

Senate Amendments to House Bill No. 1641

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, 2005, and ending June 30, 2006.
10 \$ 5,799,492.00.

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, 2005, and ending June 30, 2006.....
18 \$ 16,239,819.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 Sections 1 and 2, not more than the amounts set forth below shall
21 be expended for the respective major objects or purposes of
22 expenditure:

23 **MAJOR OBJECTS OF EXPENDITURE:**

24 Personal Services:

25 Salaries, Wages and Fringe Benefits..	\$	14,758,515.00
26 Travel and Subsistence.....		475,600.00
27 Contractual Services.....		2,234,657.00
28 Commodities.....		298,150.00
29 Capital Outlay:		
30 Other Than Equipment.....		0.00

31	Equipment.....	75,000.00
32	Subsidies, Loans and Grants.....	<u>4,197,389.00</u>
33	Total.....	\$ 22,039,311.00

34 FUNDING:

35	General Funds.....	\$ 5,799,492.00
36	Special Funds.....	<u>16,239,819.00</u>
37	Total.....	\$ 22,039,311.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	87
40	Part Time.....	0
41	Time-Limited: Full Time.....	143
42	Part Time.....	0

43 With the funds herein appropriated, it is the intention of
44 the Legislature that it shall be the agency's responsibility to
45 make certain that funds required to be appropriated for "Personal
46 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2007 budget by the
49 Mississippi Legislature. Based on data provided by the
50 Legislative Budget Office, the State Personnel Board shall
51 determine and publish the projected annual cost to fully fund all
52 appropriated positions in compliance with the provisions of this
53 act. It shall be the responsibility of the agency head to insure
54 that no single personnel action increases this projected annual
55 cost and/or the Fiscal Year 2006 appropriation for "Personal
56 Services" when annualized, with the exception of escalated funds.
57 If, at the time the agency takes any action to change "Personal
58 Services," the State Personnel Board determines that the agency
59 has taken an action which would cause the agency to exceed this
60 projected annual cost or the Fiscal Year 2006 "Personal Services"
61 appropriated level, when annualized, then only those actions which
62 reduce the projected annual cost and/or the appropriation
63 requirement will be processed by the State Personnel Board until
64 such time as the requirements of this provision are met.

65 Any transfers or escalations shall be made in accordance with
66 the terms, conditions and procedures established by law or
67 allowable under the terms set forth within this act. The State
68 Personnel Board shall not escalate positions without written
69 approval from the Department of Finance and Administration. The
70 Department of Finance and Administration shall not provide written
71 approval to escalate any funds for salaries and/or positions
72 without proof of availability of new or additional funds above the
73 appropriated level.

74 No general funds authorized to be expended herein shall be
75 used to replace federal funds and/or other special funds which are
76 being used for salaries authorized under the provisions of this
77 act and which are withdrawn and no longer available.

78 **SECTION 4.** It is the intention of the Legislature that the
79 Office of the Attorney General shall maintain complete accounting
80 and personnel records related to the expenditure of all funds
81 appropriated under this act and that such records shall be in the
82 same format and level of detail as maintained for Fiscal Year
83 2005. It is further the intention of the Legislature that the
84 agency's budget request for Fiscal Year 2007 shall be submitted to
85 the Joint Legislative Budget Committee in a format and level of
86 detail comparable to the format and level of detail provided
87 during the Fiscal Year 2006 budget request process.

88 **SECTION 5.** In compliance with the "Mississippi Performance
89 Budget and Strategic Planning Act of 1994," it is the intent of
90 the Legislature that the funds provided herein shall be utilized
91 in the most efficient and effective manner possible to achieve the
92 intended mission of this agency. Based on the funding authorized,
93 this agency shall make every effort to attain the targeted
94 performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Cost of Support Services as Percentage	
of Budget (percent)	6.18

100	DFA Error Exception Slips per Month (Items)	36
101	Training	
102	Approval on Prosecutors Training (percent)	95
103	Litigation	
104	Minimum Affirmations of Criminal	
105	Convictions (percent)	85
106	Minimum Affirmations of Death Penalty	
107	Appeals (percent)	60
108	Minimum Denial of Relief in Federal	
109	Habeas Corpus (percent)	90
110	Minimum Positive Results of Civil Cases (percent)	70
111	Minimum Positive Results of Section 1983	
112	Cases (percent)	80
113	Opinions	
114	Assigned to Attorneys in 3 Days or Less (percent)	100
115	Opinions Completed in 30 Days or Less (percent)	75
116	Good & Excellent Ratings for Training (percent)	85
117	State Agency Contracts	
118	Good & Excellent Ratings for Legal	
119	Services (percent)	80
120	Insurance Integrity Enforcement	
121	Minimum Positive Results of Workers'	
122	Compensation Cases (percent)	80
123	Minimum Positive Results of Insurance	
124	Cases (percent)	80
125	Other Mandated Programs	
126	Medicaid Fraud Convictions vs Dispositions(percent)	80
127	Medicaid Abuse Convictions vs Dispositions(percent)	80
128	Minimum Defendants Convicted After	
129	Indictments (percent)	90
130	Response to Consumer Complaints (Days)	7
131	Minimum Positive Results of Consumer	
132	Cases (percent)	75
133	Crime Victims Compensation	
134	Claims Received (Claims)	925

135 Average Compensation Award (\$) 4,200
136 Claims Processed in 12 weeks or less (%) 70

137 A reporting of the degree to which the performance targets
138 set above have been or are being achieved shall be provided in the
139 agency's budget request submitted to the Joint Legislative Budget
140 Committee for Fiscal Year 2007.

141 **SECTION 6.** Of the funds appropriated under the provisions of
142 Section 2, funds included therein which are derived from penalties
143 and/or other funds collected by the Medicaid Fraud Control Unit
144 shall be available for the purpose of providing the state match
145 for federal funds available for the support of the unit, or for
146 other lawful purposes as deemed appropriate by the Attorney
147 General. Further, it is the intent of the Legislature that any
148 penalties and/or other funds collected and/or expended shall be
149 accounted for separately as to source and/or application of such
150 funds.

151 **SECTION 7.** It is the intention of the Legislature that the
152 Attorney General's Office charge legal fees to all agencies where
153 such legal services are provided. The Attorney General's Office
154 may contract these fees on a contract rate or an hourly rate,
155 whichever is more appropriate. Contracts with the Attorney
156 General's Office for legal services or reimbursement for hourly
157 legal services shall not require the approval of the State
158 Personnel Board. The Attorney General's Office is further
159 authorized to escalate the amount of any of its major objects of
160 expenditure in an amount not to exceed Seven Hundred Fifty
161 Thousand Dollars (\$750,000.00) above any amounts herein
162 authorized, and to increase the number of authorized positions in
163 order to provide the required legal services for such state
164 agencies.

165 **SECTION 8.** Of the funds appropriated under the provisions of
166 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
167 (\$750,000.00), or so much thereof as may be necessary, shall be
168 made available for expenditure by the Prosecutors Training
169 Division.

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

179 **SECTION 10.** No part of the money herein appropriated shall
180 be used, either directly or indirectly, for the purpose of paying
181 any clerk, stenographer, assistant, deputy or other person who may
182 be related by blood or marriage within the third degree, computed
183 by the rules of civil law, to the official employing or having the
184 right of employment or selection thereof; and in the event of any
185 such payment, then the official or person approving and making or
186 receiving such payment shall be jointly and severally liable to
187 return to the State of Mississippi and to pay into the State
188 Treasury three (3) times any such amount so paid or received;
189 however, when the relationship is by affinity and the person
190 through whom the relationship was established is dead, this
191 provision shall not apply.

192 **SECTION 11.** None of the funds appropriated by this act shall
193 be expended for any purpose that is not actually required or
194 necessary for performing any of the powers or duties of the Office
195 of the Attorney General that are authorized by the Mississippi
196 Constitution of 1890, state or federal law, or rules or
197 regulations that implement state or federal law.

198 **SECTION 12.** The following sum, or so much thereof as may be
199 necessary, is hereby appropriated out of any money in the State
200 Treasury to the credit of the Mississippi Commission on the Status
201 of Women for the purpose of defraying the expenses of the
202 commission for the fiscal year beginning July 1, 2005 and through
203 June 30, 2006..... \$ 100,000.00.

204 This appropriation is made for the purpose of providing funds
 205 to defray the expenses of the Mississippi Commission on the Status
 206 of Women as established pursuant to Sections 43-59-1 through
 207 43-59-14, Mississippi Code of 1972.

208 **SECTION 13.** Of the funds appropriated under the provisions
 209 of Section 12, not more than the amounts set forth below shall be
 210 expended for the respective major objects or purposes of
 211 expenditure:

212 MAJOR OBJECTS OF EXPENDITURE:

213 Personal Services:

214	Salaries, Wages and Fringe Benefits..	\$	0.00
215	Travel and Subsistence.....		25,000.00
216	Contractual Services.....		55,000.00
217	Commodities.....		20,000.00
218	Capital Outlay:		
219	Other Than Equipment.....		0.00
220	Equipment.....		0.00
221	Subsidies, Loans and Grants.....		0.00
222	Total.....	\$	100,000.00

223 FUNDING:

224	General Funds.....	\$	0.00
225	Special Funds.....		100,000.00
226	Total.....	\$	100,000.00

227 AUTHORIZED POSITIONS:

228	Permanent:	Full Time.....	0
229		Part Time.....	0
230	Time-Limited:	Full Time.....	0
231		Part Time.....	0

232 **SECTION 14.** It is the intention of the Legislature that the
 233 Attorney General's Office shall have the authority to accept,
 234 budget and expend any source funds not to exceed Four Million Five
 235 Hundred Thousand Dollars (\$4,500,000.00) that become available to
 236 the office for programs that serve unmet needs of "at risk" youth
 237 in the state, including, but not being limited to, Boys and Girls
 238 Clubs, Big Brothers Big Sisters of America, Communities in Schools

239 and the State Coalition of Young Men's Christian Association
240 (YMCA), and to carry out the provisions of those funds in a manner
241 consistent with the rules and regulations of the Department of
242 Finance and Administration. Of the funds authorized in this
243 section, not more than Two Million Five Hundred Thousand Dollars
244 (\$2,500,000.00) shall be allocated among Boys and Girls Clubs, Big
245 Brothers Big Sisters of America, and Communities in Schools, and
246 not more than Two Million Dollars (\$2,000,000.00) shall be
247 allocated to the State Coalition of Young Men's Christian
248 Association (YMCA). The Attorney General's Office is further
249 authorized to escalate an amount not to exceed Four Million Five
250 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this
251 section.

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

258 **SECTION 16.** This act shall take effect and be in force from
259 and after July 1, 2005.

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John O. Gilbert
Secretary of the Senate