

Senate Amendments to House Bill No. 1728

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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, 2004, and ending June 30, 2005.
10 \$ 5,921,410.00.

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 \$ 17,421,828.00.

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.....	142
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.** It is the intention of the Legislature that the
63 Office of the Attorney General shall maintain complete accounting
64 and personnel records related to the expenditure of all funds
65 appropriated under this act and that such records shall be in the

66 same format and level of detail as maintained for Fiscal Year
 67 2004. It is further the intention of the Legislature that the
 68 agency's budget request for Fiscal Year 2006 shall be submitted to
 69 the Joint Legislative Budget Committee in a format and level of
 70 detail comparable to the format and level of detail provided
 71 during the Fiscal Year 2005 budget request process.

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

	FY2005
<u>Performance Measures</u>	<u>Target</u>
81 Support Services	
82 Cost of Support Services as Percentage	
83 of Budget (percent)	6.18
84 DFA Error Exception Slips per Month (Items)	36
85 Training	
86 Approval on Prosecutors Training (percent)	95
87 Litigation	
88 Minimum Affirmations of Criminal	
89 Convictions (percent)	85
90 Minimum Affirmations of Death Penalty	
91 Appeals (percent)	60
92 Minimum Denial of Relief in Federal	
93 Habeas Corpus (percent)	90
94 Minimum Positive Results of Civil Cases (percent)	70
95 Minimum Positive Results of Section 1983	
96 Cases (percent)	80
97 Opinions	
98 Assigned to Attorneys in 3 Days or Less (percent)	100
99 Opinions Completed in 30 Days or Less (percent)	75
100 Good & Excellent Ratings for Training (percent)	85

101	State Agency Contracts	
102	Good & Excellent Ratings for Legal	
103	Services (percent)	80
104	Insurance Integrity Enforcement	
105	Minimum Positive Results of Workers'	
106	Compensation Cases (percent)	80
107	Minimum Positive Results of Insurance	
108	Cases (percent)	80
109	Other Mandated Programs	
110	Medicaid Fraud Convictions vs Dispositions(percent)	80
111	Medicaid Abuse Convictions vs Dispositions(percent)	80
112	Minimum Defendants Convicted After	
113	Indictments (percent)	90
114	Response to Consumer Complaints (Days)	7
115	Minimum Positive Results of Consumer	
116	Cases (percent)	75

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

121 **SECTION 6.** Of the funds appropriated under the provisions of
122 Section 2, funds included therein which are derived from penalties
123 and/or other funds collected by the Medicaid Fraud Control Unit
124 shall be available for the purpose of providing the state match
125 for federal funds available for the support of the unit, or for
126 other lawful purposes as deemed appropriate by the Attorney
127 General. Further, it is the intent of the Legislature that any
128 penalties and/or other funds collected and/or expended shall be
129 accounted for separately as to source and/or application of such
130 funds.

131 **SECTION 7.** It is the intention of the Legislature that the
132 Attorney General's Office charge legal fees to all agencies where
133 such legal services are provided. The Attorney General's Office
134 may contract these fees on a contract rate or an hourly rate,
135 whichever is more appropriate. Contracts with the Attorney

136 General's Office for legal services or reimbursement for hourly
137 legal services shall not require the approval of the State
138 Personnel Board. The Attorney General's Office is further
139 authorized to escalate the amount of any of its major objects of
140 expenditure in an amount not to exceed Seven Hundred Fifty
141 Thousand Dollars (\$750,000.00) above any amounts herein
142 authorized, and to increase the number of authorized positions in
143 order to provide the required legal services for such state
144 agencies.

145 **SECTION 8.** Of the funds appropriated under the provisions of
146 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
147 (\$750,000.00), or so much thereof as may be necessary, shall be
148 made available for expenditure by the Prosecutors Training
149 Division.

150 **SECTION 9.** It is the intention of the Legislature that the
151 Attorney General's Office shall have the authority to accept,
152 budget and expend any source funds not to exceed Seven Hundred
153 Fifty Thousand Dollars (\$750,000.00), that become available to the
154 office to carry out the provisions of those funds in a manner
155 consistent with the rules and regulations of the Department of
156 Finance and Administration. None of the funds authorized in this
157 section shall be used to increase the major object of expenditure
158 "Salaries, Wages and Fringe Benefits."

159 **SECTION 10.** No part of the money herein appropriated shall
160 be used, either directly or indirectly, for the purpose of paying
161 any clerk, stenographer, assistant, deputy or other person who may
162 be related by blood or marriage within the third degree, computed
163 by the rules of civil law, to the official employing or having the
164 right of employment or selection thereof; and in the event of any
165 such payment, then the official or person approving and making or
166 receiving such payment shall be jointly and severally liable to
167 return to the State of Mississippi and to pay into the State
168 Treasury three (3) times any such amount so paid or received;
169 however, when the relationship is by affinity and the person

170 through whom the relationship was established is dead, this
171 provision shall not apply.

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

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

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

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

205 authorized to escalate an amount not to exceed Four Million Five
206 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this
207 section.

208 **SECTION 14.** The money herein appropriated shall be paid by
209 the State Treasurer out of any money in the State Treasury to the
210 credit of the proper fund or funds as set forth in this act, upon
211 warrants issued by the State Fiscal Officer; and the State Fiscal
212 Officer shall issue his warrants upon requisitions signed by the
213 proper person, officer or officers, in the manner provided by law.

214 **SECTION 15.** This act shall take effect and be in force from
215 and after July 1, 2004.

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John O. Gilbert
Secretary of the Senate