

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

HOUSE BILL NO. 1613 (As Sent to Governor)

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 .....\$ 7,574,751.00.

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 .....\$ 9,073,506.00.

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..... 112
24 Part Time..... 0
25 Time-Limited: Full Time..... 138
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:

	FY2001
<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 (%)	90
157		
158	Response to consumer complaints (days)	7

159

160 Minimum positive results of consumer cases (%) 75

161

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

166 SECTION 11. Of the funds appropriated under the provisions  
167 of Section 1, the amount of Two Hundred Thousand Dollars  
168 (\$200,000.00), or so much thereof as may be necessary, shall be  
169 made available for expenditures for the Drug Courts Pilot  
170 Programs.

171 SECTION 12. It is the intention of the Legislature that the  
172 Attorney General's Office shall have the authority to accept,  
173 budget and expend any source funds not to exceed Two Million Two  
174 Hundred Thousand Dollars (\$2,200,000.00) that become available to  
175 the office for Boys and Girls Clubs, Big Brothers Big Sisters of  
176 America and Communities in Schools and to carry out the provisions  
177 of those funds in a manner consistent with the rules and  
178 regulations of the Department of Finance and Administration. The  
179 Attorney General's Office is further authorized to escalate the  
180 amount of the category of Subsidies, Loans and Grants in an amount  
181 not to exceed Two Million Two Hundred Thousand Dollars  
182 (\$2,200,000.00).

183 SECTION 13. The money herein appropriated shall be paid by  
184 the State Treasurer out of any money in the State Treasury to the  
185 credit of the proper fund or funds as set forth in this act, upon  
186 warrants issued by the State Fiscal Officer; and the State Fiscal  
187 Officer shall issue his warrants upon requisitions signed by the  
188 proper person, officer or officers, in the manner provided by law.

189 SECTION 14. This act shall take effect and be in force from  
190 and after July 1, 2000.