

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

HOUSE BILL NO. 1641 (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 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\$ 30,596,135.00.

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\$ 9,625,920.00.



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.....	210

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 the State Personnel Board
31 shall publish. The agency's personal services appropriation may
32 consist of restricted funds for approved vacancies for Fiscal Year
33 2024 that may not be utilized for active Fiscal Year 2023
34 Headcount. It shall be the agency's responsibility to ensure that
35 the funds provided for vacancies are used to increase headcount
36 and not for promotions, title changes, in-range salary adjustments
37 or any other mechanism for increasing salaries for current
38 employees. It is the Legislature's intention that no employee
39 salary falls below the minimum salary established by the
40 Mississippi State Personnel Board.

41 Additionally, the State Personnel Board shall determine and
42 publish the projected annualized payroll costs based on current
43 employees. It shall be the responsibility of the agency head to



44 ensure that actual personnel expenditures for Fiscal Year 2024 do
45 not exceed the data provided by the Legislative Budget Office. If
46 the agency's Fiscal Year 2024 projected cost exceeds the
47 annualized costs, no salary actions shall be processed by the
48 State Personnel Board except for new hires determined to be
49 essential for the agency.

50 Any transfers or escalations shall be made in accordance with
51 the terms, conditions, and procedures established by law or
52 allowable under the terms set forth within this act. The State
53 Personnel Board shall not escalate positions without written
54 approval from the Department of Finance and Administration. The
55 Department of Finance and Administration shall not provide written
56 approval to escalate any funds for salaries and/or positions
57 without proof of availability of new or additional funds above the
58 appropriated level.

59 No general funds authorized to be expended herein shall be
60 used to replace federal funds and/or other special funds used for
61 salaries authorized under the provisions of this act and which are
62 withdrawn and no longer available.

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

67 **SECTION 4.** It is the intention of the Legislature that the
68 Office of the Attorney General shall maintain complete accounting



69 and personnel records related to the expenditure of all funds
 70 appropriated under this act and that such records shall be in the
 71 same format and level of detail as maintained for Fiscal Year
 72 2023. It is further the intention of the Legislature that the
 73 agency's budget request for Fiscal Year 2025 shall be submitted to
 74 the Joint Legislative Budget Committee in a format and level of
 75 detail comparable to the format and level of detail provided
 76 during the Fiscal Year 2024 budget request process.

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

<u>Performance Measures</u>	<u>FY2024 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



94	Litigation		
95	Minimum Affirmations of Criminal		
96	Convictions 2011-2012 Baseline:	90.00%	90.00
97	Minimum Affirmations of Death Penalty		
98	Appeals 2011-2012 Baseline:	83.33%	80.00
99	Minimum Denial of Relief in Federal		
100	Habeas Corpus 2011-2012 Baseline:	86.96%	99.00
101	Minimum Pos Results of Civil Cases		
102	2011-2012 Baseline:	96.00%	96.00
103	Percent Change of Affirmations of		
104	Criminal Convictions Attained		7.00
105	Percent Change of Death Penalty Review		
106	Cases Affirmed		5.00
107	Percent of Change of Appeals for Relief		
108	in Federal Habeas Corpus Cases Denied		0.00
109	Percent Change of Positive Results from		
110	Civil Cases		0.00
111	Opinions		
112	Percent Assigned to Attorneys in 3 Days		
113	or Less, 2011-2012 Baseline:	100.00%	100.00
114	Percent of Opinions Completed in 30 Days		
115	or Less, 2011-2012 Baseline:	76.00%	75.00
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 and Excellent Ratings	
123	for 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 Baseline:	
130	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%	90.00
141	Medicaid Abuse Convictions vs	
142	Dispositions 2011-2012 Baseline: 95.00%	95.00
143	Minimum Defendants Convicted after	



144	Indictments (PID) 2011-2012 Baseline:	
145	96.00%	90.00
146	Response to Consumer Complaints (Days)	
147	2011-2012 Baseline: 3.14%	5
148	Average Number of Days to Respond to	
149	Consumer Complaints	5
150	Percent Change of Medicaid Fraud	
151	Convictions vs Dispositions	0.00
152	Percent Change of Medicaid Abuse	
153	Convictions vs Dispositions	0.00
154	Percent Change of Defendants Convicted	
155	After Indictment	0.00
156	Crime Victims Compensation	
157	Percent of Claims Processed in 12 Weeks	
158	or Less, 2011-2012 Baseline: 67.97%	75.00
159	Percent Change of Claims Processed Timely	0.00

160 A reporting of the degree to which the performance targets
161 set above have been or are being achieved shall be provided in the
162 agency's budget request submitted to the Joint Legislative Budget
163 Committee for Fiscal Year 2025.

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



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

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

178 **SECTION 8.** Of the funds appropriated in Section 2, the sum
179 of Six Hundred Eighty Thousand Dollars (\$680,000.00) is provided
180 from the Department of Health for the Alcohol and Tobacco
181 Enforcement Unit.

182 **SECTION 9.** Of the funds appropriated in Section 1, it is the
183 intention of the Legislature that Five Million Six Hundred Ninety
184 Thousand Three Hundred Forty-six Dollars (\$5,690,346.00) may be
185 allocated for the programs supported from General Fund court
186 assessments as follows:

187	State Prosecutor Education.....	\$	662,582.00
188	Crime Victims Compensation.....	\$	1,901,332.00
189	Vulnerable Persons Training, Invest and		
190	Prosecution Trust.....	\$	565,165.00
191	Child Support Prosecution Trust.....	\$	128,475.00
192	Law Enforcement & Firefighters Disability		
193	Benefits Trust.....	\$	133,666.00



194	Cyber Crime Unit.....	\$	944,722.00
195	Domestic Violence Training.....	\$	376,580.00
196	Children's Advocacy Centers.....	\$	554,489.00
197	Crime Victims Compensation Admin.....	\$	347,547.00
198	Motorcycle Officer Training.....	\$	62,763.00
199	District Attorney Operations.....	\$	13,025.00

200 It is the intention of the Legislature that the Attorney
201 General's Office shall prepare and submit a quarterly report to
202 the Chairmen of the Appropriation Committees of the Senate and
203 House of Representatives that details the expenditures made for
204 programs supported from General Fund court assessments allocated
205 in this section.

206 **SECTION 10.** Of the funds appropriated in Section 2, Two
207 Million Five Hundred Thousand Dollars (\$2,500,000.00), or so much
208 thereof, is provided for the purpose of providing funds to the
209 Victims of Human Trafficking and Commercial Sexual Exploitation
210 Fund.

211 **SECTION 11.** In addition to all other sums herein
212 appropriated, the following sum, or so much thereof as may be
213 necessary, is appropriated out of any money in the State General
214 Fund not otherwise appropriated, for the purpose of defraying the
215 expenses of the Attorney General's Office to administer the
216 Mississippi Telephone Solicitation Act, for the fiscal year
217 beginning July 1, 2023, and ending June 30, 2024.....
218\$ 240,627.00.



219 **SECTION 12.** Of the funds appropriated under the provisions
220 of Section 11 of this act, the following positions are authorized:

221 AUTHORIZED HEADCOUNT:

222	Permanent:	Full Time.....	3
223	Time-Limited:	Full Time.....	0

224 With the funds herein appropriated, it shall be the agency's
225 responsibility to make certain that funds required for Personal
226 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
227 appropriated for that purpose unless programs or positions are
228 added to the agency's Fiscal Year 2024 budget by the Mississippi
229 Legislature. The Legislature shall determine the agency's
230 personal services appropriation, which the State Personnel Board
231 shall publish. The agency's personal services appropriation may
232 consist of restricted funds for approved vacancies for Fiscal Year
233 2024 that may not be utilized for active Fiscal Year 2023
234 Headcount. It shall be the agency's responsibility to ensure that
235 the funds provided for vacancies are used to increase headcount
236 and not for promotions, title changes, in-range salary adjustments
237 or any other mechanism for increasing salaries for current
238 employees. It is the Legislature's intention that no employee
239 salary falls below the minimum salary established by the
240 Mississippi State Personnel Board.

241 Additionally, the State Personnel Board shall determine and
242 publish the projected annualized payroll costs based on current
243 employees. It shall be the responsibility of the agency head to



244 ensure that actual personnel expenditures for Fiscal Year 2024 do
245 not exceed the data provided by the Legislative Budget Office. If
246 the agency's Fiscal Year 2024 projected cost exceeds the
247 annualized costs, no salary actions shall be processed by the
248 State Personnel Board except for new hires determined to be
249 essential for the agency.

250 Any transfers or escalations shall be made in accordance with
251 the terms, conditions, and procedures established by law or
252 allowable under the terms set forth within this act. The State
253 Personnel Board shall not escalate positions without written
254 approval from the Department of Finance and Administration. The
255 Department of Finance and Administration shall not provide written
256 approval to escalate any funds for salaries and/or positions
257 without proof of availability of new or additional funds above the
258 appropriated level.

259 No general funds authorized to be expended herein shall be
260 used to replace federal funds and/or other special funds used for
261 salaries authorized under the provisions of this act and which are
262 withdrawn and no longer available.

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

267 **SECTION 13.** No part of the money herein appropriated shall
268 be used, either directly or indirectly, for the purpose of paying



269 any clerk, stenographer, assistant, deputy or other person who may
270 be related by blood or marriage within the third degree, computed
271 by the rules of civil law, to the official employing or having the
272 right of employment or selection thereof; and in the event of any
273 such payment, then the official or person approving and making or
274 receiving such payment shall be jointly and severally liable to
275 return to the State of Mississippi and to pay into the State
276 Treasury three (3) times any such amount so paid or received;
277 however, when the relationship is by affinity and the person
278 through whom the relationship was established is dead, this
279 provision shall not apply.

280 **SECTION 14.** None of the funds appropriated by this act shall
281 be expended for any purpose that is not actually required or
282 necessary for performing any of the powers or duties of the Office
283 of the Attorney General that are authorized by the Mississippi
284 Constitution of 1890, state or federal law, or rules or
285 regulations that implement state or federal law.

286 **SECTION 15.** It is the intention of the Legislature that
287 whenever two (2) or more bids are received by this agency for the
288 purchase of commodities or equipment, and whenever all things
289 stated in such received bids are equal with respect to price,
290 quality and service, the Mississippi Industries for the Blind
291 shall be given preference. A similar preference shall be given to
292 the Mississippi Industries for the Blind whenever purchases are
293 made without competitive bids.



294 **SECTION 16.** Of the funds appropriated in this act, funds are
295 provided to defray the expenses of litigation defending the
296 constitutionality of Mississippi statutes.

297 **SECTION 17.** The money herein appropriated shall be paid by
298 the State Treasurer out of any money in the State Treasury to the
299 credit of the proper fund or funds as set forth in this act, upon
300 warrants issued by the State Fiscal Officer; and the State Fiscal
301 Officer shall issue his warrants upon requisitions signed by the
302 proper person, officer or officers, in the manner provided by law.

303 **SECTION 18.** This act shall take effect and be in force from
304 and after July 1, 2023.

