

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

HOUSE BILL NO. 1533

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 2004.

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, 2003, and ending June 30, 2004.

10 \$ 5,956,075.00.

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, 2003, and ending June 30, 2004.....

18 \$ 15,273,238.00.

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.....	157
26		Part Time.....	0

27 FUNDING:



28	General Funds.....	\$	5,956,075.00
29	Special Funds.....		<u>15,273,238.00</u>
30	Total.....	\$	21,229,313.00

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2005 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2004 appropriation for "Personal
44 Services" when annualized. If, at the end of any calendar month,
45 the State Personnel Board determines that the agency has taken
46 action(s) which would cause the agency to exceed this projected
47 annual cost or the Fiscal Year 2004 "Personal Services"
48 appropriated level, when annualized, then only those actions which
49 reduce the projected annual cost and/or the appropriation
50 requirement will be processed by the State Personnel Board until
51 such time as the requirements of this provision are met.

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

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57 act and which are withdrawn and no longer available.

58 **SECTION 4.** Of the funds appropriated under the provisions of
59 Section 2, funds included therein which are derived from penalties
60 and/or other funds collected by the Medicaid Fraud Control Unit



61 shall be available for the purpose of providing the state match
62 for federal funds available for the support of the unit, or for
63 other lawful purposes as deemed appropriate by the Attorney
64 General. Further, it is the intent of the Legislature that any
65 penalties and/or other funds collected and/or expended shall be
66 accounted for separately as to source and/or application of such
67 funds.

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

82 **SECTION 6.** Of the funds appropriated under the provisions of
83 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
84 (\$750,000.00), or so much thereof as may be necessary, shall be
85 made available for expenditure by the Prosecutors Training
86 Division.

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



94 section shall be used to increase the major object of expenditure
95 "Salaries, Wages and Fringe Benefits."

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

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

115 **SECTION 10.** It is the intention of the Legislature that the
116 Attorney General's Office shall have the authority to accept,
117 budget and expend any source funds not to exceed Two Million
118 Five Hundred Thousand Dollars (\$2,500,000.00) that become
119 available to the office for Boys and Girls Clubs, Big Brothers Big
120 Sisters of America and Communities in Schools and to carry out the
121 provisions of those funds in a manner consistent with the rules
122 and regulations of the Department of Finance and Administration.
123 The Attorney General's Office is further authorized to escalate an
124 amount not to exceed Two Million Five Hundred Thousand Dollars
125 (\$2,500,000.00) for such purposes of this section.



126 **SECTION 11.** It is the intention of the Legislature that none
127 of the funds appropriated by this act shall be expended for
128 increased charges for State and School Employees' Health Insurance
129 Plan premium rates assessed by the Department of Finance and
130 Administration in excess of the Fiscal Year 2003 premium rates for
131 the health insurance plan.

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

138 **SECTION 13.** This act shall take effect and be in force from
139 and after July 1, 2003.

