

5/22 4:10 PM

Chapter No. 100
12/HR07/A070SG
fab/ja

HOUSE BILL NO. 1587

Originated in House *Arbuckle* Clerk

HOUSE BILL NO. 1587

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2013.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Office of the Attorney General for the fiscal year beginning July 1, 2012, and ending June 30, 2013 .
..... \$ 8,424,443.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Office of the Attorney General which is comprised of special source funds collected by or otherwise available to the office, for the purpose of defraying the expenses of the office for the fiscal year beginning July 1, 2012, and ending June 30, 2013
..... \$ 19,033,666.00.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	108
	Part Time	0
Time-Limited:	Full Time	187
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to

make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2014 do not exceed Fiscal Year 2013 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2013 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2013 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2013 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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. It is the intention of the Legislature that the Office of the Attorney General shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2012. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2014 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2013 budget request process.

SECTION 5. 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:

	FY2013
<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
Training	
Approval on Prosecutors Training (%)	95.00
Litigation	
Minimum Affirmations of Criminal Convictions (%)	85.00
Minimum Affirmations of Death Penalty Appeals (%)	60.00
Minimum Denial of Relief in Federal Habeas Corpus (%)	90.00
Minimum Positive Results of Civil	

Cases (%)	70.00
Minimum Positive Results of Section	
1983 Cases (%)	80.00
Opinions	
Assigned to Attorneys in 3 Days or Less (%)	100.00
Opinions Completed in 30 Days or Less (%)	75.00
Good & Excellent Ratings for Training (%)	85.00
State Agency Contracts	
Good & Excellent Ratings for Legal	
Services (%)	80.00
Insurance Integrity Enforcement	
Minimum Positive Results of Workers'	
Compensation Cases (%)	80.00
Minimum Positive Results of Insurance	
Cases (%)	80.00
Other Mandated Programs	
Medicaid Fraud Convictions vs	
Dispositions (%)	80.00
Medicaid Abuse Convictions vs	
Dispositions (%)	80.00
Minimum Defendants Convicted after	
Indictments (%)	90.00
Response to Consumer Complaints (Days)	7
Minimum Positive Results of Consumer	
Cases (%)	75.00
Crime Victims Compensation	
Claims Received (Claims)	1,000
Average Compensation Award (\$)	4,200.00
Claims Processed in 12 Weeks or Less (%)	70.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2014.

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

SECTION 7. It is the intention of the Legislature that the Attorney General's Office charge legal fees to all agencies where such legal services are provided. The Attorney General's Office may contract these fees on a contract rate or an hourly rate, whichever is more appropriate. Contracts with the Attorney General's Office for legal services or reimbursement for hourly legal services shall not require the approval of the State Personnel Board. The Attorney General's Office is further authorized to escalate the amount of any of its major objects of expenditure in an amount not to exceed One Million Dollars (\$1,000,000.00) above any amounts herein authorized, and to increase the number of authorized positions in order to provide the required legal services for such state agencies.

SECTION 8. Of the funds appropriated under the provisions of Section 2, the amount of Nine Hundred Fifty Thousand Dollars (\$950,000.00), or so much thereof as may be necessary, shall be made available for expenditure by the Prosecutors Training Division.

SECTION 9. It is the intention of the Legislature that the Attorney General's Office shall have the authority to accept, budget and expend any source funds not to exceed One Million Dollars (\$1,000,000.00), that become available to the 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.

SECTION 10. 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 11. 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 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. Of the funds appropriated in Section 2, the sum of Eight Hundred Thousand Dollars (\$800,000.00) is provided from the Department of Health for the Alcohol and Tobacco Enforcement Unit.

SECTION 14. In addition to all other sums previously appropriated, the following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund, and allocated in a manner as determined by the Treasurer's Office, for the purpose of paying for certain outside legal assistance, expert witness fees, court fees, judgments and settlement agreements incurred by the Office of the Attorney General for the period beginning upon passage and through the fiscal year ending June 30, 2012 \$ 1,660,873.00.

Of the funds appropriated in this section, the following amounts are provided:

(a) Olivia Y, et al v. Phil Bryant, as Governor of the State of Mississippi; the Executive Director of the Department of Human Services; and Billy Mangold, as Director of the Division of Family and Children's Services and the Department of Human Services, United States District Court for the Southern District of Mississippi, Jackson Division, Cause No. 3:04:CV251(L)(N) \$ 173,518.00.

(b) State of Mississippi, ex rel. Attorney General Jim Hood, on behalf of Mississippi Land Water and Resources Board and Mississippi Development Authority v. Facility Construction Management, Inc., and Facility Holding Corp. ... \$ 30,000.00.

(c) William T. Brann v. Mississippi Highway Patrol and Officer Chris Hughes, United States District Court for the Northern District of Mississippi, Cause No. 1:08CV154-GHD-DAS ... \$ 23,000.00.

(d) Interstate Commission on Education Opportunity for Military Children v. State of Mississippi, United States District Court-Eastern District of Kentucky, Cause No. 5:11-CV-366 JMH \$ 10,250.00.

(e) Valerie Leigh Tapley v. Mississippi Authority for Educational Television d/b/a Mississippi Public Broadcasting, and Teresa Collier, in her official and individual capacities, and

Marie Antoon, in her official and individual capacities, United States District Court for the Southern District of Mississippi, Jackson Division, Cause No. 3:08CV220-HTW-LRA .. \$ 15,007.00

(f) J. B. v. Barbour, in his official capacity, Robert L. Robinson, in his official capacity as Director of the Mississippi Division of Medicaid, Patricia Ainsworth, in her official capacity as chair of the Mississippi Board of Mental Health, and Edwin C. Legrand, United States District Court, Southern District of Mississippi \$ 2,848.00

(g) Settlement between the Department of Justice (DOJ)/federal Environmental Protection Agency (EPA) and the State of Mississippi, Mississippi Secretary of State and Mississippi Department of Environmental Quality (MDEQ) \$ 1,125,000.00

(h) Matthew Norwood v. State of Mississippi, Circuit Court of Hinds County, Mississippi, Claimant No. 251-10-861-CIV \$ 50,000.00.

(i) Phillip Bivens v. State of Mississippi, Circuit Court of Forrest County, Mississippi, Claimant No. CI11-0240 \$ 50,000.00.

(j) Estate of Bobby Ray Dixon v. State of Mississippi, Circuit Court of Forrest County, Mississippi, Claimant No. CI11-0239 \$ 50,000.00.

(k) Counsel for Claimant Matthew Norwood - Attorney J. Kevin Rundlett of Rundlett Law Firm \$ 56,250.00.

(l) Counsel for Claimant Phillip Bivens - Attorney Robert McDuff and the Innocence Project of New Orleans \$ 37,500.00.

(m) Counsel for Claimant "Estate Bobby Ray Dixon" - Attorney Robert McDuff and Innocence Project of New Orleans \$ 37,500.00.

SECTION 15. It is the intention of the Legislature that the Attorney General's Office shall have the authority to accept, budget and expend any funds resulting from the National Mortgage

Foreclosure settlement not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the same manner as escalations of federal funds. It is further the intention of the Legislature that these funds be used for the purpose of providing direct relief to Mississippi homeowners.

SECTION 16. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 17. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 28, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 28, 2012



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

5-22-12

4:10 pm