

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

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  
3 YEARS 2003 AND 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 ..... \$ 5,966,235.00.

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 ..... \$ 16,287,378.00.

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

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

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53 act and which are withdrawn and no longer available.

54           **SECTION 4.** Of the funds appropriated under the provisions of  
55 Section 2, funds included therein which are derived from penalties  
56 and/or other funds collected by the Medicaid Fraud Control Unit  
57 shall be available for the purpose of providing the state match  
58 for federal funds available for the support of the unit, or for  
59 other lawful purposes as deemed appropriate by the Attorney



60 General. Further, it is the intent of the Legislature that any  
61 penalties and/or other funds collected and/or expended shall be  
62 accounted for separately as to source and/or application of such  
63 funds.

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

78 **SECTION 6.** Of the funds appropriated under the provisions of  
79 Section 2, the amount of Seven Hundred Fifty Thousand Dollars  
80 (\$750,000.00), or so much thereof as may be necessary, shall be  
81 made available for expenditure by the Prosecutors Training  
82 Division.

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



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

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

111           **SECTION 10.** It is the intention of the Legislature that the  
112 Attorney General's Office shall have the authority to accept,  
113 budget and expend any source funds not to exceed Four Million Five  
114 Hundred Thousand Dollars (\$4,500,000.00) that become available to  
115 the office for programs that serve unmet needs of "at risk" youth  
116 in the state, including, but not being limited to, Boys and Girls  
117 Clubs, Big Brothers Big Sisters of America, Communities in Schools  
118 and the State Coalition of Young Men's Christian Association  
119 (YMCA), and to carry out the provisions of those funds in a manner  
120 consistent with the rules and regulations of the Department of  
121 Finance and Administration. Of the funds authorized in this  
122 section, not more than Two Million Five Hundred Thousand Dollars  
123 (\$2,500,000.00) shall be allocated among Boys and Girls Clubs, Big  
124 Brothers Big Sisters of America, and Communities in Schools, and



125 not more than Two Million Dollars (\$2,000,000.00) shall be  
126 allocated to the State Coalition of Young Men's Christian  
127 Association (YMCA). The Attorney General's Office is further  
128 authorized to escalate an amount not to exceed Four Million Five  
129 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this  
130 section.

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

137       This appropriation is made for the purpose of providing funds  
138 to defray the expenses of the Mississippi Commission on the Status  
139 of Women as established pursuant to Sections 43-59-1 through  
140 43-59-14, Mississippi Code of 1972.

141       **SECTION 12.** Of the funds appropriated under the provisions  
142 of Section 2, One Million Dollars (\$1,000,000.00) shall be derived  
143 from the Budget Contingency Fund created in Section 27-103-301,  
144 Mississippi Code of 1972.

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

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

