

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

To: Appropriations

HOUSE BILL NO. 1681
(As Sent to Governor)

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 \$ 9,695,245.00.

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 \$ 18,925,238.00.

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, to be awarded on July 1, 2007.

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 2008 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 appropriations for "Personal
44 Services" when annualized, with the exception of escalated funds
45 and educational benchmarks. If, at the time the agency takes any
46 action to change "Personal Services," the State Personnel Board
47 determines that the agency has taken an action which would cause
48 the agency to exceed this projected annual cost or the Fiscal Year
49 2008 "Personal Services" appropriated level, when annualized, then
50 only those actions which reduce the projected annual cost and/or
51 the appropriation requirement will be processed by the State
52 Personnel Board until such time as the requirements of this
53 provision are met. On January 1, 2008, the State Personnel Board
54 will make adjustments to the structure side of the compliance
55 report based on data provided by the Legislative Budget Office in
56 order for agencies to award educational benchmarks.

57 Any transfers or escalations shall be made in accordance with
58 the terms, conditions and procedures established by law or
59 allowable under the terms set forth within this act. The State
60 Personnel Board shall not escalate positions without written

61 approval from the Department of Finance and Administration. The
62 Department of Finance and Administration shall not provide written
63 approval to escalate any funds for salaries and/or positions
64 without proof of availability of new or additional funds above the
65 appropriated level.

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69 act and which are withdrawn and no longer available.

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

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

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

127	Cases (%)	75
128	Crime Victims Compensation	
129	Claims Received (Claims)	925
130	Average Compensation Award (\$)	4,200
131	Claims Processed in 12 Weeks or	
132	Less (%)	70

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

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

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

159 order to provide the required legal services for such state
160 agencies.

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

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

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

188 **SECTION 11.** None of the funds appropriated by this act shall
189 be expended for any purpose that is not actually required or
190 necessary for performing any of the powers or duties of the Office
191 of the Attorney General that are authorized by the Mississippi

192 Constitution of 1890, state or federal law, or rules or
193 regulations that implement state or federal law.

194 **SECTION 12.** The following sum, or so much thereof as may be
195 necessary, is hereby appropriated out of any money in the State
196 General Fund not otherwise appropriated, for the purpose of
197 defraying the expenses of the Mississippi Commission on the Status
198 of Women for the fiscal year beginning July 1, 2007, and ending
199 June 30, 2008..... \$ 50,000.00.

200 **SECTION 13.** The following sum, or so much thereof as may be
201 necessary, is hereby appropriated out of any money in the State
202 Treasury to the credit of the Mississippi Commission on the Status
203 of Women for the purpose of defraying the expenses of the
204 commission for the fiscal year beginning July 1, 2007, and through
205 June 30, 2008..... \$ 100,000.00.

206 This appropriation is made for the purpose of providing funds
207 to defray the expenses of the Mississippi Commission on the Status
208 of Women as established pursuant to Sections 43-59-1 through
209 43-59-14, Mississippi Code of 1972.

210 **SECTION 14.** It is the intention of the Legislature that the
211 Attorney General's Office shall have the authority to accept,
212 budget and expend any source funds not to exceed Five Million
213 Five Hundred Thousand Dollars (\$5,500,000.00) that become
214 available to the office for programs that serve unmet needs of
215 "at-risk" youth in the state, including, but not being limited to,
216 Boys and Girls Clubs, Big Brothers Big Sisters of America,
217 Communities in Schools, adolescent offender programs, after-school
218 and summer projects, and the State Coalition of Young Men's
219 Christian Association (YMCA), and to carry out the provisions of
220 those funds in a manner consistent with the rules and regulations
221 of the Department of Finance and Administration. Of the funds
222 authorized in this section, no more than Two Million Five Hundred
223 Thousand Dollars (\$2,500,000.00) shall be allocated among Boys and
224 Girls Clubs, Big Brothers Big Sisters of America, and Communities

225 in Schools, and not more than Two Million Two Hundred Fifty
226 Thousand Dollars (\$2,250,000.00) shall be allocated to the State
227 Coalition of Young Men's Christian Association (YMCA). Of the
228 funds authorized in this section, Three Hundred Thousand Dollars
229 (\$300,000.00) shall be allocated for use by adolescent offender
230 programs to pilot a program implemented by Learning Through
231 Sports, and Two Hundred Thousand Dollars (\$200,000.00) shall be
232 allocated to after-school and summer projects to pilot a program
233 implemented by the Institute of America's Health, and Two Hundred
234 Fifty Thousand Dollars (\$250,000.00) shall be allocated to
235 after-school and summer projects for programs implemented by the
236 Cal Ripken, Sr. Foundation. The Attorney General's Office is
237 further authorized to escalate an amount not to exceed Five
238 Million Five Hundred Thousand Dollars (\$5,500,000.00) for purposes
239 of this section.

240 **SECTION 15.** It is the intention of the Legislature that the
241 Attorney General's Office shall have the authority to accept,
242 budget and expend any funds resulting from the State Farm lawsuit
243 not to exceed One Million Dollars (\$1,000,000.00) in the same
244 manner as escalations of federal funds. It is further the
245 intention of the Legislature that these funds be used for programs
246 implemented by Boys and Girls Clubs and by the Cal Ripken, Sr.
247 Foundation.

248 **SECTION 16.** It is the intention of the Legislature that
249 whenever two (2) or more bids are received by this agency for the
250 purchase of commodities or equipment, and whenever all things
251 stated in such received bids are equal with respect to price,
252 quality and service, the Mississippi Industries for the Blind
253 shall be given preference. A similar preference shall be given to
254 the Mississippi Industries for the Blind whenever purchases are
255 made without competitive bids.

256 **SECTION 17.** Of the funds appropriated in Section 2, it is
257 the intention of the Legislature that Eight Hundred Thousand

258 Dollars (\$800,000.00) shall be derived from the Tobacco Control
259 Commission.

260 **SECTION 18.** Of the funds appropriated in Section 2,
261 Twenty-five Thousand Dollars (\$25,000.00) of the Ameriquest
262 settlement fund shall be transferred to the Department of Banking
263 and Consumer Finance for the purpose of assisting in developing,
264 in conjunction with the Conference of State Bank Supervisors and
265 the American Association of Residential Mortgage Regulators, a
266 national licensing system for the residential mortgage industry.

267 **SECTION 19.** The money herein appropriated shall be paid by
268 the State Treasurer out of any money in the State Treasury to the
269 credit of the proper fund or funds as set forth in this act, upon
270 warrants issued by the State Fiscal Officer; and the State Fiscal
271 Officer shall issue his warrants upon requisitions signed by the
272 proper person, officer or officers, in the manner provided by law.

273 **SECTION 20.** This act shall take effect and be in force from
274 and after July 1, 2007.