

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

House Bill NO. 1598

By Senator(s) Committee

**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 \$ 6,474,140.00.

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, 2001, and ending June 30, 2002.....
18 \$ 10,866,929.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Sections 1 and 2, not more than the amounts set forth below shall
21 be expended for the respective major objects or purposes of

22 expenditure:

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$	13,071,090.00
26	Travel and Subsistence.....		456,469.00
27	Contractual Services.....		2,187,315.00
28	Commodities.....		321,350.00
29	Capital Outlay:		
30	Other Than Equipment.....		0.00
31	Equipment.....		97,845.00
32	Subsidies, Loans and Grants.....		<u>1,207,000.00</u>
33	Total.....	\$	17,341,069.00

34 FUNDING:

35	General Funds.....	\$	6,474,140.00
36	Special Funds.....		<u>10,866,929.00</u>
37	Total.....	\$	17,341,069.00

38 AUTHORIZED POSITIONS:

39	Permanent:	Full Time.....	92
40		Part Time.....	0
41	Time-Limited:	Full Time.....	129
42		Part Time.....	0

43 With the funds herein appropriated, it is the intention of
44 the Legislature that it shall be the agency's responsibility to
45 make certain that funds required to be appropriated for "Personal
46 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2003 budget by the
49 Mississippi Legislature. Based on data provided by the
50 Legislative Budget Office, the State Personnel Board shall
51 determine and publish the projected annual cost to fully fund all

52 appropriated positions in compliance with the provisions of this
53 act. It shall be the responsibility of the agency head to insure
54 that no single personnel action increases this projected annual
55 cost and/or the Fiscal Year 2002 appropriation for "Personal
56 Services" when annualized. If, at the end of any calendar month,
57 the State Personnel Board determines that the agency has taken
58 action(s) which would cause the agency to exceed this projected
59 annual cost or the Fiscal Year 2002 "Personal Services"
60 appropriated level, when annualized, then only those actions which
61 reduce the projected annual cost and/or the appropriation
62 requirement will be processed by the State Personnel Board until
63 such time as the requirements of this provision are met.

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

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

70 SECTION 4. Of the funds appropriated under the provisions of
71 Section 2, funds included therein which are derived from penalties
72 and/or other funds collected by the Medicaid Fraud Control Unit
73 shall be available for the purpose of providing the state match
74 for federal funds available for the support of the unit, or for
75 other lawful purposes as deemed appropriate by the Attorney
76 General. Further, it is the intent of the Legislature that any
77 penalties and/or other funds collected and/or expended shall be
78 accounted for separately as to source and/or application of such
79 funds.

80 SECTION 5. It is the intention of the Legislature that the
81 Attorney General's Office charge legal fees to all agencies where

82 such legal services are provided. The Attorney General's Office
83 may contract these fees on a contract rate or an hourly rate,
84 whichever is more appropriate. Contracts with the Attorney
85 General's Office for legal services or reimbursement for hourly
86 legal services shall not require the approval of the State
87 Personnel Board. The Attorney General's Office is further
88 authorized to escalate the amount of any of its major objects of
89 expenditure in an amount not to exceed Seven Hundred Fifty
90 Thousand Dollars (\$750,000.00) above any amounts herein
91 authorized, and to increase the number of authorized positions in
92 order to provide the required legal services for such state
93 agencies.

94 SECTION 6. Of the funds appropriated under the provisions of
95 Section 2, the amount of Six Hundred Fifty Thousand Dollars
96 (\$650,000.00), or so much thereof as may be necessary, shall be
97 made available for expenditure by the Prosecutors Training
98 Division.

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

108 SECTION 8. No part of the money herein appropriated shall be
109 used, either directly or indirectly, for the purpose of paying any
110 clerk, stenographer, assistant, deputy or other person who may be
111 related by blood or marriage within the third degree, computed by

112 the rules of civil law, to the official employing or having the
113 right of employment or selection thereof; and in the event of any
114 such payment, then the official or person approving and making or
115 receiving such payment shall be jointly and severally liable to
116 return to the State of Mississippi and to pay into the State
117 Treasury three (3) times any such amount so paid or received;
118 however, when the relationship is by affinity and the person
119 through whom the relationship was established is dead, this
120 provision shall not apply.

121 SECTION 9. None of the funds appropriated by this act shall
122 be expended for any purpose that is not actually required or
123 necessary for performing any of the powers or duties of the Office
124 of the Attorney General that are authorized by the Mississippi
125 Constitution of 1890, state or federal law, or rules or
126 regulations that implement state or federal law.

127 SECTION 10. In compliance with the "Mississippi Performance
128 Budget and Strategic Planning Act of 1994," it is the intent of
129 the Legislature that the funds provided herein shall be utilized
130 in the most efficient and effective manner possible to achieve the
131 intended mission of this agency. Based on the funding authorized,
132 this agency shall make every effort to attain the targeted
133 performance measures provided below:

	FY02
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of Support Services as Percentage	
of Budget (percent)	4.64
DFA Error Exception Slips per Month (items)	36
Training	
Approval on Prosecutors Training (percent)	95

142	Litigation	
143	Minimum Affirmation of Criminal	
144	Convictions (percent)	85
145	Minimum Affirmations of Death Penalty	
146	Appeals (percent)	60
147	Minimum Denial of Relief in Federal	
148	Habeas Corpus (percent)	90
149	Minimum Positive Results of Civil Cases (percent)	70
150	Minimum Positive Results of Section 1983	
151	Cases (percent)	80
152	Opinions	
153	Assigned to Attorneys in 3 Days or Less (percent)	100
154	Opinions Completed in 30 Days or Less (percent)	75
155	Good & Excellent Ratings for Training (percent)	85
156	State Agency Contracts	
157	Good & Excellent Ratings for Legal	
158	Services (percent)	80
159	Insurance Integrity Enforcement	
160	Minimum Positive Results of Workers'	
161	Compensation Cases (percent)	80
162	Minimum Positive Results of Insurance	
163	Cases (percent)	80
164	Other Mandated Programs	
165	Medicaid Fraud Convictions vs Dispositions(percent)	80
166	Medicaid Abuse Convictions vs Dispositions(percent)	80
167	Minimum Defendants Convicted After	
168	Indictments (percent)	90
169	Response to Consumer Complaints (Days)	7
170	Minimum Positive Results of Consumer	
171	Cases (percent)	75

172 A reporting of the degree to which the performance targets set
173 above have been or are being achieved shall be provided in the
174 agency's budget request submitted to the Joint Legislative Budget
175 Committee for Fiscal Year 2003.

176 SECTION 11. It is the intention of the Legislature that the
177 Attorney General's Office shall have the authority to accept,
178 budget and expend any source funds not to exceed Two Million Two
179 Hundred Thousand Dollars (\$2,200,000.00) that become available to
180 the office for Boys and Girls Clubs, Big Brothers Big Sisters of
181 America and Communities in Schools and to carry out the provisions
182 of those funds in a manner consistent with the rules and
183 regulations of the Department of Finance and Administration. The
184 Attorney General's Office is further authorized to escalate an
185 amount not to exceed Two Million Two Hundred Thousand Dollars
186 (\$2,200,000.00) for such purposes of this section.

187 SECTION 12. The money herein appropriated shall be paid by
188 the State Treasurer out of any money in the State Treasury to the
189 credit of the proper fund or funds as set forth in this act, upon
190 warrants issued by the State Fiscal Officer; and the State Fiscal
191 Officer shall issue his warrants upon requisitions signed by the
192 proper person, officer or officers, in the manner provided by law.

193 SECTION 13. This act shall take effect and be in force from
194 and after July 1, 2001.