

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1613

By Senator(s) Committee

5 Amend by striking all after the enacting clause and inserting
6 in lieu thereof the following:

7

8 SECTION 1. The following sum, or so much thereof as may be
9 necessary, is hereby appropriated out of any money in the State
10 General Fund not otherwise appropriated, for the purpose of
11 defraying the expenses of the Office of the Attorney General for
12 the fiscal year beginning July 1, 2000, and ending June 30, 2001..
13\$ 7,271,534.00.

14 SECTION 2. The following sum, or so much thereof as may be
15 necessary, is hereby appropriated out of any money in any special
16 fund in the State Treasury to the credit of the Office of the
17 Attorney General which is comprised of special source funds
18 collected by or otherwise available to the office, for the purpose
19 of defraying the expenses of the office for the fiscal year
20 beginning July 1, 2000, and ending June 30, 2001.....
21\$ 7,976,981.00.

22 SECTION 3. With the funds appropriated under the provisions
23 of Section 1 and Section 2, the following positions are
24 authorized:

25 AUTHORIZED POSITIONS:

26	Permanent:	Full Time.....	95
27		Part Time.....	0

28 Time-Limited: Full Time..... 126
29 Part Time..... 0

30 With the funds herein appropriated, it is the intention of
31the Legislature that it shall be the agency's responsibility to
32make certain that funds required to be appropriated for "Personal
33Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001
34funds appropriated for that purpose, unless programs or positions
35are added to the agency's Fiscal Year 2002 budget by the
36Mississippi Legislature. Based on data provided by the
37Legislative Budget Office, the State Personnel Board shall
38determine and publish the projected annual cost to fully fund all
39appropriated positions in compliance with the provisions of this
40act. It shall be the responsibility of the agency head to insure
41that no single personnel action increases this projected annual
42cost and/or the Fiscal Year 2001 appropriation for "Personal
43Services" when annualized. If, at the end of any calendar month,
44the State Personnel Board determines that the agency has taken
45action(s) which would cause the agency to exceed this projected
46annual cost or the Fiscal Year 2001 "Personal Services"
47appropriated level, when annualized, then only those actions which
48reduce the projected annual cost and/or the appropriation
49requirement will be processed by the State Personnel Board until
50such time as the requirements of this provision are met.

51 Any transfers or escalations shall be made in accordance with
52the terms, conditions and procedures established by law.

53 No general funds authorized to be expended herein shall be
54used to replace federal funds and/or other special funds which are
55being used for salaries authorized under the provisions of this
56act and which are withdrawn and no longer available.

57 SECTION 4. Of the funds appropriated under the provisions of
58Section 2, funds included therein which are derived from penalties
59and/or other funds collected by the Medicaid Fraud Control Unit
60shall be available for the purpose of providing the state match
61for federal funds available for the support of the unit, or for
62other lawful purposes as deemed appropriate by the Attorney

63General. Further, it is the intent of the Legislature that any
64penalties and/or other funds collected and/or expended shall be
65accounted for separately as to source and/or application of such
66funds.

67 SECTION 5. It is the intention of the Legislature that the
68Attorney General's Office charge legal fees to all agencies where
69such legal services are provided. The Attorney General's Office
70may contract these fees on a contract rate or an hourly rate,
71whichever is more appropriate. Contracts with the Attorney
72General's Office for legal services or reimbursement for hourly
73legal services shall not require the approval of the State
74Personnel Board. The Attorney General's Office is further
75authorized to escalate the amount of any of its major objects of
76expenditure in an amount not to exceed Seven Hundred Fifty
77Thousand Dollars (\$750,000.00) above any amounts herein
78authorized, and to increase the number of authorized positions in
79order to provide the required legal services for such state
80agencies.

81 SECTION 6. Of the funds appropriated under the provisions of
82Section 2, the amount of Four Hundred Eighty Thousand Dollars
83(\$480,000.00), or so much thereof as may be necessary, shall be
84made available for expenditure by the Prosecutors Training
85Division.

86 SECTION 7. It is the intention of the Legislature that the
87Attorney General's Office shall have the authority to accept,
88budget and expend any source funds not to exceed Seven Hundred
89Fifty Thousand Dollars (\$750,000.00), that become available to the
90office to carry out the provisions of those funds in a manner
91consistent with the rules and regulations of the Department of
92Finance and Administration. None of the funds authorized in this
93section shall be used to increase the major object of expenditure
94"Salaries, Wages and Fringe Benefits."

95 SECTION 8. No part of the money herein appropriated shall be
96used, either directly or indirectly, for the purpose of paying any
97clerk, stenographer, assistant, deputy or other person who may be

98related by blood or marriage within the third degree, computed by
 99the rules of civil law, to the official employing or having the
 100right of employment or selection thereof; and in the event of any
 101such payment, then the official or person approving and making or
 102receiving such payment shall be jointly and severally liable to
 103return to the State of Mississippi and to pay into the State
 104Treasury three (3) times any such amount so paid or received;
 105however, when the relationship is by affinity and the person
 106through whom the relationship was established is dead, this
 107provision shall not apply.

108 SECTION 9. None of the funds appropriated by this act shall
 109be expended for any purpose that is not actually required or
 110necessary for performing any of the powers or duties of the Office
 111of the Attorney General that are authorized by the Mississippi
 112Constitution of 1890, state or federal law, or rules or
 113regulations that implement state or federal law.

114 SECTION 10. In compliance with the "Mississippi Performance
 115Budget and Strategic Planning Act of 1994," it is the intent of
 116the Legislature that the funds provided herein shall be utilized
 117in the most efficient and effective manner possible to achieve the
 118intended mission of this agency. Based on the funding authorized,
 119this agency shall make every effort to attain the targeted
 120performance measures provided below:

121	FY2001
122 <u>Performance Measures</u>	<u>Target</u>
123 Support Services	
124 Cost of support services as percentage of	
125 budget (percent)	6.18
126	
127 DFA error exception slips per month (items)	36
128	
129 Training	
130 Approval on prosecutors training (%)	95
131	
132 Litigation	

133	Minimum affirmation of criminal convictions (%)	85
134		
135	Minimum affirmations of death penalty appeals (%)	60
136		
137	Minimum denial of relief in federal habeas	
138	corpus (%)	90
139		
140	Minimum positive results of civil cases (%)	70
141		
142	Minimum positive results of Section 1983 cases (%)	80
143		
144	Opinions	
145	Assigned to attorneys in three (3) days or less (%)	100
146		
147	Opinions completed in thirty (30) days or less (%)	75
148		
149	Good/excellent ratings for training (%)	85
150		
151	State Agency Contracts	
152	Good/excellent ratings for legal services (%)	80
153		
154	Other Mandated Programs	
155	Medicaid fraud convictions vs dispositions (%)	80
156		
157	Medicaid abuse convictions vs dispositions (%)	80
158		
159	Minimum defendants convicted after indictments (%)	90
160		
161	Response to consumer complaints (days)	7
162		
163	Minimum positive results of consumer cases (%)	75
164		
165	A reporting of the degree to which the performance targets	
166	set above have been or are being achieved shall be provided in the	
167	agency's budget request submitted to the Joint Legislative Budget	

168Committee for Fiscal Year 2002.

169 SECTION 11. The money herein appropriated shall be paid by
170the State Treasurer out of any money in the State Treasury to the
171credit of the proper fund or funds as set forth in this act, upon
172warrants issued by the State Fiscal Officer; and the State Fiscal
173Officer shall issue his warrants upon requisitions signed by the
174proper person, officer or officers, in the manner provided by law.

175 SECTION 12. This act shall take effect and be in force from
176and after July 1, 2000.