

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

HOUSE BILL NO. 1807

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 2003.

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, 2002, and ending June 30, 2003.

10 \$ 6,034,908.00.

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, 2002, and ending June 30, 2003.....

18 \$ 12,289,898.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Section 1 and Section 2, not more than the amounts set forth below
21 shall 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..	\$	13,364,564.00
26	Travel and Subsistence.....		521,626.00
27	Contractual Services.....		2,345,320.00



28	Commodities.....	301,800.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	64,500.00
32	Subsidies, Loans and Grants.....	<u>1,726,996.00</u>
33	Total.....	\$ 18,324,806.00

34 AUTHORIZED POSITIONS:

35	Permanent: Full Time.....	88
36	Part Time.....	0
37	Time-Limited: Full Time.....	129
38	Part Time.....	0

39 FUNDING:

40	General Funds.....	\$ 6,034,908.00
41	Special Funds.....	<u>12,289,898.00</u>
42	Total.....	\$ 18,324,806.00

43 Funds are provided herein to adjust the Variable Compensation
44 Plan to ensure that all full-time employees receive a pay increase
45 equal to fifty percent (50%) of the realignment component of the
46 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
47 whichever is greater, beginning on January 1, 2003.

48 With the funds herein appropriated, it is the intention of
49 the Legislature that it shall be the agency's responsibility to
50 make certain that funds required to be appropriated for "Personal
51 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
52 funds appropriated for that purpose, unless programs, positions or
53 pay increases are added to the agency's budget by the Mississippi
54 Legislature. Based on data provided by the Legislative Budget
55 Office, the State Personnel Board shall, on July 1, 2002, publish
56 separate annual projection reports, based on July 1, 2002 data,
57 for the period of July 1, 2002 through December 31, 2002, and
58 January 1, 2003 through June 30, 2003, that project the annual
59 cost to fully fund all appropriated positions in compliance with
60 the provisions of this act. It shall be the responsibility of the



61 agency head to ensure that no single personnel action increases
62 this projected cost and/or the Fiscal Year 2003 appropriation for
63 "Personal Services," as annualized on a semi-annual basis in
64 accordance with the provisions of this act. If, at the end of any
65 calendar month, the State Personnel Board determines that the
66 agency has taken action(s) which would cause the agency to exceed
67 this projected annual cost or the Fiscal Year 2003 "Personal
68 Services" appropriated level, when annualized in compliance with
69 the provisions of this act, then only those actions which reduce
70 the projected annual cost and/or the appropriation requirement
71 will be processed by the State Personnel Board until such time as
72 the requirements of this provision are met.

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

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

79 **SECTION 4.** Of the funds appropriated under the provisions of
80 Section 2, funds included therein which are derived from penalties
81 and/or other funds collected by the Medicaid Fraud Control Unit
82 shall be available for the purpose of providing the state match
83 for federal funds available for the support of the unit, or for
84 other lawful purposes as deemed appropriate by the Attorney
85 General. Further, it is the intent of the Legislature that any
86 penalties and/or other funds collected and/or expended shall be
87 accounted for separately as to source and/or application of such
88 funds.

89 **SECTION 5.** It is the intention of the Legislature that the
90 Attorney General's Office charge legal fees to all agencies where
91 such legal services are provided. The Attorney General's Office
92 may contract these fees on a contract rate or an hourly rate,
93 whichever is more appropriate. Contracts with the Attorney



94 General's Office for legal services or reimbursement for hourly
95 legal services shall not require the approval of the State
96 Personnel Board. The Attorney General's Office is further
97 authorized to escalate the amount of any of its major objects of
98 expenditure in an amount not to exceed Seven Hundred Fifty
99 Thousand Dollars (\$750,000.00) above any amounts herein
100 authorized, and to increase the number of authorized positions in
101 order to provide the required legal services for such state
102 agencies.

103 **SECTION 6.** Of the funds appropriated under the provisions of
104 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
105 (\$750,000.00), or so much thereof as may be necessary, shall be
106 made available for expenditure by the Prosecutors Training
107 Division.

108 **SECTION 7.** It is the intention of the Legislature that the
109 Attorney General's Office shall have the authority to accept,
110 budget and expend any source funds not to exceed Seven Hundred
111 Fifty Thousand Dollars (\$750,000.00), that become available to the
112 office to carry out the provisions of those funds in a manner
113 consistent with the rules and regulations of the Department of
114 Finance and Administration. None of the funds authorized in this
115 section shall be used to increase the major object of expenditure
116 "Salaries, Wages and Fringe Benefits."

117 **SECTION 8.** No part of the money herein appropriated shall be
118 used, either directly or indirectly, for the purpose of paying any
119 clerk, stenographer, assistant, deputy or other person who may be
120 related by blood or marriage within the third degree, computed by
121 the rules of civil law, to the official employing or having the
122 right of employment or selection thereof; and in the event of any
123 such payment, then the official or person approving and making or
124 receiving such payment shall be jointly and severally liable to
125 return to the State of Mississippi and to pay into the State
126 Treasury three (3) times any such amount so paid or received;



127 however, when the relationship is by affinity and the person
128 through whom the relationship was established is dead, this
129 provision shall not apply.

130 **SECTION 9.** None of the funds appropriated by this act shall
131 be expended for any purpose that is not actually required or
132 necessary for performing any of the powers or duties of the Office
133 of the Attorney General that are authorized by the Mississippi
134 Constitution of 1890, state or federal law, or rules or
135 regulations that implement state or federal law.

136 **SECTION 10.** In compliance with the "Mississippi Performance
137 Budget and Strategic Planning Act of 1994," it is the intent of
138 the Legislature that the funds provided herein shall be utilized
139 in the most efficient and effective manner possible to achieve the
140 intended mission of this agency. Based on the funding authorized,
141 this agency shall make every effort to attain the targeted
142 performance measures provided below:

	FY03
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of Support Services as Percentage of Budget (percent)	3.58
DFA Error Exception Slips per Month (items)	36
Training	
Approval on Prosecutors Training (percent)	95
Litigation	
Minimum Affirmation of Criminal Convictions (percent)	85
Minimum Affirmations of Death Penalty Appeals (percent)	60
Minimum Denial of Relief in Federal Habeas Corpus (percent)	90
Minimum Positive Results of Civil Cases (percent)	70
Minimum Positive Results of Section 1983	



160	Cases (percent)	80
161	Opinions	
162	Assigned to Attorneys in 3 Days or Less (percent)	100
163	Opinions Completed in 30 Days or Less (percent)	75
164	Good & Excellent Ratings for Training (percent)	85
165	State Agency Contracts	
166	Good & Excellent Ratings for Legal	
167	Services (percent)	80
168	Insurance Integrity Enforcement	
169	Minimum Positive Results of Workers'	
170	Compensation Cases (percent)	80
171	Minimum Positive Results of Insurance	
172	Cases (percent)	80
173	Other Mandated Programs	
174	Medicaid Fraud Convictions vs Dispositions (percent)	80
175	Medicaid Abuse Convictions vs Dispositions (percent)	80
176	Minimum Defendants Convicted After	
177	Indictments (percent)	90
178	Response to Consumer Complaints (Days)	7
179	Minimum Positive Results of Consumer	
180	Cases (percent)	75

181 A reporting of the degree to which the performance targets set
182 above have been or are being achieved shall be provided in the
183 agency's budget request submitted to the Joint Legislative Budget
184 Committee for Fiscal Year 2004.

185 **SECTION 11.** It is the intention of the Legislature that the
186 Attorney General's Office shall have the authority to accept,
187 budget and expend any source funds not to exceed Two Million Two
188 Hundred Thousand Dollars (\$2,200,000.00) that become available to
189 the office for Boys and Girls Clubs, Big Brothers Big Sisters of
190 America and Communities in Schools and to carry out the provisions
191 of those funds in a manner consistent with the rules and
192 regulations of the Department of Finance and Administration. The



193 Attorney General's Office is further authorized to escalate an
194 amount not to exceed Two Million Two Hundred Thousand Dollars
195 (\$2,200,000.00) for such purposes of this section.

196 **SECTION 12.** The money herein appropriated shall be paid by
197 the State Treasurer out of any money in the State Treasury to the
198 credit of the proper fund or funds as set forth in this act, upon
199 warrants issued by the State Fiscal Officer; and the State Fiscal
200 Officer shall issue his warrants upon requisitions signed by the
201 proper person, officer or officers, in the manner provided by law.

202 **SECTION 13.** This act shall take effect and be in force from
203 and after July 1, 2002.

