

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

To: Appropriations

HOUSE BILL NO. 1681

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 2008.

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, 2007, and ending June 30, 2008.

10 \$ 9,649,763.00.

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, 2007, and ending June 30, 2008.....

18 \$ 18,748,688.00.

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.....	126
23		Part Time.....	0
24	Time-Limited:	Full Time.....	168
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 One Thousand Five Hundred Dollars (\$1,500.00), whichever
30 is greater.

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2009 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2008 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2008 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with
54 the terms, conditions and procedures established by law or
55 allowable under the terms set forth within this act. The State
56 Personnel Board shall not escalate positions without written
57 approval from the Department of Finance and Administration. The
58 Department of Finance and Administration shall not provide written
59 approval to escalate any funds for salaries and/or positions

60 without proof of availability of new or additional funds above the
61 appropriated level.

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

66 **SECTION 4.** It is the intention of the Legislature that the
67 Office of the Attorney General shall maintain complete accounting
68 and personnel records related to the expenditure of all funds
69 appropriated under this act and that such records shall be in the
70 same format and level of detail as maintained for Fiscal Year
71 2007. It is further the intention of the Legislature that the
72 agency's budget request for Fiscal Year 2009 shall be submitted to
73 the Joint Legislative Budget Committee in a format and level of
74 detail comparable to the format and level of detail provided
75 during the Fiscal Year 2008 budget request process.

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

	FY2008
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage	
of Budget (%)	6.18
DFA Error Exception Slips per Month (Items)	36
Training	
Approval on Prosecutors Training (%)	95
Litigation	
Minimum Affirmations of Criminal	

93	Convictions (%)	85
94	Minimum Affirmations of Death Penalty	
95	Appeals (%)	60
96	Minimum Denial of Relief in Federal	
97	Habeas Corpus (%)	90
98	Minimum Positive Results of Civil	
99	Cases (%)	70
100	Minimum Positive Results of Section	
101	1983 Cases (%)	80
102	Opinions	
103	Assigned to Attorneys in 3 Days or Less (%)	100
104	Opinions Completed in 30 Days or Less (%)	75
105	Good & Excellent Ratings for Training (%)	85
106	State Agency Contracts	
107	Good & Excellent Ratings for Legal	
108	Services (%)	80
109	Insurance Integrity Enforcement	
110	Minimum Positive Results of Workers'	
111	Compensation Cases (%)	80
112	Minimum Positive Results of Insurance	
113	Cases (%)	80
114	Other Mandated Programs	
115	Medicaid Fraud Convictions vs	
116	Dispositions (%)	80
117	Medicaid Abuse Convictions vs	
118	Dispositions (%)	80
119	Minimum Defendants Convicted After	
120	Indictments (%)	90
121	Response to Consumer Complaints (Days)	7
122	Minimum Positive Results of Consumer	
123	Cases (%)	75
124	Crime Victims Compensation	
125	Claims Received (Claims)	925

126 Average Compensation Award (\$) 4,200
127 Claims Processed in 12 Weeks or
128 Less (%) 70

129 A reporting of the degree to which the performance targets
130 set above have been or are being achieved shall be provided in the
131 agency's budget request submitted to the Joint Legislative Budget
132 Committee for Fiscal Year 2009.

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

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

157 **SECTION 8.** Of the funds appropriated under the provisions of
158 Section 2, the amount of Seven Hundred Fifty Thousand Dollars

159 (\$750,000.00), or so much thereof as may be necessary, shall be
160 made available for expenditure by the Prosecutors Training
161 Division.

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

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

184 **SECTION 11.** None of the funds appropriated by this act shall
185 be expended for any purpose that is not actually required or
186 necessary for performing any of the powers or duties of the Office
187 of the Attorney General that are authorized by the Mississippi
188 Constitution of 1890, state or federal law, or rules or
189 regulations that implement state or federal law.

190 **SECTION 12.** The following sum, or so much thereof as may be
191 necessary, is hereby appropriated out of any money in the State

192 Treasury to the credit of the Mississippi Commission on the Status
 193 of Women for the purpose of defraying the expenses of the
 194 commission for the fiscal year beginning July 1, 2007, and through
 195 June 30, 2008..... \$ 100,000.00.

196 This appropriation is made for the purpose of providing funds
 197 to defray the expenses of the Mississippi Commission on the Status
 198 of Women as established pursuant to Sections 43-59-1 through
 199 43-59-14, Mississippi Code of 1972.

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

204 MAJOR OBJECTS OF EXPENDITURE:

205 Personal Services:

206	Salaries, Wages and Fringe Benefits..	\$	0.00
207	Travel and Subsistence.....		25,000.00
208	Contractual Services.....		55,000.00
209	Commodities.....		20,000.00

210 Capital Outlay:

211	Other Than Equipment.....		0.00
212	Equipment.....		0.00
213	Vehicles.....		0.00
214	Wireless Communication Devices.....		0.00
215	Subsidies, Loans and Grants.....		<u>0.00</u>
216	Total.....	\$	100,000.00

217 FUNDING:

218	General Funds.....	\$	0.00
219	Special Funds.....		<u>100,000.00</u>
220	Total.....	\$	100,000.00

221 AUTHORIZED POSITIONS:

222	Permanent:	Full Time.....	0
223		Part Time.....	0
224	Time-Limited:	Full Time.....	0

225 Part Time..... 0

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

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

254 **SECTION 16.** Of the funds appropriated in Section 2, it is
255 the intention of the Legislature that Eight Hundred Thousand
256 Dollars (\$800,000.00) shall be derived from the Tobacco Control
257 Commission.

258 **SECTION 17.** 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 18.** This act shall take effect and be in force from
265 and after July 1, 2007.