

By: Representatives Frierson, Snowden,
Banks, Barker, Beckett, Bennett, Clarke,
Cockerham, Coleman, Gipson, Shows, Watson,
Sykes

To: Appropriations

HOUSE BILL NO. 1633

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 2017.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the Office of the Attorney General for the fiscal year
9 beginning July 1, 2016, and ending June 30, 2017.....
10\$ 8,629,497.00.

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, 2016, and ending June 30, 2017.....
18\$ 25,135,635.00.



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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	99
	Part Time.....	0
Time-Limited:	Full Time.....	227
	Part Time.....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2017 "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 None of the funds herein appropriated shall be used in
62 violation of Internal Revenue Service's Publication 15-A relating
63 to the reporting of income paid to contract employees, as
64 interpreted by the Office of the State Auditor.

65 **SECTION 4.** It is the intention of the Legislature that the
66 Office of the Attorney General shall maintain complete accounting
67 and personnel records related to the expenditure of all funds
68 appropriated under this act and that such records shall be in the



69 same format and level of detail as maintained for Fiscal Year
70 2016. It is further the intention of the Legislature that the
71 agency's budget request for Fiscal Year 2018 shall be submitted to
72 the Joint Legislative Budget Committee in a format and level of
73 detail comparable to the format and level of detail provided
74 during the Fiscal Year 2017 budget request process.

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

82		FY2017
83	<u>Performance Measures</u>	<u>Target</u>
84	Supportive Services	
85	Cost of Support Services as Percentage	
86	of Budget (%)	6.00
87	2011-2012 Baseline: 5.10%	
88	Training	
89	Ratings of Continuing Legal Education	
90	Training Presentation by Participants	95.00
91	Ratings of CRIMES System	
92	Training Presentation by Participants	90.00
93	Litigation	



94	Min Affirmations of Criminal	
95	Convictions (%)	85.00
96	2011-2012 Baseline: 90.00%	
97	Min Affirmations of Death Penalty	
98	Appeals (%)	65.00
99	2011-2012 Baseline: 83.33%	
100	Min Denial of Relief in Federal Habeas	
101	Corpus (%)	92.00
102	2011-2012 Baseline: 86.96%	
103	Min Positive Results of Civil Cases (%)	80.00
104	2011-2012 Baseline: 96.00%	
105	Percentage Change of Affirmations of	
106	Criminal Convictions Attained (%)	0.00
107	Percentage Change of Death Penalty	
108	Review Cases Affirmed (%)	5.00
109	Percentage Change of Appeals for	
110	Relief in Federal Habeas Corpus	
111	Cases Denied (%)	2.00
112	Percentage Change of Positive	
113	Results from Civil Cases (%)	5.00
114	Opinions	
115	Assigned to Attorneys in 3 Days or	
116	Less (%)	100.00
117	2011-2012 Baseline: 100.00%	
118	Opinions Completed in 30 Days or Less (%)	75.00



119	2011-2012 Baseline: 76.00%	
120	Percentage Change of Opinion Requests	
121	Assigned to Attorneys within 3 Days	
122	or Less (%)	0.00
123	Percentage Change of Opinion Requests	
124	Completed within 30 Days or Less (%)	5.00
125	State Agency Contracts	
126	Good & Excellent Ratings for Legal	
127	Services (%)	85.00
128	2011-2012 Baseline: 94.00%	
129	Percentage Change of Good/Excellent	
130	Ratings for Legal Services (%)	5.00
131	Insurance Integrity Enforcement	
132	Min Positive Results of Workers'	
133	Compensation Cases (%)	85.00
134	2011-2012 Baseline: 90.00%	
135	Min Positive Results of Insurance	
136	Cases (%)	85.00
137	2011-2012 Baseline: 90.00%	
138	Percentage Change of Positive Results	
139	of Worker's Compensation Insurance	
140	Fraud (%)	5.00
141	Percentage Change of Positive Results	
142	of Other Insurance Cases (%)	5.00
143	Other Mandated Programs	



144	Medicaid Fraud Convictions vs	
145	Dispositions (%)	85.00
146	2011-2012 Baseline: 100.00%	
147	Medicaid Abuse Convictions vs	
148	Dispositions (%)	85.00
149	2011-2012 Baseline: 95.00%	
150	Min Defendants Convicted After	
151	Indictments (PID) (%)	90.00
152	2011-2012 Baseline: 96.00%	
153	Response to Consumer Complaints (Days)	6.00
154	2011-2012 Baseline: 3.14 Days	
155	Percentage Change of Medicaid Fraud	
156	Convictions vs Dispositions (%)	5.00
157	Percentage Change of Medicaid Abuse	
158	Convictions vs Dispositions (%)	5.00
159	Percentage Change of Defendants	
160	Convicted After Indictment (%)	0.00
161	Average Number of Days to Respond to	
162	Consumer Complaints	6.00
163	Crime Victims Compensation	
164	Claims Processed in 12 Weeks or Less (%)	60.00
165	2011-2012 Baseline: 67.97%	
166	Percentage Change of Claims Processed	
167	Timely (%)	0.00



A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2018.

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

SECTION 7. It is the intention of the Legislature that the Attorney General's Office charge legal fees to all agencies where such legal services are provided. The Attorney General's Office may contract these fees on a contract rate or an hourly rate, whichever is more appropriate. Contracts with the Attorney General's Office for legal services or reimbursement for hourly legal services shall not require the approval of the State Personnel Board.

SECTION 8. Of the funds appropriated under the provisions of Section 2, the amount of One Million Dollars (\$1,000,000.00), or



so much thereof as may be necessary, shall be made available for expenditure by the Prosecutors Training Division.

SECTION 9. No part of the money herein appropriated shall be used, either directly or indirectly, for the purpose of paying any clerk, stenographer, assistant, deputy or other person who may be related by blood or marriage within the third degree, computed by the rules of civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received; however, when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

SECTION 10. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Office of the Attorney General that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 11. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price,



quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 12. Of the funds appropriated in Section 2, the sum of Eight Hundred Thousand Dollars (\$800,000.00) is provided from the Department of Health for the Alcohol and Tobacco Enforcement Unit.

SECTION 13. The amount of funds appropriated from the State General Fund in this bill are conditioned upon the availability for appropriation of the full amount of the state general funds that were projected in the general fund revenue estimate for fiscal year 2017 that was determined under the provision of Section 27-103-125.

If the amount of general funds projected to be available for appropriation for fiscal year 2017 would be reduced by the enactment into law of any revenue bills, as defined in Joint Rule 40, that have been passed by the House of Representatives by March 17, 2016, then the amount of funds appropriated from the State General Fund in this bill shall be reduced by the same percentage reduction in the amount of general funds that would be available for appropriation for fiscal year 2017, and the reduced amount shall be engrossed into this bill before it is transmitted to Senate.



241 The determination of whether the House has passed any such
242 revenue bills by March 17, 2016, and the amount and percentage of
243 the resulting reduction in the amount of general funds projected
244 to be available for appropriation for fiscal year 2017, shall be
245 determined by the Legislative Budget Office and certified in
246 writing to the Chairman of the House Appropriations Committee by
247 the Director of the Legislative Budget Office.

248 **SECTION 14.** The money herein appropriated shall be paid by
249 the State Treasurer out of any money in the State Treasury to the
250 credit of the proper fund or funds as set forth in this act, upon
251 warrants issued by the State Fiscal Officer; and the State Fiscal
252 Officer shall issue his warrants upon requisitions signed by the
253 proper person, officer or officers, in the manner provided by law.

254 **SECTION 15.** This act shall take effect and be in force from
255 and after July 1, 2016; and shall stand repealed from and after
256 June 30, 2016.

