

By: Watson, McBride, Coleman (29th), Eakes, Gadd, Green To: Appropriations

HOUSE BILL NO. 1617 (As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE MISSISSIPPI STATE SUPREME COURT WHICH IS
3 COMPRISED OF THE SUPREME COURT, THE OFFICE OF THE SUPREME COURT
4 CLERK AND THE STATE LAW LIBRARY AND TO PAY EXPENSES OF SPECIAL
5 JUDGES, CHANCELLORS AND CIRCUIT JUDGES, AND FOR THE PURPOSE OF
6 DEFRAYING THE EXPENSES OF THE ADMINISTRATIVE OFFICE OF COURTS AND
7 CERTIFIED COURT REPORTERS, CONTINUING LEGAL EDUCATION, COURT OF
8 APPEALS AND THE BOARD OF BAR ADMISSIONS, FOR THE FISCAL YEAR 2001;
9 AND FOR RELATED PURPOSES.

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

11 SECTION 1. The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the State
13 General Fund not otherwise appropriated, for the purpose of
14 defraying the expenses of the Mississippi State Supreme Court for
15 the fiscal year beginning July 1, 2000, and ending June 30, 2001..
16 .....\$ 5,071,820.00.

17 SECTION 2. The following sum, or so much thereof as may be
18 necessary, is hereby appropriated out of any money in any special
19 fund in the State Treasury to the credit of the Mississippi State
20 Supreme Court which is comprised of special source funds collected
21 by or otherwise available to the Mississippi State Supreme Court,
22 for the purpose of defraying the expenses of the Mississippi State
23 Supreme Court for the fiscal year beginning July 1, 2000, and
24 ending June 30, 2001 .....\$ 400,325.00.

25 SECTION 3. Of the funds appropriated under the provisions of
26 Section 1 and Section 2, not more than the amounts set forth below
27 shall be expended for the respective major objects or purposes of
28 expenditure:

29 MAJOR OBJECTS OF EXPENDITURE:

30	Personal Services:		
31	Salaries, Wages and Fringe Benefits...	\$	3,798,877.00
32	Travel and Subsistence.....		280,000.00
33	Contractual Services.....		911,730.00
34	Commodities.....		309,598.00
35	Capital Outlay:		
36	Other Than Equipment.....		0.00
37	Equipment.....		171,940.00
38	Subsidies, Loans and Grants.....		<u>0.00</u>
39	Total.....	\$	5,472,145.00

40	FUNDING:		
41	General Funds.....	\$	5,071,820.00
42	Special Funds.....		<u>400,325.00</u>
43	Total.....	\$	5,472,145.00

44	AUTHORIZED POSITIONS:		
45	Permanent: Full Time.....		70
46	Part Time.....		0
47	Time-Limited: Full Time.....		0
48	Part Time.....		0

49 SECTION 4. The following sum, or so much thereof as may be  
50 necessary, is hereby appropriated out of any money in the State  
51 General Fund not otherwise appropriated to the Mississippi State  
52 Supreme Court for the purpose of defraying the expenses of special  
53 judges, chancellors and circuit judges for the fiscal year  
54 beginning July 1, 2000, and ending June 30, 2001.....  
55 .....\$ 15,445,662.00.

56 SECTION 5. Of the funds appropriated under the provisions of  
57 Section 4, not more than the amounts set forth below shall be  
58 expended for the respective major objects or purposes of  
59 expenditure:

60	MAJOR OBJECTS OF EXPENDITURE:		
61	Personal Services:		
62	Salaries, Wages and Fringe Benefits...	\$	14,438,162.00

63	Travel and Subsistence.....	448,000.00
64	Contractual Services.....	75,500.00
65	Commodities.....	484,000.00
66	Capital Outlay:	
67	Other Than Equipment.....	0.00
68	Equipment.....	0.00
69	Subsidies, Loans and Grants.....	<u>0.00</u>
70	Total.....	\$ 15,445,662.00
71	FUNDING:	
72	General Funds.....	\$ 15,445,662.00
73	Special Funds.....	<u>0.00</u>
74	Total.....	\$ 15,445,662.00

75 AUTHORIZED POSITIONS:

76	Permanent: Full Time.....	94
77	Part Time.....	0
78	Time-Limited: Full Time.....	0
79	Part Time.....	0

80 It is the intention of the Legislature that of the funds  
81 allocated under the provisions of Section 5, the Mississippi  
82 Supreme Court may authorize an increase in any major object of  
83 expenditure, provided that there is a corresponding decrease in  
84 the other major object of expenditure.

85 Of the funds appropriated in Section 4 and allocated in  
86 Section 5, Two Million Eight Hundred Twenty Thousand Dollars  
87 (\$2,820,000.00) is provided for the purpose of employing support  
88 staff in an amount not to exceed Forty Thousand Dollars  
89 (\$40,000.00) per fiscal year per judge. It is the intention of  
90 the Legislature that the Administrative Office of the Courts shall  
91 give consideration of a maximum allocation to single member  
92 judicial districts and subdistricts and judges whose geographical  
93 distance prohibits them from sharing support staff with other  
94 judges.

95 SECTION 6. The following sum, or so much thereof as may be

96 necessary, is hereby appropriated out of any money in the State  
97 General Fund, not otherwise appropriated, for the purpose of  
98 funding the Administrative Office of Courts for the fiscal year  
99 beginning July 1, 2000, and ending June 30, 2001.....  
100 .....\$ 1,424,422.00.

101 SECTION 7. The following sum, or so much thereof as may be  
102 necessary, is hereby appropriated out of any money in any special  
103 fund in the State Treasury to the credit of the Administrative  
104 Office of Courts for the purpose of defraying the expenses of the  
105 Administrative Office of Courts and the Board of Certified Court  
106 Reporters for the fiscal year beginning July 1, 2000, and ending  
107 June 30, 2001.....\$ 9,329,048.00.

108 SECTION 8. Of the funds appropriated under the provisions of  
109 Sections 6 and 7, not more than the amounts set forth below shall  
110 be expended for the respective major objects or purposes of  
111 expenditure:

112 MAJOR OBJECTS OF EXPENDITURE:

113 Personal Services:

114 Salaries, Wages and Fringe Benefits...\$ 9,688,025.00  
115 Travel and Subsistence..... 71,000.00  
116 Contractual Services..... 419,910.00  
117 Commodities..... 36,160.00

118 Capital Outlay:

119 Other Than Equipment..... 0.00  
120 Equipment..... 38,375.00  
121 Subsidies, Loans and Grants.....500,000.00

122 Total.....\$ 10,753,470.00

123 FUNDING:

124 General Funds.....\$ 1,424,422.00  
125 Special Funds.....9,329,048.00

126 Total.....\$ 10,753,470.00

127 AUTHORIZED POSITIONS:

128 Permanent: Full Time..... 15

129                   Part Time..... 0  
 130           Time-Limited: Full Time..... 0  
 131                   Part Time..... 0

132           Of the funds appropriated in this section, Two Hundred  
 133 Thousand Dollars (\$200,000.00) shall be used for providing a Drug  
 134 Treatment Court Program in Hinds County.

135           The Drug Treatment Court Program funded above is established  
 136 in the Administrative Office of Courts to facilitate the creation  
 137 of drug treatment court programs in Hinds County. Funds shall be  
 138 spent based upon the general guidelines set forth by the Director  
 139 of the Administrative Office of Courts based on a program as  
 140 approved by the Hinds County Board of Supervisors.

141           SECTION 9. The following sum, or so much thereof as may be  
 142 necessary, is hereby appropriated out of any money in the  
 143 Continuing Legal Education Fund, a special fund hereby created in  
 144 the State Treasury, for the purpose of defraying the expenses of  
 145 providing continuing legal education programs to lawyers in  
 146 Mississippi, for the fiscal year beginning July 1, 2000, and  
 147 ending June 30, 2001.....\$ 116,790.00.

148           It is the intention of the Legislature that interest earned  
 149 from any investment or deposit to the Continuing Legal Education  
 150 Fund made pursuant to Section 27-105-33, Mississippi Code of 1972,  
 151 shall be credited by the State Treasurer to the Continuing Legal  
 152 Education Fund and shall not be paid into the General Fund of  
 153 Mississippi.

154           SECTION 10. Of the funds appropriated under the provisions  
 155 of Section 9, not more than the amounts set forth below shall be  
 156 expended for the respective major objects or purposes of  
 157 expenditure:

158           MAJOR OBJECTS OF EXPENDITURE:  
 159           Personal Services:  
 160                   Salaries, Wages and Fringe Benefits...\$ 49,990.00  
 161                   Travel and Subsistence..... 12,000.00

162	Contractual Services.....	31,350.00
163	Commodities.....	4,750.00
164	Capital Outlay:	
165	Other Than Equipment.....	0.00
166	Equipment.....	3,700.00
167	Subsidies, Loans and Grants.....	<u>15,000.00</u>
168	Total.....\$	116,790.00

169 AUTHORIZED POSITIONS:

170	Permanent: Full Time.....	1
171	Part Time.....	0
172	Time-Limited: Full Time.....	0
173	Part Time.....	0

174 SECTION 11. The following sum, or so much thereof as may be  
175 necessary, is hereby appropriated out of any money in the State  
176 General Fund not otherwise appropriated to the Mississippi State  
177 Supreme Court for the purpose of defraying the expenses of the  
178 Court of Appeals for the fiscal year beginning July 1, 2000, and  
179 ending June 30, 2001.....\$4,110,984.00.

180 SECTION 12. Of the funds appropriated under the provisions  
181 of Section 11, not more than the amounts set forth below shall be  
182 expended for the respective major objects or purposes of  
183 expenditure:

184 MAJOR OBJECTS OF EXPENDITURE:

185	Personal Services:	
186	Salaries, Wages and Fringe Benefits...\$	3,147,263.00
187	Travel and Subsistence.....	304,000.00
188	Contractual Services.....	556,471.00
189	Commodities.....	45,000.00
190	Capital Outlay:	
191	Other Than Equipment.....	0.00
192	Equipment.....	58,250.00
193	Subsidies, Loans and Grants.....	<u>0.00</u>
194	Total.....\$	4,110,984.00

195 FUNDING:

196 General Funds.....\$ 4,110,984.00

197 Special Funds.....0.00

198 Total.....\$ 4,110,984.00

199 AUTHORIZED POSITIONS:

200 Permanent: Full Time..... 57

201 Part Time..... 0

202 Time-Limited: Full Time..... 0

203 Part Time..... 0

204 SECTION 13. The following sum, or so much thereof as may be

205 necessary, is hereby appropriated out of any money in the special

206 fund in the State Treasury to the credit of the Board of Bar

207 Admissions, for the purpose of defraying the expenses of the board

208 for the fiscal year beginning July 1, 2000, and ending

209 June 30, 2001.....\$ 226,766.00.

210 It is the intention of the Legislature that interest earned

211 from any investment or deposit to the Board of Bar Admissions Fund

212 made pursuant to Section 27-105-33, Mississippi Code of 1972,

213 shall be credited by the State Treasurer to the Board of Bar

214 Admissions Fund and shall not be paid into the General Fund of

215 Mississippi.

216 SECTION 14. Of the funds appropriated under the provisions

217 of Section 13, not more than the amounts set forth below shall be

218 expended for the respective major objects or purposes of

219 expenditure:

220 MAJOR OBJECTS OF EXPENDITURE:

221 Personal Services:

222 Salaries, Wages and Fringe Benefits...\$ 94,278.00

223 Travel and Subsistence..... 9,000.00

224 Contractual Services..... 111,838.00

225 Commodities..... 10,000.00

226 Capital Outlay:

227 Other Than Equipment..... 0.00

228	Equipment.....	1,650.00
229	Subsidies, Loans and Grants.....	<u>0.00</u>
230	Total.....\$	226,766.00

231 AUTHORIZED POSITIONS:

232	Permanent: Full Time.....	3
233	Part Time.....	0
234	Time-Limited: Full Time.....	0
235	Part Time.....	0

236 With the funds herein appropriated, it is the intention of  
237 the Legislature that it shall be the agency's responsibility to  
238 make certain that funds required to be appropriated for "Personal  
239 Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001  
240 funds appropriated for that purpose, unless programs or positions  
241 are added to the agency's Fiscal Year 2002 budget by the  
242 Mississippi Legislature. Based on data provided by the  
243 Legislative Budget Office, the State Personnel Board shall  
244 determine and publish the projected annual cost to fully fund all  
245 appropriated positions in compliance with the provisions of this  
246 act. It shall be the responsibility of the agency head to insure  
247 that no single personnel action increases this projected annual  
248 cost and/or the Fiscal Year 2001 appropriation for "Personal  
249 Services" when annualized. If, at the end of any calendar month,  
250 the State Personnel Board determines that the agency has taken  
251 action(s) which would cause the agency to exceed this projected  
252 annual cost or the Fiscal Year 2001 "Personal Services"  
253 appropriated level, when annualized, then only those actions which  
254 reduce the projected annual cost and/or the appropriation  
255 requirement will be processed by the State Personnel Board until  
256 such time as the requirements of this provision are met.

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

259 No general funds authorized to be expended herein shall be  
260 used to replace federal funds and/or other special funds which are



261 being used for salaries authorized under the provisions of this  
262 act and which are withdrawn and no longer available.

263 SECTION 15. No part of the funds herein appropriated shall  
264 be used in the payment of attorney's fees, nor shall any of such  
265 funds be used, either directly or indirectly, for the purpose of  
266 paying any clerk, stenographer, assistant, deputy or other person  
267 who may be related by blood or marriage within the third degree,  
268 computed by the rules of civil law, to the official employing or  
269 having the right of employment or selection thereof; and in the  
270 event of any such payment, then the official or person approving  
271 and making or receiving such payment shall be jointly and  
272 severally liable to return to the State of Mississippi and to pay  
273 into the State Treasury three (3) times any such amount so paid or  
274 received, to be recovered at suit of the Attorney General;  
275 however, when the relationship is by affinity and the person  
276 through whom the relationship was established is dead, this  
277 provision shall not apply.

278 SECTION 16. It is the intent of the Legislature that the  
279 Mississippi State Supreme Court shall charge the maximum amount  
280 allowable by law for services rendered where charges for such  
281 services are provided for by statute, and for any other services  
282 rendered, shall charge an amount consistent with the cost of  
283 providing such services. The funds derived from these charges  
284 shall be deposited into a special fund account in the State  
285 Treasury to the credit of the office of the Mississippi State  
286 Supreme Court.

287 SECTION 17. It is the intent of the Legislature that no part  
288 of the funds herein appropriated shall be required to be used for  
289 the payment of rent for the public space in the Law Library.

290 SECTION 18. The money herein appropriated shall be paid by  
291 the State Treasurer out of any money in the State Treasury to the  
292 credit of the proper fund or funds as set forth in this act, upon  
293 warrants issued by the State Fiscal Officer; and the State Fiscal

294 Officer shall issue his warrants upon requisitions signed by the  
295 proper person, officer or officers, in the manner provided by law.

296 SECTION 19. This act shall take effect and be in force from  
297 and after July 1, 2000.