

By: Representatives Read, White, Banks,
Beckett, Bennett, Bounds, Busby, Cockerham,
Hines, Hopkins, Watson, Young

To: Appropriations

HOUSE BILL NO. 1385
(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 2022.

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, 2021, and ending June 30, 2022.....
10 \$ 26,728,540.00.

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, 2021, and ending June 30, 2022.....
18 \$ 7,022,208.00.



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	243
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 2023 do not
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless
30 programs or positions are added to the agency's Fiscal Year 2022
31 budget by the Mississippi Legislature. Based on data provided by
32 the Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. Absent a special situation or circumstance approved by the
36 State Personnel Board, or unless otherwise authorized by this act,
37 no state agency shall take any action to promote or otherwise
38 award salary increases through reallocation or realignment. If
39 the State Personnel Board determines a special situation or
40 circumstance exists and approves an action, then the agency and
41 the State Personnel Board shall provide a monthly report of each
42 action approved by the State Personnel Board to the chairmen of
43 the Accountability, Efficiency and Transparency Committees of the



44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this
48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

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



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

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

76 Funds have been appropriated herein for the purpose of
77 implementation and funding Project SEC2 of the Colonel Guy Groff
78 State Variable Compensation Plan beginning January 1, 2022, and
79 ending June 30, 2022. It shall be the agency's responsibility to
80 make certain that each person, excluding executive directors,
81 agency heads, and elected judges, shall receive no more than a 3%
82 annual increase in salary which shall not exceed the market rate
83 established by the State Personnel Board pursuant to the Colonel
84 Guy Groff State Variable Compensation Plan for each
85 classification.

86 **SECTION 4.** It is the intention of the Legislature that the
87 Office of the Attorney General shall maintain complete accounting
88 and personnel records related to the expenditure of all funds
89 appropriated under this act and that such records shall be in the
90 same format and level of detail as maintained for Fiscal Year
91 2021. It is further the intention of the Legislature that the
92 agency's budget request for Fiscal Year 2023 shall be submitted to



93 the Joint Legislative Budget Committee in a format and level of
 94 detail comparable to the format and level of detail provided
 95 during the Fiscal Year 2022 budget request process.

96 **SECTION 5.** In compliance with the "Mississippi Performance
 97 Budget and Strategic Planning Act of 1994," it is the intent of
 98 the Legislature that the funds provided herein shall be utilized
 99 in the most efficient and effective manner possible to achieve the
 100 intended mission of this agency. Based on the funding authorized,
 101 this agency shall make every effort to attain the targeted
 102 performance measures provided below:

	FY2022
<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	95.00
Litigation	
Minimum Affirmations of Criminal	
Convictions (%) 2011-2012 Baseline:	
90.00%	90.00
Minimum Affirmations of Death Penalty	



118	Appeals (%) 2011-2012 Baseline: 83.33%	70.00
119	Minimum Denial of Relief in Federal	
120	Habeas Corpus (%) 2011-2012 Baseline:	
121	86.96%	95.00
122	Minimum Positive Results of Civil Cases	
123	(%) 2011-2012 Baseline: 96.00%	98.00
124	Percentage Change of Affirmations of	
125	Criminal Convictions Attained (%)	0.00
126	Percentage Change of Death Penalty	
127	Review Cases Affirmed (%)	5.00
128	Percentage of Change of Appeals for	
129	Relief in Federal Habeas Corpus Cases	
130	Denied (%)	0.00
131	Percentage Change of Positive Results	
132	from Civil Cases (%)	0.00
133	Opinions	
134	Assigned to Attorneys in 3 Days or Less	
135	(%) 2011-2012 Baseline: 100.00%	100.00
136	Opinions Completed in 30 Days or Less	
137	(%) 2011-2012 Baseline: 76.00%	75.00
138	Percentage Change of Opinion Requests	
139	Assigned to Attorneys Within 3 Days or	
140	Less (%)	0.00
141	Percentage Change of Opinion Requests	
142	Completed Within 30 Days or Less (%)	5.00



143	State Agency Contracts	
144	Good & Excellent Ratings for Legal	
145	Services (%) 2011-2012 Baseline: 94.00%	100.00
146	Percentage Change of Good/Excellent	
147	Ratings for Legal Services (%)	0.00
148	Insurance Integrity Enforcement	
149	Minimum Positive Results of Workers'	
150	Compensation Cases (%) 2011-2012	
151	Baseline: 90.00%	99.00
152	Minimum Positive Results of Insurance	
153	Cases (%) 2011-2012 Baseline: 90.00%	99.00
154	Percentage Change of Positive Results of	
155	Workers' Compensation Insurance Fraud	
156	(%)	5.00
157	Percentage Change of Positive Results of	
158	Other Insurance Cases (%)	0.00
159	Other Mandated Programs	
160	Medicaid Fraud Convictions vs	
161	Dispositions (%) 2011-2012 Baseline:	
162	100.00%	85.00
163	Medicaid Abuse Convictions vs	
164	Dispositions (%) 2011-2012 Baseline:	
165	95.00%	98.00
166	Minimum Defendants Convicted after	
167	Indictments (PID) (%) 2011-2012	



168	Baseline: 96.00%	90.00
169	Response to Consumer Complaints (Days)	
170	2011-2012 Baseline: 3.14%	5
171	Average Number of Days to Respond to	
172	Consumer Complaints	5
173	Percentage Change of Medicaid Fraud	
174	Convictions vs Dispositions (%)	5.00
175	Percentage Change of Medicaid Abuse	
176	Convictions vs Dispositions (%)	5.00
177	Percentage Change of Defendants	
178	Convicted After Indictment (%)	0.00
179	Crime Victims Compensation	
180	Claims Processed in 12 Weeks or Less (%)	
181	2011-2012 Baseline: 67.97%	57.88
182	Percentage Change of Claims Processed	
183	Timely (%)	0.00

184 A reporting of the degree to which the performance targets
185 set above have been or are being achieved shall be provided in the
186 agency's budget request submitted to the Joint Legislative Budget
187 Committee for Fiscal Year 2023.

188 **SECTION 6.** Of the funds appropriated under the provisions of
189 Section 1, funds included therein which are derived from penalties
190 and/or other funds collected by the Medicaid Fraud Control Unit
191 shall be available for the purpose of providing the state match
192 for federal funds available for the support of the unit, or for



193 other lawful purposes as deemed appropriate by the Attorney
194 General. Further, it is the intent of the Legislature that any
195 penalties and/or other funds collected and/or expended shall be
196 accounted for separately as to source and/or application of such
197 funds.

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

202 **SECTION 8.** No part of the money herein appropriated shall be
203 used, either directly or indirectly, for the purpose of paying any
204 clerk, stenographer, assistant, deputy or other person who may be
205 related by blood or marriage within the third degree, computed by
206 the rules of civil law, to the official employing or having the
207 right of employment or selection thereof; and in the event of any
208 such payment, then the official or person approving and making or
209 receiving such payment shall be jointly and severally liable to
210 return to the State of Mississippi and to pay into the State
211 Treasury three (3) times any such amount so paid or received;
212 however, when the relationship is by affinity and the person
213 through whom the relationship was established is dead, this
214 provision shall not apply.

215 **SECTION 9.** None of the funds appropriated by this act shall
216 be expended for any purpose that is not actually required or
217 necessary for performing any of the powers or duties of the Office



218 of the Attorney General that are authorized by the Mississippi
219 Constitution of 1890, state or federal law, or rules or
220 regulations that implement state or federal law.

221 **SECTION 10.** It is the intention of the Legislature that
222 whenever two (2) or more bids are received by this agency for the
223 purchase of commodities or equipment, and whenever all things
224 stated in such received bids are equal with respect to price,
225 quality and service, the Mississippi Industries for the Blind
226 shall be given preference. A similar preference shall be given to
227 the Mississippi Industries for the Blind whenever purchases are
228 made without competitive bids.

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

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

238	State Prosecutor Education	\$	662,582.00
239	Crime Victims Compensation	\$	1,901,332.00
240	Vulnerable Persons Training, Invest and		
241	Prosecution Trust	\$	565,165.00
242	Child Support Prosecution Trust	\$	128,475.00



243	Law Enforcement & Firefighters Disability	
244	Benefits Trust	\$ 133,666.00
245	Cyber Crime Unit	\$ 944,722.00
246	Domestic Violence Training	\$ 376,580.00
247	Children's Advocacy Centers	\$ 554,489.00
248	Crime Victims Compensation Admin	\$ 347,547.00
249	Motorcycle Officer Training	\$ 62,763.00
250	District Attorney Operations	\$ 13,025.00

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

257 **SECTION 13.** The following sum, or so much thereof as may be
258 necessary, is reappropriated out of any money in the General Fund
259 not otherwise appropriated for the Attorney General for the
260 purpose of reauthorizing the expenditure of General Funds, as
261 authorized in HB 1694, 2020 Regular Session to provide for Case
262 Management System for the fiscal year beginning July 1, 2021, and
263 ending June 30, 2022

264 Notwithstanding the amount reappropriated under the
265 provisions of this section, in no event shall the amount expended
266 exceed the unexpended balance as of June 30, 2021.



267 **SECTION 14.** Of the funds appropriated in this act, funds are
268 provided to defray the expenses of litigation defending the
269 constitutionality of Mississippi statutes.

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

276 **SECTION 16.** This act shall take effect and be in force from
277 and after July 1, 2021.

