

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

To: Appropriations

HOUSE BILL NO. 1728
(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 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 \$ 5,978,858.00.

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 \$ 18,910,878.00.

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.....	121
24		Part Time.....	0
25	Time-Limited:	Full Time.....	159
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 The agency shall not take any action to award salary
63 increases through reallocation, reclassification, realignment,
64 education benchmark or career ladder.

65 **SECTION 4.** It is the intention of the Legislature that the
66 Office of the Attorney General shall maintain complete accounting
67 and personnel records related to the expenditure of all funds
68 appropriated under this act and that such records shall be in the
69 same format and level of detail as maintained for Fiscal Year
70 2004. It is further the intention of the Legislature that the
71 agency's budget request for Fiscal Year 2006 shall be submitted to
72 the Joint Legislative Budget Committee in a format and level of
73 detail comparable to the format and level of detail provided
74 during the Fiscal Year 2005 budget request process.

75 **SECTION 5.** In compliance with the "Mississippi Performance
76 Budget and Strategic Planning Act of 1994," it is the intent of
77 the Legislature that the funds provided herein shall be utilized
78 in the most efficient and effective manner possible to achieve the
79 intended mission of this agency. Based on the funding authorized,
80 this agency shall make every effort to attain the targeted
81 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of Support Services as Percentage	
of Budget (percent)	6.18
DFA Error Exception Slips per Month (Items)	36
Training	
Approval on Prosecutors Training (percent)	95
Litigation	
Minimum Affirmations of Criminal	
Convictions (percent)	85

93	Minimum Affirmations of Death Penalty	
94	Appeals (percent)	60
95	Minimum Denial of Relief in Federal	
96	Habeas Corpus (percent)	90
97	Minimum Positive Results of Civil Cases (percent)	70
98	Minimum Positive Results of Section 1983	
99	Cases (percent)	80
100	Opinions	
101	Assigned to Attorneys in 3 Days or Less (percent)	100
102	Opinions Completed in 30 Days or Less (percent)	75
103	Good & Excellent Ratings for Training (percent)	85
104	State Agency Contracts	
105	Good & Excellent Ratings for Legal	
106	Services (percent)	80
107	Insurance Integrity Enforcement	
108	Minimum Positive Results of Workers'	
109	Compensation Cases (percent)	80
110	Minimum Positive Results of Insurance	
111	Cases (percent)	80
112	Other Mandated Programs	
113	Medicaid Fraud Convictions vs Dispositions(percent)	80
114	Medicaid Abuse Convictions vs Dispositions(percent)	80
115	Minimum Defendants Convicted After	
116	Indictments (percent)	90
117	Response to Consumer Complaints (Days)	7
118	Minimum Positive Results of Consumer	
119	Cases (percent)	75
120	A reporting of the degree to which the performance targets	
121	set above have been or are being achieved shall be provided in the	
122	agency's budget request submitted to the Joint Legislative Budget	
123	Committee for Fiscal Year 2006.	

124 **SECTION 6.** Of the funds appropriated under the provisions of
125 Section 2, funds included therein which are derived from penalties

126 and/or other funds collected by the Medicaid Fraud Control Unit
127 shall be available for the purpose of providing the state match
128 for federal funds available for the support of the unit, or for
129 other lawful purposes as deemed appropriate by the Attorney
130 General. Further, it is the intent of the Legislature that any
131 penalties and/or other funds collected and/or expended shall be
132 accounted for separately as to source and/or application of such
133 funds.

134 **SECTION 7.** It is the intention of the Legislature that the
135 Attorney General's Office charge legal fees to all agencies where
136 such legal services are provided. The Attorney General's Office
137 may contract these fees on a contract rate or an hourly rate,
138 whichever is more appropriate. Contracts with the Attorney
139 General's Office for legal services or reimbursement for hourly
140 legal services shall not require the approval of the State
141 Personnel Board. The Attorney General's Office is further
142 authorized to escalate the amount of any of its major objects of
143 expenditure in an amount not to exceed Seven Hundred Fifty
144 Thousand Dollars (\$750,000.00) above any amounts herein
145 authorized, and to increase the number of authorized positions in
146 order to provide the required legal services for such state
147 agencies.

148 **SECTION 8.** Of the funds appropriated under the provisions of
149 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
150 (\$750,000.00), or so much thereof as may be necessary, shall be
151 made available for expenditure by the Prosecutors Training
152 Division.

153 **SECTION 9.** It is the intention of the Legislature that the
154 Attorney General's Office shall have the authority to accept,
155 budget and expend any source funds not to exceed Seven Hundred
156 Fifty Thousand Dollars (\$750,000.00), that become available to the
157 office to carry out the provisions of those funds in a manner
158 consistent with the rules and regulations of the Department of

159 Finance and Administration. None of the funds authorized in this
160 section shall be used to increase the major object of expenditure
161 "Salaries, Wages and Fringe Benefits."

162 **SECTION 10.** No part of the money herein appropriated shall
163 be used, either directly or indirectly, for the purpose of paying
164 any clerk, stenographer, assistant, deputy or other person who may
165 be related by blood or marriage within the third degree, computed
166 by the rules of civil law, to the official employing or having the
167 right of employment or selection thereof; and in the event of any
168 such payment, then the official or person approving and making or
169 receiving such payment shall be jointly and severally liable to
170 return to the State of Mississippi and to pay into the State
171 Treasury three (3) times any such amount so paid or received;
172 however, when the relationship is by affinity and the person
173 through whom the relationship was established is dead, this
174 provision shall not apply.

175 **SECTION 11.** None of the funds appropriated by this act shall
176 be expended for any purpose that is not actually required or
177 necessary for performing any of the powers or duties of the Office
178 of the Attorney General that are authorized by the Mississippi
179 Constitution of 1890, state or federal law, or rules or
180 regulations that implement state or federal law.

181 **SECTION 12.** The following sum, or so much thereof as may be
182 necessary, is hereby appropriated out of any money in the State
183 Treasury to the credit of the Mississippi Commission on the Status
184 of Women for the purpose of defraying the expenses of the
185 commission for the fiscal year beginning July 1, 2004 and through
186 June 30, 2005..... \$ 100,000.00.

187 This appropriation is made for the purpose of providing funds
188 to defray the expenses of the Mississippi Commission on the Status
189 of Women as established pursuant to Sections 43-59-1 through
190 43-59-14, Mississippi Code of 1972.

191 **SECTION 13.** It is the intention of the Legislature that the
192 Attorney General's Office shall have the authority to accept,
193 budget and expend any source funds not to exceed Four Million Five
194 Hundred Thousand Dollars (\$4,500,000.00) that become available to
195 the office for programs that serve unmet needs of "at risk" youth
196 in the state, including, but not being limited to, Boys and Girls
197 Clubs, Big Brothers Big Sisters of America, Communities in Schools
198 and the State Coalition of Young Men's Christian Association
199 (YMCA), and to carry out the provisions of those funds in a manner
200 consistent with the rules and regulations of the Department of
201 Finance and Administration. Of the funds authorized in this
202 section, not more than Two Million Five Hundred Thousand Dollars
203 (\$2,500,000.00) shall be allocated among Boys and Girls Clubs, Big
204 Brothers Big Sisters of America, and Communities in Schools, and
205 not more than Two Million Dollars (\$2,000,000.00) shall be
206 allocated to the State Coalition of Young Men's Christian
207 Association (YMCA). The Attorney General's Office is further
208 authorized to escalate an amount not to exceed Four Million Five
209 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this
210 section.

211 **SECTION 14.** Of the funds appropriated under the provisions
212 of Section 2, One Million Dollars (\$1,000,000.00) shall be derived
213 from the Budget Contingency Fund created in Section 27-103-301,
214 Mississippi Code of 1972.

215 **SECTION 15.** The money herein appropriated shall be paid by
216 the State Treasurer out of any money in the State Treasury to the
217 credit of the proper fund or funds as set forth in this act, upon
218 warrants issued by the State Fiscal Officer; and the State Fiscal
219 Officer shall issue his warrants upon requisitions signed by the
220 proper person, officer or officers, in the manner provided by law.

221 **SECTION 16.** This act shall take effect and be in force from
222 and after July 1, 2004.