

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

To: Appropriations

HOUSE BILL NO. 1623
(As Passed the House)

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>
125 Support Services	

126	Cost of support services as percentage of	
127	budget (percent)	6.25
128	DFA error exception slips per month (items)	36
129	Training	
130	Approval on prosecutors training (%)	95
131	Litigation	
132	Minimum affirmation of criminal convictions (%)	85
133	Minimum affirmations of death penalty appeals (%)	60
134	Minimum denial of relief in federal habeas	
135	corpus (%)	90
136	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.