From:	Rose, Valerie B (LAW)
To:	Thomas Atkinson
Cc:	Sniffen, Clyde E (LAW); Henderson, Robert E (LAW); Taylor, Treg R (LAW); Kim, Anna (GOV); Mills, Cori M (LAW)
Subject:	HFINSC Law: Follow-up from 3/13 meeting
Date:	Friday, March 15, 2019 11:14:08 AM
Attachments:	image001.png

Good morning Tom,

In advance of our budget subcommittee meeting this afternoon, please find follow-up responses to two questions received during our last committee hearing below. In addition to those two questions, I have also included a table representing the number of budgeted prosecutor positions within the Department of Law for the last ten years (FY2010 Management Plan through FY2019 Management Plan, and FY2020 Governor Amended) to answer an earlier request from Chair Josephson.

Response 1: Chair Josephson's question regarding state-federal alignment on issues

Chair Josephson had requested information on cases or matters where the State may be aligned with the federal government, instead of asserting federal overreach. We do not have a comprehensive list of matters where the State finds federal jurisdiction or regulation does not infringe on the State's rights. However, if you look at the List of Federal Issues (attached again for your reference), you will see the second column is "Alignment with Feds". There are a number of cases on this list where the State has actually intervened to support the federal government. This provides a good snap shot of areas where the State and federal government are aligned, and we have been working together to try and achieve the same goal. If you have any specific questions on any of these cases, Cori Mills would be happy to walk through them with you. We also have copies of this list for the last few years, if you would like them.

Response 2: Representative Eastman's question regarding return on investment (ROI) for the state's TAPS case

The Department of Law litigated a case regarding TAPS tariff rates between 2008-2017. The Civil Division's Regulatory Affairs and Public Advocacy (RAPA) component settled a Federal Energy Regulatory Commission (FERC) dispute about TAPS tariff rates resulting in $224 million in additional taxes and royalties for the state in FY2017; projections from DOR and DNR have shown that this adjusted tariff rates will net the state approximately $175+ million in FY2018/FY2019 as well. This meant that the state received an additional $400+ million dollars immediately, and will see additional returns totaling in the billions going forward since the adjusted tariff rates have a positive impact on the calculation of taxes and royalties for the state in out years. Between the cost of state attorneys (approximately $3 million) and outside counsel (approximately $22 million), the cost of securing this favorable decision was approximately $25 million. This is less than half of the approximately $54 million that the carriers spend defending the case.

Additional requested information: Ten-Year History of Budgeted Prosecutor PCNs, as requested by Chair Josephson

Department of Law, Criminal Division: Budgeted Prosecutors FY10 Mgmt Plan-FY20 GovAmend	
Fiscal Year/Budget Scenario	**Number of Budgeted Prosecutor Positions**
FY2010 Management Plan	121 prosecutors
FY2011 Management Plan	123 prosecutors
FY2012 Management Plan	126 prosecutors
FY2013 Management Plan	126 prosecutors
FY2014 Management Plan	126 prosecutors
FY2015 Management Plan	122 prosecutors
FY2016 Management Plan	113 prosecutors
FY2017 Management Plan	114 prosecutors
FY2018 Management Plan	112 prosecutors
FY2019 Management Plan	120 prosecutors
FY2020 Gov Amended	120 prosecutors
NOTE: These budgeted figures represent the number of line prosecutors and exclude positions such as the Division Director and Deputy Attorney General.	

Please note that because this table only reflects budgeted prosecutor positions over the last ten years, the table does not reflect the full weight of changes to personnel experienced by the Criminal Division in the last ten years. Staffing levels for Victim/Witness Paralegals, Law Office Assistants (LOAs), and other essential support are not included here. The Criminal Division tries to maintain an approximate ratio of 3:1 for prosecutors to Victim/Witness Paralegals, and 2:1 for LOAs/other support.

Thank you,
Valerie

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