

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.

