Forward In	20,093	18,872	21,348	31,482	29,931	29,926	29,931	29,926
Receipts	2,238	7,905	10,666	3,454				
Transfers In	140							
Transfers Out	3,197	1,170		5,000				
Balance Forward Out	18,872	21,348	31,482	29,931	29,926	29,926	29,926	29,926
Expenditures	401	4,259	532	5	5		5	
Biennial Change in Expenditures				(4,122)		(532)		(532)
Biennial % Change in Expenditures				(88)		(99)		(99)
Governor's Change from Base								0
Governor's % Change from Base								

Program: Attorney General**Activity: Solicitor General Section****AT A GLANCE**

In FY 2019-20, the Solicitor General Section:

- Provided high-quality legal advice and representation to all three branches of Minnesota Government, including Constitutional officers, State agencies, boards, public officials, and employees.
- Obtained \$3,400,908 in new judgments in favor of the State and saved the State \$14,765,066 by defeating or effectively resolving claims by plaintiffs.
- Successfully defended Minnesota laws from legal challenges brought before state and federal courts. In particular, created a new cross-division cohort of lawyers who reviewed and then successfully defended the Governor's emergency executive orders issued during the pandemic from 13 lawsuits.

PURPOSE AND CONTEXT

The Solicitor General Section provides high-quality and effective legal advice and representation to all three branches of Minnesota Government in a wide variety of civil cases. After a reorganization in January of 2020, the Solicitor General Section is made up of four divisions: Employment, Torts, and Public Utilities Commission (ETP); Environment and Natural Resources (ENR); Tax Litigation; and Education. Each division serves its clients by providing proactive legal counsel and representation in an effort to avoid lawsuits or resolve disputes and representing clients in litigation to ensure that Minnesota laws are enforced and upheld and that the public interest is protected.

The ETP division advises and represents individuals and entities across state government in tort, employment, and other civil legal claims, including constitutional challenges to Minnesota laws. The division also provides legal advice and representation to the Minnesota Public Utilities Commission (PUC).

The ENR division advises and represents the Pollution Control Agency, Department of Natural Resources, Department of Agriculture, and Environmental Quality Board. In that role it helps enforce our state's environmental laws and regulations and defends challenges to those agencies' administrative actions. The Tax Litigation division represents the Department of Revenue (DOR) in proceedings brought by taxpayers challenging DOR's tax assessments; defends constitutional challenges to Minnesota's tax laws; and advises DOR in the collection of delinquent taxes.

The Education division advises and represents the Department of Education (MDE), the Office of Higher Education (OHE), the Perpich Center for Arts Education and the State Academies, as well as Minnesota State Colleges and Universities, with its system of 37 separate campuses. The Education division also represents the following pension boards: Teachers Retirement Association, Public Employees Retirement Association and Minnesota State Retirement System.

Finally, the Solicitor General ensures that all divisions of the AGO provide high quality and consistent representation in our state and federal appellate courts and takes on significant constitutional challenges to Minnesota laws.

SERVICES PROVIDED

The Solicitor General Section provides the following services:

- Represents the above-mentioned government entities, the State of Minnesota and public officials in legal matters pending before state and federal courts, including at district court and appellate levels.
- Defends Minnesota laws against constitutional and other legal challenges.
- Defends Constitutional officers, State agencies, boards, public officials and employees in challenges to their implementation and administration of Minnesota laws.
- Defends Constitutional officers, State agencies, boards, public officials and employees in a variety of other civil matters, including in tort and employment claims.
- Advises and counsels the above-mentioned government entities and public officials on litigation risks and alternatives to avoid the commencement of adverse legal claims.
- Defends successfully against significant claims for monetary damages, saving and protecting taxpayer dollars.

RESULTS

Specific benefits the Solicitor General Section obtained for the State in FY 2019-20 include:

- The ENR division obtained new judgments totaling \$230,608 for the State, and returned to State coffers an additional \$242,380 from judgments obtained in this and previous years.
 - The ETP and ENR divisions saved the State approximately \$9,755,000 by defeating or settling claims against the State.
 - The Tax Litigation division obtained new judgments/settlements totaling \$3,170,300 of which \$2,149,241 was already collected. The Tax Litigation division also saved the State \$5,004,766 and saved counties \$797,208 by defeating or settling claims.
 - The Section protected our State's response to COVID-19 by advising on over 80 proposed executive orders and defeating litigation challenging executive orders. Two proposed recalls of the Governor were dismissed. One case was dismissed on the merits, and two others were dismissed by plaintiffs after seeing our arguments for dismissal. The Solicitor's Section is both protecting the Governor's authority and also helping to establish clear precedent for future Governors.
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(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1000 - General	1,543	1,681	1,504	3,230	3,066	3,066	3,113	3,113
2001 - Other Misc Special Revenue	760	780	742	2,092	2,256	2,256	2,256	2,256
2800 - Environmental				145	145	145	145	145
2801 - Remediation				250	250	250	250	250
Total	2,303	2,461	2,246	5,717	5,717	5,717	5,764	5,764
Biennial Change				3,200		3,471		3,565
Biennial % Change				67		44		45
Governor's Change from Base								94
Governor's % Change from Base								1

Expenditures by Category

Compensation	2,188	2,299	2,201	5,717	5,717	5,717	5,764	5,764
Operating Expenses	104	118	46					
Capital Outlay-Real Property	7	7						
Other Financial Transaction	4	37	0					
Total	2,303	2,461	2,246	5,717	5,717	5,717	5,764	5,764

Full-Time Equivalents

20.44	20.69	21.13	45.80	45.80	45.80	45.80	45.80
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Solicitor General

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		67		164				
Direct Appropriation	1,610	1,618	1,668	4,000	4,000	4,000	4,047	4,047
Transfers Out				934	934	934	934	934
Cancellations		5						
Balance Forward Out	67		164					
Expenditures	1,543	1,681	1,504	3,230	3,066	3,066	3,113	3,113
Biennial Change in Expenditures				1,511		1,398		1,492
Biennial % Change in Expenditures				47		30		32
Governor's Change from Base								94
Governor's % Change from Base								2
Full-Time Equivalents	20.44	20.69	21.13	45.80	45.80	45.80	45.80	45.80

2001 - Other Misc Special Revenue

Balance Forward In	5	88	3	28				
Transfers In	843	714	767	2,064	2,256	2,256	2,256	2,256
Transfers Out		19						
Balance Forward Out	88	3	28					
Expenditures	760	780	742	2,092	2,256	2,256	2,256	2,256
Biennial Change in Expenditures				1,294		1,678		1,678
Biennial % Change in Expenditures				84		59		59
Governor's Change from Base								0
Governor's % Change from Base								0

2800 - Environmental

Balance Forward In		145		145				
Direct Appropriation	145	145	145	145	145	145	145	145
Cancellations		290		145				
Balance Forward Out	145		145					
Expenditures				145	145	145	145	145
Biennial Change in Expenditures				145		145		145
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								0

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
2801 - Remediation								
Balance Forward In		250		250				
Direct Appropriation	250	250	250	250	250	250	250	250
Cancellations		500		250				
Balance Forward Out	250		250					
Expenditures				250	250	250	250	250
Biennial Change in Expenditures				250		250		250
Biennial % Change in Expenditures								
Governor's Change from Base								0
Governor's % Change from Base								0

Program: Attorney General**Activity: Administrative Operations**

AT A GLANCE

In FY 2019-20, the Administrative Operations:

- Provided administrative, human resources, accounting services, information technology, and support services to the Attorney General's Office in order to provide efficient and effective legal representation.
- Established several employee committees to help the office operate more effectively, inclusively, and efficiently to serve all Minnesotans.

PURPOSE AND CONTEXT

- Ensure that budget, human resources, payroll, and accounting practices are in accordance with State law and procedures.
- Protect and save taxpayer dollars by ensuring an efficient use of resources and staff.
- Purchase goods and services pursuant to State guidelines and requirements.
- Interact with other State agencies and boards on personnel, administrative and accounting matters.
- Provide reliable, safe, and professional information technologies to support all staff and the state in delivering legal representation and services.

SERVICES PROVIDED

- Protect taxpayer dollars by ensuring accounting and payroll services are complete, accurate and in accordance with the law.
- Maintain budget and accounting systems to ensure that they are in compliance with State law and practice.
- Develop and implement administrative policies and procedures in accordance with State law and requirements.
- Provide the Attorney General's Office with necessary administrative support to provide high-quality and efficient legal representation.
- Supply human resources, administrative and accounting services.
- Ensure that purchasing is cost effective and in accordance with all applicable laws and regulations.
- Provide hardware and software technical support to staff, maintain data security, and coordinate security updates and software improvements.
- Provide robust eDiscovery services, litigation support, and legal research tools.

RESULTS

- Administrative support is provided to efficiently and effectively carry out the delivery of high-quality legal services.
- Legal resources are available to ensure timely and effective representation.
- Fiscal matters are handled to ensure that efficient and accountable government services are provided and that the systems are in accordance with the laws of the State.
- Information technology services have been adapted to support remote work for the majority of AGO staff.

Administrative Operations

Activity Expenditure Overview

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1000 - General	6,210	7,101	6,945	7,053	6,962	6,962	10,263	8,682
2000 - Restrict Misc Special Revenue	15	23	17					
2001 - Other Misc Special Revenue	2,166	2,670	3,270	3,337	1,167	1,167	1,167	1,167
3010 - Coronavirus Relief			994	1,200				
Total	8,392	9,793	11,226	11,590	8,129	8,129	11,430	9,849
Biennial Change				4,631		(6,558)		(1,537)
Biennial % Change				25		(29)		(7)
Governor's Change from Base								5,021
Governor's % Change from Base								31

Expenditures by Category

Compensation	5,936	6,713	8,156	4,864	4,059	4,059	4,227	4,227
Operating Expenses	2,437	2,888	2,897	6,451	3,980	3,980	7,113	5,532
Capital Outlay-Real Property	12	133	116	225	90	90	90	90
Other Financial Transaction	6	60	57	50				
Total	8,392	9,793	11,226	11,590	8,129	8,129	11,430	9,849

Full-Time Equivalents

55.25	60.14	61.04	38.90	38.90	38.90	39.90	39.90
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Administrative Operations

Activity Financing by Fund

(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY18	FY19	FY20	FY21	FY22	FY23	FY22	FY23
1000 - General								
Balance Forward In		435		91				
Direct Appropriation	6,645	6,678	6,886	7,413	7,413	7,413	10,714	9,133
Transfers In			150					
Transfers Out				451	451	451	451	451
Cancellations		12						
Balance Forward Out	435		91					
Expenditures	6,210	7,101	6,945	7,053	6,962	6,962	10,263	8,682
Biennial Change in Expenditures				687		(74)		4,947
Biennial % Change in Expenditures				5		(1)		35
Governor's Change from Base								5,021
Governor's % Change from Base								36
Full-Time Equivalents	51.05	55.81	56.55	35.90	35.90	35.90	36.90	36.90

2000 - Restrict Misc Special Revenue

Balance Forward In	10	16	19					
Receipts	21	26	1					
Transfers Out			2					
Balance Forward Out	16	19						
Expenditures	15	23	17					
Biennial Change in Expenditures				(21)		(17)		(17)
Biennial % Change in Expenditures				(55)				
Governor's Change from Base								0
Governor's % Change from Base								

2001 - Other Misc Special Revenue

Balance Forward In	241	369	224	453	218	218	218	218
Receipts	944	980	1,012	375	375	375	375	375
Internal Billing Receipts	321	357	368	375	375	375	375	375
Transfers In	1,351	1,585	2,487	2,727	792	792	792	792
Transfers Out		40						
Balance Forward Out	369	224	453	218	218	218	218	218
Expenditures	2,166	2,670	3,270	3,337	1,167	1,167	1,167	1,167
Biennial Change in Expenditures				1,770		(4,273)		(4,273)

Administrative Operations

Activity Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
Biennial % Change in Expenditures				37		(65)		(65)
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	4.20	4.33	4.49	3.00	3.00	3.00	3.00	3.00

3010 - Coronavirus Relief

Direct Appropriation			994	1,200	0	0	0	0
Expenditures			994	1,200				
Biennial Change in Expenditures				2,194		(2,194)		(2,194)
Biennial % Change in Expenditures						(100)		(100)
Governor's Change from Base								0
Governor's % Change from Base								

Attorney General

Federal Funds Summary

(Dollars in Thousands)

Federal Agency and CFDA #	Federal Award Name and Brief Purpose	New Grant	FY 2020 Actuals	FY 2021 Budget	FY 2022 Base	FY 2023 Base	Required State Match or MOE?	FTEs
U.S. Dept. of Health and Human Services Office of the Inspector General 93.775	Minnesota Medicaid Fraud Control Unit: Investigate and prosecute health care providers committing fraud against the Medicaid program.	No	\$ 2,427	\$ 3,651	\$ 3,834	\$ 4,025	Yes	23.24
	Federal Fund – Agency Total		\$ 2,427	\$ 3,651	\$ 3,834	\$ 4,025		23.24

Narrative

The AGO uses federal grant money for 75% of the funding of its Medicaid Fraud Control Unit (MFCU). The MFCU investigates and criminally prosecutes health care providers committing fraud against the Medicaid program in cases referred by the Minnesota Department of Human Services or other agencies. The MFCU provides investigative support to and jointly prosecutes providers with the U.S. Attorney's Office for the District of Minnesota. The Maintenance of Effort level for the MFCU is a 25% funding match by the State of Minnesota. The Minnesota legislature appropriates this match bi-annually as part of the state budget process.