

By: Representatives Johnson, Coleman (29th), To: Appropriations
Banks, Barker, Beckett, DeLano, Eaton, Shows,
Dixon

HOUSE BILL NO. 1588
(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 2013;
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, 2012, and ending June 30, 2013..
16\$ 6,285,537.00.

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, 2012, and
24 ending June 30, 2013\$ 519,368.00.

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, the following positions are
28 authorized:

29 AUTHORIZED POSITIONS:
30 Permanent: Full Time..... 66



31 Part Time..... 0
 32 Time-Limited: Full Time..... 0
 33 Part Time..... 0

34 **SECTION 4.** The following sum, or so much thereof as may be
 35 necessary, is hereby appropriated out of any money in the State
 36 General Fund not otherwise appropriated to the Mississippi State
 37 Supreme Court for the purpose of defraying the expenses of special
 38 judges, chancellors and circuit judges for the fiscal year
 39 beginning July 1, 2012, and ending June 30, 2013.....
 40\$ 22,031,285.00.

41 **SECTION 5.** The following sum, or so much thereof as may be
 42 necessary, is hereby appropriated out of any money in any special
 43 fund in the State Treasury to the credit of the trial judges, for
 44 the purpose of defraying the expenses of special judges,
 45 chancellors and circuit judges for the fiscal year beginning
 46 July 1, 2012, and ending June 30, 2013.....\$ 1,745,082.00.

47 Of these funds, Four Hundred Thousand Dollars (\$400,000.00)
 48 shall be derived from the Criminal Justice Fund.

49 **SECTION 6.** Of the funds appropriated under the provisions of
 50 this act for the purpose of defraying the expenses of special
 51 judges, chancellors and circuit judges, the following positions
 52 are authorized:

53 AUTHORIZED POSITIONS:

54 Permanent: Full Time..... 102
 55 Part Time..... 0
 56 Time-Limited: Full Time..... 0
 57 Part Time..... 0

58 Of the funds appropriated and allocated herein, Eight Million
 59 One Hundred Sixty Thousand Dollars (\$8,160,000.00) is provided for
 60 the purpose of employing support staff in an amount not to exceed
 61 Eighty Thousand Dollars (\$80,000.00) per fiscal year per judge.

62 **SECTION 7.** The following sum, or so much thereof as may be
 63 necessary, is hereby appropriated out of any money in the State



64 General Fund, not otherwise appropriated, for the purpose of
65 funding the Administrative Office of Courts for the fiscal year
66 beginning July 1, 2012, and ending June 30, 2013.....
67\$ 3,094,421.00.

68 **SECTION 8.** The following sum, or so much thereof as may be
69 necessary, is hereby appropriated out of any money in any special
70 fund in the State Treasury to the credit of the Administrative
71 Office of Courts for the purpose of defraying the expenses of the
72 Administrative Office of Courts and the Board of Certified Court
73 Reporters for the fiscal year beginning July 1, 2012, and ending
74 June 30, 2013.....\$ 19,264,325.00.

75 **SECTION 9.** Of the funds appropriated under the provisions of
76 this act for the purpose of funding the Administrative Office of
77 Courts, the following positions are authorized:

78 AUTHORIZED POSITIONS:

79	Permanent:	Full Time	24
80		Part Time	0
81	Time-Limited:	Full Time	3
82		Part Time	0

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

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

92 **SECTION 10.** The following sum, or so much thereof as may be
93 necessary, is hereby appropriated out of any money in the
94 Continuing Legal Education Fund, a special fund hereby created in
95 the State Treasury, for the purpose of defraying the expenses of
96 providing continuing legal education programs to lawyers in



97 Mississippi, for the fiscal year beginning July 1, 2012, and
98 ending June 30, 2013.....\$ 130,193.00.

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

105 **SECTION 11.** Of the funds appropriated under the provisions
106 of this act for the purpose of providing continuing legal
107 education programs, the following positions are authorized:

108 AUTHORIZED POSITIONS:

109	Permanent:	Full Time.....	1
110		Part Time.....	0
111	Time-Limited:	Full Time.....	0
112		Part Time.....	0

113 **SECTION 12.** The following sum, or so much thereof as may be
114 necessary, is hereby appropriated out of any money in the State
115 General Fund not otherwise appropriated to the Mississippi State
116 Supreme Court for the purpose of defraying the expenses of the
117 Court of Appeals for the fiscal year beginning July 1, 2012, and
118 ending June 30, 2013.....\$ 5,482,011.00.

119 **SECTION 13.** The following sum, or so much thereof as may be
120 necessary, is hereby appropriated out of any money in the special
121 fund in the State Treasury to the credit of the Mississippi State
122 Supreme Court, for the purpose of defraying the expenses of the
123 Court of Appeals for the fiscal year beginning July 1, 2012, and
124 ending June 30, 2013.....\$ 57,474.00.

125 **SECTION 14.** Of the funds appropriated under the provisions
126 of this act for the purpose of defraying the expenses of the Court
127 of Appeals, the following positions are authorized:

128 AUTHORIZED POSITIONS:

129	Permanent:	Full Time.....	57
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130 Part Time..... 0
 131 Time-Limited: Full Time..... 0
 132 Part Time..... 0

133 **SECTION 15.** The following sum, or so much thereof as may be
 134 necessary, is hereby appropriated out of any money in the special
 135 fund in the State Treasury to the credit of the Board of Bar
 136 Admissions, for the purpose of defraying the expenses of the board
 137 for the fiscal year beginning July 1, 2012, and ending
 138 June 30, 2013.....\$ 351,138.00.

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

145 **SECTION 16.** Of the funds appropriated under the provisions
 146 of this act for the purpose of funding the Board of Bar
 147 Admissions, the following positions are authorized:

148 AUTHORIZED POSITIONS:

149 Permanent: Full Time..... 3
 150 Part Time..... 0
 151 Time-Limited: Full Time..... 0
 152 Part Time..... 0

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

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

159 **SECTION 17.** No part of the funds herein appropriated shall
 160 be used in the payment of attorney's fees, nor shall any of such
 161 funds be used, either directly or indirectly, for the purpose of
 162 paying any clerk, stenographer, assistant, deputy or other person



163 who may be related by blood or marriage within the third degree,
164 computed by the rules of civil law, to the official employing or
165 having the right of employment or selection thereof; and in the
166 event of any such payment, then the official or person approving
167 and making or receiving such payment shall be jointly and
168 severally liable to return to the State of Mississippi and to pay
169 into the State Treasury three (3) times any such amount so paid or
170 received, to be recovered at suit of the Attorney General;
171 however, when the relationship is by affinity and the person
172 through whom the relationship was established is dead, this
173 provision shall not apply.

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

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

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

194 **SECTION 21.** It is the intention of the Legislature that the
195 Administrative Office of Courts shall have the authority to



196 accept, budget and expend any money in the Comprehensive
197 Electronic Court Systems Fund, not to exceed One Million Five
198 Hundred Thousand Dollars (\$1,500,000.00), for the purpose of
199 defraying the expenses of developing, implementing and maintaining
200 a comprehensive case management and electronic filing system for
201 the courts of the state that complies with the data and case
202 management and electronic standards adopted by the Supreme Court.
203 Such funds are to be escalated in accordance with procedures for
204 federal fund escalations as established in Section 27-104-21,
205 Mississippi Code of 1972, and expended for the purposes of
206 performing such duties as set forth by law in accordance with
207 applicable rules and regulations of the State Fiscal Officer.

208 **SECTION 22.** It is the intention of the Legislature that the
209 Mississippi State Supreme Court shall maintain complete accounting
210 and personnel records related to the expenditure of all funds
211 appropriated under this act and that such records shall be in the
212 same format and level of detail as maintained for Fiscal Year
213 2012. It is further the intention of the Legislature that the
214 agency's budget request for Fiscal Year 2014 shall be submitted to
215 the Joint Legislative Budget Committee in a format and level of
216 detail comparable to the format and level of detail provided
217 during the Fiscal Year 2013 budget request process.

218 **SECTION 23.** Of the funds appropriated under the provisions
219 of this act, One Million Eight Hundred Seventy-five Thousand
220 Dollars (\$1,875,000.00) shall be provided for the Youth Court
221 Support Fund administered by the Administrative Office of Courts.

222 **SECTION 24.** It is the intention of the Legislature that the
223 Administrative Office of the Courts shall have the authority to
224 transfer any money not previously appropriated in the Drug Court
225 Fund (Fund #3060) to the Supreme Court, Court of Appeals and
226 Administrative Office of the Courts Administrative Funds for the
227 purpose of defraying the operating expenditures of the judiciary.
228 Such funds are to be escalated in accordance with procedures for



229 federal fund escalations as established in Section 27-104-21,
230 Mississippi Code of 1972, and expended for the purposes of
231 performing such duties as set forth by law in accordance with
232 applicable rules and regulations of the State Fiscal Officer.

233 **SECTION 25.** It is the intention of the Legislature that none
234 of the funds appropriated herein for trial judges shall be
235 transferred or expended for any other purposes except for the
236 purpose of defraying the expenses of special judges, chancellors,
237 and circuit judges as appropriated herein.

238 **SECTION 26.** It is the intention of the Legislature that in
239 the event there are not sufficient funds in the Judicial System
240 Operation Fund created under Section 9-21-45, Mississippi Code of
241 1972, in any given year with which to pay the annual salary
242 supplements set forth in HB 484, 2012 Regular Session, then the
243 county treasury shall not be obligated to fund such salary
244 supplements and the salary of county court judges shall be that in
245 place prior to the passage of HB 484, 2012 Regular Session.

246 **SECTION 27.** The money herein appropriated shall be paid by
247 the State Treasurer out of any money in the State Treasury to the
248 credit of the proper fund or funds as set forth in this act, upon
249 warrants issued by the State Fiscal Officer; and the State Fiscal
250 Officer shall issue his warrants upon requisitions signed by the
251 proper person, officer or officers, in the manner provided by law.

252 **SECTION 28.** This act shall take effect and be in force from
253 and after July 1, 2012.

