

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. 1807: 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, 2002, and ending June 30, 2003.
10 \$ 5,963,330.00.

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 \$ 13,489,898.00.

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	146
26		Part Time	0

27 FUNDING:

28	General Funds.....	\$	5,963,330.00
29	Special Funds.....		<u>13,489,898.00</u>
30	Total.....	\$	19,453,228.00

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

36 With the funds herein appropriated, it is the intention of
37 the Legislature that it shall be the agency's responsibility to
38 make certain that funds required to be appropriated for "Personal
39 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
40 funds appropriated for that purpose, unless programs, positions or
41 pay increases are added to the agency's budget by the Mississippi
42 Legislature. Based on data provided by the Legislative Budget
43 Office, the State Personnel Board shall, on July 1, 2002, publish
44 separate annual projection reports, based on July 1, 2002 data,
45 for the period of July 1, 2002 through December 31, 2002, and
46 January 1, 2003 through June 30, 2003, that project the annual
47 cost to fully fund all appropriated positions in compliance with
48 the provisions of this act. It shall be the responsibility of the
49 agency head to ensure that no single personnel action increases
50 this projected cost and/or the Fiscal Year 2003 appropriation for
51 "Personal Services," as annualized on a semi-annual basis in
52 accordance with the provisions of this act. If, at the end of any
53 calendar month, the State Personnel Board determines that the
54 agency has taken action(s) which would cause the agency to exceed
55 this projected annual cost or the Fiscal Year 2003 "Personal
56 Services" appropriated level, when annualized in compliance with
57 the provisions of this act, then only those actions which reduce
58 the projected annual cost and/or the appropriation requirement
59 will be processed by the State Personnel Board until such time as
60 the requirements of this provision are met.

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

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

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

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

91 **SECTION 6.** Of the funds appropriated under the provisions of
92 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
93 (\$750,000.00), or so much thereof as may be necessary, shall be
94 made available for expenditure by the Prosecutors Training
95 Division.

96 **SECTION 7.** It is the intention of the Legislature that the
97 Attorney General's Office shall have the authority to accept,
98 budget and expend any source funds not to exceed Seven Hundred

99 Fifty Thousand Dollars (\$750,000.00), that become available to the
100 office to carry out the provisions of those funds in a manner
101 consistent with the rules and regulations of the Department of
102 Finance and Administration. None of the funds authorized in this
103 section shall be used to increase the major object of expenditure
104 "Salaries, Wages and Fringe Benefits."

105 **SECTION 8.** No part of the money herein appropriated shall be
106 used, either directly or indirectly, for the purpose of paying any
107 clerk, stenographer, assistant, deputy or other person who may be
108 related by blood or marriage within the third degree, computed by
109 the rules of civil law, to the official employing or having the
110 right of employment or selection thereof; and in the event of any
111 such payment, then the official or person approving and making or
112 receiving such payment shall be jointly and severally liable to
113 return to the State of Mississippi and to pay into the State
114 Treasury three (3) times any such amount so paid or received;
115 however, when the relationship is by affinity and the person
116 through whom the relationship was established is dead, this
117 provision shall not apply.

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

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

131		FY2003
132	<u>Performance Measures</u>	<u>Target</u>
133	Support Services	
134	Cost of Support Services as Percentage	

135	of Budget (percent)	6.18
136	DFA Error Exception Slips per Month (items)	36
137	Training	
138	Approval on Prosecutors Training (percent)	95
139	Litigation	
140	Minimum Affirmation of Criminal	
141	Convictions (percent)	85
142	Minimum Affirmations of Death Penalty	
143	Appeals (percent)	60
144	Minimum Denial of Relief in Federal	
145	Habeas Corpus (percent)	90
146	Minimum Positive Results of Civil Cases (percent)	70
147	Minimum Positive Results of Section 1983	
148	Cases (percent)	80
149	Opinions	
150	Assigned to Attorneys in 3 Days or Less (percent)	100
151	Opinions Completed in 30 Days or Less (percent)	75
152	Good & Excellent Ratings for Training (percent)	85
153	State Agency Contracts	
154	Good & Excellent Ratings for Legal	
155	Services (percent)	80
156	Insurance Integrity Enforcement	
157	Minimum Positive Results of Workers'	
158	Compensation Cases (percent)	80
159	Minimum Positive Results of Insurance	
160	Cases (percent)	80
161	Other Mandated Programs	
162	Medicaid Fraud Convictions vs Dispositions (percent)	80
163	Medicaid Abuse Convictions vs Dispositions (percent)	80
164	Minimum Defendants Convicted After	
165	Indictments (percent)	90
166	Response to Consumer Complaints (Days)	7
167	Minimum Positive Results of Consumer	
168	Cases (percent)	75
169	A reporting of the degree to which the performance targets set	
170	above have been or are being achieved shall be provided in the	

171 agency's budget request submitted to the Joint Legislative Budget
172 Committee for Fiscal Year 2004.

173 **SECTION 11.** It is the intention of the Legislature that the
174 Attorney General's Office shall have the authority to accept,
175 budget and expend any source funds not to exceed Two Million
176 Five Hundred Thousand Dollars (\$2,500,000.00) that become
177 available to the office for Boys and Girls Clubs, Big Brothers Big
178 Sisters of America and Communities in Schools and to carry out the
179 provisions of those funds in a manner consistent with the rules
180 and regulations of the Department of Finance and Administration.
181 The Attorney General's Office is further authorized to escalate an
182 amount not to exceed Two Million Five Hundred Thousand Dollars
183 (\$2,500,000.00) for such purposes of this section.

184 **SECTION 12.** Of the funds appropriated under the provisions
185 of Section 2, One Million Two Hundred Thousand Dollars
186 (\$1,200,000.00) shall be derived from the Budget Contingency Fund
187 created in Section 27-103-301, Mississippi Code of 1972.

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

194 **SECTION 14.** This act shall take effect and be in force from
195 and after July 1, 2002.

CONFEREES FOR THE HOUSE

X _____

Charlie Capps, Jr.

X _____

Percy W. Watson

X _____

Jack Gadd

CONFEREES FOR THE SENATE

X _____

Jack Gordon

X _____

Travis L. Little

X _____

Dean Kirby