Agency Purpose

The attorney general is the chief legal officer for the state. The duties of the office arise from the Constitution, state statutes, and common law. Every board, commission, and agency of the state of Minnesota receives legal counsel and representation in the courts by the attorney general. The attorney general also acts in a *parens patrie* capacity on behalf of the people of the state. Minnesota's attorney general is elected by the state's voters and serves a four-year term.

Core Functions

The attorney general has jurisdiction to:

- provide legal representation for state agencies;
- prosecute criminal actions at the request of local prosecutors;
- initiate legal actions to enforce civil laws; and
- provide education, information, and mediation to agencies and citizens of the state.

Operations

The Attorney General's Office (AGO) is divided into four sections, each headed by a deputy attorney general, and an administrative support section. Sections are divided into divisions specializing in fields such as trial, health, transportation, consumer protection, antitrust, finance, human services, agriculture, environment, utilities, public safety, and occupational licensing. The office has 372.8 full-time equivalent employees

The Attorney General's Office has direct and ongoing interaction with state agencies and officials, the legislature and staff, government entities and individual citizens. Much of the work of the office involves appearances before the courts and in administrative proceedings. The attorney general's work is categorized as follows.

Attorney General Representation

- \Rightarrow Protecting the public from unscrupulous and incompetent licensed professionals.
- \Rightarrow Protecting the state's natural resources.
- \Rightarrow Protecting taxpayers' dollars.
- \Rightarrow Providing opinions on legal issues to local governments and school districts.
- ⇒ Providing legal advice and representation on matters impacting transportation, human services, the environment, agricultural matters, public safety and other topics.
- \Rightarrow Representing counties in criminal matters in appellate courts.

Defense of Claims

- \Rightarrow Defending the state against claims and using alternative dispute resolution methods to save on legal costs.
- \Rightarrow Advising state agencies on legal issues to limit litigation.

Citizen Protection

- ⇒ Assisting county attorneys in prosecuting serious crimes such as murder, gang operations, drug dealing, and drunken driving.
- \Rightarrow Assisting county attorneys in civilly committing sexual predators.
- ⇒ Enforcing laws governing consumer protection, charities, Medicaid, anti-trust and unfair business practices.
- ⇒ Advocating interests of residential and small business utility customers before the Public Utilities Commission (PUC).

At A Glance

- During FY 2004, the AGO saved the state \$122 million in defending claims against state agencies.
- During FY 2004, the AGO recovered \$76 million for the state and consumers.
- During FY 2004, the AGO pursued \$32 million in pending penalties and judgments.
- The AGO prosecuted 22 murder cases and 76 drug cases in FY 2004.
- Over 4,000 "implied consent" cases relating to drunk driving arrests were prosecuted.
- Assisted county attorneys in civil commitments of sexual predators.

Budget

Of the total agency request for the FY 2006-07 biennium, 63.7% comes from the General Fund; 25.4% is received from other state entities through partner agreement billings for legal services; 6.7% is received from other appropriations (Fund 171, Fund 330, and Fund 331); and 4.2% is received from federal and special revenue funds.

<u>Contact</u>

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	Dollars in Thousands Current Forecast Base				D'
	Curr FY2004	ent FY2005	Forecas FY2006	St Base FY2007	Biennium 2006-07
Direct Appropriations by Fund	112004	112005	112000	112007	2000-07
General					
Current Appropriation	22,559	22,559	22,559	22,559	45,118
Forecast Base	22,559	22,559	22,833	22,859	45,693
Change	,000	0	275	300	575
% Biennial Change from 2004-05		Ĵ	2.0		1.3%
State Government Spec Revenue					
Current Appropriation	1,612	1,591	1,591	1,591	3,182
Forecast Base	1,612	1,591	1,778	1,794	3,572
Change		0	187	203	390
% Biennial Change from 2004-05					11.5%
Environmental					
Current Appropriation	145	145	145	145	290
Forecast Base	145	145	145	145	290
Change		0	0	0	0
% Biennial Change from 2004-05					0%
Remediation					
Current Appropriation	484	484	484	484	968
Forecast Base	484	484	484	484	968
Change % Biennial Change from 2004-05		0	0	0	0 0%
<u>Expenditures by Fund</u> Direct Appropriations					
General	23,650	29,661	22,834	22,859	45,693
State Government Spec Revenue	2,240	2,416	1,778	1,794	3,572
Environmental	63	227	145	145	290
Remediation	116	852	484	484	968
Statutory Appropriations					
General	5,937	5,563	5,505	5,505	11,010
Special Revenue	343	218	219	219	438
Federal	1,033	1,283	1,283	1,283	2,566
Miscellaneous Agency	6,366	27	0	0	0
Total	39,748	40,247	32,248	32,289	64,537
Expenditures by Category			_		
Total Compensation	28,679	33,533	29,412	29,453	58,865
Other Operating Expenses	11,069	6,714	6,438	6,438	12,876
Transfers	0	0	(3,602)	(3,602)	(7,204)
Total	39,748	40,247	32,248	32,289	64,537
Expenditures by Program	20 740	40.047	20.040	20.000	64 607
Attorney General Total	<u>39,748</u> 39,748	40,247 40,247	32,248 32,248	32,289 32,289	64,537 64,537
	·	-	-		04,337
Full-Time Equivalents (FTE)	361.3	372.8	374.8	374.8	

	Current		Forecast Base		Biennium
	FY2004	FY2005	FY2006	FY2007	2006-07
Direct Appropriations by Fund					
General					
Current Appropriation	22,559	22,559	22,559	22,559	45,118
Technical Adjustments					
Current Law Base Change			275	300	575
Forecast Base	22,559	22,559	22,834	22,859	45,693
State Government Spec Revenue					
Current Appropriation	1,612	1,591	1,591	1,591	3,182
ouncill Appropriation	1,012	1,001	1,001	1,001	0,102
Technical Adjustments					
End-of-session Estimate			187	203	390
Forecast Base	1,612	1,591	1,778	1,794	3,572
Environmental					
Current Appropriation	145	145	145	145	290
ourient Appropriation	145	145	140	140	230
Forecast Base	145	145	145	145	290
Remediation					
Current Appropriation	484	484	484	484	968
Forecast Base	484	484	484	484	968
Expenditures by Fund					
Direct Appropriations					
General	23,650	29,661	22,834	22,859	45,693
State Government Spec Revenue	2.240	2,416	1.778	1.794	3.572
Environmental	63	227	145	145	290
Remediation	116	852	484	484	968
Statutory Appropriations		001			
General	5,937	5,563	5,505	5,505	11,010
Special Revenue	343	218	219	219	438
Federal	1,033	1,283	1,283	1,283	2,566
Miscellaneous Agency	6,366	27	0	0	2,000
Total	39,748	40,247	32,248	32,289	64,537
	, -	· •		-	
Expenditures by Category	00.070	22 522	20,442	20,452	F0.007
Total Compensation	28,679	33,533	29,412	29,453	58,865
Other Operating Expenses	11,069	6,714	6,438	6,438	12,876
Transfers	0	0	(3,602)	(3,602)	(7,204)
Total	39,748	40,247	32,248	32,289	64,537

Program Summary

	Dollars in Thousands					
	Current		Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Activity		I				
Government Operations	7,086	7,802	4,835	4,835	9,670	
Government Regulation	6,359	8,318	5,450	5,466	10,916	
Solicitor General	16,201	11,966	10,607	10,632	21,239	
Government Services	4,894	5,883	5,158	5,158	10,316	
Administration	5,208	6,278	6,198	6,198	12,396	
Total	39,748	40,247	32,248	32,289	64,537	
Full-Time Equivalents (FTE)	361.3	372.8	374.8	374.8		

Program:ATTORNEY GENERALActivity:GOVERNMENT OPERATIONS

Activity Description

Provide a wide range of cost-effective, efficient legal services to state agencies.

Population Served

- Department of Agriculture
- Department of Natural Resources (DNR)
- Department of Human Rights
- Department of Human Services
- Department of Finance
- Department of Administration
- State boards (non-health professions)
- Department of Corrections
- Department of Transportation (DOT)
- Department of Commerce (utilities issues)
- Department of Labor and Industry
- Department of Employment and Economic Development
- State Board of Investment
- Housing Finance Agency
- Teachers Retirement Association
- Minnesota State Retirement System
- Public Utilities Commission
- Department of Military Affairs

Services Provided

- Expert legal advice and representation to state agencies.
- Mediates and litigates human rights cases.
- Litigates workers compensation cases.
- Defends state agencies against litigation brought by various parties.
- Negotiates settlements in lawsuits brought against state agencies when warranted.
- Represents the state in prisoner litigation.
- Provides eminent domain representation to the Department of Transportation.
- Provides representation for Department of Commerce on behalf of utility ratepayers before the Public Utilities Commission.
- Litigates OSHA workplace safety cases.
- Represents state boards in disciplinary proceedings.

Historical Perspective

State of Minnesota

- ⇒ Provided legal support to the Department of Natural Resources in the area of ecological services, enforcement, fish, forestry, Indian law issues, minerals, real estate acquisitions, and real estate land exchange.
- ⇒ During FY 2004, the AGO provided legal advice including drafting, review of and approval of, approximately 126 DNR real estate transactions involving over 8,100 acres of land.
- ⇒ Obtained compensatory relief for Minnesota citizens in the amount of \$1,446,000 resulting from claims of discrimination filed with the Department of Human Rights.
- \Rightarrow Litigated to enforce occupational safety and health standards. In FY 2004 the AGO assisted in obtaining \$70,000 in OSHA fines.

Narrative

Activity at a Glance

Provide expert legal advice and

representation to state agencies

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Page 6 Background

Program:ATTORNEY GENERALActivity:GOVERNMENT OPERATIONS

Narrative

- ⇒ Represented the Department of Human Services on issues involving public assistance, child support, licensing, health care, child welfare, and mental health. Defended Department in a number of legal actions challenging recent policy changes in public assistance and health care. Handled a large volume of licensing litigation under new licensing statutes that became effective in calendar years 2003 and 2004.
- \Rightarrow Facilitated over \$1.3 billion in bond issuance for state agencies.
- ⇒ Advised state agencies in connection with implementation of various communications and technology programs including MN Link, iSeek, CriMNet and MetNet.
- \Rightarrow Defended the state in litigation over contract and lease issues and data practices challenges.
- \Rightarrow Litigated eminent domain actions and appeals.
- \Rightarrow Represented DOT in its statutory prevailing wage enforcement responsibilities.
- \Rightarrow Successfully represented DOT in litigation involving Light Rail Transit.

Key Measures

- Claims brought against the state are defended.
- Interests of state agencies are advanced.
- Litigation brought by prisoners in correctional facilities is defended successfully.
- The AGO provides quality advice regarding the legal aspects of state transportation projects.

Contact

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ATTORNEY GENERAL Program: ATTORNEY GENERAL Activity: GOVERNMENT OPERATIONS

	Dollars in Thousands					
	Current		Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Fund						
Direct Appropriations						
General	3,751	4,547	1,579	1,579	3,158	
Statutory Appropriations						
General	3,335	3,255	3,256	3,256	6,512	
Total	7,086	7,802	4,835	4,835	9,670	
Expenditures by Category				:		
Total Compensation	6,963	7,648	7,017	7,017	14,034	
Other Operating Expenses	123	154	154	154	308	
Transfers	0	0	(2,336)	(2,336)	(4,672)	
Total	7,086	7,802	4,835	4,835	9,670	
Full-Time Equivalents (FTE)	75.4	77.9	77.9	77.9		

Program:ATTORNEY GENERALActivity:GOVERNMENT REGULATION

Activity Description

Provide a wide range of legal services to state agencies and citizens of Minnesota.

Population Served

- Pollution Control Agency
- Department of Health
- Board of Medical Practice
- Health-related Licensing Boards
- Citizens and businesses

Services Provided

 Provides client advice and legal representation to state agencies in the application and enforcement of state laws.

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- Assists client agencies to recover fines, penalties and restitution.
- Provides client defense in suits brought against state agencies.
- Provides investigative services to health-related licensing boards.
- Investigates and, when appropriate, initiates legal action against persons engaged in anticompetitive conduct as well as utilities engaged in unlawful conduct.
- Represents the interests of residential customers and small business in proceedings before the Public Utilities Commission.

Historical Perspective

- ⇒ Provided legal assistance to the Pollution Control Agency in the areas of environmental law enforcement and environmental review litigation.
- ⇒ Provided legal services to the Department of Health including handling more than 25 cases concerning maltreatment of vulnerable adults in nursing homes and other healthcare facilities.
- ⇒ Initiated legal action against drug manufacturers and a software manufacturer for engaging in anti-competitive and illegal acts.
- \Rightarrow Provided legal representation and investigative services to 15 health-related licensing boards.
- \Rightarrow Handled complaints from residential and small business consumers.
- ⇒ Represented the interests of consumers and small businesses in issues before the Public Utilities Commission, including challenges to certain practices of Xcel Energy and Qwest Communications.
- \Rightarrow Initiated legal action against four telecommunications carriers for slamming and other unlawful activity.
- \Rightarrow Defended Wireless Consumer Protection Act against challenge by the industry.

Key Measures

- Effective and efficient legal advice is provided to state agencies.
- State agencies receive expert representation in all litigated matters.
- Investigations conducted are focused, thorough and timely.
- The rights of consumers and small businesses are protected in the purchase of and payment for services from utility companies.
- Prompt action is taken against those who engage in anti-competitive practices in the marketplace.

Contact

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2006-07 Biennial Budget 11/30/2004

Narrative

• Provides legal services to state agencies

Activity at a Glance

Litigates on behalf of the state

ATTORNEY GENERAL Program: ATTORNEY GENERAL Activity: GOVERNMENT REGULATION

	Dollars in Thousands					
	Current		Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Fund	· · ·					
Direct Appropriations						
General	2,079	3,286	1,419	1,419	2,838	
State Government Spec Revenue	2,219	2,395	1,757	1,773	3,530	
Remediation	116	852	484	484	968	
Statutory Appropriations						
General	1,945	1,785	1,790	1,790	3,580	
Total	6,359	8,318	5,450	5,466	10,916	
Expenditures by Category						
Total Compensation	6,019	7,571	5,969	5,985	11,954	
Other Operating Expenses	340	747	747	747	1,494	
Transfers	0	0	(1,266)	(1,266)	(2,532)	
Total	6,359	8,318	5,450	5,466	10,916	
Full-Time Equivalents (FTE)	73.0	73.5	73.5	73.5		

Program:ATTORNEY GENERALActivity:SOLICITOR GENERAL

Activity Description

Prosecute violent and serious crimes statewide. Defend felony convictions upon appeal. Obtain civil commitment of sex offenders. Criminal prosecution and civil enforcement of Medicaid Fraud violations including abuse or neglect of vulnerable adults. Enforce Minnesota consumer and nonprofit laws. Represent Department of Commerce and Department of Public Safety.

Population Served

- Department of Commerce
- Department of Public Safety
- Agencies connected with gambling
- Minnesota counties
- Gang strike force
- Citizens of the State of Minnesota
- Vulnerable adults

Services Provided

- Obtains civil commitment of sex offenders under psychopathic personality and sexually dangerous person statutes.
- Prosecutes gang crimes statewide.
- Prosecutes violent and serious crime.
- Prosecutes drug and white collar crime statewide.
- Handles over 4,000 implied consent cases (drunk driver license revocations) annually.
- Handles drunk-driving-related appeals of convictions.
- Provides training and prosecutorial assistance to local prosecutors throughout Minnesota.
- Defends felony conviction upon appeal.
- Enforce the State's consumer protection laws.
- Educate and advise consumers of their rights.
- Register and provide oversight of charities and non-profit organizations.
- Provide legal advice and representation to the Department of Commerce and the Department of Public Safety.

Historical Perspective

- \Rightarrow Represented the Commerce Department and Public Safety Department.
- $\Rightarrow~$ Defended the state against challenges to DWI statutes.
- ⇒ Handled over 4,000 district court implied consent proceedings that challenged revocations of driving privileges.
- ⇒ Maintained public registration information about over 8,000 charitable organizations, charitable trusts, and professional fundraisers.
- $\Rightarrow~$ In FY 2004 the AGO's Appeals Division handled 152 criminal appeals.
- \Rightarrow The AGO's Medicaid Fraud Division opened 58 abuse, neglect or fraud investigations.
- ⇒ The Medicaid Fraud Division reviewed 359 vulnerable adult cases in the Department of Health and 339 cases in the Department of Human Services.
- ⇒ In FY 2004 the Medicaid Fraud unit recovered Medicaid funds from providers who fraudulently billed the program for services provided. Over \$4 million was recovered for Medicare and Medicaid programs.
- ⇒ The AGO's Trial Division prosecuted violent and serious crime including first-degree, second-degree and first-degree premeditated murder cases throughout the state.

Activity at a Glance

- Handles over 4,000 implied consent cases (drunk driver license revocations) annually
- Prosecuted 22 murder cases and 76 drug cases in FY 2004

Program: ATTORNEY GENERAL Activity: SOLICITOR GENERAL

Narrative

- ⇒ The AGO prosecuted methamphetamine and other drug cases referred to it by county attorneys obtaining 75 convictions in 20 counties in FY 2004.
- ⇒ The AGO assisted county attorneys in the review of more than 146 sexual offenders for commitment as a sexually dangerous person/sexual psychopathic personality commitment cases in 2004.
- ⇒ The AGO trained law enforcement officers and prosecutors throughout the state on law-enforcement related issues.

Key Measures

- Implied consent cases are prosecuted vigorously.
- Challenges to DWI laws are defended effectively.
- Prosecutions are successful.
- Citizens are protected from criminal activities.
- Vulnerable adults are protected.
- Medicaid Fraud regulations are enforced.
- Top quality prosecution resources are provided to county attorneys across the state.
- Criminal convictions are upheld.
- Respond effectively to crime growth areas.
- Minnesota's citizens are protected from wrongful acts and illegal conduct.
- Minnesota's citizens are educated about their rights and responsibilities in the marketplace.
- Charities and non-profits registered in Minnesota comply with state law.
- The Department of Commerce and Department of Public Safety receive effective and efficient legal representation.

Contact

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Activity: SOLICITOR GENERAL

	Dollars in Thousands					
	Curr	ent	Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Fund						
Direct Appropriations						
General	9,153	11,312	10,031	10,056	20,087	
Environmental	63	227	145	145	290	
Statutory Appropriations						
General	300	240	271	271	542	
Special Revenue	136	10	10	10	20	
Federal	183	150	150	150	300	
Miscellaneous Agency	6,366	27	0	0	0	
Total	16,201	11,966	10,607	10,632	21,239	
Expenditures by Category				:		
Total Compensation	8,954	10,679	9,590	9,615	19,205	
Other Operating Expenses	7,247	1,287	1,017	1,017	2,034	
Total	16,201	11,966	10,607	10,632	21,239	
Full-Time Equivalents (FTE)	132.7	140.6	142.6	142.6		

Program:ATTORNEY GENERALActivity:GOVERNMENT SERVICES

Activity Description

Provide a wide range of legal services to state agencies.

Population Served

- Citizens of the state
- All state agencies
- Minnesota State Colleges and Universities (MNSCU)
- Department of Education
- Department of Revenue
- Department of Employee Relations
- Public Utilities Commission (PUC)

Services Provided

- Defense of challenges to the constitutionality of Minnesota law.
- Defense of tort claims against the state and its employees.
- Defense of employment claims against the state and its employees.
- Representation of state educational agencies.
- Litigating for Public Utilities Commission.
- Tax litigation for Revenue Department.

Historical Perspective

- \Rightarrow Saved the state millions of dollars by its defense and resolution of tort and employment law claims.
- ⇒ Represented MNSCU's 34 colleges and universities in litigation, discrimination/harassment issues, data practices issues and technology issues.
- ⇒ Provided legal advice to Department of Education regarding charter schools, special education and desegregation issues.
- \Rightarrow Obtained millions of dollars of tax revenue for the Department of Revenue.
- \Rightarrow Successfully defended state laws against constitutional attacks.
- \Rightarrow Obtained millions of dollars for PUC.

Key Measures

- Constitutional challenges are defended successfully.
- Tort and employment law claims brought against the state and its employer are successfully defended or settled thereby minimizing the state's fiscal and employment law exposure.
- Litigation brought against state educational institutions is defended successfully.
- The Department of Revenue's interests in tax collection and tax litigation matters are represented effectively.

Contact

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2006-07 Biennial Budget

11/30/2004

Narrative

Activity at a Glance

 Saved the state millions of dollars by its defense and resolution of tort and employment law claims and its litigation of tax and utilities cases.

ATTORNEY GENERAL Program: ATTORNEY GENERAL Activity: GOVERNMENT SERVICES

	Dollars in Thousands					
	Current		Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Fund						
Direct Appropriations						
General	3,679	4,458	3,822	3,822	7,644	
State Government Spec Revenue	21	21	21	21	42	
Statutory Appropriations						
General	344	271	182	182	364	
Federal	850	1,133	1,133	1,133	2,266	
Total	4,894	5,883	5,158	5,158	10,316	
Expenditures by Category						
Total Compensation	4,368	5,410	4,685	4,685	9,370	
Other Operating Expenses	526	473	473	473	946	
Total	4,894	5,883	5,158	5,158	10,316	
Full-Time Equivalents (FTE)	52.8	53.8	53.8	53.8		

Program: ATTORNEY GENERAL

Activity: ADMINISTRATION

Administrative Services provides overall administrative support to the AGO.

Population Served

- Employees of the Attorney General's Office
- State agencies and other government agencies
- Citizens of Minnesota

Services Provided

- Development and implementation of new administrative policies and procedures
- Upgrading and maintaining the AGO's systems network
- Budget development
- Purchasing
- ♦ Accounting
- Docketing/timekeeping system that provides billing information to state agencies
- Human resources services/personnel transactions

Key Measures

- Office mission is clear
- Procedures are implemented
- Budget is developed to provide funding for AGO activities
- ♦ AGO systems are up-to-date and operate efficiently
- Fiscal activities are accurate, complete and meet state standards
- Docketing/timekeeping is accurate. Invoices are produced on time
- Personnel transactions are accurate and timely

Contact

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Activity: ADMINISTRATION

	Dollars in Thousands					
	Current		Forecast Base		Biennium	
	FY2004	FY2005	FY2006	FY2007	2006-07	
Expenditures by Fund						
Direct Appropriations						
General	4,988	6,058	5,983	5,983	11,966	
Statutory Appropriations						
General	13	12	6	6	12	
Special Revenue	207	208	209	209	418	
Total	5,208	6,278	6,198	6,198	12,396	
Expenditures by Category						
Total Compensation	2,375	2,225	2,151	2,151	4,302	
Other Operating Expenses	2,833	4,053	4,047	4,047	8,094	
Total	5,208	6,278	6,198	6,198	12,396	
Full-Time Equivalents (FTE)	27.4	27.0	27.0	27.0		