

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

To: Appropriations

HOUSE BILL NO. 58

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 2006.

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, 2005, and ending June 30, 2006.

10 \$ 7,327,857.00.

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 \$ 16,885,177.00.

19 **SECTION 3.** With the funds appropriated under the provisions
20 of Sections 1 and 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	121
23		Part Time.....	0
24	Time-Limited:	Full Time.....	161
25		Part Time.....	0

26 With the funds herein appropriated, it is the intention of
27 the Legislature that it shall be the agency's responsibility to

28 make certain that funds required to be appropriated for "Personal
29 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
30 funds appropriated for that purpose, unless programs or positions
31 are added to the agency's Fiscal Year 2007 budget by the
32 Mississippi Legislature. Based on data provided by the
33 Legislative Budget Office, the State Personnel Board shall
34 determine and publish the projected annual cost to fully fund all
35 appropriated positions in compliance with the provisions of this
36 act. It shall be the responsibility of the agency head to insure
37 that no single personnel action increases this projected annual
38 cost and/or the Fiscal Year 2006 appropriation for "Personal
39 Services" when annualized, with the exception of escalated funds.
40 If, at the time the agency takes any action to change "Personal
41 Services," the State Personnel Board determines that the agency
42 has taken an action which would cause the agency to exceed this
43 projected annual cost or the Fiscal Year 2006 "Personal Services"
44 appropriated level, when annualized, then only those actions which
45 reduce the projected annual cost and/or the appropriation
46 requirement will be processed by the State Personnel Board until
47 such time as the requirements of this provision are met.

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

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

61 The agency shall not take any action to promote or otherwise
62 award salary increases through reallocation, reclassification,
63 realignment, education benchmark, career ladder, or any other
64 means to increase salaries of employees or positions unless
65 specifically exempted by the following conditions: the award of
66 teacher pay increases, the advancement of a trainee/cadet to the
67 next level of a bona fide career ladder, the award of an
68 educational benchmark for the attainment of Certified Public
69 Accountant License or higher level professional certification as
70 determined by the State Personnel Board, the immediate replacement
71 of a departing employee with an individual from within state
72 service or a new hire at a salary level equivalent to that of the
73 departing employee, and the emergency appointment of nurses,
74 pharmacists or other health care professionals at a salary to be
75 determined by the State Personnel Board, unless otherwise
76 authorized in this act.

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

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

94		FY2006
95	<u>Performance Measures</u>	<u>Target</u>
96	Support Services	
97	Cost of Support Services as Percentage	
98	of Budget (percent)	6.18
99	DFA Error Exception Slips per Month (Items)	36
100	Training	
101	Approval on Prosecutors Training (percent)	95
102	Litigation	
103	Minimum Affirmations of Criminal	
104	Convictions (percent)	85
105	Minimum Affirmations of Death Penalty	
106	Appeals (percent)	60
107	Minimum Denial of Relief in Federal	
108	Habeas Corpus (percent)	90
109	Minimum Positive Results of Civil Cases (percent)	70
110	Minimum Positive Results of Section 1983	
111	Cases (percent)	80
112	Opinions	
113	Assigned to Attorneys in 3 Days or Less (percent)	100
114	Opinions Completed in 30 Days or Less (percent)	75
115	Good & Excellent Ratings for Training (percent)	85
116	State Agency Contracts	
117	Good & Excellent Ratings for Legal	
118	Services (percent)	80
119	Insurance Integrity Enforcement	
120	Minimum Positive Results of Workers'	
121	Compensation Cases (percent)	80
122	Minimum Positive Results of Insurance	
123	Cases (percent)	80
124	Other Mandated Programs	
125	Medicaid Fraud Convictions vs Dispositions (percent)	80
126	Medicaid Abuse Convictions vs Dispositions (percent)	80

127	Minimum Defendants Convicted After	
128	Indictments (percent)	90
129	Response to Consumer Complaints (Days)	7
130	Minimum Positive Results of Consumer	
131	Cases (percent)	75
132	Crime Victims Compensation	
133	Claims Received (Claims)	925
134	Average Compensation Award (\$)	4,200
135	Claims Processed in 12 weeks or less (%)	70

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

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

150 **SECTION 7.** It is the intention of the Legislature that the
151 Attorney General's Office charge legal fees to all agencies where
152 such legal services are provided. The Attorney General's Office
153 may contract these fees on a contract rate or an hourly rate,
154 whichever is more appropriate. Contracts with the Attorney
155 General's Office for legal services or reimbursement for hourly
156 legal services shall not require the approval of the State
157 Personnel Board. The Attorney General's Office is further
158 authorized to escalate the amount of any of its major objects of
159 expenditure in an amount not to exceed Seven Hundred Fifty

160 Thousand Dollars (\$750,000.00) above any amounts herein
161 authorized, and to increase the number of authorized positions in
162 order to provide the required legal services for such state
163 agencies.

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

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

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

191 **SECTION 11.** None of the funds appropriated by this act shall
192 be expended for any purpose that is not actually required or

193 necessary for performing any of the powers or duties of the Office
194 of the Attorney General that are authorized by the Mississippi
195 Constitution of 1890, state or federal law, or rules or
196 regulations that implement state or federal law.

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

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

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

211 MAJOR OBJECTS OF EXPENDITURE:

212 Personal Services:

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

222 FUNDING:

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

226 AUTHORIZED POSITIONS:

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

231 **SECTION 14.** It is the intention of the Legislature that the
232 Attorney General's Office shall have the authority to accept,
233 budget and expend any source funds not to exceed Four Million Five
234 Hundred Thousand Dollars (\$4,500,000.00) that become available to
235 the office for programs that serve unmet needs of "at risk" youth
236 in the state, including, but not being limited to, Boys and Girls
237 Clubs, Big Brothers Big Sisters of America, Communities in Schools
238 and the State Coalition of Young Men's Christian Association
239 (YMCA), and to carry out the provisions of those funds in a manner
240 consistent with the rules and regulations of the Department of
241 Finance and Administration. Of the funds authorized in this
242 section, not more than Two Million Five Hundred Thousand Dollars
243 (\$2,500,000.00) shall be allocated among Boys and Girls Clubs, Big
244 Brothers Big Sisters of America, and Communities in Schools, and
245 not more than Two Million Dollars (\$2,000,000.00) shall be
246 allocated to the State Coalition of Young Men's Christian
247 Association (YMCA). The Attorney General's Office is further
248 authorized to escalate an amount not to exceed Four Million Five
249 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this
250 section.

251 **SECTION 15.** Contingent upon passage of any legislation
252 providing additional funding under Section 99-19-73, Mississippi
253 Code of 1972, it is the intention of the Legislature that the
254 Attorney General's Office may escalate the amount of any of its
255 major objects of expenditure in the amount not to exceed Eight
256 Hundred Thousand Dollars (\$800,000.00) above any amounts herein
257 authorized, and to increase the number of authorized positions for

258 vulnerable adults training, investigation and prosecution and
259 child support prosecution.

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

266 **SECTION 17.** This act shall take effect and be in force from
267 and after July 1, 2005.