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Fiscal Year 2016 Budget Testimony

Brian E. Frosh, Attorney General

Senate Budget and Taxation Committee
Senator Edward J. Kasemeyer, Chairman

House Appropriations
Subcommittee on Public Safety and Administration
Delegate Keith E. Haynes, Chairman

February 19, 2015

Thank you for the opportunity to respond to the Department of Legislative Services' Fiscal Year 2016 Budget Analysis, and for your committees' work on the FY 16 budget plan.

ISSUE: Recommendation to create a specialized unit of procurement attorneys assigned to the proposed chief procurement officer, advising the Board of Public Works on procurement law.

COMMENT: The Office of the Attorney General ("OAG") is fully supportive of this proposal, and believes it is feasible, necessary and an appropriate function to be carried out with assistance from the OAG. The Office of the Attorney General is responsible by law for performing the legal business of the state, and already offers legal guidance in procurement functions. The OAG's Contract Litigation Unit, which litigates state procurement claims, would work closely with the new unit, providing consistent advice to state agencies. A new office would provide greater protections for state purchasing and contracting, and would add resources that would allow for

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greater coordination so that best practices can be shared among departments. As the Department of Legislative Services noted, a more consistent approach to state purchasing is needed.

We anticipate such a unit would initially require three Assistant Attorneys General and a support staff position, with a first year expenditure of approximately \$400,000.

ISSUE: Implementing the January 2015 cost-containment reduction and its impact on operations.

COMMENT: The January 2015 cost-containment measure will require the Office of the Attorney General to keep open vacant positions that need to be filled, and to forgo additional resources in areas where they would have a significant positive impact on the state and the citizens of Maryland. The areas most likely to be impacted are the Civil Litigation Division, which litigates those cases most important to the core function and governmental policies of the state, as well cases with the largest budgetary impact for the state; the Juvenile Justice Monitoring Unit; the Criminal Division; and the Courts Unit.