

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

HOUSE BILL NO. 1617
(As Sent to Governor)

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\$ 5,083,208.00.

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...	\$	3,810,265.00
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.....	\$	5,483,533.00

40	FUNDING:		
41	General Funds.....	\$	5,083,208.00
42	Special Funds.....		<u>400,325.00</u>
43	Total.....	\$	5,483,533.00

44	AUTHORIZED POSITIONS:		
45	Permanent: Full Time.....		72
46	Part Time.....		2
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\$ 15,465,966.00.

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...	\$	14,458,466.00

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.....	\$ 15,465,966.00
71	FUNDING:	
72	General Funds.....	\$ 15,465,966.00
73	Special Funds.....	<u>0.00</u>
74	Total.....	\$ 15,465,966.00
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, Three Million Seven Hundred Sixty Thousand Dollars	
87	(\$3,760,000.00) 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.	
90	SECTION 6. The following sum, or so much thereof as may be	
91	necessary, is hereby appropriated out of any money in the State	
92	General Fund, not otherwise appropriated, for the purpose of	
93	funding the Administrative Office of Courts for the fiscal year	
94	beginning July 1, 2000, and ending June 30, 2001.....	
95	\$ 1,453,365.00.

96 SECTION 7. The following sum, or so much thereof as may be
 97 necessary, is hereby appropriated out of any money in any special
 98 fund in the State Treasury to the credit of the Administrative
 99 Office of Courts for the purpose of defraying the expenses of the
 100 Administrative Office of Courts and the Board of Certified Court
 101 Reporters for the fiscal year beginning July 1, 2000, and ending
 102 June 30, 2001.....\$ 9,329,101.00.

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

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

109	Salaries, Wages and Fringe Benefits...\$	9,690,521.00
110	Travel and Subsistence.....	71,000.00
111	Contractual Services.....	446,410.00
112	Commodities.....	36,160.00
113	Capital Outlay:	
114	Other Than Equipment.....	0.00
115	Equipment.....	38,375.00
116	Subsidies, Loans and Grants.....	<u>500,000.00</u>
117	Total.....\$	10,782,466.00

118 FUNDING:

119	General Funds.....\$	1,453,365.00
120	Special Funds.....	<u>9,329,101.00</u>
121	Total.....\$	10,782,466.00

122 AUTHORIZED POSITIONS:

123	Permanent: Full Time.....	15
124	Part Time.....	0
125	Time-Limited: Full Time.....	0
126	Part Time.....	0

127 Of the funds appropriated in this section, Two Hundred
 128 Thousand Dollars (\$200,000.00) shall be used for providing a Drug

129 Treatment Court Program in Hinds County.

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

136 Of the funds appropriated in this section, Twenty-six
137 Thousand Five Hundred Dollars (\$26,500.00) is provided for the
138 Task Force on Gender Fairness in the Courts.

139 SECTION 9. The following sum, or so much thereof as may be
140 necessary, is hereby appropriated out of any money in the
141 Continuing Legal Education Fund, a special fund hereby created in
142 the State Treasury, for the purpose of defraying the expenses of
143 providing continuing legal education programs to lawyers in
144 Mississippi, for the fiscal year beginning July 1, 2000, and
145 ending June 30, 2001.....\$ 116,946.00.

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

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

156 MAJOR OBJECTS OF EXPENDITURE:

157 Personal Services:

158	Salaries, Wages and Fringe Benefits...\$	50,146.00
159	Travel and Subsistence.....	12,000.00
160	Contractual Services.....	31,350.00
161	Commodities.....	4,750.00

162	Capital Outlay:	
163	Other Than Equipment.....	0.00
164	Equipment.....	3,700.00
165	Subsidies, Loans and Grants.....	<u>15,000.00</u>
166	Total.....\$	116,946.00

167 AUTHORIZED POSITIONS:

168	Permanent: Full Time.....	1
169	Part Time.....	0
170	Time-Limited: Full Time.....	0
171	Part Time.....	0

172 SECTION 11. The following sum, or so much thereof as may be
173 necessary, is hereby appropriated out of any money in the State
174 General Fund not otherwise appropriated to the Mississippi State
175 Supreme Court for the purpose of defraying the expenses of the
176 Court of Appeals for the fiscal year beginning July 1, 2000, and
177 ending June 30, 2001.....\$4,121,124.00.

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

182 MAJOR OBJECTS OF EXPENDITURE:

183	Personal Services:	
184	Salaries, Wages and Fringe Benefits...\$	3,157,403.00
185	Travel and Subsistence.....	304,000.00
186	Contractual Services.....	556,471.00
187	Commodities.....	45,000.00
188	Capital Outlay:	
189	Other Than Equipment.....	0.00
190	Equipment.....	58,250.00
191	Subsidies, Loans and Grants.....	<u>0.00</u>
192	Total.....\$	4,121,124.00

193 FUNDING:

194	General Funds.....\$	4,121,124.00
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195 Special Funds.....0.00
 196 Total.....\$ 4,121,124.00

197 AUTHORIZED POSITIONS:

198 Permanent: Full Time..... 60
 199 Part Time..... 0
 200 Time-Limited: Full Time..... 0
 201 Part Time..... 0

202 SECTION 13. The following sum, or so much thereof as may be
 203 necessary, is hereby appropriated out of any money in the special
 204 fund in the State Treasury to the credit of the Board of Bar
 205 Admissions, for the purpose of defraying the expenses of the board
 206 for the fiscal year beginning July 1, 2000, and ending June 30,
 207 2001.....\$ 227,234.00.

208 It is the intention of the Legislature that interest earned
 209 from any investment or deposit to the Board of Bar Admissions Fund
 210 made pursuant to Section 27-105-33, Mississippi Code of 1972,
 211 shall be credited by the State Treasurer to the Board of Bar
 212 Admissions Fund and shall not be paid into the General Fund of
 213 Mississippi.

214 SECTION 14. Of the funds appropriated under the provisions
 215 of Section 13, not more than the amounts set forth below shall be
 216 expended for the respective major objects or purposes of
 217 expenditure:

218 MAJOR OBJECTS OF EXPENDITURE:

219 Personal Services:

220 Salaries, Wages and Fringe Benefits...\$ 94,746.00
 221 Travel and Subsistence..... 9,000.00
 222 Contractual Services..... 111,838.00
 223 Commodities..... 10,000.00

224 Capital Outlay:

225 Other Than Equipment..... 0.00
 226 Equipment..... 1,650.00
 227 Subsidies, Loans and Grants.....0.00

228 Total.....\$ 227,234.00

229 AUTHORIZED POSITIONS:

230	Permanent:	Full Time.....	3
231		Part Time.....	0
232	Time-Limited:	Full Time.....	0
233		Part Time.....	0

234

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

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

258 No general funds authorized to be expended herein shall be
259 used to replace federal funds and/or other special funds which are
260 being used for salaries authorized under the provisions of this

261 act and which are withdrawn and no longer available.

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

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

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

289 SECTION 18. The following sum, or so much thereof as may be
290 necessary, is hereby appropriated out of any money in the State
291 General Fund not otherwise appropriated, for the purpose of
292 providing support for the Mississippi Capital Post-Conviction
293 Counsel Act and the Mississippi Death Penalty Defense Litigation

294 Act as created in the 2000 Regular Session for the fiscal year
295 beginning July 1, 2000, and ending June 30, 2001
296\$ 2,051,827.00.

297 It is the intention of the Legislature that the necessary
298 positions be authorized to support the Mississippi Capital
299 Post-Conviction Counsel Act and the Mississippi Death Penalty
300 Defense Litigation Act authorized in this section.

301 The funds authorized above shall only be expended if
302 legislation passes during the 2000 Regular Session, which creates
303 the Mississippi Capital Post-Conviction Counsel Act and the
304 Mississippi Death Penalty Defense Litigation Act.

305 SECTION 19. The following sum, or so much thereof as may be
306 necessary, is hereby reappropriated out of any money in the State
307 General Fund not otherwise appropriated, to the Supreme Court,
308 Administrative Office of the Courts and the Court of Appeals for
309 the purpose of reauthorizing the expenditure of the State General
310 Funds, as authorized in House Bill No. 1627, Regular Session of
311 1999, for the fiscal year beginning July 1, 2000, and ending
312 June 30, 2001\$ 1,002,950.00.

313 Notwithstanding the amount reappropriated under the
314 provisions of this section, in no event shall the amount expended
315 exceed the unexpended balances of June 30, 2000.

316 SECTION 20. The money herein appropriated shall be paid by
317 the State Treasurer out of any money in the State Treasury to the
318 credit of the proper fund or funds as set forth in this act, upon
319 warrants issued by the State Fiscal Officer; and the State Fiscal
320 Officer shall issue his warrants upon requisitions signed by the
321 proper person, officer or officers, in the manner provided by law.

322 SECTION 21. This act shall take effect and be in force from
323 and after July 1, 2000.