

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

To: Appropriations

HOUSE BILL NO. 1730  
(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 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 ..... \$ 568,869.00.

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..	\$	4,214,120.00
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.....		52,175.00
39	Subsidies, Loans and Grants.....		<u>0.00</u>
40	Total.....	\$	5,442,153.00

41	FUNDING:		
42	General Funds.....	\$	4,873,284.00
43	Special Funds.....		<u>568,869.00</u>
44	Total.....	\$	5,442,153.00

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 ..... \$ 1,061,059.00.

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.** 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..	\$ 9,812,444.00
113	Travel and Subsistence.....	20,000.00
114	Contractual Services.....	343,500.00
115	Commodities.....	30,000.00
116	Capital Outlay:	
117	Other Than Equipment.....	0.00
118	Equipment.....	0.00
119	Subsidies, Loans and Grants.....	<u>531,630.00</u>
120	Total.....	\$ 10,737,574.00

121 FUNDING:

122	General Funds.....	\$ 1,061,059.00
123	Special Funds.....	<u>9,676,515.00</u>
124	Total.....	\$ 10,737,574.00

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, 2004, and  
145 ending June 30, 2005..... \$ 119,210.00.

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..	\$	53,892.00
160 Travel and Subsistence.....		10,318.00
161 Contractual Services.....		31,350.00
162 Commodities.....		4,750.00

163	Capital Outlay:		
164	Other Than Equipment.....		0.00
165	Equipment.....		3,900.00
166	Subsidies, Loans and Grants.....		<u>15,000.00</u>
167	Total.....	\$	119,210.00

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, 2004, and  
178 ending June 30, 2005..... \$3,863,874.00.

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..	\$	3,336,246.00
187	Travel and Subsistence.....		200,000.00
188	Contractual Services.....		298,628.00
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.....	\$	3,863,874.00

195 FUNDING:

196	General Funds.....	\$	3,863,874.00
197	Special Funds.....		<u>0.00</u>
198	Total.....	\$	3,863,874.00

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, 2004, and ending  
209 June 30, 2005..... \$ 302,358.00.

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..	\$	116,270.00
224	Travel and Subsistence.....		17,500.00
225	Contractual Services.....		149,588.00
226	Commodities.....		13,600.00

227 Capital Outlay:

228	Other Than Equipment.....		0.00
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229	Equipment.....	5,400.00
230	Subsidies, Loans and Grants.....	<u>0.00</u>
231	Total.....	\$ 302,358.00

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.** No part of the funds herein appropriated shall  
 244 be used in the payment of attorney's fees, nor shall any of such  
 245 funds be used, either directly or indirectly, for the purpose of  
 246 paying any clerk, stenographer, assistant, deputy or other person  
 247 who may be related by blood or marriage within the third degree,  
 248 computed by the rules of civil law, to the official employing or  
 249 having the right of employment or selection thereof; and in the  
 250 event of any such payment, then the official or person approving  
 251 and making or receiving such payment shall be jointly and  
 252 severally liable to return to the State of Mississippi and to pay  
 253 into the State Treasury three (3) times any such amount so paid or  
 254 received, to be recovered at suit of the Attorney General;  
 255 however, when the relationship is by affinity and the person  
 256 through whom the relationship was established is dead, this  
 257 provision shall not apply.

258 **SECTION 16.** It is the intent of the Legislature that the  
 259 Mississippi State Supreme Court shall charge the maximum amount  
 260 allowable by law for services rendered where charges for such  
 261 services are provided for by statute, and for any other services



262 rendered, shall charge an amount consistent with the cost of  
263 providing such services. The funds derived from these charges  
264 shall be deposited into a special fund account in the State  
265 Treasury to the credit of the Office of the Mississippi State  
266 Supreme Court.

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

270       **SECTION 18.** Of the funds appropriated under the provisions  
271 of Section 2, Two Hundred Thousand Dollars (\$200,000.00) shall be  
272 derived from the Budget Contingency Fund created in Section  
273 27-103-301, Mississippi Code of 1972, for the purpose of defraying  
274 the expenses of the Mississippi State Supreme Court.

275       **SECTION 19.** It is the intention of the Legislature that the  
276 Administrative Office of Courts shall have the authority to  
277 accept, budget and expend any source funds, not to exceed Six  
278 Million Dollars (\$6,000,000.00), that become available to the  
279 office to carry out the provisions of those funds in a manner  
280 consistent with the rules and regulations of the Department of  
281 Finance and Administration.

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

288       **SECTION 21.** This act shall take effect and be in force from  
289 and after July 1, 2004.