

By: Representatives Coleman (29th), Denny,  
Dickson, Green, McBride

To: Appropriations

HOUSE BILL NO. 1730

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 2005;  
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, 2004, and ending June 30, 2005.  
16 ..... \$ 4,873,284.00.

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, 2004, and  
24 ending June 30, 2005 ..... \$ 368,869.00.

25 **SECTION 3.** Of the funds appropriated under the provisions of  
26 this act for the purpose of defraying the expenses of the  
27 Mississippi State Supreme Court, not more than the amounts set  
28 forth below shall be expended for the respective major objects or  
29 purposes of expenditure:

30 MAJOR OBJECTS OF EXPENDITURE:

31	Personal Services:		
32	Salaries, Wages and Fringe Benefits..	\$	4,188,705.00
33	Travel and Subsistence.....		235,000.00
34	Contractual Services.....		495,858.00
35	Commodities.....		320,090.00
36	Capital Outlay:		
37	Other Than Equipment.....		0.00
38	Equipment.....		2,500.00
39	Subsidies, Loans and Grants.....		<u>0.00</u>
40	Total.....	\$	5,242,153.00

41	FUNDING:		
42	General Funds.....	\$	4,873,284.00
43	Special Funds.....		<u>368,869.00</u>
44	Total.....	\$	5,242,153.00

45	AUTHORIZED POSITIONS:		
46	Permanent: Full Time.....		72
47	Part Time.....		2
48	Time-Limited: Full Time.....		0
49	Part Time.....		0

50       **SECTION 4.** The following sum, or so much thereof as may be  
51 necessary, is hereby appropriated out of any money in the State  
52 General Fund not otherwise appropriated to the Mississippi State  
53 Supreme Court for the purpose of defraying the expenses of special  
54 judges, chancellors and circuit judges for the fiscal year  
55 beginning July 1, 2004, and ending June 30, 2005.....  
56 ..... \$ 16,516,178.00.

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

62       MAJOR OBJECTS OF EXPENDITURE:

63       Personal Services:

64	Salaries, Wages and Fringe Benefits..	\$	15,562,526.00
65	Travel and Subsistence.....		377,352.00
66	Contractual Services.....		92,300.00
67	Commodities.....		484,000.00
68	Capital Outlay:		
69	Other Than Equipment.....		0.00
70	Equipment.....		0.00
71	Subsidies, Loans and Grants.....		0.00
72	Total.....	\$	16,516,178.00

73 FUNDING:

74	General Funds.....	\$	16,516,178.00
75	Special Funds.....		0.00
76	Total.....	\$	16,516,178.00

77 AUTHORIZED POSITIONS:

78	Permanent:	Full Time.....	94
79		Part Time.....	0
80	Time-Limited:	Full Time.....	0
81		Part Time.....	0

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

87 Of the funds appropriated in Section 4 and allocated in  
88 Section 5, Three Million Seven Hundred Sixty Thousand Dollars  
89 (\$3,760,000.00) is provided for the purpose of employing support  
90 staff in an amount not to exceed Forty Thousand Dollars  
91 (\$40,000.00) per fiscal year per judge.

92 **SECTION 6.** The following sum, or so much thereof as may be  
93 necessary, is hereby appropriated out of any money in the State  
94 General Fund, not otherwise appropriated, for the purpose of  
95 funding the Administrative Office of Courts for the fiscal year  
96 beginning July 1, 2004, and ending June 30, 2005.....

97 ..... \$ 1,040,059.00.

98 **SECTION 7.** The following sum, or so much thereof as may be  
99 necessary, is hereby appropriated out of any money in any special  
100 fund in the State Treasury to the credit of the Administrative  
101 Office of Courts for the purpose of defraying the expenses of the  
102 Administrative Office of Courts and the Board of Certified Court  
103 Reporters for the fiscal year beginning July 1, 2004, and ending  
104 June 30, 2005..... \$ 9,676,515.00.

105 **SECTION 8.** With the funds appropriated under the provisions  
106 of this act for the purpose of funding the Administrative Office  
107 of Courts, the following positions are authorized:

108 AUTHORIZED POSITIONS:

109	Permanent:	Full Time.....	15
110		Part Time.....	0
111	Time-Limited:	Full Time.....	0
112		Part Time.....	0

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

116 The Drug Treatment Court Program funded above is established  
117 in the Administrative Office of Courts to facilitate the creation  
118 of drug treatment court programs in Hinds County. Funds shall be  
119 spent based upon the general guidelines set forth by the Director  
120 of the Administrative Office of Courts based on a program as  
121 approved by the Hinds County Board of Supervisors.

122 **SECTION 9.** The following sum, or so much thereof as may be  
123 necessary, is hereby appropriated out of any money in the  
124 Continuing Legal Education Fund, a special fund hereby created in  
125 the State Treasury, for the purpose of defraying the expenses of  
126 providing continuing legal education programs to lawyers in  
127 Mississippi, for the fiscal year beginning July 1, 2004, and  
128 ending June 30, 2005..... \$ 116,610.00.

129 It is the intention of the Legislature that interest earned  
 130 from any investment or deposit to the Continuing Legal Education  
 131 Fund made pursuant to Section 27-105-33, Mississippi Code of 1972,  
 132 shall be credited by the State Treasurer to the Continuing Legal  
 133 Education Fund and shall not be paid into the General Fund of  
 134 Mississippi.

135 **SECTION 10.** Of the funds appropriated under the provisions  
 136 of this act for the purpose of providing continuing legal  
 137 education programs, not more than the amounts set forth below  
 138 shall be expended for the respective major objects or purposes of  
 139 expenditure:

140 MAJOR OBJECTS OF EXPENDITURE:

141 Personal Services:

142	Salaries, Wages and Fringe Benefits..	\$	53,892.00
143	Travel and Subsistence.....		10,318.00
144	Contractual Services.....		31,350.00
145	Commodities.....		4,750.00
146	Capital Outlay:		
147	Other Than Equipment.....		0.00
148	Equipment.....		1,300.00
149	Subsidies, Loans and Grants.....		<u>15,000.00</u>
150	Total.....	\$	116,610.00

151 AUTHORIZED POSITIONS:

152	Permanent:	Full Time.....	1
153		Part Time.....	0
154	Time-Limited:	Full Time.....	0
155		Part Time.....	0

156 **SECTION 11.** The following sum, or so much thereof as may be  
 157 necessary, is hereby appropriated out of any money in the State  
 158 General Fund not otherwise appropriated to the Mississippi State  
 159 Supreme Court for the purpose of defraying the expenses of the  
 160 Court of Appeals for the fiscal year beginning July 1, 2004, and  
 161 ending June 30, 2005..... \$3,863,874.00.

162           **SECTION 12.** Of the funds appropriated under the provisions  
 163 of this act for the purpose of defraying the expenses of the Court  
 164 of Appeals, not more than the amounts set forth below shall be  
 165 expended for the respective major objects or purposes of  
 166 expenditure:

167           **MAJOR OBJECTS OF EXPENDITURE:**

168           Personal Services:

169	Salaries, Wages and Fringe Benefits..	\$	3,336,246.00
170	Travel and Subsistence.....		200,000.00
171	Contractual Services.....		298,628.00
172	Commodities.....		29,000.00
173	Capital Outlay:		
174	Other Than Equipment.....		0.00
175	Equipment.....		0.00
176	Subsidies, Loans and Grants.....		0.00
177	Total.....	\$	3,863,874.00

178           **FUNDING:**

179	General Funds.....	\$	3,863,874.00
180	Special Funds.....		0.00
181	Total.....	\$	3,863,874.00

182           **AUTHORIZED POSITIONS:**

183	Permanent:		
	Full Time.....		60
184	Part Time.....		0
185	Time-Limited:		
	Full Time.....		0
186	Part Time.....		0

187           **SECTION 13.** The following sum, or so much thereof as may be  
 188 necessary, is hereby appropriated out of any money in the special  
 189 fund in the State Treasury to the credit of the Board of Bar  
 190 Admissions, for the purpose of defraying the expenses of the board  
 191 for the fiscal year beginning July 1, 2004, and ending  
 192 June 30, 2005..... \$ 271,953.00.

193           It is the intention of the Legislature that interest earned  
 194 from any investment or deposit to the Board of Bar Admissions Fund

195 made pursuant to Section 27-105-33, Mississippi Code of 1972,  
196 shall be credited by the State Treasurer to the Board of Bar  
197 Admissions Fund and shall not be paid into the General Fund of  
198 Mississippi.

199 **SECTION 14.** With the funds appropriated under the provisions  
200 of this act for the purpose of defraying the expenses of the Board  
201 of Bar Admissions, The following positions are authorized:

202 AUTHORIZED POSITIONS:

203	Permanent:	Full Time.....	3
204		Part Time.....	0
205	Time-Limited:	Full Time.....	0
206		Part Time.....	0

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

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

213 **SECTION 15.** No part of the funds herein appropriated shall  
214 be used in the payment of attorney's fees, nor shall any of such  
215 funds be used, either directly or indirectly, for the purpose of  
216 paying any clerk, stenographer, assistant, deputy or other person  
217 who may be related by blood or marriage within the third degree,  
218 computed by the rules of civil law, to the official employing or  
219 having the right of employment or selection thereof; and in the  
220 event of any such payment, then the official or person approving  
221 and making or receiving such payment shall be jointly and  
222 severally liable to return to the State of Mississippi and to pay  
223 into the State Treasury three (3) times any such amount so paid or  
224 received, to be recovered at suit of the Attorney General;  
225 however, when the relationship is by affinity and the person  
226 through whom the relationship was established is dead, this  
227 provision shall not apply.

228           **SECTION 16.** It is the intent of the Legislature that the  
229 Mississippi State Supreme Court shall charge the maximum amount  
230 allowable by law for services rendered where charges for such  
231 services are provided for by statute, and for any other services  
232 rendered, shall charge an amount consistent with the cost of  
233 providing such services. The funds derived from these charges  
234 shall be deposited into a special fund account in the State  
235 Treasury to the credit of the Office of the Mississippi State  
236 Supreme Court.

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

240           **SECTION 18.** The money herein appropriated shall be paid by  
241 the State Treasurer out of any money in the State Treasury to the  
242 credit of the proper fund or funds as set forth in this act, upon  
243 warrants issued by the State Fiscal Officer; and the State Fiscal  
244 Officer shall issue his warrants upon requisitions signed by the  
245 proper person, officer or officers, in the manner provided by law.

246           **SECTION 19.** This act shall take effect and be in force from  
247 and after July 1, 2004.