



ATTORNEY GENERAL WILLIAM TONG  
STATE OF CONNECTICUT

**Follow up Items from Office of the Attorney General Biennial Budget  
Presentation to the Appropriations Committee**

**I. Items requested by OFA:**

1. Copy of OAG slide presentation – Sen. Berthel  
*See file below:*



2. What is the true cost of tobacco enforcement (To include number of General Fund positions and associated dollars in FY 24 and FY 25) – Sen. Berthel

*The AG's enforcement expenses funded through Tobacco Settlement funds in FY 23 are as follows:*

*OE \$25,000 annually transferred from the Tobacco Settlement Fund pursuant to 4-28e to support our tobacco enforcement work.*

*PS \$268,469*

*Fringe \$236,232*

*Total \$504,701*

3. What are details on the positions requested for “fraud prevention” in each of FY 24 and FY 25 (breakout of Personal Services, Other Expenses, etc)? Rep. Baker

*Rep. Baker was referring to the seven positions that the Appropriations Committee included in its proposed budget for FY 23 (at the request of the General Government B Subcommittee), for an expansion of our False Claims Act authority. Neither the positions, nor the authority, were ultimately approved. We have included the link to the fiscal note on the bill that was favorable reported by the Judiciary Committee in 2022, which outlines what we had asked for and what was included in the Appropriations Budget last year:*  
<https://www.cga.ct.gov/2022/FN/PDF/2022SB-00426-R000448-FN.PDF>



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4. How much of the \$12 million in the Tobacco and Health Trust Fund was spent? What are these funds used for?

*The Office of the Attorney General is not represented on the Tobacco and Health Trust Fund Board, so we do not have visibility into the deliberations of that body. Below is an excerpt from the Governor's budget narrative, explaining that the board has not met due to appointments not having been made:*

“During the 2022 legislative session the legislature reestablished the Tobacco and Health Trust Fund Board. The deposit for FY 2023, included in the midterm budget adjustments, is scheduled for April 2023. The Governor is proposing a transfer of \$6 million in each year of the biennium from the General Fund to the Tobacco and Health Trust Fund which, coupled with the FY 2023 transfer, commits \$24 million for the board by the end of the biennium. This money will fund initiatives that reduce the prevalence and impact of tobacco and nicotine use. Disbursements will follow CDC recommendations, scientific research, and evidence-based analysis. The board is eager to begin its important functions once sufficient appointments are in place to constitute a quorum.”

## II. Items requested by Rep. Nuccio

### Headcount questions:

1. **What is the authorized headcount, the funded headcount and the filled headcount for your area?**

*As of February 2023, the Office of the Attorney General's authorized headcount in the General Fund is 314. It includes 284 filled positions and 30 authorized but vacant positions. Approximately three positions are funded but vacant, based on our average salary and other PS commitments this fiscal year. In addition, we have 8 part-time positions (with two vacancies) not included in the headcount.*

2. **If there is change in headcount (either up or down) please provide an explanation of the change.**

- a. If there is a positive change in headcount, please explain why these positions are needed

*The Governor's recommended budget adds six positions to our headcount: Four are related to cannabis litigation and enforcement which are funded in the current fiscal year out of the Cannabis Social Equity Account, but are being moved into the General Fund for the biennium. In addition, two positions have been added to support the personal data privacy and online monitoring provisions*



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*of PA 22-15, which goes into effect on 7/1/23.*

- b. If these adds are legislatively driven, what piece of legislation is driving the increase?

*See answer to 2a. above.*

**3. Are there any vacant positions in your headcount?**

- a. If yes, how are they budgeted into your plan? (as a full year FTE or partial? Are they fulltime or part time?)

*We have 30 full-time and two part-time positions that are authorized but vacant. Of those authorized vacancies, only approximately three of the positions are funded, based on our average salary and other PS commitments this fiscal year.*

- b. What is the anticipated start date of your vacancies? Are they staggered throughout the year, or all anticipated to start on July 1?

*The start dates for these vacancies are staggered throughout the year.*

**4. How many vacancies did you have at year end on 06/30?**

*On June 30, 2022, we had 53 vacancies.*

- a. How many vacancies did you have throughout the year last fiscal year?

*In FY2022, we had 55 vacancies (37 retirements and 18 separations)*

- b. How many new hires did you have in the same time period?

*In FY2022, we had 42 new hires.*

**5. What is the average cost of an FTE for your area?**

*As of February 2023, the average cost of an FTE is \$116,213.78*

**6. What is the average fringe cost of an FTE in the comptrollers area?**

*On average, the fringe benefit is about 75% of a payroll so based on the average cost above, the average fringe cost of an FTE is \$87,160.*



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Lapse Questions:

**1. Were there any lapsing accounts on 06/30?**

*Yes, as of June 30, 2022, we had some lapses.*

- a. If yes, what were the accounts?

*PS and OE*

- b. If yes, what was the lapse balance?

*\$463,438.91 in PS and 914,671.40 in OE.*

- c. If yes, what drove the lapse? What spending didn't occur that was planned to occur?

*The amount lapsed in PS was due to the vacant positions related to retirements that we weren't able to fill right away. The OE lapse included \$650,000 which we had requested in order to transition our file sharing system to the cloud and make some other upgrades. We did not spend these funds by the end of the fiscal year because we were unable to identify a qualified vendor who could provide appropriate confidentiality and security assurances for a reasonable price. The OE lapse also included some funds that ordinarily would be use for travel, training and supplies but our activities continued to be down in these areas due to the pandemic.*

**2. If there is a lapsing balance, do you anticipate it carrying forward?**

- a. If yes, how do you propose to use that lapse?

*We will probably ask to carryforward \$150,000 in FY 24 so that we can continue our data security consultant contracts to support the implementation of PA 22-15, the consumer data privacy bill that passed in 2022.*

- b. Will it be for one-time expenses?

*Yes*

- i. If so, what are those one-time expenses?

*Providing guidance on complex issues like global opt-out mechanisms for effectuating data rights.*



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- c. If ongoing expense is that expense built into this budget in FY 25?  
N/A

ARPA

1. Did you receive any ARPA funding in your department?

No

- a. If yes, have you assumed the programs/staffing established with the ARPA funding is now in your General Fund budget as an ongoing expense?

N/A

- i. If not all, how much?

- b. Are there still ARPA funds included in this budget?

No

- i. If yes, how much of this budget is continuation of ARPA funding?  
ii. How much ARPA do you still have in the budget that may need to be picked up as ongoing expenses in out years?

General Questions:

1. Is there anything you would change about this budget?

*a) In the biennial budget, the Office of Policy and Management has eliminated Tobacco Master Settlement Agreement (MSA) funding for two positions in the Office of the Attorney General that support the State's tobacco enforcement efforts, a requirement for settlement compliance. **We would respectfully request that the Committee restore funding for these two positions (\$281,000 in PS in FY 2024 and \$294,000 in PS in FY 2025, plus fringe), which cost a fraction of the average annual MSA payment of \$124M.** These positions support our work to ensure that nonparticipating manufacturers selling cigarettes in Connecticut make their requisite escrow deposits for Connecticut's benefit, that Connecticut continues to receive the monetary payments it is owed under the MSA from participating manufacturers, that those manufacturers also comply with the public health provisions of the MSA, and that all tobacco product manufacturers abide by other requirements of state and federal law. If Connecticut is not putting MSA money toward enforcement, our annual payments, it will jeopardize those annual payments.*

*b) In 2009, Gov. M. Jodi Rell signed into law Connecticut's False Claims Act, giving the Office of the Attorney General the authority to investigate and civilly prosecute fraud and abuse of taxpayer funds in health and human services programs. Since then, the Office of the Attorney General, in conjunction with federal and state law enforcement partners, has recovered over \$181 million in misspent public dollars. But Connecticut's law is exceptionally weak—it applies only to health care spending and bars the Office from*



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*pursuing fraud when it comes to spending on infrastructure, Covid-19 relief and other goods and services purchased with taxpayer funds. Connecticut's law is far more limited than any one of our bordering states. **The Office therefore proposes [HB 6826](#), to expand the False Claims Act to broadly cover all state contracts and provide staffing of five attorneys and two forensic fraud examiners to support this expansion.***

*For additional detail, please see the [fiscal note on SB 426 from 2022](#).*



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*c) In 2021, the legislature expanded the Office's authority in the area of civil rights and we have embarked in that work with a focus on responding to violations of laws intended to protect vulnerable and historically marginalized groups from discrimination when it comes to housing, public accommodation, sexual harassment and other threats. Over the past year, our office has experienced an uptick in complaints related to poor housing conditions and unresponsive landlords. **In order to support this work, we would respectfully request two additional assistant attorneys general to support our efforts to protect the civil and reproductive rights of Connecticut residents.***

Is there anything you would add to this budget?

*See response to prior question and response below.*

2. Is there anything you would remove from this budget?

*No*

3. Is there any legislation that was passed you feel you are not adequately prepared to enforce?

a. If so, what would we need to change to make it administer-able?

*The Office requests two additional assistant attorney general positions to meet the additional demands that the sports betting and gaming expansions (Public Act 21-23) impose upon the Office and to handle various matters involving, gaming, tribal gaming compacts and Connecticut's tribes more generally. This is a small fraction of the additional positions that were identified in the Fiscal Note associated with the Gaming Act for DCP to meet the demands of the law and the new positions identified for the Connecticut Lottery Corporation.*

**For additional information, please contact [Cara.Passaro@ct.gov](mailto:Cara.Passaro@ct.gov).**