

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.