

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. 1533: 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, 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 Five Million
129 Dollars (\$5,000,000.00) for such purposes of this section.

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

135 through June 30, 2004..... \$ 100,000.00.

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
Charlie Capps, Jr.

X _____
Jack Gordon

X _____
Percy W. Watson

X _____
Dean Kirby

X _____
Warner F. McBride

X _____
Travis L. Little