

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 1474

1 AN ACT TO REENACT SECTIONS 9-21-21, 9-21-23, 9-21-25,
 2 9-21-27, 9-21-29, 9-21-31, 9-21-33, 9-21-35, 9-21-37, 9-21-39 AND
 3 9-21-41, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI
 4 JUDICIAL ADVISORY STUDY COMMITTEE AND PRESCRIBE ITS DUTIES AND
 5 POWERS; TO AMEND SECTION 22 OF CHAPTER 610, LAWS OF 1993, AS
 6 AMENDED BY SECTION 12 OF CHAPTER 315, LAWS OF 1996, AS AMENDED BY
 7 SECTION 12 OF CHAPTER 503, LAWS OF 1998, TO DELETE THE REPEALER ON
 8 THE MISSISSIPPI JUDICIAL ADVISORY STUDY COMMITTEE; AND FOR RELATED
 9 PURPOSES.

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

11 SECTION 1. Section 9-21-21, Mississippi Code of 1972, is
 12 reenacted as follows:

13 9-21-21. The Mississippi Judicial Advisory Study Committee
 14 is hereby created. It shall consist of twenty-one (21) voting and
 15 two (2) nonvoting members who are to be selected as follows:

16 (a) The Chief Justice of the Supreme Court of the State
 17 of Mississippi shall appoint three (3) members.

18 (b) The Chief Judge of the Court of Appeals shall
 19 appoint one (1) member who shall be a member of the Court of
 20 Appeals.

21 (c) One (1) chancery judge shall be elected by the
 22 Conference of Chancery Judges, one (1) circuit judge shall be
 23 elected by the Conference of Circuit Judges, one (1) county court
 24 judge shall be elected by the Conference of County Court Judges,
 25 and one (1) justice court judge shall be elected by the Conference
 26 of Justice Court Judges.

27 (d) One (1) chancery clerk shall be elected by the
 28 Chancery Clerks Association, and one (1) circuit clerk shall be
 29 elected by the Circuit Clerks Association.

30 (e) The Governor shall appoint three (3) members who
31 are not to be members of the Mississippi Bar.

32 (f) The Chairman of the Senate Judiciary Committee and
33 the Chairman of the House of Representatives Judiciary En Banc
34 Committee shall serve as legislative liaisons and nonvoting
35 members.

36 (g) The Lieutenant Governor shall appoint two (2)
37 members, neither of whom is an attorney nor a member of the
38 Legislature.

39 (h) The Speaker of the House shall appoint two (2)
40 members, neither of whom is an attorney nor a member of the
41 Legislature.

42 (i) The Presidents of the Mississippi Bar and the
43 Magnolia Bar Association shall each appoint two (2) members, all
44 of whom shall be licensed to practice law in the State of
45 Mississippi.

46 Members shall be appointed for three-year terms.
47 Appointments and vacancies on the study committee shall be filled
48 by the respective selecting and appointing authorities.

49 SECTION 2. Section 9-21-23, Mississippi Code of 1972, is
50 reenacted as follows:

51 9-21-23. The purpose of the study committee shall be to make
52 recommendations to the Administrative Office of the Courts in the
53 administration of the courts, including obtaining statistical
54 information with reference to cases in the various courts in
55 Mississippi; conducting research relating to improvement of the
56 judicial system in the State of Mississippi; and making a
57 comprehensive study of the judicial system of the state for the
58 purpose of the improvement thereof. In addition, the study
59 committee may make such policy recommendations as will promote the
60 administration of justice and the operation of the courts.

61 SECTION 3. Section 9-21-25, Mississippi Code of 1972, is
62 reenacted as follows:

63 9-21-25. The Chief Justice shall set and give notice of the
64 time, date and place of the initial meeting, at which time the
65 study committee shall elect a chairperson from its members and who
66 shall preside at the meetings of the study committee. The chair
67 shall not vote unless necessary to break a tie vote of the study
68 committee. In addition, the study committee shall elect a vice
69 chair who shall preside over meetings in the absence of the chair.
70 The study committee shall elect any other officers which it
71 considers necessary to carry out the purpose of the study
72 committee. The study committee may form any committees from its
73 membership in order to assist the study committee in accomplishing
74 its purposes as provided in this chapter.

75 SECTION 4. Section 9-21-27, Mississippi Code of 1972, is
76 reenacted as follows:

77 9-21-27. The study committee shall meet quarterly and at
78 such other times as meetings may be called by the chair. A
79 majority of the members shall constitute a quorum at any meeting.
80 Any final action taken by the study committee shall require the
81 affirmative vote of a majority of the nonlegislative members.

82 SECTION 5. Section 9-21-29, Mississippi Code of 1972, is
83 reenacted as follows:

84 9-21-29. The Administrative Office of the Courts shall
85 provide such support of the Judicial Advisory Study Committee as
86 is necessary to accomplish the purposes of this chapter,
87 including, but not limited to, research and clerical assistance.

88 SECTION 6. Section 9-21-31, Mississippi Code of 1972, is
89 reenacted as follows:

90 9-21-31. (1) In addition to the duties set forth in Section
91 9-21-23, the study committee shall file an annual report with the
92 Mississippi Supreme Court no later than June 30 of each year of
93 its existence. The document shall report on the operational and
94 administrative state of the court system, with emphasis on the
95 state of the case docket. The report shall also make specific

96 recommendations for improvement in the administration and
97 operation of the courts.

98 (2) The study committee is authorized and empowered for the
99 accomplishment of its purposes to undertake any studies, reviews,
100 inquiries, hearings, examinations, surveys or analyses as it may
101 deem pertinent, relevant and justified. The study committee shall
102 propose and prepare in detailed form from time to time for the
103 consideration of the Legislature of the State of Mississippi such
104 amendments to existing law, such statutes, and such constitutional
105 amendments as in the judgment of the study committee will improve
106 the judicial system of the State of Mississippi and promote the
107 administration of civil and criminal justice therein.

108 (3) The study committee shall submit a report to the
109 Legislature of the State of Mississippi not later than the first
110 Tuesday after the first Monday in January of the year 1994 and
111 each year of its existence thereafter, which reports shall make
112 specific proposals and recommendations for the improvement of the
113 judicial system of the State of Mississippi and for the
114 administration of criminal and civil justice in the courts
115 thereof, such reports to be based upon the information received
116 and the research conducted by the study committee.

117 SECTION 7. Section 9-21-33, Mississippi Code of 1972, is
118 reenacted as follows:

119 9-21-33. The study committee is authorized to call upon any
120 and all existing courts, agencies, departments, divisions,
121 officers, employees, boards, bureaus, commissions and institutions
122 of the State of Mississippi, or any political subdivision,
123 thereof, to furnish such information, data and assistance as will
124 enable it to carry out its powers and duties hereunder and all
125 such agencies, departments, divisions, officers, employees,
126 boards, bureaus, commissions and institutions of the State of
127 Mississippi and its political subdivisions are hereby directed to
128 cooperate with the study committee and render such information,

129 data, aid and assistance as may be requested by the study
130 committee.

131 SECTION 8. Section 9-21-35, Mississippi Code of 1972, is
132 reenacted as follows:

133 9-21-35. The study committee shall have the power to enlist
134 the services of any agency, either public or private, or any
135 individual or educational institution, bar association, research
136 organization, foundation, or educational or civic organization for
137 assistance in accomplishing the purposes of this chapter,
138 conducting research studies, gathering information or printing and
139 publishing its reports. The study committee is authorized to make
140 and sign any agreements or contracts to do or perform any actions
141 that may be necessary, desirable or proper to carry out the
142 purposes and objectives of this chapter.

143 SECTION 9. Section 9-21-37, Mississippi Code of 1972, is
144 reenacted as follows:

145 9-21-37. The study committee may employ any agents, clerks,
146 researchers, counsel, consultants and other personnel necessary
147 for the performance of the duties of the study committee and fix
148 their respective rates of compensation, all subject to the
149 approval of the State Personnel Board and within the amounts made
150 available by appropriation therefor or received from other
151 sources.

152 SECTION 10. Section 9-21-39, Mississippi Code of 1972, is
153 reenacted as follows:

154 9-21-39. Members of the study committee shall receive a per
155 diem as provided in Section 25-3-69 for actual attendance upon
156 meetings of the study committee, together with reimbursement for
157 traveling and subsistence expenses incurred as provided in Section
158 25-3-41, Mississippi Code of 1972, except that members of the
159 study committee who are members of the Legislature shall not
160 receive per diem for attendance while the Legislature is in
161 session and no member whose regular compensation is payable by the

162 state or any political subdivision of the state shall receive per
163 diem for attendance upon meetings of the study committee.

164 SECTION 11. Section 9-21-41, Mississippi Code of 1972, is
165 reenacted as follows:

166 9-21-41. The study committee is authorized and empowered to
167 receive and expend any funds appropriated to it by the Legislature
168 and any funds received by it from any other source in carrying out
169 the objectives and purposes of this chapter.

170 SECTION 12. Section 22 of Chapter 610, Laws of 1993, as
171 amended by Section 12 of Chapter 315, Laws of 1996, as amended by
172 Section 12 of Chapter 503, Laws of 1998, is amended as follows:

173 Section 22. This act shall take effect and be in force from
174 and after passage * * *.

175 SECTION 13. This act shall take effect and be in force from
176 and after its passage.