

By: Representatives Coleman (29th), Denny,  
Dickson, Green, McBride

To: Appropriations

HOUSE BILL NO. 1728

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 2005.

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, 2004, and ending June 30, 2005.

10 ..... \$ 5,654,600.00.

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, 2004, and ending June 30, 2005.....

18 ..... \$ 18,506,652.00.

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.....	86
24		Part Time.....	0
25	Time-Limited:	Full Time.....	145
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 2006 do not exceed Fiscal Year 2005  
31 funds appropriated for that purpose, unless programs or positions  
32 are added to the agency's Fiscal Year 2006 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 2005 appropriation for "Personal  
40 Services" when annualized, with the exception of escalated funds.  
41 If, at the time the agency takes any action to change "Personal  
42 Services," the State Personnel Board determines that the agency  
43 has taken an action which would cause the agency to exceed this  
44 projected annual cost or the Fiscal Year 2005 "Personal Services"  
45 appropriated level, when annualized, then only those actions which  
46 reduce the projected annual cost and/or the appropriation  
47 requirement will be processed by the State Personnel Board until  
48 such time as the requirements of this provision are met.

49           Any transfers or escalations shall be made in accordance with  
50 the terms, conditions and procedures established by law or  
51 allowable under the terms set forth within this act. The State  
52 Personnel Board shall not escalate positions without written  
53 approval from the Department of Finance and Administration. The  
54 Department of Finance and Administration shall not provide written  
55 approval to escalate any funds for salaries and/or positions  
56 without proof of availability of new or additional funds above the  
57 appropriated level.

58           No general funds authorized to be expended herein shall be  
59 used to replace federal funds and/or other special funds which are

60 being used for salaries authorized under the provisions of this  
61 act and which are withdrawn and no longer available.

62         **SECTION 4.** The funds authorized herein shall be used to fund  
63 all operations of the agency with the following prohibitions:

64           (1) The agency shall not fill any current or future vacant  
65 positions;

66           (2) The agency shall not take any action to promote or  
67 otherwise award salary increases through reallocation,  
68 reclassification, realignment, education benchmark, career ladder,  
69 or any other means to increase salaries of employees or positions  
70 except as allowed under the provisions set forth in House Bill No.  
71 1279, 2004 Regular Legislative Session;

72           (3) The agency shall not expend funds for out-of-state  
73 travel except as allowed under the provisions set forth in House  
74 Bill No. 1279, 2004 Regular Legislative Session;

75           (4) The agency shall not expend funds for the purchase of or  
76 contract for cellular phones, two-way radios or pagers, except for  
77 support of employees in the Department of Public Safety and the  
78 Bureau of Narcotics as recommended by Information Technology  
79 Services or as allowed under the provisions set forth in House  
80 Bill No. 1279, 2004 Regular Legislative Session;

81           (5) The agency shall not expend funds to publish or  
82 distribute any annual reports or other publications;

83           (6) The agency shall not expend funds for public relation  
84 activities regarding the functions, programs or services of the  
85 agency except as allowed under the provisions set forth in House  
86 Bill No. 1279, 2004 Regular Legislative Session;

87           (7) The agency shall not advertise the functions, programs  
88 or services of the agency except that the Mississippi Development  
89 Authority is authorized to expend funds for advertising to carry  
90 out the purposes of key programs administered by the authority;

91           (8) The agency shall not expend funds for staff development  
92 or training services;

93           (9) The agency shall not expend funds for the purchase of  
94 new or replacement equipment or furniture, excluding lease  
95 purchase payments on agreements in effect upon passage of this  
96 appropriation bill, except as allowed under the provisions set  
97 forth in House Bill No. 1279, 2004 Regular Legislative Session.

98           **SECTION 5.** It is the intention of the Legislature that none  
99 of the funds appropriated above shall be expended unless members  
100 of the Mississippi House of Representatives and Mississippi Senate  
101 are notified at least five (5) days prior to a public ceremony  
102 announcing the award of any grant in their district or any public  
103 announcement or ceremony regarding the groundbreaking or opening  
104 of a facility, roadway or bridge for which the Legislature has  
105 made funds available. Any signage regarding any public event or  
106 any new facility, roadway or bridge shall include the following  
107 language: "Funds were made available for this project by the  
108 Mississippi State Legislature."

109           **SECTION 6.** It is the intention of the Legislature that the  
110 Office of the Attorney General shall maintain complete accounting  
111 and personnel records related to the expenditure of all funds  
112 appropriated under this act and that such records shall be in the  
113 same format and level of detail as maintained for Fiscal Year  
114 2004. It is further the intention of the Legislature that the  
115 agency's budget request for Fiscal Year 2006 shall be submitted to  
116 the Joint Legislative Budget Committee in a format and level of  
117 detail comparable to the format and level of detail provided  
118 during the Fiscal Year 2005 budget request process.

119           **SECTION 7.** In compliance with the "Mississippi Performance  
120 Budget and Strategic Planning Act of 1994," it is the intent of  
121 the Legislature that the funds provided herein shall be utilized  
122 in the most efficient and effective manner possible to achieve the  
123 intended mission of this agency. Based on the funding authorized,  
124 this agency shall make every effort to attain the targeted  
125 performance measures provided below:

126		FY2005
127	<u>Performance Measures</u>	<u>Target</u>
128	Support Services	
129	Cost of Support Services as Percentage	
130	of Budget (percent)	6.18
131	DFA Error Exception Slips per Month (Items)	36
132	Training	
133	Approval on Prosecutors Training (percent)	95
134	Litigation	
135	Minimum Affirmations of Criminal	
136	Convictions (percent)	85
137	Minimum Affirmations of Death Penalty	
138	Appeals (percent)	60
139	Minimum Denial of Relief in Federal	
140	Habeas Corpus (percent)	90
141	Minimum Positive Results of Civil Cases (percent)	70
142	Minimum Positive Results of Section 1983	
143	Cases (percent)	80
144	Opinions	
145	Assigned to Attorneys in 3 Days or Less (percent)	100
146	Opinions Completed in 30 Days or Less (percent)	75
147	Good & Excellent Ratings for Training (percent)	85
148	State Agency Contracts	
149	Good & Excellent Ratings for Legal	
150	Services (percent)	80
151	Insurance Integrity Enforcement	
152	Minimum Positive Results of Workers'	
153	Compensation Cases (percent)	80
154	Minimum Positive Results of Insurance	
155	Cases (percent)	80
156	Other Mandated Programs	
157	Medicaid Fraud Convictions vs Dispositions(percent)	80
158	Medicaid Abuse Convictions vs Dispositions(percent)	80

159	Minimum Defendants Convicted After	
160	Indictments (percent)	90
161	Response to Consumer Complaints (Days)	7
162	Minimum Positive Results of Consumer	
163	Cases (percent)	75

164 A reporting of the degree to which the performance targets  
165 set above have been or are being achieved shall be provided in the  
166 agency's budget request submitted to the Joint Legislative Budget  
167 Committee for Fiscal Year 2006.

168 **SECTION 8.** Of the funds appropriated under the provisions of  
169 Section 2, funds included therein which are derived from penalties  
170 and/or other funds collected by the Medicaid Fraud Control Unit  
171 shall be available for the purpose of providing the state match  
172 for federal funds available for the support of the unit, or for  
173 other lawful purposes as deemed appropriate by the Attorney  
174 General. Further, it is the intent of the Legislature that any  
175 penalties and/or other funds collected and/or expended shall be  
176 accounted for separately as to source and/or application of such  
177 funds.

178 **SECTION 9.** It is the intention of the Legislature that the  
179 Attorney General's Office charge legal fees to all agencies where  
180 such legal services are provided. The Attorney General's Office  
181 may contract these fees on a contract rate or an hourly rate,  
182 whichever is more appropriate. Contracts with the Attorney  
183 General's Office for legal services or reimbursement for hourly  
184 legal services shall not require the approval of the State  
185 Personnel Board. The Attorney General's Office is further  
186 authorized to escalate the amount of any of its major objects of  
187 expenditure in an amount not to exceed Seven Hundred Fifty  
188 Thousand Dollars (\$750,000.00) above any amounts herein  
189 authorized, and to increase the number of authorized positions in  
190 order to provide the required legal services for such state  
191 agencies.

192           **SECTION 10.** Of the funds appropriated under the provisions  
193 of Section 2, the amount of Seven Hundred Fifty Thousand Dollars  
194 (\$750,000.00), or so much thereof as may be necessary, shall be  
195 made available for expenditure by the Prosecutors Training  
196 Division.

197           **SECTION 11.** It is the intention of the Legislature that the  
198 Attorney General's Office shall have the authority to accept,  
199 budget and expend any source funds not to exceed Seven Hundred  
200 Fifty Thousand Dollars (\$750,000.00), that become available to the  
201 office to carry out the provisions of those funds in a manner  
202 consistent with the rules and regulations of the Department of  
203 Finance and Administration. None of the funds authorized in this  
204 section shall be used to increase the major object of expenditure  
205 "Salaries, Wages and Fringe Benefits."

206           **SECTION 12.** No part of the money herein appropriated shall  
207 be used, either directly or indirectly, for the purpose of paying  
208 any clerk, stenographer, assistant, deputy or other person who may  
209 be related by blood or marriage within the third degree, computed  
210 by the rules of civil law, to the official employing or having the  
211 right of employment or selection thereof; and in the event of any  
212 such payment, then the official or person approving and making or  
213 receiving such payment shall be jointly and severally liable to  
214 return to the State of Mississippi and to pay into the State  
215 Treasury three (3) times any such amount so paid or received;  
216 however, when the relationship is by affinity and the person  
217 through whom the relationship was established is dead, this  
218 provision shall not apply.

219           **SECTION 13.** None of the funds appropriated by this act shall  
220 be expended for any purpose that is not actually required or  
221 necessary for performing any of the powers or duties of the Office  
222 of the Attorney General that are authorized by the Mississippi  
223 Constitution of 1890, state or federal law, or rules or  
224 regulations that implement state or federal law.

225           **SECTION 14.** The following sum, or so much thereof as may be  
226 necessary, is hereby appropriated out of any money in the State  
227 Treasury to the credit of the Mississippi Commission on the Status  
228 of Women for the purpose of defraying the expenses of the  
229 commission for the fiscal year beginning July 1, 2004 and through  
230 June 30, 2005..... \$ 100,000.00.

231           This appropriation is made for the purpose of providing funds  
232 to defray the expenses of the Mississippi Commission on the Status  
233 of Women as established pursuant to Sections 43-59-1 through  
234 43-59-14, Mississippi Code of 1972.

235           **SECTION 15.** Of the funds appropriated under the provisions  
236 of Section 2, One Million Dollars (\$1,000,000.00) shall be derived  
237 from the Budget Contingency Fund created in Section 27-103-301,  
238 Mississippi Code of 1972.

239           **SECTION 16.** The money herein appropriated shall be paid by  
240 the State Treasurer out of any money in the State Treasury to the  
241 credit of the proper fund or funds as set forth in this act, upon  
242 warrants issued by the State Fiscal Officer; and the State Fiscal  
243 Officer shall issue his warrants upon requisitions signed by the  
244 proper person, officer or officers, in the manner provided by law.

245           **SECTION 17.** This act shall take effect and be in force from  
246 and after July 1, 2004.