HOUSE BILL NO. 1533
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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7 SECTION 1. The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any money in the State
9 General Fund not otherwise appropriated, for the purpose of
10 defraying the expenses of the Office of the Attorney General for
11 the fiscal year beginning July 1, 2003, and ending June 30, 2004.
12 .............................................. $ 5,966,235.00.
13
14 SECTION 2. The following sum, or so much thereof as may be
15 necessary, is hereby appropriated out of any money in any special
16 fund in the State Treasury to the credit of the Office of the
17 Attorney General which is comprised of special source funds
18 collected by or otherwise available to the office, for the purpose
19 of defraying the expenses of the office for the fiscal year
20 beginning July 1, 2003, and ending June 30, 2004.................
21 .............................................. $ 16,287,378.00.
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23 SECTION 3. With the funds appropriated under the provisions
24 of Section 1 and Section 2, the following positions are
25 authorized:
26
27 AUTHORIZED POSITIONS:
28
29 Permanent: Full Time............ 112
30 Part Time............ 0
31
32 Time-Limited: Full Time............ 157
33 Part Time............ 0
With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2005 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2004 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2004 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

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

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

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

SECTION 7. It is the intention of the Legislature that the Attorney General's Office shall have the authority to accept, budget and expend any source funds not to exceed Seven Hundred Fifty Thousand Dollars ($750,000.00), that become available to the office to carry out the provisions of those funds in a manner consistent with the rules and regulations of the Department of Finance and Administration. None of the funds authorized in this section shall be used to increase the major object of expenditure "Salaries, Wages and Fringe Benefits."
SECTION 8. No part of the money herein appropriated shall be used, either directly or indirectly, for the purpose of paying any clerk, stenographer, assistant, deputy or other person who may be related by blood or marriage within the third degree, computed by the rules of civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received; however, when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

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

SECTION 10. It is the intention of the Legislature that the Attorney General's Office shall have the authority to accept, budget and expend any source funds not to exceed Four Million Five Hundred Thousand Dollars ($4,500,000.00) that become available to the office for programs that serve unmet needs of "at risk" youth in the state, including, but not being limited to, Boys and Girls Clubs, Big Brothers Big Sisters of America, Communities in Schools and the State Coalition of Young Men's Christian Association (YMCA), and to carry out the provisions of those funds in a manner consistent with the rules and regulations of the Department of Finance and Administration. Of the funds authorized in this section, not more than Two Million Five Hundred Thousand Dollars ($2,500,000.00) shall be allocated among Boys and Girls Clubs, Big Brothers Big Sisters of America, and Communities in Schools, and
not more than Two Million Dollars ($2,000,000.00) shall be
allocated to the State Coalition of Young Men's Christian
Association (YMCA). The Attorney General's Office is further
authorized to escalate an amount not to exceed Four Million Five
Hundred Thousand Dollars ($4,500,000.00) for such purposes of this
section.

SECTION 11. The following sum, or so much thereof as may be
necessary, is hereby appropriated out of any money in the State
Treasury to the credit of the Mississippi Commission on the Status
of Women for the purpose of defraying the expenses of the
commission for the period beginning upon passage of this act and
through June 30, 2004 ...................... $ 100,000.00.

This appropriation is made for the purpose of providing funds
to defray the expenses of the Mississippi Commission on the Status
of Women as established pursuant to Sections 43-59-1 through

SECTION 12. Of the funds appropriated under the provisions
of Section 2, One Million Dollars ($1,000,000.00) shall be derived
from the Budget Contingency Fund created in Section 27-103-301,

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

SECTION 14. This act shall take effect and be in force from
and after July 1, 2003, except for Section 11 which shall take
effect upon its passage.