

Senate Amendments to House Bill No. 1812

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, 2024, and ending June 30, 2025.....
10\$ 29,813,767.00.

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, 2024, and ending June 30, 2025.....
18\$ 9,470,818.00.

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..... 204

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 2026 do not exceed Fiscal Year 2025 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2025 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's personal
30 services appropriation, which the State Personnel Board shall
31 publish. In accordance with applicable laws, if an agency
32 determines that its personal services amount is insufficient, the
33 agency must contact the State Personnel Board. Any adjustment to
34 the personal services amount must be approved by the State
35 Personnel Director and the State Fiscal Officer after consultation
36 with the Legislative Budget Office. Any adjustment shall be
37 reported to the Legislative Budget Office and the House and Senate
38 Appropriations Chairmen. The agency's personal services
39 appropriation may consist of restricted funds for approved
40 vacancies for Fiscal Year 2025 that may not be utilized for active
41 Fiscal Year 2024 headcount. It shall be the agency's
42 responsibility to ensure that the funds provided for vacancies are
43 used to increase headcount and not for promotions, title changes,
44 in-range salary adjustments, or any other mechanism for increasing
45 salaries for current employees. If the State Personnel Board
46 determines that an agency has used provided vacancy funds for any
47 of the mechanisms previously listed, the State Personnel Board

48 shall not process any additional salary actions for the agency in
49 the current fiscal year, except for new hires determined by the
50 State Personnel Board to be essential for the agency. It is the
51 Legislature's intention that no employee salary falls below the
52 minimum salary established by the Mississippi State Personnel
53 Board.

54 Additionally, the State Personnel Board shall determine and
55 publish the projected annualized payroll costs based on current
56 employees. It shall be the responsibility of the agency head to
57 ensure that actual personnel expenditures for Fiscal Year 2025 do
58 not exceed the data provided by the Legislative Budget Office. If
59 the agency's projected cost for Fiscal Year 2025 exceeds the
60 annualized costs, no salary actions shall be processed by the
61 State Personnel Board except for new hires determined to be
62 essential for the agency.

63 Any transfers or escalations shall be made in accordance with
64 the terms, conditions, and procedures established by law or
65 allowable under the terms set forth within this act. The State
66 Personnel Board shall not escalate positions without written
67 approval from the Department of Finance and Administration. The
68 Department of Finance and Administration shall not provide written
69 approval to escalate any funds for salaries and/or positions
70 without proof of availability of new or additional funds above the
71 appropriated level.

72 No general funds authorized to be expended herein shall be
73 used to replace federal funds and/or other special funds used for

74 salaries authorized under the provisions of this act and which are
75 withdrawn and no longer available.

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

80 **SECTION 4.** It is the intention of the Legislature that the
81 Office of the Attorney General shall maintain complete accounting
82 and personnel records related to the expenditure of all funds
83 appropriated under this act and that such records shall be in the
84 same format and level of detail as maintained for Fiscal Year
85 2024. It is further the intention of the Legislature that the
86 agency's budget request for Fiscal Year 2026 shall be submitted to
87 the Joint Legislative Budget Committee in a format and level of
88 detail comparable to the format and level of detail provided
89 during the Fiscal Year 2025 budget request process.

90 **SECTION 5.** In compliance with the "Mississippi Performance
91 Budget and Strategic Planning Act of 1994," it is the intent of
92 the Legislature that the funds provided herein shall be utilized
93 in the most efficient and effective manner possible to achieve the
94 intended mission of this agency. Based on the funding authorized,
95 this agency shall make every effort to attain the targeted
96 performance measures provided below:

	FY2025
<u>Performance Measures</u>	<u>Target</u>
99 Supportive Services	

100	Cost of Support Services as Percent of	
101	Budget, 2011-2012 Baseline: 5.10%	6.00
102	Training	
103	Ratings of Continuing Legal Education	
104	Training Presentation by Participants	95
105	Ratings of CRIMES System Training	
106	Presentation by Participants	0
107	Litigation	
108	Minimum Affirmations of Criminal	
109	Convictions 2011-2012 Baseline: 90.00%	95.00
110	Minimum Affirmations of Death Penalty	
111	Appeals 2011-2012 Baseline: 83.33%	85.00
112	Minimum Denial of Relief in Federal	
113	Habeas Corpus 2011-2012 Baseline: 86.96%	97.00
114	Minimum Pos Results of Civil Cases	
115	2011-2012 Baseline: 96.00%	96.00
116	Percent Change of Affirmations of	
117	Criminal Convictions Attained	0.00
118	Percent Change of Death Penalty Review	
119	Cases Affirmed	0.00
120	Percent of Change of Appeals for Relief	
121	in Federal Habeas Corpus Cases Denied	0.00
122	Percent Change of Positive Results from	
123	Civil Cases	0.00
124	Opinions	
125	Percent Assigned to Attorneys in 3 Days	

126	or Less, 2011-2012 Baseline: 100.00%	100.00
127	Percent of Opinions Completed in 30 Days	
128	or Less, 2011-2012 Baseline: 76.00%	75.00
129	Percent Change of Opinion Requests	
130	Assigned to Attorneys within 3 Days or	
131	Less	0.00
132	Percent Change of Opinion Requests	
133	Completed within 30 Days or Less	5.00
134	State Agency Contracts	
135	Percent of Good and Excellent Ratings	
136	for Legal Services, 2011-2012 Baseline:	
137	94.00%	100.00
138	Percent Change of Good/Excellent Ratings	
139	for Legal Services	0.00
140	Insurance Integrity Enforcement	
141	Minimum Positive Results of Workers'	
142	Compensation Cases 2011-2012 Baseline:	
143	90.00%	99.00
144	Minimum Positive Results of Insurance	
145	Cases 2011-2012 Baseline: 90.00%	99.00
146	Percent Change of Positive Results of	
147	Workers' Compensation Insurance Fraud	5.00
148	Percent Change of Positive Results of	
149	Other Insurance Cases	0.00
150	Other Mandated Programs	
151	Medicaid Fraud Convictions vs	

152	Dispositions 2011-2012 Baseline:	
153	100.00%	100.00
154	Medicaid Abuse Convictions vs	
155	Dispositions 2011-2012 Baseline: 95.00%	95.00
156	Minimum Defendants Convicted after	
157	Indictments (PID) 2011-2012 Baseline:	
158	96.00%	90.00
159	Response to Consumer Complaints (Days)	
160	2011-2012 Baseline: 3.14%	5.00
161	Average Number of Days to Respond to	
162	Consumer Complaints	5
163	Percent Change of Medicaid Fraud	
164	Convictions vs Dispositions	0.00
165	Percent Change of Medicaid Abuse	
166	Convictions vs Dispositions	0.00
167	Percent Change of Defendants Convicted	
168	After Indictment	0.00
169	Crime Victims Compensation	
170	Percent of Claims Processed in 12 Weeks	
171	or Less, 2011-2012 Baseline: 67.97%	75.00
172	Percent Change of Claims Processed Timely	0.00
173	A reporting of the degree to which the performance targets	
174	set above have been or are being achieved shall be provided in the	
175	agency's budget request submitted to the Joint Legislative Budget	
176	Committee for Fiscal Year 2026.	

177 **SECTION 6.** Of the funds appropriated under the provisions of
178 Section 1, funds included therein which are derived from penalties
179 and/or other funds collected by the Medicaid Fraud Control Unit
180 shall be available for the purpose of providing the state match
181 for federal funds available for the support of the unit, or for
182 other lawful purposes as deemed appropriate by the Attorney
183 General. Further, it is the intent of the Legislature that any
184 penalties and/or other funds collected and/or expended shall be
185 accounted for separately as to source and/or application of such
186 funds.

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

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

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

200	State Prosecutor Education.....	\$	662,582.00
201	Crime Victims Compensation.....	\$	1,901,332.00
202	Vulnerable Persons Training, Invest and		

203	Prosecution Trust.....\$	565,165.00
204	Child Support Prosecution Trust.....\$	128,475.00
205	Law Enforcement & Firefighters Disability	
206	Benefits Trust.....\$	133,666.00
207	Cyber Crime Unit.....\$	944,722.00
208	Domestic Violence Training.....\$	376,580.00
209	Children's Advocacy Centers.....\$	554,489.00
210	Crime Victims Compensation Admin.....\$	347,547.00
211	Motorcycle Officer Training.....\$	62,763.00
212	District Attorney Operations.....\$	13,025.00

213 It is the intention of the Legislature that the Attorney
214 General's Office shall prepare and submit a quarterly report to
215 the Chairmen of the Appropriation Committees of the Senate and
216 House of Representatives that details the expenditures made for
217 programs supported from General Fund court assessments allocated
218 in this section. This report shall be submitted no later than the
219 15th day of the month succeeding the end of each calendar quarter.

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

225 **SECTION 11.** In addition to all other sums herein
226 appropriated, the following sum, or so much thereof as may be
227 necessary, is appropriated out of any money in the State General
228 Fund not otherwise appropriated, for the purpose of defraying the

229 expenses of the Attorney General's Office to administer the
230 Mississippi Telephone Solicitation Act, for the fiscal year
231 beginning July 1, 2024, and ending June 30, 2025.....
232\$ 240,627.00.

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

235 AUTHORIZED HEADCOUNT:

236	Permanent:	Full Time.....	3
237	Time-Limited:	Full Time.....	0

238 With the funds herein appropriated, it shall be the agency's
239 responsibility to make certain that funds required for Personal
240 Services for Fiscal Year 2026 do not exceed Fiscal Year 2025 funds
241 appropriated for that purpose unless programs or positions are
242 added to the agency's Fiscal Year 2025 budget by the Mississippi
243 Legislature. The Legislature shall determine the agency's personal
244 services appropriation, which the State Personnel Board shall
245 publish. In accordance with applicable laws, if an agency
246 determines that its personal services amount is insufficient, the
247 agency must contact the State Personnel Board. Any adjustment to
248 the personal services amount must be approved by the State
249 Personnel Director and the State Fiscal Officer after consultation
250 with the Legislative Budget Office. Any adjustment shall be
251 reported to the Legislative Budget Office and the House and Senate
252 Appropriations Chairmen. The agency's personal services
253 appropriation may consist of restricted funds for approved
254 vacancies for Fiscal Year 2025 that may not be utilized for active

255 Fiscal Year 2024 headcount. It shall be the agency's
256 responsibility to ensure that the funds provided for vacancies are
257 used to increase headcount and not for promotions, title changes,
258 in-range salary adjustments, or any other mechanism for increasing
259 salaries for current employees. If the State Personnel Board
260 determines that an agency has used provided vacancy funds for any
261 of the mechanisms previously listed, the State Personnel Board
262 shall not process any additional salary actions for the agency in
263 the current fiscal year, except for new hires determined by the
264 State Personnel Board to be essential for the agency. It is the
265 Legislature's intention that no employee salary falls below the
266 minimum salary established by the Mississippi State Personnel
267 Board.

268 Additionally, the State Personnel Board shall determine and
269 publish the projected annualized payroll costs based on current
270 employees. It shall be the responsibility of the agency head to
271 ensure that actual personnel expenditures for Fiscal Year 2025 do
272 not exceed the data provided by the Legislative Budget Office. If
273 the agency's projected cost for Fiscal Year 2025 exceeds the
274 annualized costs, no salary actions shall be processed by the
275 State Personnel Board except for new hires determined to be
276 essential for the agency.

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

281 approval from the Department of Finance and Administration. The
282 Department of Finance and Administration shall not provide written
283 approval to escalate any funds for salaries and/or positions
284 without proof of availability of new or additional funds above the
285 appropriated level.

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

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

294 **SECTION 13.** No part of the money herein appropriated shall
295 be used, either directly or indirectly, for the purpose of paying
296 any clerk, stenographer, assistant, deputy or other person who may
297 be related by blood or marriage within the third degree, computed
298 by the rules of civil law, to the official employing or having the
299 right of employment or selection thereof; and in the event of any
300 such payment, then the official or person approving and making or
301 receiving such payment shall be jointly and severally liable to
302 return to the State of Mississippi and to pay into the State
303 Treasury three (3) times any such amount so paid or received;
304 however, when the relationship is by affinity and the person
305 through whom the relationship was established is dead, this
306 provision shall not apply.

307 **SECTION 14.** None of the funds appropriated by this act shall
308 be expended for any purpose that is not actually required or
309 necessary for performing any of the powers or duties of the Office
310 of the Attorney General that are authorized by the Mississippi
311 Constitution of 1890, state or federal law, or rules or
312 regulations that implement state or federal law.

313 **SECTION 15.** It is the intention of the Legislature that
314 whenever two (2) or more bids are received by this agency for the
315 purchase of commodities or equipment, and whenever all things
316 stated in such received bids are equal with respect to price,
317 quality and service, the Mississippi Industries for the Blind
318 shall be given preference. A similar preference shall be given to
319 the Mississippi Industries for the Blind whenever purchases are
320 made without competitive bids.

321 **SECTION 16.** Of the funds appropriated in this act, funds are
322 provided to defray the expenses of litigation defending the
323 constitutionality of Mississippi statutes.

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

330 **SECTION 18.** This act shall take effect and be in force from
331 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

SS15\HB1812A.J

Amanda White
Secretary of the Senate