

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  
(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 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 .....\$ 29,857,765.00.

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 .....\$ 9,876,923.00.



19           **SECTION 3.** Of the funds appropriated under the provisions of  
20 this act, the following positions are authorized:

21       AUTHORIZED HEADCOUNT:

22           Permanent:	Full Time.....	88
23           Time-Limited:	Full Time.....	229

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

40           Any transfers or escalations shall be made in accordance with  
41 the terms, conditions and procedures established by law or  
42 allowable under the terms set forth within this act. The State  
43 Personnel Board shall not escalate positions without written



44 approval from the Department of Finance and Administration. The  
45 Department of Finance and Administration shall not provide written  
46 approval to escalate any funds for salaries and/or positions  
47 without proof of availability of new or additional funds above the  
48 appropriated level.

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52 act and which are withdrawn and no longer available.

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

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

63 **SECTION 4.** It is the intention of the Legislature that the  
64 Office of the Attorney General shall maintain complete accounting  
65 and personnel records related to the expenditure of all funds  
66 appropriated under this act and that such records shall be in the  
67 same format and level of detail as maintained for Fiscal Year  
68 2022. It is further the intention of the Legislature that the



69 agency's budget request for Fiscal Year 2024 shall be submitted to  
 70 the Joint Legislative Budget Committee in a format and level of  
 71 detail comparable to the format and level of detail provided  
 72 during the Fiscal Year 2023 budget request process.

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

	FY2023
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percent 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



94	Minimum Affirmations of Death Penalty	
95	Appeals (%) 2011-2012 Baseline: 83.33%	80.00
96	Minimum Denial of Relief in Federal	
97	Habeas Corpus (%) 2011-2012 Baseline:	
98	86.96%	95.00
99	Minimum Pos Results of Civil Cases (%)	
100	2011-2012 Baseline: 96.00%	94.00
101	Percent Change of Affirmations of	
102	Criminal Convictions Attained	0.00
103	Percent Change of Death Penalty Review	
104	Cases Affirmed	6.00
105	Percent of Change of Appeals for Relief	
106	in Federal Habeas Corpus Cases Denied	3.00
107	Percent Change of Positive Results from	
108	Civil Cases	1.00
109	Opinions	
110	Percent Assigned to Attys in 3 Days or	
111	Less, 2011-2012 Baseline: 100.00%	100.00
112	Percent of Opinions Completed in 30 Days	
113	or Less, 2011-2012 Baseline: 76.00%	25.00
114	Percent Change of Opinion Requests	
115	Assigned to Attorneys within 3 Days or	
116	Less	0.00
117	Percent Change of Opinion Requests	
118	Completed within 30 Days or Less	5.00



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



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

163       **SECTION 6.** Of the funds appropriated under the provisions of  
164 Section 1, funds included therein which are derived from penalties  
165 and/or other funds collected by the Medicaid Fraud Control Unit  
166 shall be available for the purpose of providing the state match  
167 for federal funds available for the support of the unit, or for  
168 other lawful purposes as deemed appropriate by the Attorney



169 General. Further, it is the intent of the Legislature that any  
170 penalties and/or other funds collected and/or expended shall be  
171 accounted for separately as to source and/or application of such  
172 funds.

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

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

190 **SECTION 9.** None of the funds appropriated by this act shall  
191 be expended for any purpose that is not actually required or  
192 necessary for performing any of the powers or duties of the Office  
193 of the Attorney General that are authorized by the Mississippi





194 Constitution of 1890, state or federal law, or rules or  
195 regulations that implement state or federal law.

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

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

208         **SECTION 12.** Of the funds appropriated in Section 2, Two  
209 Million Five Hundred Thousand Dollars (\$2,500,000.00), or so much  
210 thereof, is provided for the purpose of providing funds to the  
211 Victims of Human Trafficking and Commercial Sexual Exploitation  
212 Fund.

213         **SECTION 13.** Of the funds appropriated under the provisions of  
214 Section 2, Three Hundred Fifty Thousand Dollars (\$350,000.00), or  
215 so much thereof, shall be derived out of any money in the State  
216 Treasury to the credit of the Capital Expense Fund, as created in  
217 Section 27-103-303, Mississippi Code of 1972, and allocated in a  
218 manner as determined by the State Treasurer. These funds are



219 provided to the Attorney General's Office for the purpose of  
220 providing funds for equipment and vehicles for agency operations.

221       **SECTION 14.** Of the funds appropriated in Section 1, it is  
222 the intention of the Legislature that Five Million Six Hundred  
223 Ninety Thousand Three Hundred Forty-six Dollars (\$5,690,346.00)  
224 may be allocated for the programs supported from General Fund  
225 court assessments as follows:

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

239 It is the intention of the Legislature that the Attorney  
240 General's Office shall prepare and submit a quarterly report to  
241 the Chairmen of the Appropriation Committees of the Senate and  
242 House of Representatives that details the expenditures made for



243 programs supported from General Fund court assessments allocated  
244 in this section.

245       **SECTION 15.** Of the funds appropriated in this act, funds are  
246 provided to defray the expenses of litigation defending the  
247 constitutionality of Mississippi statutes.

248       **SECTION 16.** The money herein appropriated shall be paid by  
249 the State Treasurer out of any money in the State Treasury to the  
250 credit of the proper fund or funds as set forth in this act, upon  
251 warrants issued by the State Fiscal Officer; and the State Fiscal  
252 Officer shall issue his warrants upon requisitions signed by the  
253 proper person, officer or officers, in the manner provided by law.

254       **SECTION 17.** This act shall take effect and be in force from  
255 and after July 1, 2022.

