

By: Representatives Read, Snowden, Banks,
Beckett, Bennett, Boyd, Clarke, Cockerham,
Hines, Watson, Sykes, Dixon

To: Appropriations

HOUSE BILL NO. 1635
(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 2020.

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, 2019, and ending June 30, 2020.....
10\$ 23,629,754.00.

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, 2019, and ending June 30, 2020.....
18\$ 9,495,477.00.



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.....	239
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 2021 do not
29 exceed Fiscal Year 2020 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2020 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 2020
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 2020 "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 Funds are provided herein for all full-time employees to
49 receive up to a Three Percent (3%) pay increase to the realignment
50 component of the Variable Compensation Plan, excluding head of
51 agencies, board members and commission members.

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

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64 act and which are withdrawn and no longer available.

65 None of the funds herein appropriated shall be used in
66 violation of Internal Revenue Service's Publication 15-A relating
67 to the reporting of income paid to contract employees, as
68 interpreted by the Office of the State Auditor.



69 **SECTION 4.** It is the intention of the Legislature that the
70 Office of the Attorney General shall maintain complete accounting
71 and personnel records related to the expenditure of all funds
72 appropriated under this act and that such records shall be in the
73 same format and level of detail as maintained for Fiscal Year
74 2019. It is further the intention of the Legislature that the
75 agency's budget request for Fiscal Year 2021 shall be submitted to
76 the Joint Legislative Budget Committee in a format and level of
77 detail comparable to the format and level of detail provided
78 during the Fiscal Year 2020 budget request process.

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

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage	
of Budget (%) 2011-2012 Baseline: 5.10%	6.00
Training	
Ratings of Continuing Legal Education	
Training Presentation by Participants	95.00



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



119	Opinions Completed in 30 Days or Less	
120	(%) 2011-2012 Baseline: 76.00%	75.00
121	Percentage Change of Opinion Requests	
122	Assigned to Attorneys Within 3 Days or	
123	Less (%)	0.00
124	Percentage Change of Opinion Requests	
125	Completed Within 30 Days or Less (%)	5.00
126	State Agency Contracts	
127	Good & Excellent Ratings for Legal	
128	Services (%) 2011-2012 Baseline: 94.00%	85.00
129	Percentage Change of Good/Excellent	
130	Ratings for Legal Services (%)	5.00
131	Insurance Integrity Enforcement	
132	Minimum Positive Results of Workers'	
133	Compensation Cases (%) 2011-2012	
134	Baseline: 90.00%	85.00
135	Minimum Positive Results of Insurance	
136	Cases (%) 2011-2012 Baseline: 90.00%	85.00
137	Percentage Change of Positive Results of	
138	Workers' Compensation Insurance Fraud	
139	(%)	0.00
140	Percentage Change of Positive Results of	
141	Other Insurance Cases (%)	0.00
142	Other Mandated Programs	
143	Medicaid Fraud Convictions vs	



144	Dispositions (%) 2011-2012 Baseline:	
145	100.00%	85.00
146	Medicaid Abuse Convictions vs	
147	Dispositions (%) 2011-2012 Baseline:	
148	95.00%	85.00
149	Minimum Defendants Convicted after	
150	Indictments (PID) (%) 2011-2012	
151	Baseline: 96.00%	90.00
152	Response to Consumer Complaints (Days)	
153	2011-2012 Baseline: 3.14%	6.00
154	Percentage Change of Medicaid Fraud	
155	Convictions vs Dispositions (%)	5.00
156	Percentage Change of Medicaid Abuse	
157	Convictions vs Dispositions (%)	5.00
158	Percentage Change of Defendants	
159	Convicted After Indictment (%)	0.00
160	Average Number of Days to Respond to	
161	Consumer Complaints	6
162	Crime Victims Compensation	
163	Claims Processed in 12 Weeks or Less (%)	
164	2011-2012 Baseline: 67.97%	60.00
165	Percentage Change of Claims Processed	
166	Timely (%)	0.00
167	A reporting of the degree to which the performance targets	
168	set above have been or are being achieved shall be provided in the	



169 agency's budget request submitted to the Joint Legislative Budget
170 Committee for Fiscal Year 2021.

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

181 **SECTION 7.** Of the funds appropriated under the provisions of
182 Section 1, the amount of One Million Dollars (\$1,000,000.00), or
183 so much thereof as may be necessary, shall be made available for
184 expenditure by the Prosecutors Training Division.

185 **SECTION 8.** No part of the money herein appropriated shall be
186 used, either directly or indirectly, for the purpose of paying any
187 clerk, stenographer, assistant, deputy or other person who may be
188 related by blood or marriage within the third degree, computed by
189 the rules of civil law, to the official employing or having the
190 right of employment or selection thereof; and in the event of any
191 such payment, then the official or person approving and making or
192 receiving such payment shall be jointly and severally liable to
193 return to the State of Mississippi and to pay into the State



194 Treasury three (3) times any such amount so paid or received;
195 however, when the relationship is by affinity and the person
196 through whom the relationship was established is dead, this
197 provision shall not apply.

198 **SECTION 9.** None of the funds appropriated by this act shall
199 be expended for any purpose that is not actually required or
200 necessary for performing any of the powers or duties of the Office
201 of the Attorney General that are authorized by the Mississippi
202 Constitution of 1890, state or federal law, or rules or
203 regulations that implement state or federal law.

204 **SECTION 10.** It is the intention of the Legislature that
205 whenever two (2) or more bids are received by this agency for the
206 purchase of commodities or equipment, and whenever all things
207 stated in such received bids are equal with respect to price,
208 quality and service, the Mississippi Industries for the Blind
209 shall be given preference. A similar preference shall be given to
210 the Mississippi Industries for the Blind whenever purchases are
211 made without competitive bids.

212 **SECTION 11.** Of the funds appropriated in Section 2, the sum
213 of Six Hundred Eighty Thousand Dollars (\$680,000.00) is provided
214 from the Department of Health for the Alcohol and Tobacco
215 Enforcement Unit.

216 **SECTION 12.** Of the funds appropriated in Section 1, it is
217 the intention of the Legislature that Five Million Six Hundred
218 Ninety Thousand Three Hundred Forty-six Dollars (\$5,690,346.00)



219 may be allocated for the programs supported from General Fund
220 court assessments as follows:

221	State Prosecutor Education.....	\$ 662,582.00
222	Crime Victims Compensation.....	\$ 1,901,332.00
223	Vulnerable Persons Training, Invest and	
224	Prosecution Trust.....	\$ 565,165.00
225	Child Support Prosecution Trust.....	\$ 128,475.00
226	Law Enforcement & Firefighters Disability	
227	Benefits Trust.....	\$ 133,666.00
228	Cyber Crime Unit.....	\$ 944,722.00
229	Domestic Violence Training.....	\$ 376,580.00
230	Children's Advocacy Centers.....	\$ 554,489.00
231	Crime Victims Compensation Admin.....	\$ 347,547.00
232	Motorcycle Officer Training.....	\$ 62,763.00
233	District Attorney Operations.....	\$ 13,025.00

234 It is the intention of the Legislature that the Attorney
235 General's Office shall prepare and submit a quarterly report to
236 the Chairmen of the Appropriation Committees of the Senate and
237 House of Representatives that details the expenditures made for
238 programs supported from General Fund court assessments allocated
239 in this section.

240 **SECTION 13.** The money herein appropriated shall be paid by
241 the State Treasurer out of any money in the State Treasury to the
242 credit of the proper fund or funds as set forth in this act, upon
243 warrants issued by the State Fiscal Officer; and the State Fiscal



244 Officer shall issue his warrants upon requisitions signed by the
245 proper person, officer or officers, in the manner provided by law.

246 **SECTION 14.** This act shall take effect and be in force from
247 and after July 1, 2019.

