

By: Representatives Watson, Stevens,
Bourdeaux, Bowles, Coleman (29th), Denny,
Perry

To: Appropriations

HOUSE BILL NO. 1627
(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 2000;
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, 1999, and ending June 30, 2000.
16 \$ 5,037,961.00.

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, 1999, and
24 ending June 30, 2000 \$ 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..	\$	3,947,424.00
32	Travel and Subsistence.....		135,900.00
33	Contractual Services.....		873,114.00
34	Commodities.....		309,598.00
35	Capital Outlay:		
36	Other Than Equipment.....		0.00
37	Equipment.....		172,250.00
38	Subsidies, Loans and Grants.....		<u>0.00</u>
39	Total.....	\$	5,438,286.00

40 FUNDING:

41	General Funds.....	\$	5,037,961.00
42	Special Funds.....		<u>400,325.00</u>
43	Total.....	\$	5,438,286.00

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, 1999, and ending June 30, 2000.....
55 \$ 13,842,398.00.

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..	\$	12,834,898.00
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.....	\$	13,842,398.00

71 FUNDING:

72	General Funds.....	\$	13,842,398.00
73	Special Funds.....		<u>0.00</u>
74	Total.....	\$	13,842,398.00

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, Two Million Eight Hundred Twenty Thousand Dollars
87 (\$2,820,000.00) 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. It is the intention of
90 the Legislature that the Administrative Office of the Courts shall
91 give consideration of a maximum allocation to single member
92 judicial districts and subdistricts and judges whose geographical
93 distance prohibits them from sharing support staff with other
94 judges.

95 SECTION 6. The following sum, or so much thereof as may be
96 necessary, is hereby appropriated out of any money in the State
97 General Fund, not otherwise appropriated, for the purpose of
98 funding the Administrative Office of Courts for the fiscal year

99 beginning July 1, 1999, and ending June 30, 2000.....
100 \$ 1,278,592.00.

101 SECTION 7. The following sum, or so much thereof as may be
102 necessary, is hereby appropriated out of any money in any special
103 fund in the State Treasury to the credit of the Administrative
104 Office of Courts for the purpose of defraying the expenses of the
105 Administrative Office of Courts and the Board of Certified Court
106 Reporters for the fiscal year beginning July 1, 1999, and ending
107 June 30, 2000..... \$ 9,386,415.00.

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

112 MAJOR OBJECTS OF EXPENDITURE:

113 Personal Services:

114	Salaries, Wages and Fringe Benefits..	\$ 9,804,462.00
115	Travel and Subsistence.....	81,100.00
116	Contractual Services.....	404,910.00
117	Commodities.....	36,160.00
118	Capital Outlay:	
119	Other Than Equipment.....	0.00
120	Equipment.....	38,375.00
121	Subsidies, Loans and Grants.....	<u>300,000.00</u>
122	Total.....	\$ 10,665,007.00

123 FUNDING:

124	General Funds.....	\$ 1,278,592.00
125	Special Funds.....	<u>9,386,415.00</u>
126	Total.....	\$ 10,665,007.00

127 AUTHORIZED POSITIONS:

128	Permanent:	Full Time.	15
129		Part Time.	1
130	Time-Limited:	Full Time.	0
131		Part Time.	0

132 SECTION 9. The following sum, or so much thereof as may be

133 necessary, is hereby appropriated out of any money in the
 134 Continuing Legal Education Fund, a special fund hereby created in
 135 the State Treasury, for the purpose of defraying the expenses of
 136 providing continuing legal education programs to lawyers in
 137 Mississippi, for the fiscal year beginning July 1, 1999, and
 138 ending June 30, 2000..... \$ 113,894.00.

139 It is the intention of the Legislature that interest earned
 140 from any investment or deposit to the Continuing Legal Education
 141 Fund made pursuant to Section 27-105-33, Mississippi Code of 1972,
 142 shall be credited by the State Treasurer to the Continuing Legal
 143 Education Fund and shall not be paid into the General Fund of
 144 Mississippi.

145 SECTION 10. Of the funds appropriated under the provisions
 146 of Section 9, not more than the amounts set forth below shall be
 147 expended for the respective major objects or purposes of
 148 expenditure:

149 MAJOR OBJECTS OF EXPENDITURE:

150 Personal Services:

151	Salaries, Wages and Fringe Benefits.. \$	49,894.00
152	Travel and Subsistence.....	12,000.00
153	Contractual Services.....	28,350.00
154	Commodities.....	4,750.00
155	Capital Outlay:	
156	Other Than Equipment.....	0.00
157	Equipment.....	3,900.00
158	Subsidies, Loans and Grants.....	<u>15,000.00</u>
159	Total..... \$	113,894.00

160 AUTHORIZED POSITIONS:

161	Permanent:	Full Time.	1
162		Part Time.	0
163	Time-Limited:	Full Time.	0
164		Part Time.	0

165 SECTION 11. The following sum, or so much thereof as may be
 166 necessary, is hereby appropriated out of any money in the State

167 General Fund not otherwise appropriated to the Mississippi State
 168 Supreme Court for the purpose of defraying the expenses of the
 169 Court of Appeals for the fiscal year beginning July 1, 1999, and
 170 ending June 30, 2000..... \$4,022,114.00.

171 SECTION 12. Of the funds appropriated under the provisions
 172 of Section 11, not more than the amounts set forth below shall be
 173 expended for the respective major objects or purposes of
 174 expenditure:

175 MAJOR OBJECTS OF EXPENDITURE:

176 Personal Services:

177	Salaries, Wages and Fringe Benefits.. \$	3,200,204.00
178	Travel and Subsistence.....	140,000.00
179	Contractual Services.....	573,660.00
180	Commodities.....	45,000.00

181 Capital Outlay:

182	Other Than Equipment.....	0.00
183	Equipment.....	63,250.00
184	Subsidies, Loans and Grants.....	<u>0.00</u>
185	Total..... \$	4,022,114.00

186 FUNDING:

187	General Funds..... \$	4,022,114.00
188	Special Funds.....	<u>0.00</u>
189	Total..... \$	4,022,114.00

190 AUTHORIZED POSITIONS:

191	Permanent: Full Time.	65
192	Part Time.	0
193	Time-Limited: Full Time.	0
194	Part Time.	0

195 SECTION 13. The following sum, or so much thereof as may be
 196 necessary, is hereby appropriated out of any money in the special
 197 fund in the State Treasury to the credit of the Board of Bar
 198 Admissions, for the purpose of defraying the expenses of the board
 199 for the fiscal year beginning July 1, 1999, and ending
 200 June 30, 2000..... \$ 232,328.00.

201 It is the intention of the Legislature that interest earned
 202 from any investment or deposit to the Board of Bar Admissions Fund
 203 made pursuant to Section 27-105-33, Mississippi Code of 1972,
 204 shall be credited by the State Treasurer to the Board of Bar
 205 Admissions Fund and shall not be paid into the General Fund of
 206 Mississippi.

207 SECTION 14. Of the funds appropriated under the provisions
 208 of Section 13, not more than the amounts set forth below shall be
 209 expended for the respective major objects or purposes of
 210 expenditure:

211 MAJOR OBJECTS OF EXPENDITURE:

212 Personal Services:

213	Salaries, Wages and Fringe Benefits.. \$	93,990.00
214	Travel and Subsistence.....	9,000.00
215	Contractual Services.....	111,838.00
216	Commodities.....	10,000.00
217	Capital Outlay:	
218	Other Than Equipment.....	0.00
219	Equipment.....	7,500.00
220	Subsidies, Loans and Grants.....	<u>0.00</u>
221	Total..... \$	232,328.00

222 AUTHORIZED POSITIONS:

223	Permanent: Full Time.	3
224	Part Time.	0
225	Time-Limited: Full Time.	0
226	Part Time.	0

227 From the funds provided in the budget category "Personal
 228 Services: Salaries, Wages and Fringe Benefits," funds may be
 229 expended for the following purposes, in compliance with the
 230 policies established by the State Personnel Board and any
 231 conditions placed on such expenditures:

232 (a) The components of the Variable Compensation Plan
 233 shall be maintained within the constraints of the funds
 234 appropriated herein.

235 (b) Funds are provided to adjust the Variable
236 Compensation Plan, including realignment, to ensure that all
237 full-time employees with at least six (6) months of continuous
238 current service, as of June 30, 1999, receive an increase of One
239 Thousand Five Hundred Dollars (\$1,500.00). Funds are provided to
240 adjust critical job classes up to an additional One Thousand
241 Dollars (\$1,000.00).

242 (c) If an employee is currently at or above the end
243 salary for his or her job classification, then the increase shall
244 be built into the employee's base salary. To be eligible for any
245 increase authorized in this section, employees may not have a
246 current performance rating below "meets expectations" as of the
247 effective date of the increase. Employees who subsequently
248 receive a performance rating of "meets expectations" or above
249 during Fiscal Year 2000 shall receive the salary increase
250 effective the date of the rating.

251 It is the agency's responsibility to make certain that funds
252 required to be appropriated for "Personal Services" for Fiscal
253 Year 2001 do not exceed Fiscal Year 2000 funds appropriated for
254 that purpose unless programs or positions are added to the
255 agency's budget by the Mississippi Legislature.

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 reappropriated out of any money in the State
291 General Fund not otherwise appropriated to the Mississippi State
292 Supreme Court, Administrative Office of the Courts and the Court
293 of Appeals for the purpose of reauthorizing the computer system
294 enhancement previously authorized, for the fiscal year beginning
295 July 1, 1999, and ending June 30, 2000..... \$ 550,000.00.

296 Notwithstanding the amount reappropriated under the
297 provisions of this section, in no event shall the amount expended
298 exceed the unexpended balance as of June 30, 1999.

299 SECTION 19. In addition to all other sums herein
300 appropriated, the following sum, or so much thereof as may be
301 necessary, is hereby appropriated out of any money in the State
302 General Fund not otherwise appropriated to Administrative Office

303 of Courts for the purpose of providing a Drug Treatment Court
304 Program in Hinds County, for the fiscal year beginning July 1,
305 1999, and ending June 30, 2000..... \$ 200,000.00.

306 The Drug Treatment Court Program funded above is established
307 in the Administrative Office of Courts to facilitate the creation
308 of drug treatment court programs in Hinds County. Funds shall be
309 spent based upon the general guidelines set forth by the Director
310 of the Administrative Office of Courts based on a program as
311 approved by the Hinds County Board of supervisors.

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

318 SECTION 21. This act shall take effect and be in force from
319 and after July 1, 1999.