

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

To: Appropriations

HOUSE BILL NO. 1643

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 2006;
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, 2005, and ending June 30, 2006.
16 \$ 4,528,356.00.

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, 2005, and
24 ending June 30, 2006 \$ 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..	\$	3,869,192.00
33	Travel and Subsistence.....		230,000.00
34	Contractual Services.....		485,980.00
35	Commodities.....		300,000.00
36	Capital Outlay:		
37	Other Than Equipment.....		0.00
38	Equipment.....		0.00
39	Subsidies, Loans and Grants.....		0.00
40	Total.....	\$	4,885,172.00

41 FUNDING:

42	General Funds.....	\$	4,528,356.00
43	Special Funds.....		356,816.00
44	Total.....	\$	4,885,172.00

45 AUTHORIZED POSITIONS:

46	Permanent:	Full Time.....	67
47		Part Time.....	0
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, 2005, and ending June 30, 2006.....
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, 2005, and ending June 30, 2006.....

97 \$ 1,040,931.00.

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, 2005, and ending
104 June 30, 2006..... \$ 9,615,944.00.

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.. \$ 9,792,316.00

113 Travel and Subsistence..... 17,500.00

114 Contractual Services..... 285,429.00

115 Commodities..... 30,000.00

116 Capital Outlay:

117 Other Than Equipment..... 0.00

118 Equipment..... 0.00

119 Subsidies, Loans and Grants..... 531,630.00

120 Total..... \$ 10,656,875.00

121 FUNDING:

122 General Funds..... \$ 1,040,931.00

123 Special Funds..... 9,615,944.00

124 Total..... \$ 10,656,875.00

125 AUTHORIZED POSITIONS:

126 Permanent: Full Time..... 14

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, 2005, and
145 ending June 30, 2006..... \$ 103,543.00.

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.. \$	45,443.00
160	Travel and Subsistence.....	7,000.00
161	Contractual Services.....	31,350.00
162	Commodities.....	4,750.00

163	Capital Outlay:		
164	Other Than Equipment.....		0.00
165	Equipment.....		0.00
166	Subsidies, Loans and Grants.....		<u>15,000.00</u>
167	Total.....	\$	103,543.00

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, 2005, and
178 ending June 30, 2006..... \$3,445,608.00.

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..	\$	2,917,980.00
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.....	\$	3,445,608.00

195 FUNDING:

196	General Funds.....	\$	3,445,608.00
197	Special Funds.....		<u>0.00</u>
198	Total.....	\$	3,445,608.00

199 AUTHORIZED POSITIONS:

200	Permanent:	Full Time.....	54
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, 2005, and ending
 209 June 30, 2006..... \$ 292,870.00.

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..	\$	112,782.00
224	Travel and Subsistence.....		16,000.00
225	Contractual Services.....		150,488.00
226	Commodities.....		13,600.00

227 Capital Outlay:

228	Other Than Equipment.....		0.00
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229	Equipment.....	0.00
230	Subsidies, Loans and Grants.....	<u>0.00</u>
231	Total..... \$	292,870.00

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

277 **SECTION 19.** The money herein appropriated shall be paid by
278 the State Treasurer out of any money in the State Treasury to the
279 credit of the proper fund or funds as set forth in this act, upon
280 warrants issued by the State Fiscal Officer; and the State Fiscal
281 Officer shall issue his warrants upon requisitions signed by the
282 proper person, officer or officers, in the manner provided by law.

283 **SECTION 20.** This act shall take effect and be in force from
284 and after July 1, 2005.