

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1537: Appropriation; Supreme Court Services.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2003, and ending June 30, 2004.
 16 \$ 4,824,434.00.

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, 2003, and
 24 ending June 30, 2004 \$ 609,947.00.

25 Of the funds appropriated in this Section, Two Hundred
 26 Fifty-nine Thousand Nine Hundred Forty-seven Dollars (\$259,947.00)
 27 shall be derived from the Budget Contingency Fund created in
 28 Section 27-103-301, Mississippi Code of 1972.

29 **SECTION 3.** Of the funds appropriated under the provisions of
 30 this act for the purpose of defraying the expenses of the
 31 Mississippi State Supreme Court, not more than the amounts set
 32 forth below shall be expended for the respective major objects or

33 purposes of expenditure:

34 MAJOR OBJECTS OF EXPENDITURE:

35 Personal Services:

36 Salaries, Wages and Fringe Benefits.. \$ 4,182,275.00

37 Travel and Subsistence..... 265,000.00

38 Contractual Services..... 606,985.00

39 Commodities..... 345,121.00

40 Capital Outlay:

41 Other Than Equipment..... 0.00

42 Equipment..... 35,000.00

43 Subsidies, Loans and Grants..... 0.00

44 Total..... \$ 5,434,381.00

45 FUNDING:

46 General Funds..... \$ 4,824,434.00

47 Special Funds..... 609,947.00

48 Total..... \$ 5,434,381.00

49 AUTHORIZED POSITIONS:

50 Permanent: Full Time 72

51 Part Time 2

52 Time-Limited: Full Time 0

53 Part Time 0

54 **SECTION 4.** The following sum, or so much thereof as may be
55 necessary, is hereby appropriated out of any money in the State
56 General Fund not otherwise appropriated to the Mississippi State
57 Supreme Court for the purpose of defraying the expenses of special
58 judges, chancellors and circuit judges for the fiscal year
59 beginning July 1, 2003, and ending June 30, 2004.....
60 \$ 15,451,346.00.

61 **SECTION 5.** Of the funds appropriated under the provisions of
62 this act for the purpose of defraying the expenses of special
63 judges, chancellors and circuit judges, not more than the amounts
64 set forth below shall be expended for the respective major objects
65 or purposes of expenditure:

66 MAJOR OBJECTS OF EXPENDITURE:

67 Personal Services:

68 Salaries, Wages and Fringe Benefits.. \$ 14,497,694.00

69	Travel and Subsistence.....		377,352.00
70	Contractual Services.....		92,300.00
71	Commodities.....		484,000.00
72	Capital Outlay:		
73	Other Than Equipment.....		0.00
74	Equipment.....		0.00
75	Subsidies, Loans and Grants.....		<u>0.00</u>
76	Total.....	\$	15,451,346.00
77	FUNDING:		
78	General Funds.....	\$	15,451,346.00
79	Special Funds.....		<u>0.00</u>
80	Total.....	\$	15,451,346.00

81 AUTHORIZED POSITIONS:

82	Permanent:	Full Time	94
83		Part Time	0
84	Time-Limited:	Full Time	0
85		Part Time	0

86 It is the intention of the Legislature that of the funds
87 allocated under the provisions of Section 4, the Mississippi
88 Supreme Court may authorize an increase in any major object of
89 expenditure, provided that there is a corresponding decrease in
90 the other major object of expenditure.

91 Of the funds appropriated in Section 4 and allocated in
92 Section 5, Three Million Seven Hundred Sixty Thousand Dollars
93 (\$3,760,000.00) is provided for the purpose of employing support
94 staff in an amount not to exceed Forty Thousand Dollars
95 (\$40,000.00) per fiscal year per judge.

96 **SECTION 6.** The following sum, or so much thereof as may be
97 necessary, is hereby appropriated out of any money in the State
98 General Fund, not otherwise appropriated, for the purpose of
99 funding the Administrative Office of Courts for the fiscal year
100 beginning July 1, 2003, and ending June 30, 2004.....
101 \$ 1,052,564.00.

102 **SECTION 7.** The following sum, or so much thereof as may be
103 necessary, is hereby appropriated out of any money in any special
104 fund in the State Treasury to the credit of the Administrative

105 Office of Courts for the purpose of defraying the expenses of the
106 Administrative Office of Courts and the Board of Certified Court
107 Reporters for the fiscal year beginning July 1, 2003, and ending
108 June 30, 2004..... \$ 9,402,611.00.

109 Of the funds appropriated in this Section, Two Hundred
110 Twenty-six Thousand Ninety-six Dollars (\$226,096.00) shall be
111 derived from the Budget Contingency Fund created in Section
112 27-103-301, Mississippi Code of 1972.

113 **SECTION 8.** Of the funds appropriated under the provisions of
114 this act for the purpose of funding the Administrative Office of
115 Courts, not more than the amounts set forth below shall be
116 expended for the respective major objects or purposes of
117 expenditure:

118 MAJOR OBJECTS OF EXPENDITURE:

119 Personal Services:

120	Salaries, Wages and Fringe Benefits..	\$ 9,788,675.00
121	Travel and Subsistence.....	17,000.00
122	Contractual Services.....	343,500.00
123	Commodities.....	27,500.00
124	Capital Outlay:	
125	Other Than Equipment.....	0.00
126	Equipment.....	73,500.00
127	Subsidies, Loans and Grants.....	<u>205,000.00</u>
128	Total.....	\$ 10,455,175.00

129 FUNDING:

130	General Funds.....	\$ 1,052,564.00
131	Special Funds.....	<u>9,402,611.00</u>
132	Total.....	\$ 10,455,175.00

133 AUTHORIZED POSITIONS:

134	Permanent:	Full Time	15
135		Part Time	0
136	Time-Limited:	Full Time	0
137		Part Time	0

138 Of the funds appropriated in this section, One Hundred Fifty
139 Thousand Dollars (\$150,000.00) shall be used for providing a Drug
140 Treatment Court Program in Hinds County.

141 The Drug Treatment Court Program funded above is established
142 in the Administrative Office of Courts to facilitate the creation
143 of drug treatment court programs in Hinds County. Funds shall be
144 spent based upon the general guidelines set forth by the Director
145 of the Administrative Office of Courts based on a program as
146 approved by the Hinds County Board of Supervisors.

147 **SECTION 9.** The following sum, or so much thereof as may be
148 necessary, is hereby appropriated out of any money in the
149 Continuing Legal Education Fund, a special fund hereby created in
150 the State Treasury, for the purpose of defraying the expenses of
151 providing continuing legal education programs to lawyers in
152 Mississippi, for the fiscal year beginning July 1, 2003, and
153 ending June 30, 2004..... \$ 118,486.00.

154 It is the intention of the Legislature that interest earned
155 from any investment or deposit to the Continuing Legal Education
156 Fund made pursuant to Section 27-105-33, Mississippi Code of 1972,
157 shall be credited by the State Treasurer to the Continuing Legal
158 Education Fund and shall not be paid into the General Fund of
159 Mississippi.

160 **SECTION 10.** Of the funds appropriated under the provisions
161 of this act for the purpose of providing continuing legal
162 education programs, not more than the amounts set forth below
163 shall be expended for the respective major objects or purposes of
164 expenditure:

165 MAJOR OBJECTS OF EXPENDITURE:

166 Personal Services:

167 Salaries, Wages and Fringe Benefits.. \$	53,268.00
168 Travel and Subsistence.....	10,318.00
169 Contractual Services.....	31,350.00
170 Commodities.....	4,750.00
171 Capital Outlay:	
172 Other Than Equipment.....	0.00
173 Equipment.....	3,800.00
174 Subsidies, Loans and Grants.....	<u>15,000.00</u>
175 Total..... \$	118,486.00

176 AUTHORIZED POSITIONS:

177 Permanent: Full Time 1
 178 Part Time 0
 179 Time-Limited: Full Time 0
 180 Part Time 0

181 **SECTION 11.** The following sum, or so much thereof as may be
 182 necessary, is hereby appropriated out of any money in the State
 183 General Fund not otherwise appropriated to the Mississippi State
 184 Supreme Court for the purpose of defraying the expenses of the
 185 Court of Appeals for the fiscal year beginning July 1, 2003, and
 186 ending June 30, 2004..... \$3,856,846.00.

187 **SECTION 12.** The following sum, or so much thereof as may be
 188 necessary, is hereby appropriated out of any money in the Budget
 189 Contingency Fund, created in Section 27-103-301, Mississippi Code
 190 of 1972, to the Mississippi State Supreme Court for the purpose of
 191 defraying the expenses of the Court of Appeals for the fiscal year
 192 beginning July 1, 2003, and ending June 30, 2004.....
 193 \$ 231,872.00.

194 **SECTION 13.** Of the funds appropriated under the provisions
 195 of this act for the purpose of defraying the expenses of the Court
 196 of Appeals, not more than the amounts set forth below shall be
 197 expended for the respective major objects or purposes of
 198 expenditure:

199 MAJOR OBJECTS OF EXPENDITURE:

200 Personal Services:

201	Salaries, Wages and Fringe Benefits..	\$	3,329,218.00
202	Travel and Subsistence.....		259,500.00
203	Contractual Services.....		433,000.00
204	Commodities.....		37,000.00
205	Capital Outlay:		
206	Other Than Equipment.....		0.00
207	Equipment.....		30,000.00
208	Subsidies, Loans and Grants.....		<u>0.00</u>
209	Total.....	\$	4,088,718.00

210 FUNDING:

211	General Funds.....	\$	3,856,846.00
212	Special Funds.....		<u>231,872.00</u>

213 Total..... \$ 4,088,718.00

214 AUTHORIZED POSITIONS:

215	Permanent:	Full Time	60
216		Part Time	0
217	Time-Limited:	Full Time	0
218		Part Time	0

219 **SECTION 14.** The following sum, or so much thereof as may be
 220 necessary, is hereby appropriated out of any money in the special
 221 fund in the State Treasury to the credit of the Board of Bar
 222 Admissions, for the purpose of defraying the expenses of the board
 223 for the fiscal year beginning July 1, 2003, and ending
 224 June 30, 2004..... \$ 276,986.00.

225 It is the intention of the Legislature that interest earned
 226 from any investment or deposit to the Board of Bar Admissions Fund
 227 made pursuant to Section 27-105-33, Mississippi Code of 1972,
 228 shall be credited by the State Treasurer to the Board of Bar
 229 Admissions Fund and shall not be paid into the General Fund of
 230 Mississippi.

231 **SECTION 15.** Of the funds appropriated under the provisions
 232 of this act for the purpose of defraying the expenses of the Board
 233 of Bar Admissions, not more than the amounts set forth below shall
 234 be expended for the respective major objects or purposes of
 235 expenditure:

236 MAJOR OBJECTS OF EXPENDITURE:

237 Personal Services:

238	Salaries, Wages and Fringe Benefits..	\$	114,398.00
239	Travel and Subsistence.....		10,000.00
240	Contractual Services.....		135,088.00
241	Commodities.....		10,600.00

242 Capital Outlay:

243	Other Than Equipment.....		0.00
244	Equipment.....		6,900.00
245	Subsidies, Loans and Grants.....	<u> </u>	<u>0.00</u>

246 Total..... \$ 276,986.00

247 AUTHORIZED POSITIONS:

248	Permanent:	Full Time	3
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249	Part Time	0
250	Time-Limited: Full Time	0
251	Part Time	0

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

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

258 **SECTION 16.** No part of the funds herein appropriated shall
259 be used in the payment of attorney's fees, nor shall any of such
260 funds be used, either directly or indirectly, for the purpose of
261 paying any clerk, stenographer, assistant, deputy or other person
262 who may be related by blood or marriage within the third degree,
263 computed by the rules of civil law, to the official employing or
264 having the right of employment or selection thereof; and in the
265 event of any such payment, then the official or person approving
266 and making or receiving such payment shall be jointly and
267 severally liable to return to the State of Mississippi and to pay
268 into the State Treasury three (3) times any such amount so paid or
269 received, to be recovered at suit of the Attorney General;
270 however, when the relationship is by affinity and the person
271 through whom the relationship was established is dead, this
272 provision shall not apply.

273 **SECTION 17.** It is the intent of the Legislature that the
274 Mississippi State Supreme Court shall charge the maximum amount
275 allowable by law for services rendered where charges for such
276 services are provided for by statute, and for any other services
277 rendered, shall charge an amount consistent with the cost of
278 providing such services. The funds derived from these charges
279 shall be deposited into a special fund account in the State
280 Treasury to the credit of the Office of the Mississippi State
281 Supreme Court.

282 **SECTION 18.** It is the intent of the Legislature that no part
283 of the funds herein appropriated shall be required to be used for
284 the payment of rent for the public space in the Law Library.

285 **SECTION 19.** Contingent upon legislation enacted during the
286 2003 Regular Session, Fifty-one Thousand Four Hundred Twenty
287 Dollars (\$51,420.00) of Budget Contingency Funds allocated to the
288 Mississippi Supreme Court in Section 2 of this act and Fifty
289 Thousand Five Hundred Twenty Dollars (\$50,520.00) of Budget
290 Contingency Funds allocated to the Court of Appeals in Section 12
291 of this act shall be used for the purpose of increasing the
292 salaries of Supreme Court and Court of Appeal judges. It is the
293 intention of the Legislature that if there is no legislation
294 enacted authorizing salary increases for the Supreme Court and
295 Court of Appeals judges during the 2003 Regular Session, the
296 Budget Contingency Funds designated for this purpose shall not be
297 expended.

298 **SECTION 20.** The money herein appropriated shall be paid by
299 the State Treasurer out of any money in the State Treasury to the
300 credit of the proper fund or funds as set forth in this act, upon
301 warrants issued by the State Fiscal Officer; and the State Fiscal
302 Officer shall issue his warrants upon requisitions signed by the
303 proper person, officer or officers, in the manner provided by law.

304 **SECTION 21.** This act shall take effect and be in force from
305 and after July 1, 2003.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____

Charlie Capps, Jr.

X _____

Jack Gordon

X _____

Percy W. Watson

X _____

Bennie L. Turner

X _____

Jack Gadd

X _____

Gloria Williamson