

**Senate Amendments to House Bill No. 1629**

**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, 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 funds  
29 appropriated for that purpose unless programs or positions are  
30 added to the agency's Fiscal Year 2023 budget by the Mississippi  
31 Legislature. The Legislature shall determine the agency's  
32 personal services appropriation, which shall be published by the  
33 State Personnel Board. Additionally, the State Personnel Board  
34 shall determine and publish the projected annualized payroll costs  
35 based on current employees. It shall be the responsibility of the  
36 agency head to ensure that actual personnel expenditures for  
37 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>
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
Minimum Affirmations of Death Penalty	
Appeals (%) 2011-2012 Baseline: 83.33%	80.00
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 29, 2022.

**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 2023.

SS15\HB1629A.J

Eugene S. Clarke  
Secretary of the Senate