

By: Representatives Coleman (29th), Denny,
Banks, Dickson, McBride

To: Appropriations

HOUSE BILL NO. 1553
(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 2007.

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, 2006, and ending June 30, 2007.

10 \$ 7,774,380.00.

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, 2006, and ending June 30, 2007.....

18 \$ 18,679,869.00.

19 **SECTION 3.** With the funds appropriated under the provisions
20 of Sections 1 and 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	122
23		Part Time.....	0
24	Time-Limited:	Full Time.....	166
25		Part Time.....	0

26 Funds are provided herein to adjust the Variable Compensation
27 Plan to ensure that all full-time employees receive a pay increase

28 equal to the realignment component of the Variable Compensation
29 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
30 with not more than one-half (1/2) to be awarded on July 1, 2006,
31 with the remainder to be awarded on January 1, 2007.

32 With the funds herein appropriated, it is the intention of
33 the Legislature that it shall be the agency's responsibility to
34 make certain that funds required to be appropriated for "Personal
35 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
36 funds appropriated for that purpose, unless programs or positions
37 are added to the agency's Fiscal Year 2008 budget by the
38 Mississippi Legislature. Based on data provided by the
39 Legislative Budget Office, the State Personnel Board shall
40 determine and publish the projected annual cost to fully fund all
41 appropriated positions in compliance with the provisions of this
42 act. It shall be the responsibility of the agency head to insure
43 that no single personnel action increases this projected annual
44 cost and/or the Fiscal Year 2007 appropriation for "Personal
45 Services" when annualized, with the exception of escalated funds.
46 If, at the time the agency takes any action to change "Personal
47 Services," the State Personnel Board determines that the agency
48 has taken an action which would cause the agency to exceed this
49 projected annual cost or the Fiscal Year 2007 "Personal Services"
50 appropriated level, when annualized, then only those actions which
51 reduce the projected annual cost and/or the appropriation
52 requirement will be processed by the State Personnel Board until
53 such time as the requirements of this provision are met.

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

61 without proof of availability of new or additional funds above the
62 appropriated level.

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

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 2006. It is further the intention of the Legislature that the
73 agency's budget request for Fiscal Year 2008 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 2007 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:

	FY2007
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage	
of Budget (%)	6.18
DFA Error Exception Slips per Month (Items)	36.00
Training	
Approval on Prosecutors Training (%)	95.00
Litigation	
Minimum Affirmations of Criminal	

94	Convictions (%)	85.00
95	Minimum Affirmations of Death Penalty	
96	Appeals (%)	60.00
97	Minimum Denial of Relief in Federal	
98	Habeas Corpus (%)	90.00
99	Minimum Positive Results of Civil	
100	Cases (%)	70.00
101	Minimum Positive Results of Section	
102	1983 Cases (%)	80.00
103	Opinions	
104	Assigned to Attorneys in 3 Days or Less (%)	100.00
105	Opinions Completed in 30 Days or Less (%)	75.00
106	Good & Excellent Ratings for Training (%)	85.00
107	State Agency Contracts	
108	Good & Excellent Ratings for Legal	
109	Services (%)	80.00
110	Insurance Integrity Enforcement	
111	Minimum Positive Results of Workers'	
112	Compensation Cases (%)	80.00
113	Minimum Positive Results of Insurance	
114	Cases (%)	80.00
115	Other Mandated Programs	
116	Medicaid Fraud Convictions vs	
117	Dispositions (%)	80.00
118	Medicaid Abuse Convictions vs	
119	Dispositions (%)	80.00
120	Minimum Defendants Convicted After	
121	Indictments (%)	90.00
122	Response to Consumer Complaints (Days)	7.00
123	Minimum Positive Results of Consumer	
124	Cases (%)	75.00
125	Crime Victims Compensation	
126	Claims Received (Claims)	925

127 Average Compensation Award (\$) 4,200.00
128 Claims Processed in 12 Weeks or Less (%) 70.00

129 A reporting of the degree to which the performance targets
130 set above have been or are being achieved shall be provided in the
131 agency's budget request submitted to the Joint Legislative Budget
132 Committee for Fiscal Year 2008.

133 **SECTION 6.** Of the funds appropriated under the provisions of
134 Section 2, funds included therein which are derived from penalties
135 and/or other funds collected by the Medicaid Fraud Control Unit
136 shall be available for the purpose of providing the state match
137 for federal funds available for the support of the unit, or for
138 other lawful purposes as deemed appropriate by the Attorney
139 General. Further, it is the intent of the Legislature that any
140 penalties and/or other funds collected and/or expended shall be
141 accounted for separately as to source and/or application of such
142 funds.

143 **SECTION 7.** It is the intention of the Legislature that the
144 Attorney General's Office charge legal fees to all agencies where
145 such legal services are provided. The Attorney General's Office
146 may contract these fees on a contract rate or an hourly rate,
147 whichever is more appropriate. Contracts with the Attorney
148 General's Office for legal services or reimbursement for hourly
149 legal services shall not require the approval of the State
150 Personnel Board. The Attorney General's Office is further
151 authorized to escalate the amount of any of its major objects of
152 expenditure in an amount not to exceed Seven Hundred Fifty
153 Thousand Dollars (\$750,000.00) above any amounts herein
154 authorized, and to increase the number of authorized positions in
155 order to provide the required legal services for such state
156 agencies.

157 **SECTION 8.** Of the funds appropriated under the provisions of
158 Section 2, the amount of Seven Hundred Fifty Thousand Dollars
159 (\$750,000.00), or so much thereof as may be necessary, shall be

160 made available for expenditure by the Prosecutors Training
161 Division.

162 **SECTION 9.** It is the intention of the Legislature that the
163 Attorney General's Office shall have the authority to accept,
164 budget and expend any source funds not to exceed Seven Hundred
165 Fifty Thousand Dollars (\$750,000.00), that become available to the
166 office to carry out the provisions of those funds in a manner
167 consistent with the rules and regulations of the Department of
168 Finance and Administration. None of the funds authorized in this
169 section shall be used to increase the major object of expenditure
170 "Salaries, Wages and Fringe Benefits."

171 **SECTION 10.** No part of the money herein appropriated shall
172 be used, either directly or indirectly, for the purpose of paying
173 any clerk, stenographer, assistant, deputy or other person who may
174 be related by blood or marriage within the third degree, computed
175 by the rules of civil law, to the official employing or having the
176 right of employment or selection thereof; and in the event of any
177 such payment, then the official or person approving and making or
178 receiving such payment shall be jointly and severally liable to
179 return to the State of Mississippi and to pay into the State
180 Treasury three (3) times any such amount so paid or received;
181 however, when the relationship is by affinity and the person
182 through whom the relationship was established is dead, this
183 provision shall not apply.

184 **SECTION 11.** None of the funds appropriated by this act shall
185 be expended for any purpose that is not actually required or
186 necessary for performing any of the powers or duties of the Office
187 of the Attorney General that are authorized by the Mississippi
188 Constitution of 1890, state or federal law, or rules or
189 regulations that implement state or federal law.

190 **SECTION 12.** The following sum, or so much thereof as may be
191 necessary, is hereby appropriated out of any money in the State
192 Treasury to the credit of the Mississippi Commission on the Status

193 of Women for the purpose of defraying the expenses of the
 194 commission for the fiscal year beginning July 1, 2006, and through
 195 June 30, 2007..... \$ 100,000.00.

196 This appropriation is made for the purpose of providing funds
 197 to defray the expenses of the Mississippi Commission on the Status
 198 of Women as established pursuant to Sections 43-59-1 through
 199 43-59-14, Mississippi Code of 1972.

200 **SECTION 13.** Of the funds appropriated under the provisions
 201 of Section 12, not more than the amounts set forth below shall be
 202 expended for the respective major objects or purposes of
 203 expenditure:

204 MAJOR OBJECTS OF EXPENDITURE:

205 Personal Services:

206	Salaries, Wages and Fringe Benefits..	\$	0.00
207	Travel and Subsistence.....		25,000.00
208	Contractual Services.....		55,000.00
209	Commodities.....		20,000.00
210	Capital Outlay:		
211	Other Than Equipment.....		0.00
212	Equipment.....		0.00
213	Subsidies, Loans and Grants.....		0.00
214	Total.....	\$	100,000.00

215 FUNDING:

216	General Funds.....	\$	0.00
217	Special Funds.....		100,000.00
218	Total.....	\$	100,000.00

219 AUTHORIZED POSITIONS:

220	Permanent:	Full Time.....	0
221		Part Time.....	0
222	Time-Limited:	Full Time.....	0
223		Part Time.....	0

224 **SECTION 14.** It is the intention of the Legislature that the
 225 Attorney General's Office shall have the authority to accept,

226 budget and expend any source funds not to exceed Five Million Five
227 Hundred Thousand Dollars (\$5,500,000.00) that become available to
228 the office for programs that serve unmet needs of "at risk" youth
229 in the state, including, but not being limited to, Boys and Girls
230 Clubs, Big Brothers Big Sisters of America, Communities in Schools
231 and the State Coalition of Young Men's Christian Association
232 (YMCA), and to carry out the provisions of those funds in a manner
233 consistent with the rules and regulations of the Department of
234 Finance and Administration. Of the funds authorized in this
235 section, not more than Three Million Five Hundred Thousand Dollars
236 (\$3,500,000.00) shall be allocated among Boys and Girls Clubs, Big
237 Brothers Big Sisters of America, and Communities in Schools, and
238 not more than Two Million Dollars (\$2,000,000.00) shall be
239 allocated to the State Coalition of Young Men's Christian
240 Association (YMCA). The Attorney General's Office is further
241 authorized to escalate an amount not to exceed Five Million Five
242 Hundred Thousand Dollars (\$5,500,000.00) for such purposes of this
243 section.

244 **SECTION 15.** It is the intention of the Legislature that
245 whenever two (2) or more bids are received by this agency for the
246 purchase of commodities or equipment, and whenever all things
247 stated in such received bids are equal with respect to price,
248 quality and service, the Mississippi Industries for the Blind
249 shall be given preference. A similar preference shall be given to
250 the Mississippi Industries for the Blind whenever purchases are
251 made without competitive bids.

252 **SECTION 16.** Of the funds appropriated under the provisions
253 of Section 2, Four Hundred Sixty-four Thousand Eighty-five Dollars
254 (\$464,085.00) shall be derived from the Budget Contingency Fund
255 created in Section 27-103-301, Mississippi Code of 1972, for the
256 purpose of defraying the expenses of the Office of the Attorney
257 General.

258 **SECTION 17.** In addition to all other sums heretofore
259 appropriated, the following sum, or so much thereof as may be
260 necessary, is hereby appropriated out of any money in the State
261 General Fund not otherwise appropriated, for the purpose of
262 defraying the expenses of the Office of the Attorney General for
263 the fiscal year ending June 30, 2006.....
264 \$ 1,611,941.00.

265 This additional appropriation is made for the purpose of
266 defraying the costs of certain outside legal assistance, expert
267 witness fees and court fees incurred by the Office of the Attorney
268 General.

269 **SECTION 18.** In addition to all other sums heretofore
270 appropriated, the following sum, or so much thereof as may be
271 necessary, is hereby appropriated out of any money in the State
272 General Fund not otherwise appropriated, for the purpose of paying
273 a judgment rendered against the State of Mississippi for the
274 fiscal year ending June 30, 2006..... \$ 41,648.00.

275 This additional appropriation is made for the purpose of
276 paying a court ordered judgment as required in Civil Action No.
277 3:04CV495-LN; Jackson Women's Health Organization, Inc. vs. Brian
278 W. Amy, et al., in the United States District Court for the
279 Southern District of Mississippi.

280 **SECTION 19.** In addition to all other sums heretofore
281 appropriated, the following sum, or so much thereof as may be
282 necessary, is hereby appropriated out of any money in the State
283 General Fund not otherwise appropriated, for the purpose of paying
284 a judgment rendered against the State of Mississippi for the
285 fiscal year ending June 30, 2006..... \$ 359,758.00.

286 This additional appropriation is made for the purpose of
287 paying a court ordered judgment in Civil Action No. 3:00CV36-LN;
288 Stephen Michael Combs vs. Norris W. Kennedy, in the United States
289 District Court for the Southern District of Mississippi.

290 **SECTION 20.** In addition to all other sums heretofore
291 appropriated, the following sum, or so much thereof as may be
292 necessary, is hereby appropriated out of any money in the State
293 General Fund not otherwise appropriated, for the purpose of paying
294 a judgment rendered against the State of Mississippi for the
295 fiscal year ending June 30, 2006..... \$ 75,675.00.

296 This additional appropriation is made for the purpose of
297 paying a court ordered judgment in Civil Action No.
298 2000-CT-00258-SCT; Jimmy B. Callens vs. East Mississippi State
299 Hospital, the Mississippi Department of Mental Health, Dr. Ramiro
300 J. Martinez and Roger McMurtry, in the Circuit Court of Hinds
301 County, Mississippi.

302 **SECTION 21.** In addition to all other sums heretofore
303 appropriated, the following sum, or so much thereof as may be
304 necessary, is hereby appropriated out of any money in the State
305 General Fund not otherwise appropriated, for the purpose of paying
306 a settlement against the State of Mississippi for the fiscal year
307 ending June 30, 2006..... \$ 99,999.00.

308 This additional appropriation is made for the purpose of
309 paying a settlement as required in Civil Action No. 4:90CV125-JAD;
310 Nazareth Gates and David Moore, et al. vs. John Collier, et al.,
311 in the United States District Court for the Northern District of
312 Mississippi.

313 **SECTION 22.** In addition to all other sums heretofore
314 appropriated, the following sum, or so much thereof as may be
315 necessary, is hereby appropriated out of any money in the State
316 General Fund not otherwise appropriated, for the purpose of paying
317 a settlement against the State of Mississippi for the fiscal year
318 ending June 30, 2006..... \$ 50,000.00.

319 This additional appropriation is made for the purpose of
320 paying a settlement in Civil Action No. 251-01-1091-CIV; Margaret
321 Brown, et al. vs. City of Jackson, et al., in the Circuit Court of
322 Hinds County, Mississippi.

323 **SECTION 23.** The money herein appropriated shall be paid by
324 the State Treasurer out of any money in the State Treasury to the
325 credit of the proper fund or funds as set forth in this act, upon
326 warrants issued by the State Fiscal Officer; and the State Fiscal
327 Officer shall issue his warrants upon requisitions signed by the
328 proper person, officer or officers, in the manner provided by law.

329 **SECTION 24.** This act shall take effect and be in force from
330 and after July 1, 2006, with the exception of Sections 17, 18, 19,
331 20, 21 and 22, which shall take effect and be in force from and
332 after their passage.