

By: Representatives Read, Cockerham, Arnold, Beckett, Bennett, Bounds, Boyd, Busby, Clark, Clarke, Eure, Hines, Jackson, Turner, Watson, White, Young

To: Appropriations

HOUSE BILL NO. 1629

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 2023.

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, 2022, and ending June 30, 2023.....
10 \$ 26,635,923.00.

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, 2022, and ending June 30, 2023.....
18 \$ 6,204,571.00.



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	88
23		Part Time	0
24	Time-Limited:	Full Time	229
25		Part Time	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required for "Personal
28 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
29 funds appropriated for that purpose unless programs or positions
30 are added to the agency's Fiscal Year 2023 budget by the
31 Mississippi Legislature. The Legislature shall determine the
32 agency's personal services appropriation, which shall be published
33 by the State Personnel Board. Additionally, the State Personnel
34 Board shall determine and publish the projected annualized payroll
35 costs based on current employees. It shall be the responsibility
36 of the agency head to ensure that actual personnel expenditures
37 for Fiscal Year 2023 do not exceed the data provided by the
38 Legislative Budget Office. If the agency's Fiscal Year 2023
39 projected cost exceeds the annualized costs, no salary actions
40 shall be processed by the State Personnel Board with the exception
41 of new hires that are determined to be essential for the agency.

42 Any transfers or escalations shall be made in accordance with
43 the terms, conditions and procedures established by law or



44 allowable under the terms set forth within this act. The State
45 Personnel Board shall not escalate positions without written
46 approval from the Department of Finance and Administration. The
47 Department of Finance and Administration shall not provide written
48 approval to escalate any funds for salaries and/or positions
49 without proof of availability of new or additional funds above the
50 appropriated level.

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54 act and which are withdrawn and no longer available.

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

59 Funds have been appropriated herein for the purpose of
60 funding Project SEC2 minimum salaries for all employees covered
61 under the Colonel Guy Groff/Neville Kenning Variable Compensation
62 Plan. It shall be the agency's responsibility to ensure that the
63 funds are used to increase all employees' salaries up to the
64 minimum level as determined by the State Personnel Board.

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 2022. It is further the intention of the Legislature that the
 71 agency's budget request for Fiscal Year 2024 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 2023 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:

	FY2023
<u>Performance Measures</u>	<u>Target</u>
84 Supportive Services	
85 Cost of Support Services as Percent of	
86 Budget, 2011-2012 Baseline: 5.10%	6.00
87 Training	
88 Ratings of Continuing Legal Education	
89 Training Presentation by Participants	95.00
90 Ratings of CRIMES System Training	
91 Presentation by Participants	90.00
92 Litigation	
93 Minimum Affirmations of Criminal	



94	Convictions (%) 2011-2012 Baseline:	
95	90.00%	85.00
96	Minimum Affirmations of Death Penalty	
97	Appeals (%) 2011-2012 Baseline: 83.33%	80.00
98	Minimum Denial of Relief in Federal	
99	Habeas Corpus (%) 2011-2012 Baseline:	
100	86.96%	95.00
101	Minimum Pos Results of Civil Cases (%)	
102	2011-2012 Baseline: 96.00%	94.00
103	Percent Change of Affirmations of	
104	Criminal Convictions Attained	0.00
105	Percent Change of Death Penalty Review	
106	Cases Affirmed	6.00
107	Percent of Change of Appeals for Relief	
108	in Federal Habeas Corpus Cases Denied	3.00
109	Percent Change of Positive Results from	
110	Civil Cases	1.00
111	Opinions	
112	Percent Assigned to Attys in 3 Days or	
113	Less, 2011-2012 Baseline: 100.00%	100.00
114	Percent of Opinions Completed in 30 Days	
115	or Less, 2011-2012 Baseline: 76.00%	25.00
116	Percent Change of Opinion Requests	
117	Assigned to Attorneys within 3 Days or	
118	Less	0.00



119	Percent Change of Opinion Requests	
120	Completed within 30 Days or Less	5.00
121	State Agency Contracts	
122	Percent of Good & Excellent Ratings for	
123	Legal Services, 2011-2012 Baseline:	
124	94.00%	100.00
125	Percent Change of Good/Excellent Ratings	
126	for Legal Services	0.00
127	Insurance Integrity Enforcement	
128	Minimum Positive Results of Workers'	
129	Compensation Cases (%) 2011-2012	
130	Baseline: 90.00%	99.00
131	Minimum Positive Results of Insurance	
132	Cases (%) 2011-2012 Baseline: 90.00%	99.00
133	Percent Change of Positive Results of	
134	Workers' Compensation Insurance Fraud	5.00
135	Percent Change of Positive Results of	
136	Other Insurance Cases	0.00
137	Other Mandated Programs	
138	Medicaid Fraud Convictions vs	
139	Dispositions (%) 2011-2012 Baseline:	
140	100.00%	85.00
141	Medicaid Abuse Convictions vs	
142	Dispositions (%) 2011-2012 Baseline:	
143	95.00%	95.00



144	Minimum Defendants Convicted after	
145	Indictments (PID) (%) 2011-2012	
146	Baseline: 96.00%	90.00
147	Response to Consumer Complaints (Days)	
148	2011-2012 Baseline: 3.14%	5
149	Average Number of Days to Respond to	
150	Consumer Complaints	5
151	Percent Change of Medicaid Fraud	
152	Convictions vs Dispositions	5.00
153	Percent Change of Medicaid Abuse	
154	Convictions vs Dispositions	5.00
155	Percent Change of Defendants Convicted	
156	After Indictment	0.00
157	Crime Victims Compensation	
158	Percent of Claims Processed in 12 Weeks	
159	or Less, 2011-2012 Baseline: 67.97%	80.00
160	Percent Change of Claims Processed Timely	0.00
161	A reporting of the degree to which the performance targets	
162	set above have been or are being achieved shall be provided in the	
163	agency's budget request submitted to the Joint Legislative Budget	
164	Committee for Fiscal Year 2024.	

165 **SECTION 6.** Of the funds appropriated under the provisions of
166 Section 1, funds included therein which are derived from penalties
167 and/or other funds collected by the Medicaid Fraud Control Unit
168 shall be available for the purpose of providing the state match



169 for federal funds available for the support of the unit, or for
170 other lawful purposes as deemed appropriate by the Attorney
171 General. Further, it is the intent of the Legislature that any
172 penalties and/or other funds collected and/or expended shall be
173 accounted for separately as to source and/or application of such
174 funds.

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

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

192 **SECTION 9.** None of the funds appropriated by this act shall
193 be expended for any purpose that is not actually required or



194 necessary for performing any of the powers or duties of the Office
195 of the Attorney General that are authorized by the Mississippi
196 Constitution of 1890, state or federal law, or rules or
197 regulations that implement state or federal law.

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

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

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

215	State Prosecutor Education	\$	662,582.00
216	Crime Victims Compensation	\$	1,901,332.00
217	Vulnerable Persons Training, Invest and		
218	Prosecution Trust	\$	565,165.00



219	Child Support Prosecution Trust	\$	128,475.00
220	Law Enforcement & Firefighters Disability		
221	Benefits Trust	\$	133,666.00
222	Cyber Crime Unit	\$	944,722.00
223	Domestic Violence Training	\$	376,580.00
224	Children's Advocacy Centers	\$	554,489.00
225	Crime Victims Compensation Admin	\$	347,547.00
226	Motorcycle Officer Training	\$	62,763.00
227	District Attorney Operations	\$	13,025.00

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

234 **SECTION 13.** Of the funds appropriated in this act, funds are
235 provided to defray the expenses of litigation defending the
236 constitutionality of Mississippi statutes.

237 **SECTION 14.** The money herein appropriated shall be paid by
238 the State Treasurer out of any money in the State Treasury to the
239 credit of the proper fund or funds as set forth in this act, upon
240 warrants issued by the State Fiscal Officer; and the State Fiscal
241 Officer shall issue his warrants upon requisitions signed by the
242 proper person, officer or officers, in the manner provided by law.



243 **SECTION 15.** This act shall take effect and be in force from
244 and after July 1, 2022, and shall stand repealed June 30, 2022.

