

By: Representatives Frierson, Snowden,
Banks, Barker, Beckett, Bennett, Clarke,
Cockerham, Coleman, Gipson, Shows, Watson

To: Appropriations

HOUSE BILL NO. 1635

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 2017;
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 appropriated out of any money in the State General
13 Fund not otherwise appropriated, for the purpose of defraying the
14 expenses of the Mississippi State Supreme Court for the fiscal
15 year beginning July 1, 2016, and ending June 30, 2017.....
16\$ 7,405,888.00.

17 **SECTION 2.** The following sum, or so much thereof as may be
18 necessary, is appropriated out of any money in any special fund in
19 the State Treasury to the credit of the Mississippi State Supreme
20 Court which is comprised of special source funds collected by or
21 otherwise available to the Mississippi State Supreme Court, for



22 the purpose of defraying the expenses of the Mississippi State
23 Supreme Court for the fiscal year beginning July 1, 2016, and
24 ending June 30, 2017\$ 475,093.00.

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.....	67
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 appropriated out of any money in the State General
36 Fund not otherwise appropriated to the Mississippi State Supreme
37 Court for the purpose of defraying the expenses of special judges,
38 chancellors and circuit judges for the fiscal year beginning
39 July 1, 2016, and ending June 30, 2017.....
40\$ 25,497,271.00.

41 **SECTION 5.** The following sum, or so much thereof as may be
42 necessary, is appropriated out of any money in any special fund in
43 the State Treasury to the credit of the trial judges, for the
44 purpose of defraying the expenses of special judges, chancellors
45 and circuit judges for the fiscal year beginning July 1, 2016, and
46 ending June 30, 2017.....\$ 4,248,745.00.



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

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, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	109
	Part Time.....	0
Time-Limited:	Full Time.....	0
	Part Time.....	0

Of the funds appropriated and allocated herein, Eight Million Seven Hundred Twenty Thousand Dollars (\$8,720,000.00) 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 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, 2016, and ending June 30, 2017.....
.....\$ 7,416,200.00.

SECTION 8. The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the Administrative Office of



72 Courts for the purpose of defraying the expenses of the
73 Administrative Office of Courts and the Board of Certified Court
74 Reporters for the fiscal year beginning July 1, 2016, and ending
75 June 30, 2017.....\$ 30,959,372.00.

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

79 AUTHORIZED POSITIONS:

80	Permanent:	Full Time.....	27
81		Part Time.....	0
82	Time-Limited:	Full Time.....	0
83		Part Time.....	0

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

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

93 **SECTION 10.** The following sum, or so much thereof as may be
94 necessary, is appropriated out of any money in the Continuing
95 Legal Education Fund, a special fund hereby created in the State
96 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, 2016, and ending June 30, 2017..
.....\$ 172,286.00.

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, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	2
	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 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, 2016, and ending
June 30, 2017.....\$ 5,589,864.00.

SECTION 13. The following sum, or so much thereof as may be
necessary, is 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, 2016, and ending June 30, 2017.....\$ 600,820.00.

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

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	58
	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 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, 2016, and ending June 30, 2017.....\$ 387,397.00.

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, the following positions are authorized:

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.



195 **SECTION 21.** Of the funds appropriated under the provisions
196 of this act, an amount not to exceed Two Million Dollars
197 (\$2,000,000.00) may be provided for the Comprehensive Electronic
198 Court Systems Fund administered by the Administrative Office of
199 Courts.

200 **SECTION 22.** It is the intention of the Legislature that the
201 Mississippi State Supreme Court shall maintain complete accounting
202 and personnel records related to the expenditure of all funds
203 appropriated under this act and that such records shall be in the
204 same format and level of detail as maintained for Fiscal Year
205 2016. It is further the intention of the Legislature that the
206 agency's budget request for Fiscal Year 2018 shall be submitted to
207 the Joint Legislative Budget Committee in a format and level of
208 detail comparable to the format and level of detail provided
209 during the Fiscal Year 2017 budget request process.

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

214 **SECTION 24.** Of the funds appropriated in Section 7, Four
215 Million One Hundred Thousand Dollars (\$4,100,000.00) is provided
216 to defray the costs of the Drug Court Program.

217 **SECTION 25.** It is the intention of the Legislature that in
218 the event there are not sufficient funds in the Judicial System
219 Operation Fund created under Section 9-21-45, Mississippi Code of



1972, in any given year with which to pay the annual salary supplements set forth in HB 484, 2012 Regular Session, then the county treasury shall not be obligated to fund such salary supplements and the salary of county court judges shall be that in place prior to the passage of HB 484, 2012 Regular Session.

SECTION 26. The amount of funds appropriated from the State General Fund in this bill are conditioned upon the availability for appropriation of the full amount of the state general funds that were projected in the general fund revenue estimate for fiscal year 2017 that was determined under the provision of Section 27-103-125.

If the amount of general funds projected to be available for appropriation for fiscal year 2017 would be reduced by the enactment into law of any revenue bills, as defined in Joint Rule 40, that have been passed by the House of Representatives by March 17, 2016, then the amount of funds appropriated from the State General Fund in this bill shall be reduced by the same percentage reduction in the amount of general funds that would be available for appropriation for fiscal year 2017, and the reduced amount shall be engrossed into this bill before it is transmitted to Senate.

The determination of whether the House has passed any such revenue bills by March 17, 2016, and the amount and percentage of the resulting reduction in the amount of general funds projected to be available for appropriation for fiscal year 2017, shall be



determined by the Legislative Budget Office and certified in writing to the Chairman of the House Appropriations Committee by the Director of the Legislative Budget Office.

SECTION 27. 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 28. This act shall take effect and be in force from and after July 1, 2016; and shall stand repealed from and after June 30, 2016.

