

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

To: Appropriations

HOUSE BILL NO. 1555
(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 2007;
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, 2006, and ending June 30, 2007.
16 \$ 5,398,942.00.

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, 2006, and
24 ending June 30, 2007 \$ 356,816.00.

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..	\$	4,579,900.00
33	Travel and Subsistence.....		265,000.00
34	Contractual Services.....		570,858.00
35	Commodities.....		340,000.00
36	Capital Outlay:		
37	Other Than Equipment.....		0.00
38	Equipment.....		0.00
39	Subsidies, Loans and Grants.....		0.00
40	Total.....	\$	5,755,758.00

41	FUNDING:		
42	General Funds.....	\$	5,398,942.00
43	Special Funds.....		356,816.00
44	Total.....	\$	5,755,758.00

45	AUTHORIZED POSITIONS:		
46	Permanent: Full Time.....		73
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, 2006, and ending June 30, 2007.....
56 \$ 17,329,210.00.

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..	\$	16,287,910.00
65	Travel and Subsistence.....		465,000.00
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.....	\$	17,329,210.00

73 FUNDING:

74	General Funds.....	\$	17,329,210.00
75	Special Funds.....		0.00
76	Total.....	\$	17,329,210.00

77 AUTHORIZED POSITIONS:

78	Permanent:	Full Time.....	99
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, 2006, and ending June 30, 2007.....

97 \$ 1,096,995.00.

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, 2006, and ending
104 June 30, 2007..... \$ 12,618,140.00.

105 **SECTION 8.** Of the funds appropriated under the provisions of
106 this act for the purpose of funding the Administrative Office of
107 Courts, not more than the amounts set forth below shall be
108 expended for the respective major objects or purposes of
109 expenditure:

110 MAJOR OBJECTS OF EXPENDITURE:

111 Personal Services:

112	Salaries, Wages and Fringe Benefits..	\$ 10,715,206.00
113	Travel and Subsistence.....	32,000.00
114	Contractual Services.....	287,929.00
115	Commodities.....	30,000.00

116 Capital Outlay:

117	Other Than Equipment.....	0.00
118	Equipment.....	0.00
119	Subsidies, Loans and Grants.....	<u>2,650,000.00</u>

120 Total..... \$ 13,715,135.00

121 FUNDING:

122	General Funds.....	\$ 1,096,995.00
123	Special Funds.....	<u>12,618,140.00</u>
124	Total.....	\$ 13,715,135.00

125 AUTHORIZED POSITIONS:

126	Permanent:	Full Time.....	15
127		Part Time.....	0
128	Time-Limited:	Full Time.....	0
129		Part Time.....	0

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

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

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, 2006, and
145 ending June 30, 2007..... \$ 122,724.00.

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 this act for the purpose of providing continuing legal
154 education programs, not more than the amounts set forth below
155 shall be expended for the respective major objects or purposes of
156 expenditure:

157 MAJOR OBJECTS OF EXPENDITURE:

158 Personal Services:

159 Salaries, Wages and Fringe Benefits..	\$	57,706.00
160 Travel and Subsistence.....		10,318.00
161 Contractual Services.....		33,150.00
162 Commodities.....		4,750.00

163	Capital Outlay:		
164	Other Than Equipment.....		0.00
165	Equipment.....		1,800.00
166	Subsidies, Loans and Grants.....		<u>15,000.00</u>
167	Total.....	\$	122,724.00

168 AUTHORIZED POSITIONS:

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

173 **SECTION 11.** The following sum, or so much thereof as may be
174 necessary, is hereby appropriated out of any money in the State
175 General Fund not otherwise appropriated to the Mississippi State
176 Supreme Court for the purpose of defraying the expenses of the
177 Court of Appeals for the fiscal year beginning July 1, 2006, and
178 ending June 30, 2007..... \$ 4,207,180.00.

179 **SECTION 12.** Of the funds appropriated under the provisions
180 of this act for the purpose of defraying the expenses of the Court
181 of Appeals, 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..	\$	3,590,831.00
187	Travel and Subsistence.....		200,000.00
188	Contractual Services.....		387,349.00
189	Commodities.....		29,000.00

190 Capital Outlay:

191	Other Than Equipment.....		0.00
192	Equipment.....		0.00
193	Subsidies, Loans and Grants.....		<u>0.00</u>
194	Total.....	\$	4,207,180.00

195 FUNDING:

196	General Funds.....	\$	4,207,180.00
197	Special Funds.....		<u>0.00</u>
198	Total.....	\$	4,207,180.00

199 AUTHORIZED POSITIONS:

200	Permanent: Full Time.....	60
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, 2006, and ending
209 June 30, 2007..... \$ 390,335.00.

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 this act for the purpose of funding the Board of Bar
218 Admissions, not more than the amounts set forth below shall be
219 expended for the respective major objects or purposes of
220 expenditure:

221 MAJOR OBJECTS OF EXPENDITURE:

222 Personal Services:

223	Salaries, Wages and Fringe Benefits..	\$	126,387.00
224	Travel and Subsistence.....		20,500.00
225	Contractual Services.....		226,348.00
226	Commodities.....		13,600.00

227 Capital Outlay:

228	Other Than Equipment.....		0.00
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229	Equipment.....	3,500.00
230	Subsidies, Loans and Grants.....	<u>0.00</u>
231	Total.....	\$ 390,335.00

232 AUTHORIZED POSITIONS:

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

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

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

243 **SECTION 15.** With the funds provided herein, it is the
244 intention of the Legislature that the salaries of the legal
245 research assistants shall not exceed the salary of a District
246 Attorney, as set forth in Section 25-3-35, as follows:

247 (a) Director, Central Legal Staff, a salary not to exceed
248 the salary of a District Attorney.

249 (b) Editor of Supreme Court Opinions, a salary not to exceed
250 the salary of a District Attorney.

251 (c) Senior Staff Attorney with fifteen (15) years or more
252 experience, a salary not to exceed ninety percent (90%) of the
253 salary of a District Attorney.

254 (d) Senior Staff Attorney with eight (8) to fifteen (15)
255 years of experience, a salary not to exceed eighty-five percent
256 (85%) of the salary of a District Attorney.

257 (e) Senior Staff Attorney with four (4) to eight (8) years
258 of experience, a salary not to exceed eighty percent (80%) of the
259 salary of a District Attorney.

260 (f) Law Clerk with four (4) to eight (8) years of
261 experience, a salary not to exceed sixty percent (60%) of the
262 salary of a District Attorney.

263 (g) Law Clerk with less than four (4) years of experience, a
264 salary not to exceed fifty-five percent (55%) of the salary of a
265 District Attorney.

266 It is the further intention of the Legislature that any
267 salary increases for the law clerks shall be phased in over two
268 (2) years.

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

284 **SECTION 17.** It is the intent of the Legislature that the
285 Mississippi State Supreme Court shall charge the maximum amount
286 allowable by law for services rendered where charges for such
287 services are provided for by statute, and for any other services
288 rendered, shall charge an amount consistent with the cost of
289 providing such services. The funds derived from these charges
290 shall be deposited into a special fund account in the State
291 Treasury to the credit of the Office of the Mississippi State
292 Supreme Court.

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

296 **SECTION 19.** It is the intention of the Legislature that
297 whenever two (2) or more bids are received by this agency for the
298 purchase of commodities or equipment, and whenever all things
299 stated in such received bids are equal with respect to price,
300 quality and service, the Mississippi Industries for the Blind
301 shall be given preference. A similar preference shall be given to
302 the Mississippi Industries for the Blind whenever purchases are
303 made without competitive bids.

304 **SECTION 20.** In addition to all other sums herein
305 appropriated, the following sum, or so much thereof as may be
306 necessary is appropriated out of any money in the State General
307 Fund not otherwise appropriated, to defraying the expenses of the
308 Mississippi State Supreme Court, for the purpose of paying for
309 unused personal leave arising from the death of an employee, for
310 the fiscal year ending June 30, 2006..... \$ 196,918.00.

311 **SECTION 21.** The money herein appropriated shall be paid by
312 the State Treasurer out of any money in the State Treasury to the
313 credit of the proper fund or funds as set forth in this act, upon
314 warrants issued by the State Fiscal Officer; and the State Fiscal
315 Officer shall issue his warrants upon requisitions signed by the
316 proper person, officer or officers, in the manner provided by law.

317 **SECTION 22.** This act shall take effect and be in force from
318 and after July 1, 2006, with the exception of Section 20, which
319 shall take effect and be in force from and after its passage.