

By: Watson, McBride, Coleman (29th), Eakes, Gadd, Green To: Appropriations

HOUSE BILL NO. 1613

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 2001.

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, 2000, and ending June 30, 2001..
10\$ 7,131,923.00.

11 SECTION 2. The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the Office of the
14 Attorney General which is comprised of special source funds
15 collected by or otherwise available to the office, for the purpose
16 of defraying the expenses of the office for the fiscal year
17 beginning July 1, 2000, and ending June 30, 2001.....
18\$ 7,839,537.00.

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

22 AUTHORIZED POSITIONS:
23 Permanent: Full Time..... 95
24 Part Time..... 0
25 Time-Limited: Full Time..... 121
26 Part Time..... 0

27 With the funds herein appropriated, it is the intention of
28 the Legislature that it shall be the agency's responsibility to
29 make certain that funds required to be appropriated for "Personal
30 Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001
31 funds appropriated for that purpose, unless programs or positions
32 are added to the agency's Fiscal Year 2002 budget by the
33 Mississippi Legislature. Based on data provided by the
34 Legislative Budget Office, the State Personnel Board shall
35 determine and publish the projected annual cost to fully fund all
36 appropriated positions in compliance with the provisions of this
37 act. It shall be the responsibility of the agency head to insure
38 that no single personnel action increases this projected annual
39 cost and/or the Fiscal Year 2001 appropriation for "Personal
40 Services" when annualized. If, at the end of any calendar month,
41 the State Personnel Board determines that the agency has taken
42 action(s) which would cause the agency to exceed this projected
43 annual cost or the Fiscal Year 2001 "Personal Services"
44 appropriated level, when annualized, then only those actions which
45 reduce the projected annual cost and/or the appropriation
46 requirement will be processed by the State Personnel Board until
47 such time as the requirements of this provision are met.

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

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

54 SECTION 4. Of the funds appropriated under the provisions of
55 Section 2, funds included therein which are derived from penalties
56 and/or other funds collected by the Medicaid Fraud Control Unit
57 shall be available for the purpose of providing the state match
58 for federal funds available for the support of the unit, or for
59 other lawful purposes as deemed appropriate by the Attorney

60 General. Further, it is the intent of the Legislature that any
61 penalties and/or other funds collected and/or expended shall be
62 accounted for separately as to source and/or application of such
63 funds.

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

78 SECTION 6. Of the funds appropriated under the provisions of
79 Section 2, the amount of Six Hundred Fifty Thousand Dollars
80 (\$650,000.00), or so much thereof as may be necessary, shall be
81 made available for expenditure by the Prosecutors Training
82 Division.

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

92 SECTION 8. No part of the money herein appropriated shall be

93 used, either directly or indirectly, for the purpose of paying any
94 clerk, stenographer, assistant, deputy or other person who may be
95 related by blood or marriage within the third degree, computed by
96 the rules of civil law, to the official employing or having the
97 right of employment or selection thereof; and in the event of any
98 such payment, then the official or person approving and making or
99 receiving such payment shall be jointly and severally liable to
100 return to the State of Mississippi and to pay into the State
101 Treasury three (3) times any such amount so paid or received;
102 however, when the relationship is by affinity and the person
103 through whom the relationship was established is dead, this
104 provision shall not apply.

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

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

| | FY01 |
|---|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| Support Services | |
| Cost of support services as percentage of | |
| budget (percent) | 6.18 |
| | |
| DFA error exception slips per month (items) | 36 |

125

| | | |
|-----|---|-----|
| 126 | Training | |
| 127 | Approval on prosecutors training (%) | 95 |
| 128 | | |
| 129 | Litigation | |
| 130 | Minimum affirmation of criminal convictions (%) | 85 |
| 131 | | |
| 132 | Minimum affirmations of death penalty appeals (%) | 60 |
| 133 | | |
| 134 | Minimum denial of relief in federal habeas | |
| 135 | corpus (%) | 90 |
| 136 | | |
| 137 | Minimum positive results of civil cases (%) | 70 |
| 138 | | |
| 139 | Minimum positive results of Section 1983 cases (%) | 80 |
| 140 | | |
| 141 | Opinions | |
| 142 | Assigned to attorneys in three (3) days or less (%) | 100 |
| 143 | | |
| 144 | Opinions completed in thirty (30) days or less (%) | 75 |
| 145 | | |
| 146 | Good/excellent ratings for training (%) | 85 |
| 147 | | |
| 148 | State Agency Contracts | |
| 149 | Good/excellent ratings for legal services (%) | 80 |
| 150 | | |
| 151 | Other Mandated Programs | |
| 152 | Medicaid fraud convictions vs dispositions (%) | 80 |
| 153 | | |
| 154 | Medicaid abuse convictions vs dispositions (%) | 80 |
| 155 | | |
| 156 | Minimum defendants convicted after indictments (%) | 9 |
| 157 | Response to consumer complaints (days) | 7 |
| 158 | | |

159 Minimum positive results of consumer cases (%) 75

160

161 A reporting of the degree to which the performance targets
162 set above have been or are being achieved shall be provided in the
163 agency's budget request submitted to the Joint Legislative Budget
164 Committee for Fiscal Year 2002.

165 SECTION 11. The following sum, or so much thereof as may be
166 necessary, is hereby appropriated out of any money in the General
167 Fund not otherwise appropriated for the purpose of the support of
168 the Insurance Integrity Enforcement Bureau within the Office of
169 the Attorney General and shall be effective for the fiscal year
170 beginning July 1, 2000, and ending June 30, 2001.....
171\$ 150,240.00.

172 SECTION 12. The following sum, or so much thereof as may be
173 necessary, is hereby appropriated out of any money in the State
174 Treasury to the credit of any special fund created in House Bill
175 428, 1998 Regular Session, for the support of the Insurance
176 Integrity Enforcement Bureau within the Office of the Attorney
177 General, for fiscal year beginning July 1, 2000, and ending
178 June 30, 2001.....\$ 150,000.00.

179 SECTION 13. With the funds appropriated in Sections 11 and
180 12, the following positions are authorized:

181 Time-Limited: Full Time 5

182 SECTION 14. The money herein appropriated shall be paid by
183 the State Treasurer out of any money in the State Treasury to the
184 credit of the proper fund or funds as set forth in this act, upon
185 warrants issued by the State Fiscal Officer; and the State Fiscal
186 Officer shall issue his warrants upon requisitions signed by the
187 proper person, officer or officers, in the manner provided by law.

188 SECTION 15. This act shall take effect and be in force from
189 and after July 1, 2000.