

By: Representatives Read, Snowden, Baker,
Banks, Beckett, Bennett, Boyd, Clarke,
Cockerham, Gipson, Watson

To: Appropriations

HOUSE BILL NO. 1582
(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 2019.

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, 2018, and ending June 30, 2019.....
10\$ 22,976,084.00.

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, 2018, and ending June 30, 2019.....
18\$ 9,603,993.00.



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.....	94
23		Part Time.....	0
24	Time-Limited:	Full Time.....	232
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required to be
28 appropriated for "Personal Services" for Fiscal Year 2020 do not
29 exceed Fiscal Year 2019 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2019 budget by the Mississippi Legislature. Based on data
32 provided by the Legislative Budget Office, the State Personnel
33 Board shall determine and publish the projected annual cost to
34 fully fund all appropriated positions in compliance with the
35 provisions of this act. It shall be the responsibility of the
36 agency head to ensure that no single personnel action increases
37 this projected annual cost and/or the Fiscal Year 2019
38 appropriations for "Personal Services" when annualized, with the
39 exception of escalated funds and the award of benchmarks. If, at
40 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 2019 "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 2018. It is further the intention of the Legislature that the
 71 agency's budget request for Fiscal Year 2020 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 2019 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:

	FY2019
<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 (%)	0.00
141	Percentage Change of Positive Results	
142	of Other Insurance Cases (%)	0.00
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
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
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



168 A reporting of the degree to which the performance targets
169 set above have been or are being achieved shall be provided in the
170 agency's budget request submitted to the Joint Legislative Budget
171 Committee for Fiscal Year 2020.

172 **SECTION 6.** Of the funds appropriated under the provisions of
173 Section 1, funds included therein which are derived from penalties
174 and/or other funds collected by the Medicaid Fraud Control Unit
175 shall be available for the purpose of providing the state match
176 for federal funds available for the support of the unit, or for
177 other lawful purposes as deemed appropriate by the Attorney
178 General. Further, it is the intent of the Legislature that any
179 penalties and/or other funds collected and/or expended shall be
180 accounted for separately as to source and/or application of such
181 funds.

182 **SECTION 7.** Of the funds in Section 2, the following amount
183 is provided for the Office of Attorney General who shall transfer
184 Two Million Five Hundred Twenty-nine Thousand Six Hundred
185 Thirty-four Dollars (\$2,529,634.00) to the Board of Education for
186 the purpose of funding the State Department of Education's Early
187 Childhood Education Initiative Program. It is the intention of the
188 Legislature that the Office of Attorney General shall complete the
189 transfer required by this section no later than July 31, 2018, and
190 that the transfer shall be derived from funds in the Attorney
191 General Contingent Fund held at Trustmark Corporation (or any of
192 its subsidiaries) or from any other special funds of the Attorney



193 General. The amount of funds provided in this section shall only
194 be allocated for purposes described in this section and not for
195 any other purpose in this act.

196 **SECTION 8.** Of the funds appropriated in Section 2, an amount
197 not limited to Two Hundred Thousand Dollars (\$200,000.00) is
198 provided to defray the expenses of litigation defending the
199 constitutionality of Mississippi statutes.

200 **SECTION 9.** Of the funds appropriated under the provisions of
201 Section 1, the amount of One Million Dollars (\$1,000,000.00), or
202 so much thereof as may be necessary, shall be made available for
203 expenditure by the Prosecutors Training Division.

204 **SECTION 10.** No part of the money herein appropriated shall
205 be used, either directly or indirectly, for the purpose of paying
206 any clerk, stenographer, assistant, deputy or other person who may
207 be related by blood or marriage within the third degree, computed
208 by the rules of civil law, to the official employing or having the
209 right of employment or selection thereof; and in the event of any
210 such payment, then the official or person approving and making or
211 receiving such payment shall be jointly and severally liable to
212 return to the State of Mississippi and to pay into the State
213 Treasury three (3) times any such amount so paid or received;
214 however, when the relationship is by affinity and the person
215 through whom the relationship was established is dead, this
216 provision shall not apply.



217 **SECTION 11.** None of the funds appropriated by this act shall
218 be expended for any purpose that is not actually required or
219 necessary for performing any of the powers or duties of the Office
220 of the Attorney General that are authorized by the Mississippi
221 Constitution of 1890, state or federal law, or rules or
222 regulations that implement state or federal law.

223 **SECTION 12.** It is the intention of the Legislature that
224 whenever two (2) or more bids are received by this agency for the
225 purchase of commodities or equipment, and whenever all things
226 stated in such received bids are equal with respect to price,
227 quality and service, the Mississippi Industries for the Blind
228 shall be given preference. A similar preference shall be given to
229 the Mississippi Industries for the Blind whenever purchases are
230 made without competitive bids.

231 **SECTION 13.** Of the funds appropriated in Section 2, the sum
232 of Six Hundred Eighty Thousand Dollars (\$680,000.00) is provided
233 from the Department of Health for the Alcohol and Tobacco
234 Enforcement Unit.

235 **SECTION 14.** Of the funds appropriated in Section 1, it is the
236 intention of the Legislature that Five Million Six Hundred Ninety
237 Thousand Three Hundred Forty-six Dollars (\$5,690,346.00) may be
238 allocated for the programs supported from General Fund court
239 assessments as follows:

240	State Prosecutor Education.....	\$	662,582.00
241	Crime Victims Compensation.....	\$	1,901,332.00



242	Vulnerable Persons Training, Invest and	
243	Prosecution Trust.....	\$ 565,165.00
244	Child Support Prosecution Trust.....	\$ 128,475.00
245	Law Enforcement & Firefighters Disability	
246	Benefits Trust.....	\$ 133,666.00
247	Cyber Crime Unit.....	\$ 944,722.00
248	Domestic Violence Training.....	\$ 376,580.00
249	Children's Advocacy Centers.....	\$ 554,489.00
250	Crime Victims Compensation Admin.....	\$ 347,547.00
251	Motorcycle Officer Training.....	\$ 62,763.00
252	District Attorney Operations.....	\$ 13,025.00

253 It is the intention of the Legislature that the Attorney
254 General's Office shall prepare and submit a quarterly report to
255 the Chairmen of the Appropriation Committees of the Senate and
256 House of Representatives that details the expenditures made for
257 programs supported from General Fund court assessments allocated
258 in this section.

259 **SECTION 15.** The money herein appropriated shall be paid by
260 the State Treasurer out of any money in the State Treasury to the
261 credit of the proper fund or funds as set forth in this act, upon
262 warrants issued by the State Fiscal Officer; and the State Fiscal
263 Officer shall issue his warrants upon requisitions signed by the
264 proper person, officer or officers, in the manner provided by law.

265 **SECTION 16.** This act shall take effect and be in force from
266 and after July 1, 2018.

