

HOUSE BILL NO. 1623
(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 2000.

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 hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the purpose of
8 defraying the expenses of the Office of the Attorney General for
9 the fiscal year beginning July 1, 1999, and ending June 30, 2000. \$

10 SECTION 2. The following sum, or so much thereof as may be
11 necessary, is hereby appropriated out of any money in any special
12 fund in the State Treasury to the credit of the Office of the
13 Attorney General which is comprised of special source funds
14 collected by or otherwise available to the office, for the purpose
15 of defraying the expenses of the office for the fiscal year
16 beginning July 1, 1999, and ending June 30, 2000..... \$

17 SECTION 3. With the funds appropriated under the provisions
18 of Section 1 and Section 2, the following positions are
19 authorized:

20 AUTHORIZED POSITIONS:

21 Permanent:	Full Time.	112
22	Part Time.	3
23 Time-Limited:	Full Time.	113
24	Part Time.	0

25 From the funds provided herein, funds may be expended for the
26 following purposes, in compliance with the policies established by

the State Personnel Board and any conditions placed on such expenditures:

(a) The components of the Variable Compensation Plan shall be maintained within the constraints of the funds appropriated herein.

(b) Funds are provided to adjust the Variable Compensation Plan, including realignment, to ensure that all full-time employees with at least six (6) months of continuous current service, as of June 30, 1999, receive an increase of One Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to adjust critical job classes up to an additional One Thousand Dollars (\$1,000.00).

(c) If an employee is currently at or above the end salary for his or her job classification, then the increase shall be built into the employee's base salary. To be eligible for any increase authorized in this section, employees may not have a current performance rating below "meets expectations" as of the effective date of the increase. Employees who subsequently receive a performance rating of "meets expectations" or above during Fiscal Year 2000 shall receive the salary increase effective the date of the rating.

It is the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2001 do not exceed Fiscal Year 2000 funds appropriated for that purpose unless programs or positions are added to the agency's budget by the Mississippi Legislature.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law.

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

SECTION 4. Of the funds appropriated under the provisions of

60 Section 2, funds included therein which are derived from penalties
61 and/or other funds collected by the Medicaid Fraud Control Unit
62 shall be available for the purpose of providing the state match
63 for federal funds available for the support of the unit, or for
64 other lawful purposes as deemed appropriate by the Attorney
65 General. Further, it is the intent of the Legislature that any
66 penalties and/or other funds collected and/or expended shall be
67 accounted for separately as to source and/or application of such
68 funds.

69 SECTION 5. It is the intention of the Legislature that the
70 Attorney General's Office charge legal fees to all agencies where
71 such legal services are provided. The Attorney General's Office
72 may contract these fees on a contract rate or an hourly rate,
73 whichever is more appropriate. Contracts with the Attorney
74 General's Office for legal services or reimbursement for hourly
75 legal services shall not require the approval of the State
76 Personnel Board. The Attorney General's Office is further
77 authorized to escalate the amount of any of its major objects of
78 expenditure in an amount not to exceed Seven Hundred Fifty
79 Thousand Dollars (\$750,000.00) above any amounts herein
80 authorized, and to increase the number of authorized positions in
81 order to provide the required legal services for such state
82 agencies.

83 SECTION 6. Of the funds appropriated under the provisions of
84 Section 2, the amount of Four Hundred Twenty Thousand Dollars
85 (\$420,000.00), or so much thereof as may be necessary, shall be
86 made available for expenditure by the Prosecutors Training
87 Division.

88 SECTION 7. It is the intention of the Legislature that the
89 Attorney General's Office shall have the authority to accept,
90 budget and expend any source funds not to exceed Seven Hundred
91 Fifty Thousand Dollars (\$750,000.00), that become available to the
92 office to carry out the provisions of those funds in a manner

consistent with the rules and regulations of the Department of Finance and Administration. None of the funds authorized in this section shall be used to increase the major object of expenditure "Salaries, Wages and Fringe Benefits."

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

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

SECTION 10. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY00
<u>Performance Measures</u>	<u>Target</u>
Support Services	

126	Cost of support services as percentage of	
127	budget (percent)	6.25
128	DFA error exception slips per month (items)	36
129	Training	
130	Approval on prosecutors training (%)	95
131	Litigation	
132	Minimum affirmation of criminal convictions (%)	85
133	Minimum affirmations of death penalty appeals (%)	60
134	Minimum denial of relief in federal habeas	
135	corpus (%)	90
136	Minimum positive results of civil cases (%)	70
137	Minimum positive results of Section 1983 cases (%)	80
138	Opinions	
139	Assigned to attorneys in three (3) days or less (%)	100
140	Opinions completed in thirty (30) days or less (%)	75
141	Good/excellent ratings for training (%)	85
142	State Agency Contracts	
143	Good/excellent ratings for legal services (%)	80
144	Other Mandated Programs	
145	Medicaid fraud convictions vs dispositions (%)	80
146	Medicaid abuse convictions vs dispositions (%)	80
147	Minimum defendants convicted after indictments (%)	90
148	Response to consumer complaints (days)	7
149	Minimum positive results of consumer cases (%)	75
150	A reporting of the degree to which the performance targets	
151	set above have been or are being achieved shall be provided in the	
152	agency's budget request submitted to the Joint Legislative Budget	
153	Committee for Fiscal Year 2001.	
154	SECTION 11. The following sum, or so much thereof as may be	
155	necessary, is hereby appropriated out of any money in the General	
156	Fund not otherwise appropriated for the purpose of the support of	
157	the Insurance Integrity Enforcement Bureau within the Office of	
158	the Attorney General and shall be effective for the fiscal year	

159 beginning July 1, 1999, and ending June 30, 2000. \$ 150,000.00.

160 SECTION 12. The following sum, or so much thereof as may be
161 necessary, is hereby appropriated out of any money in the State
162 Treasury to the credit of any special fund created in House Bill
163 428, 1998 Regular Session, for the support of the Insurance
164 Integrity Enforcement Bureau within the Office of the Attorney
165 General, for fiscal year beginning July 1, 1999, and ending June
166 30, 2000..... \$ 150,000.00.

167 SECTION 13. The following sum, or so much thereof as may be
168 necessary, is hereby appropriated out of any money in the State
169 Treasury to the credit of Fund No. 3071, for the support of the
170 Insurance Integrity Enforcement Bureau within the Office of The
171 Attorney General, for the fiscal year beginning July 1, 1999, and
172 ending June 30, 2000..... \$ 64,000.00.

173 SECTION 14. With the funds appropriated in Sections 11, 12
174 and 13, the following positions are authorized:

175 Time-Limited: Full Time 5

176 SECTION 15. The money herein appropriated shall be paid by
177 the State Treasurer out of any money in the State Treasury to the
178 credit of the proper fund or funds as set forth in this act, upon
179 warrants issued by the State Fiscal Officer; and the State Fiscal
180 Officer shall issue his warrants upon requisitions signed by the
181 proper person, officer or officers, in the manner provided by law.

182 SECTION 16. This act shall take effect and be in force from
183 and after July 1, 1999.