

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

To: Appropriations

HOUSE BILL NO. 1683
(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 2008;
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, 2007, and ending June 30, 2008.
16 \$ 6,208,195.00.

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, 2007, and
24 ending June 30, 2008 \$ 245,492.00.

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..	\$	4,934,828.00
33	Travel and Subsistence.....		245,000.00
34	Contractual Services.....		963,859.00
35	Commodities.....		310,000.00
36	Capital Outlay:		
37	Other Than Equipment.....		0.00
38	Equipment.....		0.00
39	Vehicles.....		0.00
40	Wireless Communication Devices.....		0.00
41	Subsidies, Loans and Grants.....		0.00
42	Total.....	\$	6,453,687.00

43	FUNDING:		
44	General Funds.....	\$	6,208,195.00
45	Special Funds.....		245,492.00
46	Total.....	\$	6,453,687.00

47	AUTHORIZED POSITIONS:		
48	Permanent: Full Time.....		73
49	Part Time.....		2
50	Time-Limited: Full Time.....		0
51	Part Time.....		0

52 **SECTION 4.** The following sum, or so much thereof as may be
53 necessary, is hereby appropriated out of any money in the State
54 General Fund not otherwise appropriated to the Mississippi State
55 Supreme Court for the purpose of defraying the expenses of special
56 judges, chancellors and circuit judges for the fiscal year
57 beginning July 1, 2007, and ending June 30, 2008.....
58 \$ 17,406,230.00.

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

64	MAJOR OBJECTS OF EXPENDITURE:	
65	Personal Services:	
66	Salaries, Wages and Fringe Benefits.. \$	16,364,930.00
67	Travel and Subsistence.....	465,000.00
68	Contractual Services.....	92,300.00
69	Commodities.....	484,000.00
70	Capital Outlay:	
71	Other Than Equipment.....	0.00
72	Equipment.....	0.00
73	Vehicles.....	0.00
74	Wireless Communication Devices.....	0.00
75	Subsidies, Loans and Grants.....	<u>0.00</u>
76	Total..... \$	17,406,230.00

77	FUNDING:	
78	General Funds..... \$	17,406,230.00
79	Special Funds.....	<u>0.00</u>
80	Total..... \$	17,406,230.00

81	AUTHORIZED POSITIONS:	
82	Permanent: Full Time.....	99
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 and allocated herein, Three Million
92 Eight Hundred Sixty Thousand Dollars (\$3,860,000.00) is provided
93 for the purpose of employing support staff in an amount not to
94 exceed Forty Thousand Dollars (\$40,000.00) per fiscal year per
95 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, 2007, and ending June 30, 2008.....
 101 \$ 1,301,821.00.

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, 2007, and ending
 108 June 30, 2008..... \$ 12,575,389.00.

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

114 MAJOR OBJECTS OF EXPENDITURE:

115 Personal Services:

116 Salaries, Wages and Fringe Benefits.. \$ 10,749,039.00
 117 Travel and Subsistence..... 32,000.00
 118 Contractual Services..... 416,171.00
 119 Commodities..... 30,000.00

120 Capital Outlay:

121 Other Than Equipment..... 0.00
 122 Equipment..... 0.00
 123 Vehicles..... 0.00
 124 Wireless Communication Devices..... 0.00
 125 Subsidies, Loans and Grants..... 2,650,000.00
 126 Total..... \$ 13,877,210.00

127 FUNDING:

128 General Funds..... \$ 1,301,821.00

129 Special Funds..... 12,575,389.00
 130 Total..... \$ 13,877,210.00

131 AUTHORIZED POSITIONS:

132 Permanent: Full Time..... 15
 133 Part Time..... 0
 134 Time-Limited: Full Time..... 0
 135 Part Time..... 0

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

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

145 **SECTION 9.** The following sum, or so much thereof as may be
 146 necessary, is hereby appropriated out of any money in the
 147 Continuing Legal Education Fund, a special fund hereby created in
 148 the State Treasury, for the purpose of defraying the expenses of
 149 providing continuing legal education programs to lawyers in
 150 Mississippi, for the fiscal year beginning July 1, 2007, and
 151 ending June 30, 2008..... \$ 125,256.00.

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

158 **SECTION 10.** Of the funds appropriated under the provisions
 159 of this act for the purpose of providing continuing legal
 160 education programs, not more than the amounts set forth below

161 shall be expended for the respective major objects or purposes of
162 expenditure:

163 MAJOR OBJECTS OF EXPENDITURE:

164 Personal Services:

165	Salaries, Wages and Fringe Benefits.. \$	61,638.00
166	Travel and Subsistence.....	10,318.00
167	Contractual Services.....	32,350.00
168	Commodities.....	4,750.00
169	Capital Outlay:	
170	Other Than Equipment.....	0.00
171	Equipment.....	1,200.00
172	Vehicles.....	0.00
173	Wireless Communication Devices.....	0.00
174	Subsidies, Loans and Grants.....	<u>15,000.00</u>
175	Total..... \$	125,256.00

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, 2007, and
186 ending June 30, 2008..... \$ 5,127,570.00.

187 **SECTION 12.** Of the funds appropriated under the provisions
188 of this act for the purpose of defraying the expenses of the Court
189 of Appeals, not more than the amounts set forth below shall be
190 expended for the respective major objects or purposes of
191 expenditure:

192 MAJOR OBJECTS OF EXPENDITURE:

193 Personal Services:

194	Salaries, Wages and Fringe Benefits..	\$	4,293,071.00
195	Travel and Subsistence.....		245,000.00
196	Contractual Services.....		560,499.00
197	Commodities.....		29,000.00
198	Capital Outlay:		
199	Other Than Equipment.....		0.00
200	Equipment.....		0.00
201	Vehicles.....		0.00
202	Wireless Communication Devices.....		0.00
203	Subsidies, Loans and Grants.....		<u>0.00</u>
204	Total.....	\$	5,127,570.00
205	FUNDING:		
206	General Funds.....	\$	5,127,570.00
207	Special Funds.....		<u>0.00</u>
208	Total.....	\$	5,127,570.00
209	AUTHORIZED POSITIONS:		
210	Permanent: Full Time.....		60
211	Part Time.....		0
212	Time-Limited: Full Time.....		0
213	Part Time.....		0

214 **SECTION 13.** The following sum, or so much thereof as may be
215 necessary, is hereby appropriated out of any money in the special
216 fund in the State Treasury to the credit of the Board of Bar
217 Admissions, for the purpose of defraying the expenses of the board
218 for the fiscal year beginning July 1, 2007, and ending
219 June 30, 2008..... \$ 342,680.00.

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

226 **SECTION 14.** Of the funds appropriated under the provisions
 227 of this act for the purpose of funding the Board of Bar
 228 Admissions, not more than the amounts set forth below shall be
 229 expended for the respective major objects or purposes of
 230 expenditure:

231 **MAJOR OBJECTS OF EXPENDITURE:**

232 Personal Services:

233	Salaries, Wages and Fringe Benefits.. \$	134,732.00
234	Travel and Subsistence.....	15,500.00
235	Contractual Services.....	176,348.00
236	Commodities.....	13,600.00
237	Capital Outlay:	
238	Other Than Equipment.....	0.00
239	Equipment.....	2,500.00
240	Vehicles.....	0.00
241	Wireless Communication Devices.....	0.00
242	Subsidies, Loans and Grants.....	<u>0.00</u>
243	Total..... \$	342,680.00

244 **AUTHORIZED POSITIONS:**

245	Permanent:	Full Time.....	3
246		Part Time.....	0
247	Time-Limited:	Full Time.....	0
248		Part Time.....	0

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

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

255 **SECTION 15.** No part of the funds herein appropriated shall
 256 be used in the payment of attorney's fees, nor shall any of such
 257 funds be used, either directly or indirectly, for the purpose of
 258 paying any clerk, stenographer, assistant, deputy or other person

259 who may be related by blood or marriage within the third degree,
260 computed by the rules of civil law, to the official employing or
261 having the right of employment or selection thereof; and in the
262 event of any such payment, then the official or person approving
263 and making or receiving such payment shall be jointly and
264 severally liable to return to the State of Mississippi and to pay
265 into the State Treasury three (3) times any such amount so paid or
266 received, to be recovered at suit of the Attorney General;
267 however, when the relationship is by affinity and the person
268 through whom the relationship was established is dead, this
269 provision shall not apply.

270 **SECTION 16.** It is the intent of the Legislature that the
271 Mississippi State Supreme Court shall charge the maximum amount
272 allowable by law for services rendered where charges for such
273 services are provided for by statute, and for any other services
274 rendered, shall charge an amount consistent with the cost of
275 providing such services. The funds derived from these charges
276 shall be deposited into a special fund account in the State
277 Treasury to the credit of the Office of the Mississippi State
278 Supreme Court.

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

282 **SECTION 18.** It is the intention of the Legislature that
283 whenever two (2) or more bids are received by this agency for the
284 purchase of commodities or equipment, and whenever all things
285 stated in such received bids are equal with respect to price,
286 quality and service, the Mississippi Industries for the Blind
287 shall be given preference. A similar preference shall be given to
288 the Mississippi Industries for the Blind whenever purchases are
289 made without competitive bids.

290 **SECTION 19.** It is the intention of the Legislature that the
291 Administrative Office of Courts shall have the authority to

292 accept, budget and expend any money in the Comprehensive
293 Electronic Court Systems Fund, not to exceed Five Hundred Thousand
294 Dollars (\$500,000.00), for the purpose of defraying the expenses
295 of developing, implementing and maintaining a comprehensive case
296 management and electronic filing system for the courts of the
297 state that complies with the data and case management and
298 electronic standards adopted by the Supreme Court. Such funds are
299 to be escalated in accordance with procedures for federal fund
300 escalations as established in Section 27-104-21, Mississippi Code
301 of 1972, and expended for the purposes of performing such duties
302 as set forth by law in accordance with applicable rules and
303 regulations of the State Fiscal Officer.

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

310 **SECTION 21.** This act shall take effect and be in force from
311 and after July 1, 2007.