

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1553

BY: Committee

**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, 2006, and ending June 30, 2007.
10 \$ 7,361,470.00.

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, 2006, and ending June 30, 2007.....
18 \$ 17,036,688.00.

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..... 92
23 Part Time..... 0

24	Time-Limited: Full Time.....	152
25	Part Time.....	0

26 Funds are provided herein to adjust the Variable Compensation
27 Plan to ensure that all full-time employees receive a pay increase
28 equal to the realignment component of the Variable Compensation
29 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,
30 beginning on July 1, 2006.

31 Pursuant to policies established by the State Personnel
32 Board, agency heads may, on a case by case basis and within funds
33 available, recommend equity salary adjustments to Fiscal Year 2006
34 agency appropriation acts where application of limitations result
35 in awarding one employee a salary increase greater than another
36 employee within the same agency, with the same job classification
37 series and greater longevity.

38 With the funds herein appropriated, it is the intention of
39 the Legislature that it shall be the agency's responsibility to
40 make certain that funds required to be appropriated for "Personal
41 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
42 funds appropriated for that purpose, unless programs or positions
43 are added to the agency's Fiscal Year 2008 budget by the
44 Mississippi Legislature. Based on data provided by the
45 Legislative Budget Office, the State Personnel Board shall
46 determine and publish the projected annual cost to fully fund all
47 appropriated positions in compliance with the provisions of this
48 act. It shall be the responsibility of the agency head to insure
49 that no single personnel action increases this projected annual
50 cost and/or the Fiscal Year 2007 appropriation for "Personal
51 Services" when annualized, with the exception of escalated funds.
52 If, at the time the agency takes any action to change "Personal
53 Services," the State Personnel Board determines that the agency
54 has taken an action which would cause the agency to exceed this
55 projected annual cost or the Fiscal Year 2007 "Personal Services"

56 appropriated level, when annualized, then only those actions which
57 reduce the projected annual cost and/or the appropriation
58 requirement will be processed by the State Personnel Board until
59 such time as the requirements of this provision are met.

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

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

73 **SECTION 4.** It is the intention of the Legislature that the
74 Office of the Attorney General shall maintain complete accounting
75 and personnel records related to the expenditure of all funds
76 appropriated under this act and that such records shall be in the
77 same format and level of detail as maintained for Fiscal Year
78 2006. It is further the intention of the Legislature that the
79 agency's budget request for Fiscal Year 2008 shall be submitted to
80 the Joint Legislative Budget Committee in a format and level of
81 detail comparable to the format and level of detail provided
82 during the Fiscal Year 2007 budget request process.

83 **SECTION 5.** In compliance with the "Mississippi Performance
84 Budget and Strategic Planning Act of 1994," it is the intent of
85 the Legislature that the funds provided herein shall be utilized
86 in the most efficient and effective manner possible to achieve the
87 intended mission of this agency. Based on the funding authorized,

88 this agency shall make every effort to attain the targeted
 89 performance measures provided below:

	FY2007
<u>Performance Measures</u>	<u>Target</u>
92 Supportive Services	
93 Cost of Support Services as Percentage	
94 of Budget (%)	6.18
95 DFA Error Exception Slips per Month (Items)	36.00
96 Training	
97 Approval on Prosecutors Training (%)	95.00
98 Litigation	
99 Minimum Affirmations of Criminal	
100 Convictions (%)	85.00
101 Minimum Affirmations of Death Penalty	
102 Appeals (%)	60.00
103 Minimum Denial of Relief in Federal	
104 Habeas Corpus (%)	90.00
105 Minimum Positive Results of Civil	
106 Cases (%)	70.00
107 Minimum Positive Results of Section	
108 1983 Cases (%)	80.00
109 Opinions	
110 Assigned to Attorneys in 3 Days or Less (%)	100.00
111 Opinions Completed in 30 Days or Less (%)	75.00
112 Good & Excellent Ratings for Training (%)	85.00
113 State Agency Contracts	
114 Good & Excellent Ratings for Legal	
115 Services (%)	80.00
116 Insurance Integrity Enforcement	
117 Minimum Positive Results of Workers'	
118 Compensation Cases (%)	80.00
119 Minimum Positive Results of Insurance	

120	Cases (%)	80.00
121	Other Mandated Programs	
122	Medicaid Fraud Convictions vs	
123	Dispositions (%)	80.00
124	Medicaid Abuse Convictions vs	
125	Dispositions (%)	80.00
126	Minimum Defendants Convicted After	
127	Indictments (%)	90.00
128	Response to Consumer Complaints (Days)	7.00
129	Minimum Positive Results of Consumer	
130	Cases (%)	75.00
131	Crime Victims Compensation	
132	Claims Received (Claims)	925
133	Average Compensation Award (\$)	4,200.00
134	Claims Processed in 12 Weeks or Less (%)	70.00
135	A reporting of the degree to which the performance targets	
136	set above have been or are being achieved shall be provided in the	
137	agency's budget request submitted to the Joint Legislative Budget	
138	Committee for Fiscal Year 2008.	

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

149 **SECTION 7.** It is the intention of the Legislature that the
150 Attorney General's Office charge legal fees to all agencies where
151 such legal services are provided. The Attorney General's Office

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

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

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

177 **SECTION 10.** No part of the money herein appropriated shall
178 be used, either directly or indirectly, for the purpose of paying
179 any clerk, stenographer, assistant, deputy or other person who may
180 be related by blood or marriage within the third degree, computed
181 by the rules of civil law, to the official employing or having the
182 right of employment or selection thereof; and in the event of any
183 such payment, then the official or person approving and making or

184 receiving such payment shall be jointly and severally liable to
185 return to the State of Mississippi and to pay into the State
186 Treasury three (3) times any such amount so paid or received;
187 however, when the relationship is by affinity and the person
188 through whom the relationship was established is dead, this
189 provision shall not apply.

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

196 **SECTION 12.** The following sum, or so much thereof as may be
197 necessary, is hereby appropriated out of any money in the State
198 Treasury to the credit of the Mississippi Commission on the Status
199 of Women for the purpose of defraying the expenses of the
200 commission for the fiscal year beginning July 1, 2006, and through
201 June 30, 2007..... \$ 100,000.00.

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

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

210 MAJOR OBJECTS OF EXPENDITURE:

211 Personal Services:

212 Salaries, Wages and Fringe Benefits..	\$	0.00
213 Travel and Subsistence.....		25,000.00
214 Contractual Services.....		55,000.00
215 Commodities.....		20,000.00

216	Capital Outlay:		
217	Other Than Equipment.....		0.00
218	Equipment.....		0.00
219	Subsidies, Loans and Grants.....		<u>0.00</u>
220	Total.....	\$	100,000.00
221	FUNDING:		
222	General Funds.....	\$	0.00
223	Special Funds.....		<u>100,000.00</u>
224	Total.....	\$	100,000.00
225	AUTHORIZED POSITIONS:		
226	Permanent: Full Time.....	0	
227	Part Time.....	0	
228	Time-Limited: Full Time.....	0	
229	Part Time.....	0	

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

248 Hundred Thousand Dollars (\$4,500,000.00) for such purposes of this
249 section.

250 **SECTION 15.** It is the intention of the Legislature that
251 whenever two (2) or more bids are received by this agency for the
252 purchase of commodities or equipment, and whenever all things
253 stated in such received bids are equal with respect to price,
254 quality and service, the Mississippi Industries for the Blind
255 shall be given preference. A similar preference shall be given to
256 the Mississippi Industries for the Blind whenever purchases are
257 made without competitive bids.

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

264 **SECTION 17.** This act shall take effect and be in force from
265 and after July 1, 2006.