

**Senate Amendments to House Bill No. 1641**

**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, 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: 83

23 Time-Limited: 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	
Appeals 2011-2012 Baseline: 83.33%	80.00
Minimum Denial of Relief in Federal	
Habeas Corpus 2011-2012 Baseline: 86.96%	99.00
Minimum Pos Results of Civil Cases	
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 29, 2023.

**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 2024.

SS15\HB1641A.J

Eugene S. Clarke  
Secretary of the Senate