

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

To: Appropriations

HOUSE BILL NO. 1635
(As Passed the House)

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\$ 7,396,798.00.

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\$ 25,465,976.00.

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.



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.....	109
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 Seven Hundred Twenty Thousand Dollars (\$8,720,000.00) is provided
60 for the purpose of employing support staff in an amount not to
61 exceed Eighty Thousand Dollars (\$80,000.00) per fiscal year per
62 judge.

63 **SECTION 7.** The following sum, or so much thereof as may be
64 necessary, is appropriated out of any money in the State General
65 Fund, not otherwise appropriated, for the purpose of funding the
66 Administrative Office of Courts for the fiscal year beginning
67 July 1, 2016, and ending June 30, 2017.....
68\$ 7,407,098.00.

69 **SECTION 8.** The following sum, or so much thereof as may be
70 necessary, is appropriated out of any money in any special fund in
71 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



97 continuing legal education programs to lawyers in Mississippi, for
98 the fiscal year beginning July 1, 2016, and ending June 30, 2017..
99\$ 172,286.00.

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

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

109 AUTHORIZED POSITIONS:

110	Permanent:	Full Time.....	2
111		Part Time.....	0
112	Time-Limited:	Full Time.....	0
113		Part Time.....	0

114 **SECTION 12.** The following sum, or so much thereof as may be
115 necessary, is appropriated out of any money in the State General
116 Fund not otherwise appropriated to the Mississippi State Supreme
117 Court for the purpose of defraying the expenses of the Court of
118 Appeals for the fiscal year beginning July 1, 2016, and ending
119 June 30, 2017.....\$ 5,583,003.00.

120 **SECTION 13.** The following sum, or so much thereof as may be
121 necessary, is appropriated out of any money in the special fund in



122 the State Treasury to the credit of the Mississippi State Supreme
123 Court, for the purpose of defraying the expenses of the Court of
124 Appeals for the fiscal year beginning July 1, 2016, and ending
125 June 30, 2017.....\$ 600,820.00.

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

129 AUTHORIZED POSITIONS:

130	Permanent:	Full Time.....	58
131		Part Time.....	0
132	Time-Limited:	Full Time.....	0
133		Part Time.....	0

134 **SECTION 15.** The following sum, or so much thereof as may be
135 necessary, is appropriated out of any money in the special fund in
136 the State Treasury to the credit of the Board of Bar Admissions,
137 for the purpose of defraying the expenses of the board for the
138 fiscal year beginning July 1, 2016, and ending June 30, 2017.....
139\$ 387,397.00.

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



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

149 AUTHORIZED POSITIONS:

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

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

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

160 **SECTION 17.** No part of the funds herein appropriated shall
161 be used in the payment of attorney's fees, nor shall any of such
162 funds be used, either directly or indirectly, for the purpose of
163 paying any clerk, stenographer, assistant, deputy or other person
164 who may be related by blood or marriage within the third degree,
165 computed by the rules of civil law, to the official employing or
166 having the right of employment or selection thereof; and in the
167 event of any such payment, then the official or person approving
168 and making or receiving such payment shall be jointly and
169 severally liable to return to the State of Mississippi and to pay
170 into the State Treasury three (3) times any such amount so paid or



171 received, to be recovered at suit of the Attorney General;
172 however, when the relationship is by affinity and the person
173 through whom the relationship was established is dead, this
174 provision shall not apply.

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

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

187 **SECTION 20.** It is the intention of the Legislature that
188 whenever two (2) or more bids are received by this agency for the
189 purchase of commodities or equipment, and whenever all things
190 stated in such received bids are equal with respect to price,
191 quality and service, the Mississippi Industries for the Blind
192 shall be given preference. A similar preference shall be given to
193 the Mississippi Industries for the Blind whenever purchases are
194 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



220 1972, in any given year with which to pay the annual salary
221 supplements set forth in HB 484, 2012 Regular Session, then the
222 county treasury shall not be obligated to fund such salary
223 supplements and the salary of county court judges shall be that in
224 place prior to the passage of HB 484, 2012 Regular Session.

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

231 If the amount of general funds projected to be available for
232 appropriation for fiscal year 2017 would be reduced by the
233 enactment into law of any revenue bills, as defined in Joint Rule
234 40, that have been passed by the House of Representatives by March
235 17, 2016, then the amount of funds appropriated from the State
236 General Fund in this bill shall be reduced by the same percentage
237 reduction in the amount of general funds that would be available
238 for appropriation for fiscal year 2017, and the reduced amount
239 shall be engrossed into this bill before it is transmitted to
240 Senate.

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



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

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

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

