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Chapter No. 71
10/HR03/A050SG
2019

HOUSE BILL NO. 1618

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1618

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI STATE SUPREME COURT WHICH IS COMPRISED OF THE SUPREME COURT, THE OFFICE OF THE SUPREME COURT CLERK AND THE STATE LAW LIBRARY AND TO PAY EXPENSES OF SPECIAL JUDGES, CHANCELLORS AND CIRCUIT JUDGES, AND FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE ADMINISTRATIVE OFFICE OF COURTS AND CERTIFIED COURT REPORTERS, CONTINUING LEGAL EDUCATION, COURT OF APPEALS AND THE BOARD OF BAR ADMISSIONS, FOR THE FISCAL YEAR 2011; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi State Supreme Court for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .
..... \$ 5,837,516.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Mississippi State Supreme Court which is comprised of special source funds collected by or otherwise available to the Mississippi State Supreme Court, for the purpose of defraying the expenses of the Mississippi State Supreme Court for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 667,445.00.

SECTION 3. Of the funds appropriated under the provisions of this act for the purpose of defraying the expenses of the Mississippi State Supreme Court, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits .
..... \$ 4,904,633.00.

FUNDING:

General Funds	\$	5,837,516.00
Special Funds		<u>667,445.00</u>
Total	\$	6,504,961.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	67
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

SECTION 4. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated to the Mississippi State Supreme Court for the purpose of defraying the expenses of special judges, chancellors and circuit judges for the fiscal year beginning July 1, 2010, and ending June 30, 2011

..... \$ 21,051,492.00.

SECTION 5. The following sum, or so much thereof as may be necessary, is hereby appropriated out of the Criminal Justice Fund, for the purpose of defraying the expenses of special judges, chancellors and circuit judges for the fiscal year beginning July 1, 2010, and ending June 30, 2011

..... \$ 400,000.00.

SECTION 6. Of the funds appropriated under the provisions of this act for the purpose of defraying the expenses of special judges, chancellors and circuit judges, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits

..... \$ 21,426,492.00.

FUNDING:

General Funds	\$	21,051,492.00
Special Funds		<u>400,000.00</u>
Total	\$	21,451,492.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	102
	Part Time	0
Time-Limited:	Full Time	0

Part Time 0

Of the funds appropriated and allocated herein, Seven Million Three Hundred Eighty-six Thousand Seven Hundred Fifty Dollars (\$7,386,750.00) is provided for the purpose of employing support staff in an amount not to exceed Eighty Thousand Dollars (\$80,000.00) per fiscal year per judge.

SECTION 7. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund, not otherwise appropriated, for the purpose of funding the Administrative Office of Courts for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 2,961,962.00.

SECTION 8. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Administrative Office of Courts for the purpose of defraying the expenses of the Administrative Office of Courts and the Board of Certified Court Reporters for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 17,598,585.00.

SECTION 9. Of the funds appropriated under the provisions of this act for the purpose of funding the Administrative Office of Courts, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 12,684,051.00.

FUNDING:

General Funds	\$	2,961,962.00
Special Funds		<u>17,598,585.00</u>
Total	\$	20,560,547.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	17
	Part Time	0
Time-Limited:	Full Time	4
	Part Time	0

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

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

SECTION 10. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Continuing Legal Education Fund, a special fund hereby created in the State Treasury, for the purpose of defraying the expenses of providing continuing legal education programs to lawyers in Mississippi, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 139,646.00.

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

SECTION 11. Of the funds appropriated under the provisions of this act for the purpose of providing continuing legal education programs, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits .. \$ 60,428.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	1
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

SECTION 12. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State

General Fund not otherwise appropriated to the Mississippi State Supreme Court for the purpose of defraying the expenses of the Court of Appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 5,031,716.00.

SECTION 13. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the special fund in the State Treasury to the credit of the Mississippi State Supreme Court, for the purpose of defraying the expenses of the Court of Appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$32,190.00.

SECTION 14. Of the funds appropriated under the provisions of this act for the purpose of defraying the expenses of the Court of Appeals, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 4,211,913.00.

FUNDING:

General Funds	\$	5,031,716.00
Special Funds		<u>32,190.00</u>
Total	\$	5,063,906.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	57
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

SECTION 15. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the special fund in the State Treasury to the credit of the Board of Bar Admissions, for the purpose of defraying the expenses of the board for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 378,088.00.

It is the intention of the Legislature that interest earned from any investment or deposit to the Board of Bar Admissions Fund made pursuant to Section 27-105-33, Mississippi Code of 1972, shall be credited by the State Treasurer to the Board of Bar

Admissions Fund and shall not be paid into the General Fund of Mississippi.

SECTION 16. Of the funds appropriated under the provisions of this act for the purpose of funding the Board of Bar Admissions, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 165,840.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	3
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

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

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

SECTION 17. No part of the funds herein appropriated shall be used in the payment of attorney's fees, nor shall any of such funds be used, either directly or indirectly, for the purpose of paying any clerk, stenographer, assistant, deputy or other person who may be related by blood or marriage within the third degree, computed by the rules of civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received, to be recovered at suit of the Attorney General; however, when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

SECTION 18. It is the intent of the Legislature that the Mississippi State Supreme Court shall charge the maximum amount allowable by law for services rendered where charges for such services are provided for by statute, and for any other services rendered, shall charge an amount consistent with the cost of providing such services. The funds derived from these charges shall be deposited into a special fund account in the State Treasury to the credit of the Office of the Mississippi State Supreme Court.

SECTION 19. It is the intent of the Legislature that no part of the funds herein appropriated shall be required to be used for the payment of rent for the public space in the Law Library.

SECTION 20. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 21. It is the intention of the Legislature that the Administrative Office of Courts shall have the authority to accept, budget and expend any money in the Comprehensive Electronic Court Systems Fund, not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00), for the purpose of defraying the expenses of developing, implementing and maintaining a comprehensive case management and electronic filing system for the courts of the state that complies with the data and case management and electronic standards adopted by the Supreme Court. Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of

performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 22. It is the intention of the Legislature that the Mississippi State Supreme Court shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 23. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 24. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 25. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 26. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 27. Of the funds appropriated under the provisions of this act, One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000.00) shall be provided for the Youth Court Support Fund administered by the Administrative Office of Courts.

SECTION 28. The following sum, or so much thereof as may be necessary, is reappropriated out of any money to the credit of the Mississippi State Supreme Court, not otherwise appropriated, for the purpose of defraying the expenses of special judges, chancellors and circuit judges as authorized in Section 29, House Bill No. 48, Second Extraordinary Session of 2009, for the fiscal year beginning July 1, 2010, and ending June 30, 2011

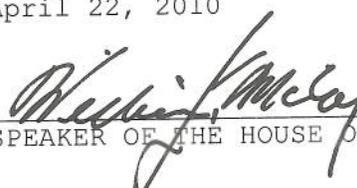
..... \$ 400,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance as of June 30, 2010.

SECTION 29. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 30. This act shall take effect and be in force from and after July 1, 2010.

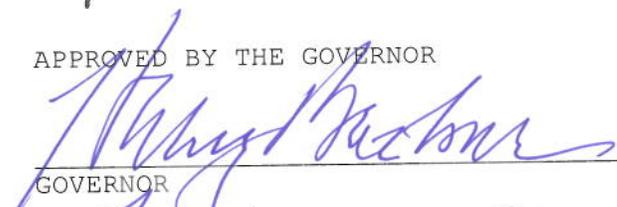
PASSED BY THE HOUSE OF REPRESENTATIVES
April 22, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 21, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
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