

**REPORT OF CONFERENCE COMMITTEE**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1598: Appropriation; Attorney General - support.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
  
2. That the House and Senate adopt the following amendment:

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

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, 2001, and ending June 30, 2002  
10 ..... \$           6,474,139.00.

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  
16 purpose of defraying the expenses of the office for the fiscal  
17 year beginning July 1, 2001, and ending June 30, 2002.....  
18 ..... \$ 11,566,929.00.

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	129
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 2003 do not exceed Fiscal Year 2002  
31 funds appropriated for that purpose, unless programs or positions  
32 are added to the agency's Fiscal Year 2003 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 2002 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 2002 "Personal Services"  
44 appropriated level, when annualized, then only those actions  
45 which 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  
49 with 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  
52 are being used for salaries authorized under the provisions of  
53 this act and which are withdrawn and no longer available.

54 SECTION 4. Of the funds appropriated under the provisions  
55 of Section 2, funds included therein which are derived from  
56 penalties and/or other funds collected by the Medicaid Fraud  
57 Control Unit shall be available for the purpose of providing the

58 state match for federal funds available for the support of the  
59 unit, or for other lawful purposes as deemed appropriate by the  
60 Attorney General. Further, it is the intent of the Legislature  
61 that any penalties and/or other funds collected and/or expended  
62 shall be accounted for separately as to source and/or application  
63 of such 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  
79 of 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  
87 the 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  
93 be used, either directly or indirectly, for the purpose of paying  
94 any clerk, stenographer, assistant, deputy or other person who  
95 may be related by blood or marriage within the third degree,  
96 computed by the rules of civil law, to the official employing or  
97 having the right of employment or selection thereof; and in the  
98 event of any such payment, then the official or person approving  
99 and making or receiving such payment shall be jointly and  
100 severally liable to return to the State of Mississippi and to pay  
101 into the State Treasury three (3) times any such amount so paid

102 or received; however, when the relationship is by affinity and  
103 the person through whom the relationship was established is dead,  
104 this 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  
108 Office of the Attorney General that are authorized by the  
109 Mississippi Constitution of 1890, state or federal law, or rules  
110 or 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  
115 the intended mission of this agency. Based on the funding  
116 authorized, this agency shall make every effort to attain the  
117 targeted performance measures provided below:

118		FY02
119	<u>Performance Measures</u>	<u>Target</u>
120	Support Services	
121	Cost of Support Services as Percentage	
122	of Budget (percent)	4.64
123	DFA Error Exception Slips per Month (items)	36

124	Training	
125	Approval on Prosecutors Training (percent)	95
126	Litigation	
127	Minimum Affirmation of Criminal	
128	Convictions (percent)	85
129	Minimum Affirmations of Death Penalty	
130	Appeals (percent)	60
131	Minimum Denial of Relief in Federal	
132	Habeas Corpus (percent)	90
133	Minimum Positive Results of Civil Cases (percent)	70
134	Minimum Positive Results of Section 1983	
135	Cases (percent)	80
136	Opinions	
137	Assigned to Attorneys in 3 Days or Less (percent)	100
138	Opinions Completed in 30 Days or Less (percent)	75
139	Good & Excellent Ratings for Training (percent)	85
140	State Agency Contracts	
141	Good & Excellent Ratings for Legal	
142	Services (percent)	80
143	Insurance Integrity Enforcement	
144	Minimum Positive Results of Workers'	
145	Compensation Cases (percent)	80

146	Minimum Positive Results of Insurance	
147	Cases (percent)	80
148	Other Mandated Programs	
149	Medicaid Fraud Convictions vs Dispositions(percent)	80
150	Medicaid Abuse Convictions vs Dispositions(percent)	80
151	Minimum Defendants Convicted After	
152	Indictments (percent)	90
153	Response to Consumer Complaints (Days)	7
154	Minimum Positive Results of Consumer	
155	Cases (percent)	75
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reporting of the degree to which the performance targets set above have  
6 been or are being achieved shall be provided in the agency's budget  
7 request submitted to the Joint Legislative Budget Committee for Fiscal Year  
8 2003.

9       SECTION 11. It is the intention of the Legislature that the Attorney  
10 General's Office shall have the authority to accept, budget and expend any  
11 source funds not to exceed Two Million Two Hundred Thousand Dollars  
12 (\$2,200,000.00) that become available to the office for Boys and Girls  
13 Clubs, Big Brothers Big Sisters of America and Communities in Schools and  
14 to carry out the provisions of those funds in a manner consistent with the  
15 rules and regulations of the Department of Finance and Administration. The  
16 Attorney General's Office is further authorized to escalate an amount not to  
17 exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00) for  
18 such purposes of this section.

19       SECTION 12. Of the funds appropriated under the provisions of  
20 Section 2, Seven Hundred Thousand Dollars (\$700,000.00) shall be derived  
21 from the Budget Contingency Fund created in Senate Bill No. 2680, 2001  
22 Regular Session.

23       SECTION 13. The money herein appropriated shall be paid by the  
24 State Treasurer out of any money in the State Treasury to the credit of the  
25 proper fund or funds as set forth in this act, upon warrants issued by the  
26 State Fiscal Officer; and the State Fiscal Officer shall issue his warrants  
27 upon requisitions signed by the

28 proper person, officer or officers, in the manner provided by law.

29 SECTION 14. This act shall take effect and be in force from and after

30 July 1, 2001.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X \_\_\_\_\_

X \_\_\_\_\_

—

Charlie Capps, Jr.

Jack Gordon

X \_\_\_\_\_

X \_\_\_\_\_

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Percy W. Watson

Ron Farris

X \_\_\_\_\_

X \_\_\_\_\_

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Warner F. McBride

Dean Kirby

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