

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

HOUSE BILL NO. 1641

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 2024.

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, 2023, and ending June 30, 2024.....
10\$ 29,411,008.00.

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, 2023, and ending June 30, 2024.....
18\$ 8,365,950.00.



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.....	83
23 Time-Limited:	Full Time.....	203

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 2025 do not exceed Fiscal Year 2024 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2024 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 2024 do not exceed the data provided by the
36 Legislative Budget Office. If the agency's Fiscal Year 2024
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 2023. It is further the intention of the Legislature that the



69 agency's budget request for Fiscal Year 2025 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 2024 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:

	FY2024
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percent of	
Budget, 2011-2012 Baseline: 5.10%	5.00
Training	
Ratings of Continuing Legal Education	
Training Presentation by Participants	95.00
Ratings of CRIMES System Training	
Presentation by Participants	0.00
Litigation	
Minimum Affirmations of Criminal	
Convictions 2011-2012 Baseline: 90.00%	90.00
Minimum Affirmations of Death Penalty	



94	Appeals 2011-2012 Baseline: 83.33%	80.00
95	Minimum Denial of Relief in Federal	
96	Habeas Corpus 2011-2012 Baseline: 86.96%	99.00
97	Minimum Pos Results of Civil Cases	
98	2011-2012 Baseline: 96.00%	96.00
99	Percent Change of Affirmations of	
100	Criminal Convictions Attained	7.00
101	Percent Change of Death Penalty Review	
102	Cases Affirmed	5.00
103	Percent of Change of Appeals for Relief	
104	in Federal Habeas Corpus Cases Denied	0.00
105	Percent Change of Positive Results from	
106	Civil Cases	0.00
107	Opinions	
108	Percent Assigned to Attorneys in 3 Days	
109	or Less, 2011-2012 Baseline: 100.00%	100.00
110	Percent of Opinions Completed in 30 Days	
111	or Less, 2011-2012 Baseline: 76.00%	75.00
112	Percent Change of Opinion Requests	
113	Assigned to Attorneys within 3 Days or	
114	Less	0.00
115	Percent Change of Opinion Requests	
116	Completed within 30 Days or Less	5.00
117	State Agency Contracts	
118	Percent of Good and Excellent Ratings	



119	for Legal Services, 2011-2012 Baseline:	
120	94.00%	100.00
121	Percent Change of Good/Excellent Ratings	
122	for Legal Services	0.00
123	Insurance Integrity Enforcement	
124	Minimum Positive Results of Workers'	
125	Compensation Cases 2011-2012 Baseline:	
126	90.00%	99.00
127	Minimum Positive Results of Insurance	
128	Cases 2011-2012 Baseline: 90.00%	99.00
129	Percent Change of Positive Results of	
130	Workers' Compensation Insurance Fraud	5.00
131	Percent Change of Positive Results of	
132	Other Insurance Cases	0.00
133	Other Mandated Programs	
134	Medicaid Fraud Convictions vs	
135	Dispositions 2011-2012 Baseline:	
136	100.00%	90.00
137	Medicaid Abuse Convictions vs	
138	Dispositions 2011-2012 Baseline: 95.00%	95.00
139	Minimum Defendants Convicted after	
140	Indictments (PID) 2011-2012 Baseline:	
141	96.00%	90.00
142	Response to Consumer Complaints (Days)	
143	2011-2012 Baseline: 3.14%	5



144	Average Number of Days to Respond to	
145	Consumer Complaints	5
146	Percent Change of Medicaid Fraud	
147	Convictions vs Dispositions	0.00
148	Percent Change of Medicaid Abuse	
149	Convictions vs Dispositions	0.00
150	Percent Change of Defendants Convicted	
151	After Indictment	0.00
152	Crime Victims Compensation	
153	Percent of Claims Processed in 12 Weeks	
154	or Less, 2011-2012 Baseline: 67.97%	75.00
155	Percent Change of Claims Processed Timely	0.00
156	A reporting of the degree to which the performance targets	
157	set above have been or are being achieved shall be provided in the	
158	agency's budget request submitted to the Joint Legislative Budget	
159	Committee for Fiscal Year 2025.	

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



168 accounted for separately as to source and/or application of such
169 funds.

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

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

187 **SECTION 9.** None of the funds appropriated by this act shall
188 be expended for any purpose that is not actually required or
189 necessary for performing any of the powers or duties of the Office
190 of the Attorney General that are authorized by the Mississippi
191 Constitution of 1890, state or federal law, or rules or
192 regulations that implement state or federal law.



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

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

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

210	State Prosecutor Education.....	\$	662,582.00
211	Crime Victims Compensation.....	\$	1,901,332.00
212	Vulnerable Persons Training, Invest and		
213	Prosecution Trust.....	\$	565,165.00
214	Child Support Prosecution Trust.....	\$	128,475.00
215	Law Enforcement & Firefighters Disability		
216	Benefits Trust.....	\$	133,666.00
217	Cyber Crime Unit.....	\$	944,722.00



218	Domestic Violence Training.....	\$	376,580.00
219	Children's Advocacy Centers.....	\$	554,489.00
220	Crime Victims Compensation Admin.....	\$	347,547.00
221	Motorcycle Officer Training.....	\$	62,763.00
222	District Attorney Operations.....	\$	13,025.00

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

229 **SECTION 13.** Of the funds appropriated in this act, funds are
230 provided to defray the expenses of litigation defending the
231 constitutionality of Mississippi statutes.

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

238 **SECTION 15.** This act shall take effect and be in force from
239 and after July 1, 2023, and shall stand repealed June 30, 2023.

