

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1533**

**By Senator(s) Committee**

**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 ..... \$           15,287,378.00.

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 Five Million  
114 Dollars (\$5,000,000.00) that become available to the office for  
115 programs that serve unmet needs of "at risk" youth in the state,  
116 including but not being limited to, Boys and Girls Clubs, Big  
117 Brothers Big Sisters of America, Communities in Schools and the  
118 State Coalition of Young Men's Christian Association (YMCA), and  
119 to carry out the provisions of those funds in a manner consistent  
120 with the rules and regulations of the Department of Finance and  
121 Administration. Of the funds authorized in this Section, not more  
122 than Three Million Dollars (\$3,000,000.00) shall be allocated  
123 among Boys and Girls Clubs, Big Brothers Big Sisters of America,  
124 and Communities in Schools, and not more than Two Million Dollars  
125 (\$2,000,000.00) shall be allocated to the State Coalition of Young  
126 Men's Christian Association (YMCA). The Attorney General's Office  
127 is further authorized to escalate an amount not to exceed Five  
128 Million Dollars (\$5,000,000.00) for such purposes of this section.

129       **SECTION 11.** In compliance with the "Mississippi Performance

130 Budget and Strategic Planning Act of 1994," it is the intention of  
 131 the Legislature that funds provided herein shall be utilized  
 132 in the most efficient and effective manner possible to achieve the  
 133 intended mission of this agency. Based on the funding authorized,  
 134 this agency shall make every effort to attain the targeted  
 135 performance measures provided below:

	FY2004
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of Support Services as Percentage of Budget (percent)	3.82
DFA Error Exception Slips per Month (items)	36
Training	
Approval on Prosecutors Training (percent)	95
Litigation	
Minimum Affirmation of Criminal Convictions (percent)	85
Minimum Affirmations of Death Penalty Appeals (percent)	60
Minimum Denial of Relief in Federal Habeas Corpus (percent)	90
Minimum Positive Results of Civil Cases (percent)	70
Minimum Positive Results of Section 1983 Cases (percent)	80
Opinions	
Assigned to Attorneys in 3 Days or Less (percent)	100
Opinions Completed in 30 Days or Less (percent)	75
Good & Excellent Ratings for Training (percent)	85
State Agency Contracts	
Good & Excellent Ratings for Legal Services (percent)	80
Insurance Integrity Enforcement	
Minimum Positive Results of Workers' Compensation Cases (percent)	80
Minimum Positive Results of Insurance	

165	Cases (percent)	80
166	Other Mandated Programs	
167	Medicaid Fraud Convictions vs Dispositions (percent)	80
168	Medicaid Abuse Convictions vs Dispositions (percent)	80
169	Minimum Defendants Convicted After	
170	Indictments (percent)	90
171	Response to Consumer Complaints (Days)	7
172	Minimum Positive Results of Consumer	
173	Cases (percent)	75

174 A reporting of the degree to which the performance targets set  
175 above have been or are being achieved shall be provided in the  
176 agency's budget request submitted to the Joint Legislative Budget  
177 Committee for Fiscal Year 2005.

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

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