

Senate Amendments to House Bill No. 1385

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, 2021, and ending June 30, 2022.....
10\$ 21,623,323.00.

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\$ 5,462,843.00.

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.....	91
23		Part Time.....	0
24	Time-Limited:	Full Time.....	230
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 **SECTION 4.** It is the intention of the Legislature that the
77 Office of the Attorney General shall maintain complete accounting
78 and personnel records related to the expenditure of all funds
79 appropriated under this act and that such records shall be in the
80 same format and level of detail as maintained for Fiscal Year
81 2021. It is further the intention of the Legislature that the
82 agency's budget request for Fiscal Year 2023 shall be submitted to
83 the Joint Legislative Budget Committee in a format and level of
84 detail comparable to the format and level of detail provided
85 during the Fiscal Year 2022 budget request process.

86 **SECTION 5.** In compliance with the "Mississippi Performance
87 Budget and Strategic Planning Act of 1994," it is the intent of
88 the Legislature that the funds provided herein shall be utilized
89 in the most efficient and effective manner possible to achieve the
90 intended mission of this agency. Based on the funding authorized,
91 this agency shall make every effort to attain the targeted
92 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	

100	Training Presentation by Participants	95.00
101	Ratings of CRIMES System Training	
102	Presentation by Participants	95.00
103	Litigation	
104	Minimum Affirmations of Criminal	
105	Convictions (%) 2011-2012 Baseline:	
106	90.00%	90.00
107	Minimum Affirmations of Death Penalty	
108	Appeals (%) 2011-2012 Baseline: 83.33%	70.00
109	Minimum Denial of Relief in Federal	
110	Habeas Corpus (%) 2011-2012 Baseline:	
111	86.96%	95.00
112	Minimum Positive Results of Civil Cases	
113	(%) 2011-2012 Baseline: 96.00%	98.00
114	Percentage Change of Affirmations of	
115	Criminal Convictions Attained (%)	0.00
116	Percentage Change of Death Penalty	
117	Review Cases Affirmed (%)	5.00
118	Percentage of Change of Appeals for	
119	Relief in Federal Habeas Corpus Cases	
120	Denied (%)	0.00
121	Percentage Change of Positive Results	
122	from Civil Cases (%)	0.00
123	Opinions	
124	Assigned to Attorneys in 3 Days or Less	
125	(%) 2011-2012 Baseline: 100.00%	100.00

126	Opinions Completed in 30 Days or Less	
127	(%) 2011-2012 Baseline: 76.00%	75.00
128	Percentage Change of Opinion Requests	
129	Assigned to Attorneys Within 3 Days or	
130	Less (%)	0.00
131	Percentage Change of Opinion Requests	
132	Completed Within 30 Days or Less (%)	5.00
133	State Agency Contracts	
134	Good & Excellent Ratings for Legal	
135	Services (%) 2011-2012 Baseline: 94.00%	100.00
136	Percentage Change of Good/Excellent	
137	Ratings for Legal Services (%)	0.00
138	Insurance Integrity Enforcement	
139	Minimum Positive Results of Workers'	
140	Compensation Cases (%) 2011-2012	
141	Baseline: 90.00%	99.00
142	Minimum Positive Results of Insurance	
143	Cases (%) 2011-2012 Baseline: 90.00%	99.00
144	Percentage Change of Positive Results of	
145	Workers' Compensation Insurance Fraud	
146	(%)	5.00
147	Percentage Change of Positive Results of	
148	Other Insurance Cases (%)	0.00
149	Other Mandated Programs	
150	Medicaid Fraud Convictions vs	
151	Dispositions (%) 2011-2012 Baseline:	

152	100.00%	85.00
153	Medicaid Abuse Convictions vs	
154	Dispositions (%) 2011-2012 Baseline:	
155	95.00%	98.00
156	Minimum Defendants Convicted after	
157	Indictments (PID) (%) 2011-2012	
158	Baseline: 96.00%	90.00
159	Response to Consumer Complaints (Days)	
160	2011-2012 Baseline: 3.14%	5.00
161	Average Number of Days to Respond to	
162	Consumer Complaints	5.00
163	Percentage Change of Medicaid Fraud	
164	Convictions vs Dispositions (%)	5.00
165	Percentage Change of Medicaid Abuse	
166	Convictions vs Dispositions (%)	5.00
167	Percentage Change of Defendants	
168	Convicted After Indictment (%)	0.00
169	Crime Victims Compensation	
170	Claims Processed in 12 Weeks or Less (%)	
171	2011-2012 Baseline: 67.97%	57.88
172	Percentage Change of Claims Processed	
173	Timely (%)	0.00
174	A reporting of the degree to which the performance targets	
175	set above have been or are being achieved shall be provided in the	
176	agency's budget request submitted to the Joint Legislative Budget	
177	Committee for Fiscal Year 2023.	

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

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

192 **SECTION 8.** No part of the money herein appropriated shall be
193 used, either directly or indirectly, for the purpose of paying any
194 clerk, stenographer, assistant, deputy or other person who may be
195 related by blood or marriage within the third degree, computed by
196 the rules of civil law, to the official employing or having the
197 right of employment or selection thereof; and in the event of any
198 such payment, then the official or person approving and making or
199 receiving such payment shall be jointly and severally liable to
200 return to the State of Mississippi and to pay into the State
201 Treasury three (3) times any such amount so paid or received;
202 however, when the relationship is by affinity and the person

203 through whom the relationship was established is dead, this
204 provision shall not apply.

205 **SECTION 9.** None of the funds appropriated by this act shall
206 be expended for any purpose that is not actually required or
207 necessary for performing any of the powers or duties of the Office
208 of the Attorney General that are authorized by the Mississippi
209 Constitution of 1890, state or federal law, or rules or
210 regulations that implement state or federal law.

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

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

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

228 State Prosecutor Education.....\$ 662,582.00

229	Crime Victims Compensation.....\$	1,901,332.00
230	Vulnerable Persons Training, Invest and	
231	Prosecution Trust.....\$	565,165.00
232	Child Support Prosecution Trust.....\$	128,475.00
233	Law Enforcement & Firefighters Disability	
234	Benefits Trust.....\$	133,666.00
235	Cyber Crime Unit.....\$	944,722.00
236	Domestic Violence Training.....\$	376,580.00
237	Children's Advocacy Centers.....\$	554,489.00
238	Crime Victims Compensation Admin.....\$	347,547.00
239	Motorcycle Officer Training.....\$	62,763.00
240	District Attorney Operations.....\$	13,025.00

241 It is the intention of the Legislature that the Attorney
242 General's Office shall prepare and submit a quarterly report to
243 the Chairmen of the Appropriation Committees of the Senate and
244 House of Representatives that details the expenditures made for
245 programs supported from General Fund court assessments allocated
246 in this section.

247 **SECTION 13.** Of the funds appropriated in this act, funds are
248 provided to defray the expenses of litigation defending the
249 constitutionality of Mississippi statutes.

250 **SECTION 14.** The money herein appropriated shall be paid by
251 the State Treasurer out of any money in the State Treasury to the
252 credit of the proper fund or funds as set forth in this act, upon
253 warrants issued by the State Fiscal Officer; and the State Fiscal

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

256 **SECTION 15.** This act shall take effect and be in force from
257 and after July 1, 2021, and shall stand repealed June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

SS15\HB1385A.J

Eugene S. Clarke
Secretary of the Senate