

Attendance



Alan Wilson ATTORNEY GENERAL

## January 15, 2020

FY 20-21 Budget Request to the Senate Finance Constitutional Subcommittee

Key Officials Attending Meeting:

Alan Wilson, South Carolina Attorney General

W. Jeffrey Young, Chief Deputy Attorney General

Barry Bernstein, Deputy Attorney General

Tammie Wilson, Director of Administration

Matt Gates, Deputy Attorney General

Kimberly Buckley, Director of Finance

Katie Elliott, Director of Human Resources

Burke Fitzpatrick, Director of Crime Victim Services



**Budget Request** 



# Office of the South Carolina Attorney General Mission Statement

The mission of the Attorney General's Office is to serve the citizens of the State of South Carolina by providing legal representation of the highest quality to state government entities, by supporting the law enforcement communities and the legal and judicial branches through the legislative process, and by honorably and vigorously carrying out the constitutional and statutory responsibilities of the Attorney General.

E200 Attorney General's Office 59

		BUDGET REQUESTS			FUNDING					FTES		
Priority	y Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal		Restricted	Total
_	<u>m</u>	Crime Victim Compensation Claims	3,200,000				3,200,000	4.50		(4.50)		00.00
2	B1 - Recurring	Stability Funding	1.500,000				1,500,000	13.00		(13.00)		00.00
m	B1 - Recurring	Criminal Prosecutors (3) and Support Personnel (2)	497.550				497,550	5 00				5,00
4	B1 - Recurring	Post-Conviction Relief Attorney	85.875				85,875	1.00				1.00
5	B1 - Recurring	Program Coordinator-Victim Advocacy	71,700				71,700	1 00				1.00
9	B1 - Recurring	FTE Realignment					0	11.50		(11,50)		00'0
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100	E TOWN TOWN				SOL LES		C 25 1400			EAST LINE		10 Total
		TOTAL BUDGET REQUESTS	5,355,125	0	0	0	5,355,125	36.00	00.0	(29.00)	00.00	7.00

		Agency Recommended Action (keep, change,	Keep	Keep	Keep	Keep	Keep	Keep	Keep	Keep	Keep	Кеер	Keep	Keep	Keep
	Attorney General's Office	Short Summary	Authorizes AGO to use unexpended federal funds in current year.	Authorizes AGO to carry forward unexpended funds, excluding general fund.	Authorizes the retainage of reimbursed funds in current year.	Authorizes AGO to retain, carry-forward, and expend funds in current year.	Authorizes AGO to retain 400k over the first 22.2 million dollars in fees.	Authorizes AGO to expend funds for the expenses of Maritime Commission.	Authorizes AGO to expend funds for youth mentoring and gang prevention programs.	Recovery or award of any litigation funds that would have been otherwise accredited to general fund be deposited into special litigation account setup by the State Treasurer.	The Executive Director of the State Fiscal Accountability Authority shall pay from the Insurance Reserve Fund, up to \$50,000 of opposing attomey's fees and court costs as ordered by the court in those cases in which the Attorney General defends one or more public officers in their official capacities.	Directs any excess in the SC Victims' Compensation Fund, over the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000 must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee and requirements of Section 60.9 (PCC: Establish Victim/Witness Program).	Directs that up to \$120,000 of the funds appropriated for Victims' Rights shall be used for physical abuse examinations.	Directs the State Crime Victim Compensation Department to follow the procurement code should it need to hire outside entities for victim services. Requires outside entities that provide victim services to submit an annual report to the Governor, Chairman of Senate Finance and Ways and Means by August 1 detailing expenditures from the prior fiscal year.	Directs the OAG State Crime Victim Compensation Department to transfer \$116,000 to the OAG Crime Victims Ombudsman Office to be used for administrative and operational support.
		Proviso Title	Prior Year Expenditures	Other Funds Carry Forward	Reimbursement for Expenditures	Donation Carry Forward	Securities Fees Revenue	Savannah River Maritime Commission Funds	Gang Violence Prevention/Youth Mentor	Litigation Recovery Account	Public Official Attorney Fees	Victim/Witness Program Formula Distribution	Physical Abuse Examination	Procuring Services-Crime Victim Services	State Crime Victim Ombudsman
$\cup$		Proviso # FY 20-21	59.1	59.2	59.3	59.4	59.5	9.69	59.7	59.8	59.9	59.10	59.11	59.12	59.13

		Attorney General's Office	
Proviso # FY 20-21	Proviso Title	Short Summary	Agency Recommended Action (keep, change, delete, add)
59.14	State Crime Victim Compensation	Authorizes State Crime Victim Services Compensation Department to enter into MOAs with 3rd party vendors to provide secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Directs State Crime Victim Compensation Department to report by 10/1 annually to the Governor, SFC Chair and WMC Chair on the performance of the service providers.	Keep
59.15	State Crime Victim Compensation	Establishes carryforward guidelines for court fines and assessments collected by counties and municipalities pursuant to 14-1-206 et al. Directs counties and municipalities to remit carryforward funds exceeding the allowed amounts to the State Victim Assistance Program (SVAP) within the Office of the Attorney General. Directs OAG-Crime Victim Compensation Department to offer training and technical assistance to each municipality and county on acceptable use of funds collected pursuant to 14-1-206 et al., and authorizes OAG-Crime Victims Compensation to transfer any state funds deemed available under OAG-Crime Victims Compensation authority to the SVAP housed in OAG to be placed in the competitive bid process.	Кеер
59.16	Crime Victim Training Certification and Statistical Analysis	Crime Victim Training Certification and Statistical Of the funds appropriated and/or authorized for the Crime Victim Compensation Fund, \$75,000 may be used Analysis to support the State Crime Victim Training, Certification and Statistical Analysis Division.	Keep
59.17	Crime Victim Services Funeral and Burial Compensation	The Department of Crime Victim Compensation shall set a funeral and burial compensation maximum of \$6,500.	Keep
117.50	Assessment Audit / Crime Victim Funds	If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Crime Victim Compensation Department. (All areas stating "State off of Victim Assistance needs to be amended to read "State Crime Victim Compensation Department").	Кеер
117.62	Prosecutors and Defenders Public Service Incentive Program	Authorizes reimbursement of law school loan to attorneys after serving three years continuous full time service up to \$1,000 per calendar year not to exceed \$5,000	Keep
117.63	Attorney Dues	Allows AGO to pay for bar dues for the office attorneys	Кеер
117.93	Victim Assistance Transfer	Directs the Dept. of Corrections to transfer \$20,500 each month to the Office of Attorney General for distribution through the OAG State Victims Assistance Program.	Keep
118.11	Tobacco Settlement	Allows the AGO to receive \$1,253,000 for tobacco diligent enforcmeent and arbitration litigation and use carry-forward funding in excess of \$1,253,000 for technology and infrastructure upgrades.	Keep



Fiscal Year 2020-21 Agency Budget Plan

## FORM A - BUDGET PLAN SUMMARY

OPERATING	For FY 2020-21, my agency is (mark "X"):
	X Requesting General Fund Appropriations.
REQUESTS	Requesting Federal/Other Authorization.
(FORM B1)	Not requesting any changes.
Nov Brownso	For FY 2020-21, my agency is (mark "X"):
Non-Recurring	Requesting Non-Recurring Appropriations.
REQUESTS	Requesting Non-Recurring Federal/Other Authorization.
(FORM B2)	X Not requesting any changes.
CAPITAL	For FY 2020-21, my agency is (mark "X"):
REQUESTS	Requesting funding for Capital Projects.
(FORM C)	Not requesting any changes.
	For FY 2020-21, my agency is (mark "X"):
Provisos	Requesting a new proviso and/or substantive changes to existing provisos.
(FORM D)	Only requesting technical proviso changes (such as date references).
	X Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	Name	Phone	Email	
PRIMARY CONTACT:	Kimberly Buckley	803-734-3771	kbuckley@scag.gov	
SECONDARY CONTACT:	Matt Gates	803-734-2764	mgates@scag.gov	

I have reviewed and approved the enclosed FY 2020-21 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	Agency Director	Board or Commission Chair
SIGN/DATE:	Olaw Wilson	
TYPE/PRINT NAME:	Alan Wilson, Attorney General	

This form must be signed by the agency head - not a delegate.

AGENCY PRIORITY	1
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Department of Crime Victim Compensation Claims
	Provide a brief, descriptive title for this request.
AMOUNT	General: \$3,200,000 Federal: Other: Total: \$3,200,000
	What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.
New Positions	Transfer 4.5 Current FTEs from Other Funding to State Funding
	Please provide the total number of new positions needed for this request.
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:  Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative  Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Related to a Non-Recurring request — If so, Priority #
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:  Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development Government and Citizens
ACCOUNTABILITY OF FUNDS	Accountability Report Objectives Crime Victim Services Compensation Claim Processing 6.1.1

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

## RECIPIENTS OF FUNDS

The funds would be used to support the salaries for 4.5 employees who support the DCVC Sexual Assault Claim Program and fund payouts of claims for adult and child sexual assault exams and hospital cost, crime victim medical expenses, and increase in funeral allowable cost.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

# JUSTIFICATION OF REQUEST

The Department of Crime Victim Compensation (DCVC) provides reimbursement for losses resulting crime criminal victimization in the state of South Carolina. In FY19 we assisted 9,113 victims of crime including: child victims of physical and sexual abuse, families of homicide victims, victims of rape and domestic violence, and many other violent crime victims. At no fault of their own, these victims' lives were forever changed through a traumatic event. Our agency is one of the few they can turn to for tangible assistance as they try to put their lives back together again.

Since 1984, the Department has primarily relied on fines, fees and assessments on those convicted of crimes to fund the agency and its operations. Due to several years of decreasing revenues and increasing claims, the agency is no longer able to support its mission without additional resources.

With the steady increase in claim payouts and decrease in revenue from fees, fines and assessments, the Compensation Department is quickly becoming insolvent. The unit is facing a serious financial hardship beginning in FY2021 and could face reduction in claim payouts due to lack of funding.

In order to continue serving the victim community and ensuring all victims receive critical services and support needed, the Compensation Department is requesting \$3.2 million in recurring general funding in the FY2021 budget request to support the steadily increasing claims for sexual assault examinations and hospital costs, and 4.5 FTEs which oversee the sexual assault claims operations, climbing medical cost resulting from victimization and steadily increasing funeral expenses.

DCVC receives a 60% match on the actual benefits the agency pays out to crime victims. Therefore, any state funds allocated for these services are matched 60% by federal Victim of Crime Act (VOCA) grant funds.

AGENCY PRIORITY	2
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Stability Funding
	Provide a brief, descriptive title for this request.
	General: \$1,500,000 Federal:
AMOUNT	Other:
	Total: \$1,500,000
	What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.
New Positions	Transfer 13 Current FTEs from Other Funding to State Funding
	Please provide the total number of new positions needed for this request.
	Mark "X" for all that apply:
	Change in cost of providing current services to existing program audience
	Change in case load/enrollment under existing program guidelines
	Non-mandated change in eligibility/enrollment for existing program
FACTORS	Non-mandated program change in service levels or areas
ASSOCIATED WITH	Proposed establishment of a new program or initiative
THE REQUEST	Loss of federal or other external financial support for existing program
	Exhaustion of fund balances previously used to support program
	IT Technology/Security related
	Consulted DTO during development
	Related to a Non-Recurring request – If so, Priority #
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:
STATEWIDE	Education, Training, and Human Development
ENTERPRISE	Healthy and Safe Families
STRATEGIC	Maintaining Safety, Integrity, and Security
OBJECTIVES	Public Infrastructure and Economic Development
	X Government and Citizens
	The funds appropriated will directly affect all agency operations.
ACCOUNTABILITY	
	1
OF FUNDS	

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of

these funds be evaluated?

# RECIPIENTS OF FUNDS

The funds will be utilized to transfer the remaining FTEs on one-time funds to stable funding source, retain top talent through appropriate salary adjustments and fund other critical recurring operations which are currently funded by one-time funds.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The Attorney General's Office is seeking to secure the finalized recurring funding needed to stabilize agency operations and retain critical talent to meet the Agency's mission. The Agency has shifted from a decade long practice of relying on the statutory authorization to keep court ordered funds retained through litigation to fill the budget shortfall. This fluctuating revenue stream was unreliable and unpredictable yet it accounted for over 50% of the office funding until recent fiscal years. This unpredictable revenue stream has been the Agency's primary requirement for carryover funds to meet the necessities of the office.

The Agency has reduced expenditures and strategized to continue to minimize the use of one-time funds for recurring expenses. The Agency has been working closely with the General Assembly to secure recurring funding through the legislative budget process and has gained great support over the last three fiscal years. However, with the 25% growth in personnel FY18 due to the State Crime Victim Services Act and continue rise in technology and litigation expenses, the office is still struggling to close the solvency gap.

# JUSTIFICATION OF REQUEST

Furthermore, the Agency is still struggling to remain competitive with salaries for similar positions with other state entities. The greatest discrepancy is in beginning and middle management positions. Nearly half the agency's existing management will be retirement eligible in the next few years, so the failure to retain middle management is a high appropriation priority for this office. Without retention and stability, our office will likely face a fiscal and personnel crises over the next few years.

The Agency is requesting the remaining stability funding needed to transfer the full time permanent FTEs remaining on one-time funds (13) to general funds, retain top talent and cover other critical recurring operating expenses.

Should the agency not secure a stable source of revenue for the remaining FTEs and other annual recurring operating expenses that current rely on one-time funding, the agency could conceivably face a reduction in personnel and non-mandated services to the State in future fiscal years.

AGENCY PRIORITY	3
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Criminal Prosecutors and Support Personnel- Public Corruption Prosecutors (3), Auditor (1) and Legal Assistant (1)
	Provide a brief, descriptive title for this request.
AMOUNT	General: \$497,550 Federal: Other: Total: \$497,550  What is the net change in requested appropriations for FY 2019-20? This amount should
	correspond to the total for all funding sources on the Executive Summary.
<b>New Positions</b>	5
	Please provide the total number of new positions needed for this request.
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:  Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Related to a Non-Recurring request — If so, Priority #
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:  Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development Government and Citizens
ACCOUNTABILITY OF FUNDS	Help fight crime by prosecuting matters in the State and Federal justice system 1.1.1-1.8.3

What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

# RECIPIENTS OF FUNDS

The funds will support the salary, employer benefits, and other operating expenses of the stated personnel to prosecute criminal cases in the State justice system.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

# JUSTIFICATION OF REQUEST

The Agency has seen a large increase in State Grand Jury ("SGJ") assistance request over the past year. The SGJ Unit recent investigations, indictments, and convictions have attacked the opiate crisis and gang problems in the Midlands, methamphetamine and cocaine trafficking organizations in the Upstate, cocaine and methamphetamine conspiracies in the Low County, and drug organizations in the Pee Dee and Grand Strand selling a variety of illegal drugs.

Because of the white collar cases, the SGJ Unit has developed unique capabilities resulting in recent investigation, indictment and/or conviction of law enforcement officers, public school officials, and other state employees or contractors.

It is being approached more and more with requests for assistance. With more open investigations, cases, and investigative activity than in any time in its history, SGJ Division resources are strained to their maximum.

The Agency is asking for 3 additional Prosecutors, 1 Auditor and 1 Legal Assistant to address the rapidly growing case load in public corruption among other crimes. The additional personnel will allow the SGJ Division to meet this increased demand and provide complex or multijurisdictional investigative and prosecutorial services to South Carolina, especially where traditional local or federal resources are inadequate or unavailable.

AGENCY PRIORITY	4
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Post-Conviction Relief Attorney
	Provide a brief, descriptive title for this request.
AMOUNT	General: \$85,875 Federal: Other: Total: \$85,875
	What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.
New Positions	1
1121/12 00223011	Please provide the total number of new positions needed for this request.
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:  Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Related to a Non-Recurring request – If so, Priority #
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:  Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development  Government and Citizens
ACCOUNTABILITY OF FUNDS	Help insure timely handling of state mandated representation of State in post-conviction relief matters in state circuit court and appellate courts. Objectives 1.6.1-1.6.2

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

# RECIPIENTS OF FUNDS

The funds will support one PCR Attorney salary, employer benefits and other operating expenses.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The agency has seen an increase in the number of cases that are being handled in collateral PCR appeals where inmates are challenging their convictions. In addition, the agency lawyers are being required, as a change in policy and practice, to engage in discovery and collection of documents and materials from various solicitor offices and criminal defense lawyers in preparation of the hearings. The implementation of the Office of Indigent defense contract system has created of pool of specialized lawyers representing the inmates who have begun to utilizes civil discovery rules when is an increasing practice that did not occur in the past. This has directly impacted time management issues.

# JUSTIFICATION OF REQUEST

In addition, Attorney General staff has been called upon to represent the State in a number of habeas corpus matters and successive applications that had been summarily dismissed before due to recent opinions of the Supreme Court.

The impact of training and retention of a number of new lawyers with the extensive caseload where higher private sector salaries exist have caused shorter tenures in the office and less efficiency by the current PCR staff in this entry level position for prosecutors. The addition of one FTE will enhance the ability of staff to manage a current caseload within the time limits demanded of the appellate courts.

AGENCY PRIORITY	5
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Program Coordinator-Victim Advocacy
,	Provide a brief, descriptive title for this request.
Loring Parket	General: \$71,700
AMOUNT	Federal:
D. A. STORY OF THE P. LEWIS CO., LANSING, MICH.	Other:
	<b>Total: \$71,700</b> What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.
New Positions	1
,	Please provide the total number of new positions needed for this request.
	Mark "X" for all that apply:
	Change in cost of providing current services to existing program audience
	X Change in case load/enrollment under existing program guidelines
	Non-mandated change in eligibility/enrollment for existing program
FACTORS	Non-mandated program change in service levels or areas
ASSOCIATED WITH	Proposed establishment of a new program or initiative
THE REQUEST	Loss of federal or other external financial support for existing program
	Exhaustion of fund balances previously used to support program
	IT Technology/Security related
	Consulted DTO during development
	Related to a Non-Recurring request – If so, Priority #
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:
STATEWIDE	Education, Training, and Human Development
ENTERPRISE	Healthy and Safe Families
STRATEGIC	Maintaining Safety, Integrity, and Security
SIKALEGIC	Public Infrastructure and Economic Development
OBJECTIVES	FILLIE HILANI IRAULE ALIG EXCHOLIGE DOVELOBLICE

ACCOUNTABILITY OF FUNDS

This request will support all areas of the office resulting in crime victim notification of cases involving the Attorney General's Office. Specifically, this position will support all objectives under goals 1-3.

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

## RECIPIENTS OF FUNDS

The funds will be used to support one Program Coordinator salary, employer benefits and other operations for the Victim Advocacy Unit.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The Agency is requesting a Program Coordinator with funding to assist the Victim Advocacy Division in meeting the statutory mandated SC Code16-3-1505 – 1560 and the South Carolina Victim's Bill of Rights by keeping crime victims apprised of cases involving the South Carolina Office of the Attorney General.

The Victim Advocacy Division has been directly affected by the high volume of criminal and post adjudication cases received by the Agency over the past fiscal year. The case load is continuing to climb as our office receives more referrals for assistance in criminal cases. The current Victim Advocacy staff is struggling to meet the statutory requirements at the current staffing levels due to the influx of cases.

## JUSTIFICATION OF REQUEST

The current staff provides victims in OAG prosecution cases notifications of bond matters and plea negotiations. They accompany the victim to trial/plea hearings and assist in filing compensation claims. Victims are also provided status updates in all post-conviction matters including appellate cases, PCR filings, federal habeas petitions, and the Sexually Violent Predator commitment process. Lastly, the staff ensures appropriate referrals are provided to ensure victims' mental, physical, and financial needs are addressed.

The additional Program Coordinator will assist to alleviate the case notification and victim assistance overload on the current staff; and ensure all victims are consistently notified and assisted according to the statutory requirements and Agency's mission.

AGENCY PRIORITY	6
	Provide the Agency Priority Ranking from the Executive Summary,
TITLE	FTE Realignment
	Provide a brief, descriptive title for this request.
	General: n/a
AMOUNT	Federal: n/a
14/100/11	Other: n/a
	Total: n/a
	What is the net change in requested appropriations for FY 2020-21? This amount should
	correspond to the total for all funding sources on the Executive Summary.
New Positions	Transfer of 11.5 Currently Established FTEs from Other Funding to State Funding
	Please provide the total number of new positions needed for this request.
	Mark "X" for all that apply:
	Change in cost of providing current services to existing program audience
	Change in case load/enrollment under existing program guidelines
	Non-mandated change in eligibility/enrollment for existing program
FACTORS	Non-mandated program change in service levels or areas
ASSOCIATED WITH	Proposed establishment of a new program or initiative
THE REQUEST	Loss of federal or other external financial support for existing program
	Exhaustion of fund balances previously used to support program
	IT Technology/Security related
	Consulted DTO during development
	Related to a Non-Recurring request – If so, Priority #
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:
STATEWIDE	Education, Training, and Human Development
ENTERPRISE	Healthy and Safe Families
STRATEGIC	Maintaining Safety, Integrity, and Security
OBJECTIVES	Public Infrastructure and Economic Development
	X Government and Citizens
	All objectives will be supported by this request. This request would allow the funds
ACCOUNTABILITY OF FUNDS	allocated in FY19-20 budget to be utilized as requested.

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

# RECIPIENTS OF FUNDS

There is no impact on funding associated with this request.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The office of Attorney General received an increase in general funds in FY19-20 of \$1,500,000 and requested the current other 11.5 FTEs be switched over to state funding to utilize the funds received as intended in the budget proposal. The requested FTEs were not transferred during the budget process in FY19-20. The Attorney General's Office is requesting to make the FTE transfer permanent for FY19-20. A list of current FTEs for transfer will be provided to Executive Budget Office.

# JUSTIFICATION OF REQUEST

# FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION CONTINGENCY PLAN

AMOUNT

\$439,000

What is the General Fund 3% reduction amount (minimum based on the FY 2019-20 recurring appropriations)? This amount should correspond to the reduction spreadsheet prepared by EBO.

Reduction in temporary and contract personnel. No FTEs would be affected by the reduction.

How many FTEs would be reduced in association with this General Fund reduction?

Non FTE, temporary, and contract positions.

# PROGRAM/ACTIVITY IMPACT

What programs or activities are supported by the General Funds identified?

A 3% reduction to the general fund appropriation would negatively impact current non-FTE, temporary, and contract positions. These positions include staff attorneys and support personnel. Reducing these positions could potentially impact time required for case review, trial preparation, and other administrative operations.

#### SUMMARY

Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.

## AGENCY COST SAVINGS PLANS

The Attorney General's Office continuously analyzes its personnel, process and procedures to ensure the most effective and economic methods are being utilized. The agency has thoroughly reviewed and prioritized operational expenditures in the area of personnel and information technology to generate cost savings. This continued analysis has reduced expenditures and created cost savings. The agency will continue to review agency needs, processes and procedures to ensure expenditures are controlled while providing the necessary deliverables to the citizens of South Carolina.

What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?

## FORM F – REDUCING COST AND BURDEN TO BUSINESSES AND CITIZENS

## TITLE

## Revisions to the State Medicaid Fraud Control Regulations

Provide a brief, descriptive title for this request.

# EXPECTED SAVINGS TO BUSINESSES AND CITIZENS

#### Please see summary section

What is the expected savings to South Carolina's businesses and citizens that is generated by this proposal? The savings could be related to time or money.

# FACTORS ASSOCIATED WITH THE REQUEST

## Mark "X" for all that apply:

- X Repeal or revision of regulations.
  - Reduction of agency fees or fines to businesses or citizens.
  - Greater efficiency in agency services or reduction in compliance burden.

Other

# METHOD OF CALCULATION

Review and analysis of the current Medicaid Fraud statutes in the State of SC and other State Medicaid Fraud Units.

Describe the method of calculation for determining the expected cost or time savings to businesses or citizens.

# REDUCTION OF FEES OR FINES

n/a

Which fees or fines does the agency intend to reduce? What was the fine or fee revenue for the previous fiscal year? What was the associated program expenditure for the previous fiscal year? What is the enabling authority for the issuance of the fee or fine?

# REDUCTION OF REGULATION

SC Code § 43-7-90, SC Code § 43-35-10, SC Code § 43-7-60

Which regulations does the agency intend to amend or delete? What is the enabling authority for the regulation?

Proposed amendments to §43-7-60 would include a clarification to the definition of a provider to include services provided through Managed Care Organizations and penalties to reflect the amounts of fraudulent claims, similar to property crime statutes.

There is great interest by our taxpayers in combating fraud in the Medicaid program, and this updated statute would allow us to more effectively combat fraud. The current statute requires us to charge one count for each false claim, which is not in the best interest of judicial economy. A statute where we can aggregate the false claims into one charge will be much more efficient. This update also reflects the current Medicaid environment, with services being provided through Managed Care Organizations and not just the South Carolina Department of Health and Human Services.

### SUMMARY

Proposed amendments to §43-7-90 would allow us to use subpoenas in our investigations.

- Much of the evidence uncovered during our investigations is stored in another state or in the cloud, so the ability to use a subpoena is paramount to our continued fight against fraud. Additionally, it is burdensome and an additional cost to taxpayers for our investigators to have to travel to the county where the fraud occurred in order to have a search warrant issued by a magistrate. This is a much more efficient use of time and resources.

Proposed amendments to §43-35-10 would prohibit the unauthorized videotaping or recording of vulnerable adults.

- It is in the best interest of the people of South Carolina to protect our vulnerable adult population from harassment and abuse, and this amendment would close a perceived loophole in the Omnibus Adult Protection Act allowing unauthorized recording of these individuals.

Provide an explanation of the proposal and its positive results on businesses or citizens. How will the request affect agency operations?



**Agency Information** 



FY 2019 PP: 13 ()

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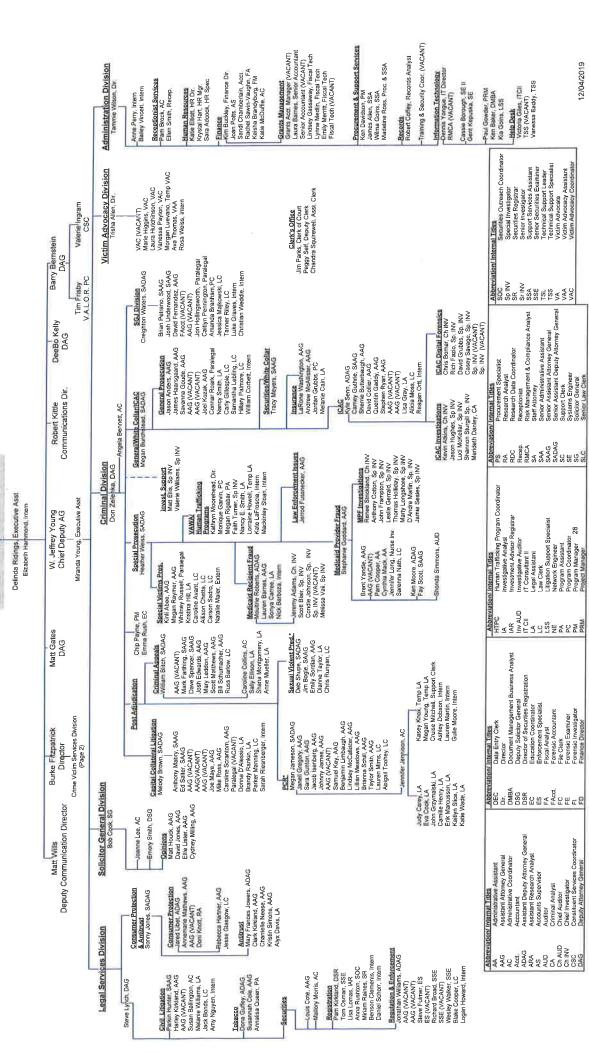
Source: Available Cash by Fund by Fiscal Year (with CPST Acts)

# **E200 ATTORNEY GENERAL**

100000000 GENERAL FUND 0	01 GENERAL FUND	01 GENERAL FUND 1001 GENERAL FUND	00.08		\$12 049 840 15	(\$12.058.210.15)	_	Enging Balance
	01 GENERAL FUND Total:		\$0.00		\$12.049.840.15	(\$12.058.219.15)	\$8.379.00	00 0\$
10000000 GENERAL FUND Total:	otal:		\$0.00		\$12,049,840.15	(\$12,058,219.15)	\$8,379.00	\$0.00
20000000 GEN FUND REVENUE 01 GENERAL FUND	11 GENERAL FUND	2823 INDIRECT COST REC	00.0\$	\$32,420,76	(\$32,420.76)		00°0\$	00 0\$
	ON CENEDAL FUND Total	2837 GENERAL REVENUE	\$0.00	\$27,374,612.60	(\$27,374,612,60)		\$0.00	\$0.00
20000000 GEN FUND REVENUE Total:	JE Total:		\$0.00	\$27,407,033.36	(\$27,407,033.36)		\$0.00	\$0.00
30000000 EARMARKED FUNDS 02 SPECIAL REVENUE FDS	2 SPECIAL REVENUE FDS	3035 OPERATING REVENLIE	819 433 282 10	\$4 477 150 18	R1 060 032 42	(\$6.97E.700.94)	0.00 m	
		3037 SPECIAL DEPOSITS	\$2,045,077.37	\$1,905,536,48	At 200, 000, 19	(\$1,435,849,78)	\$2,02,02	\$20,558,080,38 \$2,516,840,72
		3145 BOND ESTREATMENT	\$16,958,68				00 0\$	\$16.958.68
		3147 VICTIM'S COMP FUND	\$4,190,307,18	\$6,987,025,62	(\$241,000.00)	(\$7,363,648.94)	\$9,381,59	\$3,582,065.45
		3150 CVO SPECIAL REVENUE	\$35,884,71	\$36.48	\$241,000 00	(\$252,222,12)	\$4,492.88	\$29,191.95
		3354 MEDICAID FRAUD SET	\$882,750.98	\$83,288.16		(\$390,086,23)	(\$3,721.82)	\$572,231.09
		3463 E23 Provisio 90 13 FY 09 Ap	\$0.00				\$0.00	\$0.00
	The second second	3634 CAP RES FD OPER	\$81.27				00.0\$	\$81.27
		3859 SECURITIES FINES	\$2,351,195,97	\$576,036,79		(\$182,513.13)	\$1,594.01	\$2,746,313,64
		3934 DRUG FORFEITURES	\$160,260,16	\$38,599,50		(\$4,943.82)	\$674,27	\$194,590.11
		3972 INSURANCE FRAUD	\$4,638,47	\$6,411.15		(\$4,217.91)	\$183,35	\$7,015.06
1		3975 VIC RESTITUTION PRO	\$990,930,19	\$457,311,44	\$0.00	(\$437,296.89)	\$90.27	\$1,011,035.01
	02 SPECIAL REVENUE FDS Total:	S Total:	\$30,111,367.08	\$14,531,395.80	\$1,960,232.42	(\$15,446,488.16)	\$77,896.22	\$31,234,403.36
9	08 TRUST & AGENCY FDS	3024 HR-PR DEFAULT	00'0\$			00.0\$	\$0.00	\$0.00
		3026 PR LIABILITIES - SAP	00'0\$				\$0.00	20.0\$
		3146 BARNWELL OP SHORT	\$615,592,08				\$0.00	\$615,592.08
		3168 ESCROW FUNDS	\$916,880.63	\$118,098.04			\$0.00	\$1,034,978.67
		3488 LITIGATION COST SHRE	\$110,453.33	(\$25,000.00)	(\$2,000.00)		\$0.00	\$80,453.33
	4	3853 SCEIS AGY SET ASIDE	\$0.00				\$0.00	00'0\$
	08 TRUST & AGENCY FDS Total:	Total:	\$1,642,926.04	\$93,098.04	(\$5,000.00)	\$0.00	\$0.00	\$1,731,024.08
30000000 EARMARKED FUNDS Total:	OS Total:		\$31,754,293.12	\$14,624,493.84	\$1,955,232.42	(\$15,446,488.16)	\$77,896.22	\$32,965,427.44
40000000 RESTRICTED FUNDS   02 SPECIAL REVENUE FDS	32 SPECIAL REVENUE FDS	4313 INDIGENT DEF	\$0.00	1			00.0\$	00'0\$
	02 SPECIAL REVENUE FDS Total:	S Total:	\$0.00				\$0.00	\$0.00
	08 TRUST & AGENCY FDS	4596 SEIZED-ASSETS-MONIES	00 0\$				\$0.00	\$0.00
	08 TRUST & AGENCY FDS Total:	Total:	\$0.00				\$0.00	\$0.00
40000000 RESTRICTED FUNDS Total:	3S Total:		SPEDO				\$0.00	00 0\$

#### **Proviso Authorization to Carry Forward Funds**

- **59.1.** (AG: Prior Year Expenditures) The Office of the Attorney General is authorized to use unexpended federal funds in the current fiscal year to pay for expenditures incurred in the prior fiscal year.
- **59.2.** (AG: Other Funds Carry Forward) any balance of unexpended funds, not including general fund appropriations, may be carried forward for the operation of the Office of Attorney General.
- **59.3.** (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes, any reimbursement of funds for expenses incurred in a prior fiscal year.
- **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.
- 59.5. (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$300,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.
- 118.11. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during calendar year 2014, the State Treasurer is authorized and directed to transfer \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act. The remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.
- (B) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during calendar year 2013, excluding funds received from settlement of the 2003-2012 NPM Adjustments Under the Tobacco Master Settlement Agreement, the State Treasurer is authorized and directed to transfer funds sufficient to cover the operating expenses of the Authority and to transfer \$37,372,707 to the General Fund of the State, with the remaining balance transferred to the Department of Health of Human Services for Medicaid.
- (C) To the extent funds are available to the Tobacco Settlement Revenue Management Authority following the discharge of the Series 2008 Tobacco Bonds and all remaining uncommitted Tobacco funds held by the State Treasurer prior to calendar year 2013, the State Treasurer is authorized and directed to transfer \$4,287,779 to the Department of Social Services to complete development of the Child Support Enforcement System; \$4,000,000 to the Medical University of South Carolina Hospital Authority for the Telemedicine program; and \$2,000,000 to the Department of Agriculture pursuant to Section 11-49-55 of the 1976 Code. The remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.
- (D) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year 2013-2014.



ATTORNEY GENERAL

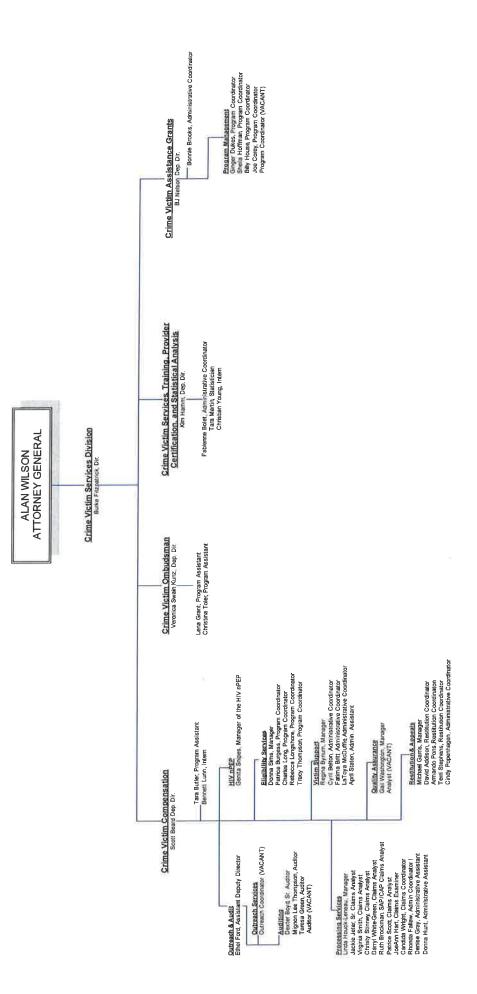
ALAN WILSON

Sections handle civil actions but managed by supervisors with criminal and civil responsibililies

File Clerk Forensic Examiner Forensic Investigator Finance Director

Griminal Analyst
Chief Auditor
Chief Investigator
Consituent Services Coordinator
Deputy Attorney General

12/04/2019





Fees and Fines Generated and Recovered for the State of South Carolina

Tobacco MSA Payments to the State	68,612,915	71,406,465	83,474,566	91,226,624	76,308,650	72,001,410	73,416,493	95,081,950	90,488,105	69,418,748	76,497,419	73,532,773	81,104,834	78,723,032	1,101,293,984
<u> </u>													_3		
Total	25,897,987	30,922,066	39,606,606	42,224,233	102,525,680	46,055,409	105,562,696	106,642,260	91,024,866	89,008,534	184,494,658	52,489,353	51,748,319	52,426,481	1,020,629,149
Medicaid Recipient Fraud Settlements					353,891	360,853	388,147	683,444	655,851	542,767	513,632	581,755	545,185	283,499	4,909,024
Medicaid Provider Fraud Settlements	6,714,359	8,091,394	17,069,868	13,627,296	28,624,004	18,456,386	13,542,741	28,677,478	19,562,628	13,426,674	14,775,988	5,620,693	13,962,410	11,666,795	213,818,714
Other Civil Settlements	219,386	2,018,429	109,017	5,538,707	48,620,972	3,692,691	67,817,838	53,284,337	45,653,024	48,922,668	141,620,798	18,300,912	8,201,415	10,821,446	454,821,641
Securities Fines	752,191	754,500	751,706	755,342	3,780,937	1,152,917	524,182	546,983	394,021	142,362	492,900	237,041	553,539	575,958	11,414,579
Securities Fees	18,212,051	20,057,743	21,676,015	22,302,888	21,145,876	22,392,562	23,289,788	23,450,017	24,759,342	25,974,063	27,091,340	27,748,952	28,485,770	29,078,783	335,665,190
Ρ̈́	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Grand Total

# Office of the South Carolina Attorney General FTE Status as of January 15, 2020

		10 10 10 10 10	
Position number	Position Class Title	FTE Type	Status
60010091	RECORDS ANALYST II	State	Advertised
60009472	INVESTIGATOR III	State	TBD - Possible Change in Duties
61060690	ATTORNEY II	State	Advertisement Date TBD
60009926	ATTORNEY I	State	Advertisement Date TBD
60009659	ATTORNEY IV	State	New Hire Starting 1/17/2020
61060691	ATTORNEY II	State	Advertised
60009665	ATTORNEY III	State	Advertised
60009560	ATTORNEY II	State	Advertisement Date TBD
60010076	ATTORNEY I	State	Advertisement Date TBD
60009787	ATTORNEY II	State	Advertise 01/2020
60009667	ATTORNEY III	State	TBD
61081609	INVESTIGATOR IV	State	New Hire Starting 1/17/2020
60009792	IT CONSULTANT I	State	Advertised
61096361	ATTORNEY III	State	Advertised
60009779	ATTORNEY III	State	TBD
60010094	ATTORNEY III	State	New Hire Starting 1/17/2020
60009927	PROGRAM COORDINATOR I	State	Advertised
61050205	ATTORNEY III	State	TBD
60006833	AUDITOR III	Other	TBD
60009374	ADMINISTRATIVE COORDINATOR I	Other	TBD
60018887	PROGRAM COORDINATOR I	Federal	TBD
60018383	ACCOUNTING/FISCAL MANAGER I	Federal	Advertised
60018130	ACCOUNTANT/FISCAL ANALYST II	Federal	TBD
61092723	ADMINISTRATIVE ASSISTANT	Other	TBD
60009941	ATTORNEY IV	Other	Advertised
60009932	INVESTIGATOR IV	Other	TBD
60009935	INVESTIGATOR IV	Other	TBD
60009565	INVESTIGATOR III	Other	Advertised
60007916	PROGRAM ASSISTANT	Other	TBD
60009658	ATTORNEY II	Other	TBD
60007045	INFO SYSTEMS/BUSINESS ANALYST II	Other	TBD
60009653	ATTORNEY I	Other	Advertised
60010098	PROGRAM COORDINATOR II	Other	TBD
61045630	ATTORNEY III	Other	New Hire Starting 1/17/2020
61050203	ATTORNEY II	Other	Advertised
60010099	AUDITS MANAGER I	Other	TBD
61070085	ADMINISTRATIVE ASSISTANT	Other	TBD

Total FTE Count 282.4
Filled FTEs 246
Processing 36.4

<sup>\*</sup>All vacant positions are in the process of being filled.