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Chapter No. 97  
13/HR07/A070SG  
CST / GAB

# *HOUSE BILL NO. 1642*

Originated in House



Clerk

HOUSE BILL NO. 1642

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2014.

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, 2013, and ending June 30, 2014 .  
..... \$ 8,511,336.00.

**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, 2013, and ending June 30, 2014 .....  
..... \$ 25,835,300.00.

**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 .....	196
	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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 2014 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 2014 "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.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 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 2014 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:

	FY2014
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage of Budget (%)	6.00
<u>2011-2012 Baseline: 5.10%</u>	
Training	
Approval on Prosecutors Training (%)	95.00
<u>2011-2012 Baseline: 97.00%</u>	
Litigation	
Minimum Affirmations of Criminal Convictions (%)	85.00
2011-2012 Baseline: 90.00%	
Minimum Affirmations of Death Penalty Appeals (%)	60.00
2011-2012 Baseline: 83.33%	
Minimum Denial of Relief in Federal Habeas Corpus (%)	90.00
2011-2012 Baseline: 86.96%	
Minimum Positive Results of Civil Cases (%)	75.00
2011-2012 Baseline: <u>96.00%</u>	

Opinions

Assigned to Attorneys in 3 Days or Less (%)	100.00
2011-2012 Baseline: 100.00%	
Opinions Completed in 30 Days or Less (%)	70.00
2011-2012 Baseline: 76.00%	
State Agency Contracts	
Good & Excellent Ratings for Legal Services (%)	80.00
2011-2012 Baseline: 94.00%	
Insurance Integrity Enforcement	
Minimum Positive Results of Workers' Compensation Cases (%)	80.00
2011-2012 Baseline: 90.00%	
Minimum Positive Results of Insurance Cases (%)	80.00
2011-2012 Baseline: 90.00%	
Other Mandated Programs	
Medicaid Fraud Convictions vs Dispositions (%)	80.00
2011-2012 Baseline: 100.00%	
Medicaid Abuse Convictions vs Dispositions (%)	80.00
2011-2012 Baseline: 95.00%	
Minimum Defendants Convicted after Indictments (PID) (%)	90.00
2011-2012 Baseline: 96.00%	

Response to Consumer Complaints (Days) 6.00

2011-2012 Baseline: 3.14 (Days)

Crime Victims Compensation

Claims Processed in 12 Weeks

or less (%) 60.00

2011-2012 Baseline: 67.97%

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 2015.

**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.** 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 15.** Of the funds appropriated under the provisions of Section 2, the amount of Five Million Dollars (\$5,000,000.00) shall be derived out of any money in the State Treasury to the credit of the Budget Contingency Fund, as created in Section 27-103-301, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office, and shall be made available for expenditure for BP litigation.

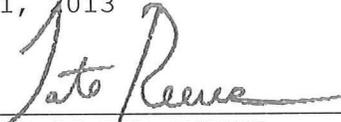
**SECTION 16.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions 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, 2013.

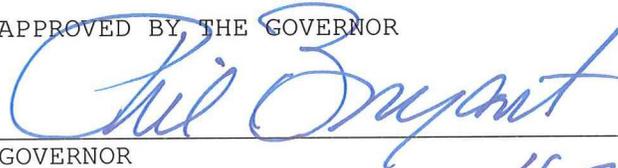
PASSED BY THE HOUSE OF REPRESENTATIVES  
March 31, 2013

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 31, 2013

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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