

By: Representatives Watson, Stevens,  
Bourdeaux, Bowles, Coleman (29th), Denny,  
Perry

To: Appropriations

HOUSE BILL NO. 1623

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR  
3 2000.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 General Fund not otherwise appropriated, for the purpose of  
8 defraying the expenses of the Office of the Attorney General for  
9 the fiscal year beginning July 1, 1999, and ending June 30, 2000. \$

10 SECTION 2. The following sum, or so much thereof as may be  
11 necessary, is hereby appropriated out of any money in any special  
12 fund in the State Treasury to the credit of the Office of the  
13 Attorney General which is comprised of special source funds  
14 collected by or otherwise available to the office, for the purpose  
15 of defraying the expenses of the office for the fiscal year  
16 beginning July 1, 1999, and ending June 30, 2000..... \$

17 SECTION 3. With the funds appropriated under the provisions  
18 of Section 1 and Section 2, the following positions are  
19 authorized:

20 AUTHORIZED POSITIONS:

21 Permanent: Full Time. . . . . 107

22	Part Time. . . . .	3
23	Time-Limited: Full Time. . . . .	113
24	Part Time. . . . .	0

25 From the funds provided herein, funds may be expended for the  
26 following purposes, in compliance with the policies established by  
27 the State Personnel Board and any conditions placed on such  
28 expenditures:

29 (a) The components of the Variable Compensation Plan  
30 shall be maintained within the constraints of the funds  
31 appropriated herein.

32 (b) Funds are provided to adjust the Variable  
33 Compensation Plan, including realignment, to ensure that all  
34 full-time employees with at least six (6) months of continuous  
35 current service, as of June 30, 1999, receive an increase of One  
36 Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to  
37 adjust critical job classes up to an additional One Thousand  
38 Dollars (\$1,000.00).

39 (c) If an employee is currently at or above the end  
40 salary for his or her job classification, then the increase shall  
41 be built into the employee's base salary. To be eligible for any  
42 increase authorized in this section, employees may not have a  
43 current performance rating below "meets expectations" as of the  
44 effective date of the increase. Employees who subsequently  
45 receive a performance rating of "meets expectations" or above  
46 during Fiscal Year 2000 shall receive the salary increase  
47 effective the date of the rating.

48 It is the agency's responsibility to make certain that funds  
49 required to be appropriated for "Personal Services" for Fiscal  
50 Year 2001 do not exceed Fiscal Year 2000 funds appropriated for  
51 that purpose unless programs or positions are added to the  
52 agency's budget by the Mississippi Legislature.

53 Any transfers or escalations shall be made in accordance with  
54 the terms, conditions and procedures established by law.

55 No general funds authorized to be expended herein shall be  
56 used to replace federal funds and/or other special funds which are  
57 being used for salaries authorized under the provisions of this  
58 act and which are withdrawn and no longer available.

59 SECTION 4. Of the funds appropriated under the provisions of  
60 Section 2, funds included therein which are derived from penalties  
61 and/or other funds collected by the Medicaid Fraud Control Unit  
62 shall be available for the purpose of providing the state match  
63 for federal funds available for the support of the unit, or for  
64 other lawful purposes as deemed appropriate by the Attorney  
65 General. Further, it is the intent of the Legislature that any  
66 penalties and/or other funds collected and/or expended shall be  
67 accounted for separately as to source and/or application of such  
68 funds.

69 SECTION 5. It is the intention of the Legislature that the  
70 Attorney General's Office charge legal fees to all agencies where  
71 such legal services are provided. The Attorney General's Office  
72 may contract these fees on a contract rate or an hourly rate,  
73 whichever is more appropriate. Contracts with the Attorney  
74 General's Office for legal services or reimbursement for hourly  
75 legal services shall not require the approval of the State  
76 Personnel Board. The Attorney General's Office is further  
77 authorized to escalate the amount of any of its major objects of  
78 expenditure in an amount not to exceed Seven Hundred Fifty  
79 Thousand Dollars (\$750,000.00) above any amounts herein  
80 authorized, and to increase the number of authorized positions in

81 order to provide the required legal services for such state  
82 agencies.

83 SECTION 6. Of the funds appropriated under the provisions of  
84 Section 2, the amount of Four Hundred Twenty Thousand Dollars  
85 (\$420,000.00), or so much thereof as may be necessary, shall be  
86 made available for expenditure by the Prosecutors Training  
87 Division.

88 SECTION 7. It is the intention of the Legislature that the  
89 Attorney General's Office shall have the authority to accept,  
90 budget and expend any source funds not to exceed Seven Hundred  
91 Fifty Thousand Dollars (\$750,000.00), that become available to the  
92 office to carry out the provisions of those funds in a manner  
93 consistent with the rules and regulations of the Department of  
94 Finance and Administration. None of the funds authorized in this  
95 section shall be used to increase the major object of expenditure  
96 "Salaries, Wages and Fringe Benefits."

97 SECTION 8. No part of the money herein appropriated shall be  
98 used, either directly or indirectly, for the purpose of paying any  
99 clerk, stenographer, assistant, deputy or other person who may be  
100 related by blood or marriage within the third degree, computed by  
101 the rules of civil law, to the official employing or having the  
102 right of employment or selection thereof; and in the event of any  
103 such payment, then the official or person approving and making or  
104 receiving such payment shall be jointly and severally liable to  
105 return to the State of Mississippi and to pay into the State  
106 Treasury three (3) times any such amount so paid or received;  
107 however, when the relationship is by affinity and the person  
108 through whom the relationship was established is dead, this

109 provision shall not apply.

110 SECTION 9. None of the funds appropriated by this act shall  
111 be expended for any purpose that is not actually required or  
112 necessary for performing any of the powers or duties of the Office  
113 of the Attorney General that are authorized by the Mississippi  
114 Constitution of 1890, state or federal law, or rules or  
115 regulations that implement state or federal law.

116 SECTION 10. In compliance with the "Mississippi Performance  
117 Budget and Strategic Planning Act of 1994," it is the intent of  
118 the Legislature that the funds provided herein shall be utilized  
119 in the most efficient and effective manner possible to achieve the  
120 intended mission of this agency. Based on the funding authorized,  
121 this agency shall make every effort to attain the targeted  
122 performance measures provided below:

	FY00
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of support services as percentage of	
budget (percent)	6.25
DFA error exception slips per month (items)	36
Training	
Approval on prosecutors training (%)	95
Litigation	
Minimum affirmation of criminal convictions (%)	85
Minimum affirmations of death penalty appeals (%)	60
Minimum denial of relief in federal habeas	
corpus (%)	90
Minimum positive results of civil cases (%)	70

137	Minimum positive results of Section 1983 cases (%)	80
138	Opinions	
139	Assigned to attorneys in three (3) days or less (%)	100
140	Opinions completed in thirty (30) days or less (%)	75
141	Good/excellent ratings for training (%)	85
142	State Agency Contracts	
143	Good/excellent ratings for legal services (%)	80
144	Other Mandated Programs	
145	Medicaid fraud convictions vs dispositions (%)	80
146	Medicaid abuse convictions vs dispositions (%)	80
147	Minimum defendants convicted after indictments (%)	90
148	Response to consumer complaints (days)	7
149	Minimum positive results of consumer cases (%)	75

150 A reporting of the degree to which the performance targets  
151 set above have been or are being achieved shall be provided in the  
152 agency's budget request submitted to the Joint Legislative Budget  
153 Committee for Fiscal Year 2001.

154 SECTION 11. The following sum, or so much thereof as may be  
155 necessary, is hereby appropriated out of any money in the General  
156 Fund not otherwise appropriated for the purpose of the support of  
157 the Insurance Integrity Enforcement Bureau within the Office of  
158 the Attorney General and shall be effective for the fiscal year  
159 beginning July 1, 1999, and ending June 30, 2000. \$ 150,000.00.

160 SECTION 12. The following sum, or so much thereof as may be  
161 necessary, is hereby appropriated out of any money in the State  
162 Treasury to the credit of any special fund created in House Bill  
163 428, 1998 Regular Session, for the support of the Insurance  
164 Integrity Enforcement Bureau within the Office of the Attorney

165 General, for fiscal year beginning July 1, 1999, and ending  
166 June 30, 2000..... \$ 150,000.00.

167 SECTION 13. The following sum, or so much thereof as may be  
168 necessary, is hereby appropriated out of any money in the State  
169 Treasury to the credit of Fund No. 3071, for the support of the  
170 Insurance Integrity Enforcement Bureau within the Office of The  
171 Attorney General, for the fiscal year beginning July 1, 1999, and  
172 ending June 30, 2000..... \$ 64,000.00.

173 SECTION 14. With the funds appropriated in Sections 11, 12  
174 and 13, the following positions are authorized:

175 Time-Limited: Full Time . . . . . 5

176 SECTION 15. The money herein appropriated shall be paid by  
177 the State Treasurer out of any money in the State Treasury to the  
178 credit of the proper fund or funds as set forth in this act, upon  
179 warrants issued by the State Fiscal Officer; and the State Fiscal  
180 Officer shall issue his warrants upon requisitions signed by the  
181 proper person, officer or officers, in the manner provided by law.

182 SECTION 16. This act shall take effect and be in force from  
183 and after July 1, 1999.