

Senate Amendments to House Bill No. 1681

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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, 2007, and ending June 30, 2008.
10 \$ 8,959,390.00.

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 \$ 18,459,387.00.

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 Dollars (\$1,000.00), or Three Percent (3%)
30 whichever 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 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 The agency shall not take any action to promote or otherwise
67 award salary increases through reallocation, reclassification,
68 realignment, education benchmark, career ladder, or any other
69 means to increase salaries of employees or positions unless
70 specifically exempted by the following conditions: the award of
71 teacher pay increases, the advancement of a trainee/cadet to the
72 next level of a bona fide career ladder, the award of an
73 educational benchmark for the attainment of Certified Public
74 Accountant License or higher level professional certification as
75 determined by the State Personnel Board, the immediate replacement
76 of a departing employee with an individual from within state
77 service or a new hire at a salary level equivalent to that of the
78 departing employee, and the emergency appointment of nurses,
79 pharmacists or other health care professionals at a salary to be
80 determined by the State Personnel Board, unless otherwise
81 authorized in this act.

82 **SECTION 4.** It is the intention of the Legislature that the
83 Office of the Attorney General shall maintain complete accounting
84 and personnel records related to the expenditure of all funds
85 appropriated under this act and that such records shall be in the
86 same format and level of detail as maintained for Fiscal Year
87 2007. It is further the intention of the Legislature that the
88 agency's budget request for Fiscal Year 2009 shall be submitted to
89 the Joint Legislative Budget Committee in a format and level of
90 detail comparable to the format and level of detail provided
91 during the Fiscal Year 2008 budget request process.

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

99 FY2008
100 Performance Measures Target

101	Supportive Services	
102	Cost of Support Services as Percentage	
103	of Budget (%)	6.18
104	DFA Error Exception Slips per Month (Items)	36
105	Training	
106	Approval on Prosecutors Training (%)	95
107	Litigation	
108	Minimum Affirmations of Criminal	
109	Convictions (%)	85
110	Minimum Affirmations of Death Penalty	
111	Appeals (%)	60
112	Minimum Denial of Relief in Federal	
113	Habeas Corpus (%)	90
114	Minimum Positive Results of Civil	
115	Cases (%)	70
116	Minimum Positive Results of Section	
117	1983 Cases (%)	80
118	Opinions	
119	Assigned to Attorneys in 3 Days or Less (%)	100
120	Opinions Completed in 30 Days or Less (%)	75
121	Good & Excellent Ratings for Training (%)	85
122	State Agency Contracts	
123	Good & Excellent Ratings for Legal	
124	Services (%)	80
125	Insurance Integrity Enforcement	
126	Minimum Positive Results of Workers'	
127	Compensation Cases (%)	80
128	Minimum Positive Results of Insurance	
129	Cases (%)	80
130	Other Mandated Programs	
131	Medicaid Fraud Convictions vs	
132	Dispositions (%)	80
133	Medicaid Abuse Convictions vs	
134	Dispositions (%)	80
135	Minimum Defendants Convicted After	

136	Indictments (%)	90
137	Response to Consumer Complaints (Days)	7
138	Minimum Positive Results of Consumer	
139	Cases (%)	75
140	Crime Victims Compensation	
141	Claims Received (Claims)	925
142	Average Compensation Award (\$)	4,200
143	Claims Processed in 12 Weeks or	
144	Less (%)	70

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

149 **SECTION 6.** Of the funds appropriated under the provisions of
150 Section 2, funds included therein which are derived from penalties
151 and/or other funds collected by the Medicaid Fraud Control Unit
152 shall be available for the purpose of providing the state match
153 for federal funds available for the support of the unit, or for
154 other lawful purposes as deemed appropriate by the Attorney
155 General. Further, it is the intent of the Legislature that any
156 penalties and/or other funds collected and/or expended shall be
157 accounted for separately as to source and/or application of such
158 funds.

159 **SECTION 7.** It is the intention of the Legislature that the
160 Attorney General's Office charge legal fees to all agencies where
161 such legal services are provided. The Attorney General's Office
162 may contract these fees on a contract rate or an hourly rate,
163 whichever is more appropriate. Contracts with the Attorney
164 General's Office for legal services or reimbursement for hourly
165 legal services shall not require the approval of the State
166 Personnel Board. The Attorney General's Office is further
167 authorized to escalate the amount of any of its major objects of
168 expenditure in an amount not to exceed Seven Hundred Fifty
169 Thousand Dollars (\$750,000.00) above any amounts herein
170 authorized, and to increase the number of authorized positions in

171 order to provide the required legal services for such state
172 agencies.

173 **SECTION 8.** Of the funds appropriated under the provisions of
174 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
175 (\$750,000.00), or so much thereof as may be necessary, shall be
176 made available for expenditure by the Prosecutors Training
177 Division.

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

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

200 **SECTION 11.** None of the funds appropriated by this act shall
201 be expended for any purpose that is not actually required or
202 necessary for performing any of the powers or duties of the Office
203 of the Attorney General that are authorized by the Mississippi
204 Constitution of 1890, state or federal law, or rules or
205 regulations that implement state or federal law.

206 **SECTION 12.** The following sum, or so much thereof as may be
 207 necessary, is hereby appropriated out of any money in the State
 208 Treasury to the credit of the Mississippi Commission on the Status
 209 of Women for the purpose of defraying the expenses of the
 210 commission for the fiscal year beginning July 1, 2007, and through
 211 June 30, 2008..... \$ 100,000.00.

212 This appropriation is made for the purpose of providing funds
 213 to defray the expenses of the Mississippi Commission on the Status
 214 of Women as established pursuant to Sections 43-59-1 through
 215 43-59-14, Mississippi Code of 1972.

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

220 **MAJOR OBJECTS OF EXPENDITURE:**

221	Personal Services:		
222	Salaries, Wages and Fringe Benefits..	\$	0.00
223	Travel and Subsistence.....		25,000.00
224	Contractual Services.....		55,000.00
225	Commodities.....		20,000.00
226	Capital Outlay:		
227	Other Than Equipment.....		0.00
228	Equipment.....		0.00
229	Vehicles.....		0.00
230	Wireless Communication Devices.....		0.00
231	Subsidies, Loans and Grants.....		<u>0.00</u>
232	Total.....	\$	100,000.00

233 **FUNDING:**

234	General Funds.....	\$	0.00
235	Special Funds.....		<u>100,000.00</u>
236	Total.....	\$	100,000.00

237 **AUTHORIZED POSITIONS:**

238	Permanent:		
	Full Time.....		0
239	Part Time.....		0
240	Time-Limited:		
	Full Time.....		0

241 Part Time..... 0

242 **SECTION 14.** It is the intention of the Legislature that the
243 Attorney General's Office shall have the authority to accept,
244 budget and expend any source funds not to exceed Four Million Five
245 Hundred Thousand Dollars (\$4,500,000.00) that become available to
246 the office for programs that serve unmet needs of "at risk" youth
247 in the state, for Boys and Girls Clubs, Big Brothers Big Sisters
248 of America, Communities in Schools and the State Coalition of
249 Young Men's Christian Association (YMCA), and to carry out the
250 provisions of those funds in a manner consistent with the rules
251 and regulations of the Department of Finance and Administration.
252 Of the funds authorized in this section, not more than Two Million
253 Five Hundred Thousand Dollars (\$2,500,000.00) shall be allocated
254 among Boys and Girls Clubs, Big Brothers Big Sisters of America,
255 and Communities in Schools, and not more than Two Million Dollars
256 (\$2,000,000.00) shall be allocated to the State Coalition of Young
257 Men's Christian Association (YMCA). The Attorney General's Office
258 is further authorized to escalate an amount not to exceed Four
259 Million Five Hundred Thousand Dollars (\$4,500,000.00) for such
260 purposes of this section.

261 **SECTION 15.** Of the funds appropriated in Section 2, Twenty-
262 five Thousand Dollars (\$25,000.00) of the Ameriquest settlement
263 fund shall be transferred to the Department of Banking and
264 Consumer Finance for the purpose of assisting in developing, in
265 conjunction with the Conference of State Bank Supervisors and the
266 American Association of Residential Mortgage Regulators, a
267 national licensing system for the residential mortgage industry.

268 **SECTION 16.** In addition to all other sums heretofore
269 appropriated, the following sum, or so much thereof as may be
270 necessary, is hereby appropriated out of any money in the State
271 General Fund not otherwise appropriated, for the purpose of paying
272 certain outside legal assistance, expert witness fees, court fees,
273 judgments and settlement agreements incurred by the Office of the
274 Attorney General for the fiscal year ending June 30, 2007.....
275\$ 1,808,954.00.

276 The funds provided in this section are appropriated for the
277 following:

- 278 (a) Olivia Y., et al v. Haley Barbour, as Governor; Donald
279 Taylor, as Exec. Dir. of DHS; and Billy Mangold, as director of
280 the Division of Family and Children's Services and the Department
281 of Human Services, United States District Court for the Southern
282 District of Mississippi, Jackson Division, Cause No.
283 3:04cv251(L)(N).....\$ 1,500,000.00.
- 284 (b) Severance Tax Recovery - Pursue Energy Corporation, Case No.
285 02-05339-JEE-11.....\$ 225,213.00.
- 286 (c) Brown and Williamson / Ligget Tobacco Settlement Payments
287\$ 8,513.00.
- 288 (d) Sixteenth Section Land Litigation.....\$ 228.00.
- 289 (e) Michael Hamilton v. Mississippi State Tax Commission, Joseph
290 L. Blount, Chairman and Commissioner of Revenue; United States
291 District Court; Southern District; Jackson Division; Cause No.
292 3:05cv472WHB-AGN.....\$ 75,000.00.

293 **SECTION 17.** It is the intention of the Legislature that
294 whenever two (2) or more bids are received by this agency for the
295 purchase of commodities or equipment, and whenever all things
296 stated in such received bids are equal with respect to price,
297 quality and service, the Mississippi Industries for the Blind
298 shall be given preference. A similar preference shall be given to
299 the Mississippi Industries for the Blind whenever purchases are
300 made without competitive bids.

301 **SECTION 18.** Of the funds provided under the provisions of
302 this act, Seven Hundred Seventy-six Thousand Two Hundred Seventy-
303 six Dollars (\$776,276.00) is provided for the Attorney General to
304 implement a realignment of the attorney job class.

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

311 **SECTION 20.** This act shall take effect and be in force from
312 and after July 1, 2007; except for Section 16 which shall take
313 effect and be in force from and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL
3 YEARS 2007 AND 2008.

SS05\HB1681A.J

John O. Gilbert
Secretary of the Senate