

By: Representatives Shows, Barker, Banks,
Bell, Currie, Flagg, Jennings, Patterson,
Dixon

To: Appropriations

HOUSE BILL NO. 1587
(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 2013.

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, 2012, and ending June 30, 2013..
10\$ 8,424,443.00.

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, 2012, and ending June 30, 2013.....
18\$ 19,033,666.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of
20 this act, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	108
23		Part Time.....	0
24	Time-Limited:	Full Time.....	187
25		Part Time.....	0

26 With the funds herein appropriated, it is the intention of
27 the Legislature that it shall be the agency's responsibility to



28 make certain that funds required to be appropriated for "Personal
29 Services" for Fiscal Year 2014 do not exceed Fiscal Year 2013
30 funds appropriated for that purpose, unless programs or positions
31 are added to the agency's Fiscal Year 2013 budget by the
32 Mississippi Legislature. Based on data provided by the
33 Legislative Budget Office, the State Personnel Board shall
34 determine and publish the projected annual cost to fully fund all
35 appropriated positions in compliance with the provisions of this
36 act. It shall be the responsibility of the agency head to ensure
37 that no single personnel action increases this projected annual
38 cost and/or the Fiscal Year 2013 appropriations for "Personal
39 Services" when annualized, with the exception of escalated funds.
40 If, at the time the agency takes any action to change "Personal
41 Services," the State Personnel Board determines that the agency
42 has taken an action which would cause the agency to exceed this
43 projected annual cost or the Fiscal Year 2013 "Personal Services"
44 appropriated level, when annualized, then only those actions which
45 reduce the projected annual cost and/or the appropriation
46 requirement will be processed by the State Personnel Board until
47 such time as the requirements of this provision are met.

48 Any transfers or escalations shall be made in accordance with
49 the terms, conditions and procedures established by law or
50 allowable under the terms set forth within this act. The State
51 Personnel Board shall not escalate positions without written
52 approval from the Department of Finance and Administration. The
53 Department of Finance and Administration shall not provide written
54 approval to escalate any funds for salaries and/or positions
55 without proof of availability of new or additional funds above the
56 appropriated level.

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



61 **SECTION 4.** It is the intention of the Legislature that the
62 Office of the Attorney General shall maintain complete accounting
63 and personnel records related to the expenditure of all funds
64 appropriated under this act and that such records shall be in the
65 same format and level of detail as maintained for Fiscal Year
66 2012. It is further the intention of the Legislature that the
67 agency's budget request for Fiscal Year 2014 shall be submitted to
68 the Joint Legislative Budget Committee in a format and level of
69 detail comparable to the format and level of detail provided
70 during the Fiscal Year 2013 budget request process.

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

	FY2013
<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 (%)	95.00
Litigation	
Minimum Affirmations of Criminal	
Convictions (%)	85.00
Minimum Affirmations of Death Penalty	
Appeals (%)	60.00
Minimum Denial of Relief in Federal	
Habeas Corpus (%)	90.00
Minimum Positive Results of Civil	



94	Cases (%)	70.00
95	Minimum Positive Results of Section	
96	1983 Cases (%)	80.00
97	Opinions	
98	Assigned to Attorneys in 3 Days or Less (%)	100.00
99	Opinions Completed in 30 Days or Less (%)	75.00
100	Good & Excellent Ratings for Training (%)	85.00
101	State Agency Contracts	
102	Good & Excellent Ratings for Legal	
103	Services (%)	80.00
104	Insurance Integrity Enforcement	
105	Minimum Positive Results of Workers'	
106	Compensation Cases (%)	80.00
107	Minimum Positive Results of Insurance	
108	Cases (%)	80.00
109	Other Mandated Programs	
110	Medicaid Fraud Convictions vs	
111	Dispositions (%)	80.00
112	Medicaid Abuse Convictions vs	
113	Dispositions (%)	80.00
114	Minimum Defendants Convicted after	
115	Indictments (%)	90.00
116	Response to Consumer Complaints (Days)	7
117	Minimum Positive Results of Consumer	
118	Cases (%)	75.00
119	Crime Victims Compensation	
120	Claims Received (Claims)	1,000
121	Average Compensation Award (\$)	4,200.00
122	Claims Processed in 12 Weeks or Less (%)	70.00
123	A reporting of the degree to which the performance targets	
124	set above have been or are being achieved shall be provided in the	
125	agency's budget request submitted to the Joint Legislative Budget	
126	Committee for Fiscal Year 2014.	



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

137 **SECTION 7.** It is the intention of the Legislature that the
138 Attorney General's Office charge legal fees to all agencies where
139 such legal services are provided. The Attorney General's Office
140 may contract these fees on a contract rate or an hourly rate,
141 whichever is more appropriate. Contracts with the Attorney
142 General's Office for legal services or reimbursement for hourly
143 legal services shall not require the approval of the State
144 Personnel Board. The Attorney General's Office is further
145 authorized to escalate the amount of any of its major objects of
146 expenditure in an amount not to exceed One Million Dollars
147 (\$1,000,000.00) above any amounts herein authorized, and to
148 increase the number of authorized positions in order to provide
149 the required legal services for such state agencies.

150 **SECTION 8.** Of the funds appropriated under the provisions of
151 Section 2, the amount of Nine Hundred Fifty Thousand Dollars
152 (\$950,000.00), or so much thereof as may be necessary, shall be
153 made available for expenditure by the Prosecutors Training
154 Division.

155 **SECTION 9.** It is the intention of the Legislature that the
156 Attorney General's Office shall have the authority to accept,
157 budget and expend any source funds not to exceed One Million
158 Dollars (\$1,000,000.00), that become available to the office to
159 carry out the provisions of those funds in a manner consistent



160 with the rules and regulations of the Department of Finance and
161 Administration.

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

175 **SECTION 11.** None of the funds appropriated by this act shall
176 be expended for any purpose that is not actually required or
177 necessary for performing any of the powers or duties of the Office
178 of the Attorney General that are authorized by the Mississippi
179 Constitution of 1890, state or federal law, or rules or
180 regulations that implement state or federal law.

181 **SECTION 12.** It is the intention of the Legislature that
182 whenever two (2) or more bids are received by this agency for the
183 purchase of commodities or equipment, and whenever all things
184 stated in such received bids are equal with respect to price,
185 quality and service, the Mississippi Industries for the Blind
186 shall be given preference. A similar preference shall be given to
187 the Mississippi Industries for the Blind whenever purchases are
188 made without competitive bids.

189 **SECTION 13.** Of the funds appropriated in Section 2, the sum
190 of Eight Hundred Thousand Dollars (\$800,000.00) is provided from
191 the Department of Health for the Alcohol and Tobacco Enforcement
192 Unit.



193 **SECTION 14.** In addition to all other sums previously
194 appropriated, the following sum, or so much of it as may be
195 necessary, is appropriated out of any money in the Budget
196 Contingency Fund, and allocated in a manner as determined by the
197 Treasurer's Office, for the purpose of paying for certain outside
198 legal assistance, expert witness fees, court fees, judgments and
199 settlement agreements incurred by the Office of the Attorney
200 General for the period beginning upon passage and through the
201 fiscal year ending June 30, 2012.....\$ 1,660,873.00.

202 Of the funds appropriated in this section, the following
203 amounts are provided:

204 (a) Olivia Y, et al v. Phil Bryant, as Governor of the
205 State of Mississippi; the Executive Director of the Department of
206 Human Services; and Billy Mangold, as Director of the Division of
207 Family and Children's Services and the Department of Human
208 Services, United States District Court for the Southern District
209 of Mississippi, Jackson Division, Cause No. 3:04:CV251(L) (N).....
210\$ 173,518.00.

211 (b) State of Mississippi, ex rel. Attorney General Jim
212 Hood, on behalf of Mississippi Land Water and Resources Board and
213 Mississippi Development Authority v. Facility Construction
214 Management, Inc., and Facility Holding Corp.....\$ 30,000.00.

215 (c) William T. Brann v. Mississippi Highway Patrol and
216 Officer Chris Hughes, United States District Court for the
217 Northern District of Mississippi, Cause No. 1:08CV154-GHD-DAS
218\$ 23,000.00.

219 (d) Interstate Commission on Education Opportunity for
220 Military Children v. State of Mississippi, United States District
221 Court-Eastern District of Kentucky, Cause No. 5:11-CV-366 JMH.....
222\$ 10,250.00.

223 (e) Valerie Leigh Tapley v. Mississippi Authority for
224 Educational Television d/b/a Mississippi Public Broadcasting, and
225 Teresa Collier, in her official and individual capacities, and



226 Marie Antoon, in her official and individual capacities, United
227 States District Court for the Southern District of Mississippi,
228 Jackson Division, Cause No. 3:08CV220-HTW-LRA...\$ 15,007.00

229 (f) J. B. v. Barbour, in his official capacity, Robert
230 L. Robinson, in his official capacity as Director of the
231 Mississippi Division of Medicaid, Patricia Ainsworth, in her
232 official capacity as chair of the Mississippi Board of Mental
233 Health, and Edwin C. Legrand, United States District Court,
234 Southern District of Mississippi.....\$ 2,848.00

235 (g) Settlement between the Department of Justice
236 (DOJ)/federal Environmental Protection Agency (EPA) and the State
237 of Mississippi, Mississippi Secretary of State and Mississippi
238 Department of Environmental Quality (MDEQ).....\$ 1,125,000.00

239 (h) Matthew Norwood v. State of Mississippi, Circuit
240 Court of Hinds County, Mississippi, Claimant No. 251-10-861-CIV.
241\$ 50,000.00.

242 (i) Phillip Bivens v. State of Mississippi, Circuit
243 Court of Forrest County, Mississippi, Claimant No. CI11-0240.....
244\$ 50,000.00.

245 (j) Estate of Bobby Ray Dixon v. State of Mississippi,
246 Circuit Court of Forrest County, Mississippi, Claimant No.
247 CI11-0239.....\$ 50,000.00.

248 (k) Counsel for Claimant Matthew Norwood - Attorney J.
249 Kevin Rundlett of Rundlett Law Firm.....\$ 56,250.00.

250 (l) Counsel for Claimant Phillip Bivens - Attorney
251 Robert McDuff and the Innocence Project of New Orleans.....
252\$ 37,500.00.

253 (m) Counsel for Claimant "Estate Bobby Ray Dixon" -
254 Attorney Robert McDuff and Innocence Project of New Orleans.....
255\$ 37,500.00.

256 **SECTION 15.** It is the intention of the Legislature that the
257 Attorney General's Office shall have the authority to accept,
258 budget and expend any funds resulting from the National Mortgage



259 Foreclosure settlement not to exceed Two Million Five Hundred
260 Thousand Dollars (\$2,500,000.00) in the same manner as escalations
261 of federal funds. It is further the intention of the Legislature
262 that these funds be used for the purpose of providing direct
263 relief to Mississippi homeowners.

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

270 **SECTION 17.** This act shall take effect and be in force from
271 and after July 1, 2012.

