

Senate Amendments to House Bill No. 1694

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 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, 2020, and ending June 30, 2021.....
10\$ 21,827,592.00.

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, 2020, and ending June 30, 2021.....
18\$ 9,111,486.00.

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.....	90
23		Part Time.....	0
24	Time-Limited:	Full Time.....	219
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 2022 do not
29 exceed Fiscal Year 2021 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2021 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 2021
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 2021 "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 2020. It is further the intention of the Legislature that the
71 agency's budget request for Fiscal Year 2022 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 2021 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:

	FY2021
<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
Ratings of CRIMES System Training	
Presentation by Participants	90.00
Litigation	
Minimum Affirmations of Criminal	
Convictions (%) 2011-2012 Baseline:	
90.00%	85.00
Minimum Affirmations of Death Penalty	
Appeals (%) 2011-2012 Baseline: 83.33%	65.00
Minimum Denial of Relief in Federal	

99	Habeas Corpus (%) 2011-2012 Baseline:	
100	86.96%	92.00
101	Minimum Positive Results of Civil Cases	
102	(%) 2011-2012 Baseline: 96.00%	80.00
103	Percentage Change of Affirmations of	
104	Criminal Convictions Attained (%)	0.00
105	Percentage Change of Death Penalty	
106	Review Cases Affirmed (%)	5.00
107	Percentage of Change of Appeals for	
108	Relief in Federal Habeas Corpus Cases	
109	Denied (%)	2.00
110	Percentage Change of Positive Results	
111	from Civil Cases (%)	5.00
112	Opinions	
113	Assigned to Attorneys in 3 Days or Less	
114	(%) 2011-2012 Baseline: 100.00%	100.00
115	Opinions Completed in 30 Days or Less	
116	(%) 2011-2012 Baseline: 76.00%	75.00
117	Percentage Change of Opinion Requests	
118	Assigned to Attorneys Within 3 Days or	
119	Less (%)	0.00
120	Percentage Change of Opinion Requests	
121	Completed Within 30 Days or Less (%)	5.00
122	State Agency Contracts	
123	Good & Excellent Ratings for Legal	
124	Services (%) 2011-2012 Baseline: 94.00%	85.00

125	Percentage Change of Good/Excellent	
126	Ratings for Legal Services (%)	5.00
127	Insurance Integrity Enforcement	
128	Minimum Positive Results of Workers'	
129	Compensation Cases (%) 2011-2012	
130	Baseline: 90.00%	85.00
131	Minimum Positive Results of Insurance	
132	Cases (%) 2011-2012 Baseline: 90.00%	85.00
133	Percentage Change of Positive Results of	
134	Workers' Compensation Insurance Fraud	
135	(%)	0.00
136	Percentage Change of Positive Results of	
137	Other Insurance Cases (%)	0.00
138	Other Mandated Programs	
139	Medicaid Fraud Convictions vs	
140	Dispositions (%) 2011-2012 Baseline:	
141	100.00%	85.00
142	Medicaid Abuse Convictions vs	
143	Dispositions (%) 2011-2012 Baseline:	
144	95.00%	85.00
145	Minimum Defendants Convicted after	
146	Indictments (PID) (%) 2011-2012	
147	Baseline: 96.00%	90.00
148	Response to Consumer Complaints (Days)	
149	2011-2012 Baseline: 3.14%	6
150	Average Number of Days to Respond to	

151	Consumer Complaints	6
152	Percentage Change of Medicaid Fraud	
153	Convictions vs Dispositions (%)	5.00
154	Percentage Change of Medicaid Abuse	
155	Convictions vs Dispositions (%)	5.00
156	Percentage Change of Defendants	
157	Convicted After Indictment (%)	0.00
158	Crime Victims Compensation	
159	Claims Processed in 12 Weeks or Less (%)	
160	2011-2012 Baseline: 67.97%	60.00
161	Percentage Change of Claims Processed	
162	Timely (%)	0.00
163	A reporting of the degree to which the performance targets	
164	set above have been or are being achieved shall be provided in the	
165	agency's budget request submitted to the Joint Legislative Budget	
166	Committee for Fiscal Year 2022.	

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

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

181 **SECTION 8.** No part of the money herein appropriated shall be
182 used, either directly or indirectly, for the purpose of paying any
183 clerk, stenographer, assistant, deputy or other person who may be
184 related by blood or marriage within the third degree, computed by
185 the rules of civil law, to the official employing or having the
186 right of employment or selection thereof; and in the event of any
187 such payment, then the official or person approving and making or
188 receiving such payment shall be jointly and severally liable to
189 return to the State of Mississippi and to pay into the State
190 Treasury three (3) times any such amount so paid or received;
191 however, when the relationship is by affinity and the person
192 through whom the relationship was established is dead, this
193 provision shall not apply.

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

200 **SECTION 10.** It is the intention of the Legislature that
201 whenever two (2) or more bids are received by this agency for the
202 purchase of commodities or equipment, and whenever all things

203 stated in such received bids are equal with respect to price,
204 quality and service, the Mississippi Industries for the Blind
205 shall be given preference. A similar preference shall be given to
206 the Mississippi Industries for the Blind whenever purchases are
207 made without competitive bids.

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

212 **SECTION 12.** Of the funds appropriated in Section 1, it is
213 the intention of the Legislature that Five Million Six Hundred
214 Ninety Thousand Three Hundred Forty-six Dollars (\$5,690,346.00)
215 may be allocated for the programs supported from General Fund
216 court assessments as follows:

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

229 District Attorney Operations.....\$ 13,025.00

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

236 **SECTION 13.** The money herein appropriated shall be paid by
237 the State Treasurer out of any money in the State Treasury to the
238 credit of the proper fund or funds as set forth in this act, upon
239 warrants issued by the State Fiscal Officer; and the State Fiscal
240 Officer shall issue his warrants upon requisitions signed by the
241 proper person, officer or officers, in the manner provided by law.

242 **SECTION 14.** This act shall take effect and be in force from
243 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1694A.J

Eugene S. Clarke
Secretary of the Senate