

By: Representatives Read, Cockerham, Arnold, Beckett, Bennett, Bounds, Boyd, Busby, Clark, Clarke, Eure, Hines, Jackson, Turner, Watson, White, Young, Stamps To: Appropriations

HOUSE BILL NO. 1628 (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 2023;
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, 2022, and ending June 30, 2023.....
16\$ 7,252,217.00.

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, 2022, and
24 ending June 30, 2023\$ 937,470.00.

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 HEADCOUNT:

30 Permanent: 70

31 Time-Limited: 0

32 **SECTION 4.** The following sum, or so much thereof as may be
33 necessary, is appropriated out of any money in the State General
34 Fund not otherwise appropriated to the Mississippi State Supreme
35 Court for the purpose of defraying the expenses of special judges,
36 chancellors and circuit judges for the fiscal year beginning
37 July 1, 2022, and ending June 30, 2023.....
38\$ 27,129,175.00.

39 **SECTION 5.** The following sum, or so much thereof as may be
40 necessary, is appropriated out of any money in any special fund in
41 the State Treasury to the credit of the trial judges, for the
42 purpose of defraying the expenses of special judges, chancellors
43 and circuit judges for the fiscal year beginning July 1, 2022, and
44 ending June 30, 2023.....\$ 4,192,368.00.

45 **SECTION 6.** Of the funds appropriated under the provisions of
46 this act for the purpose of defraying the expenses of special



47 judges, chancellors and circuit judges, the following positions
48 are authorized:

49 AUTHORIZED HEADCOUNT:

50 Permanent: 109

51 Time-Limited: 0

52 Of the funds appropriated and allocated herein, Eight Million
53 Seven Hundred Twenty Thousand Dollars (\$8,720,000.00) is provided
54 for the purpose of employing support staff in an amount not to
55 exceed Eighty Thousand Dollars (\$80,000.00) per fiscal year per
56 judge.

57 **SECTION 7.** The following sum, or so much thereof as may be
58 necessary, is appropriated out of any money in the State General
59 Fund, not otherwise appropriated, for the purpose of funding the
60 Administrative Office of Courts for the fiscal year beginning
61 July 1, 2022, and ending June 30, 2023.....\$ 14,970,528.00.

62 **SECTION 8.** The following sum, or so much thereof as may be
63 necessary, is appropriated out of any money in any special fund in
64 the State Treasury to the credit of the Administrative Office of
65 Courts for the purpose of defraying the expenses of the
66 Administrative Office of Courts and the Board of Certified Court
67 Reporters for the fiscal year beginning July 1, 2022, and ending
68 June 30, 2023.....\$ 28,007,212.00.

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



72 AUTHORIZED HEADCOUNT:

73 Permanent: 40

74 Time-Limited: 0

75 **SECTION 10.** The following sum, or so much thereof as may be
76 necessary, is appropriated out of any money in the Continuing
77 Legal Education Fund, a special fund hereby created in the State
78 Treasury, for the purpose of defraying the expenses of providing
79 continuing legal education programs to lawyers in Mississippi, for
80 the fiscal year beginning July 1, 2022, and ending June 30, 2023..
81\$ 155,600.00.

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

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

91 AUTHORIZED HEADCOUNT:

92 Permanent: 2

93 Time-Limited: 0

94 **SECTION 12.** The following sum, or so much thereof as may be
95 necessary, is appropriated out of any money in the State General
96 Fund not otherwise appropriated to the Mississippi State Supreme



97 Court for the purpose of defraying the expenses of the Court of
98 Appeals for the fiscal year beginning July 1, 2022, and ending
99 June 30, 2023.....\$ 5,097,224.00.

100 **SECTION 13.** The following sum, or so much thereof as may be
101 necessary, is appropriated out of any money in the special fund in
102 the State Treasury to the credit of the Mississippi State Supreme
103 Court, for the purpose of defraying the expenses of the Court of
104 Appeals for the fiscal year beginning July 1, 2022, and ending
105 June 30, 2023.....\$ 1,588,856.00.

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

109 AUTHORIZED HEADCOUNT:

110 Permanent: 58

111 Time-Limited: 0

112 **SECTION 15.** The following sum, or so much thereof as may be
113 necessary, is appropriated out of any money in the special fund in
114 the State Treasury to the credit of the Board of Bar Admissions,
115 for the purpose of defraying the expenses of the board for the
116 fiscal year beginning July 1, 2022, and ending June 30, 2023.....
117\$ 355,449.00.

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



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

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

127 AUTHORIZED HEADCOUNT:

128 Permanent: 3

129 Time-Limited: 0

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

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

136 **SECTION 17.** No part of the funds herein appropriated shall
137 be used in the payment of attorney's fees, nor shall any of such
138 funds be used, either directly or indirectly, for the purpose of
139 paying any clerk, stenographer, assistant, deputy or other person
140 who may be related by blood or marriage within the third degree,
141 computed by the rules of civil law, to the official employing or
142 having the right of employment or selection thereof; and in the
143 event of any such payment, then the official or person approving
144 and making or receiving such payment shall be jointly and
145 severally liable to return to the State of Mississippi and to pay
146 into the State Treasury three (3) times any such amount so paid or



147 received, to be recovered at suit of the Attorney General;
148 however, when the relationship is by affinity and the person
149 through whom the relationship was established is dead, this
150 provision shall not apply.

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

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

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



171 **SECTION 21.** Of the funds appropriated under the provisions
172 of Section 8, One Hundred Fifty Thousand Dollars (\$150,000.00), or
173 so much thereof, shall be derived out of any money in the State
174 Treasury to the credit of the Capital Expense Fund, as created in
175 Section 27-103-303, Mississippi Code of 1972, and allocated in a
176 manner as determined by the State Treasurer. These funds are
177 provided for IT equipment and Youth Court computers for the
178 Supreme Court - Administrative Office of the Courts.

179 **SECTION 22.** Of the funds appropriated under the provisions
180 of Section 8, Four Hundred Forty-eight Thousand Dollars
181 (\$448,000.00), or so much thereof, shall be derived out of any
182 money in the State Treasury to the credit of the Capital Expense
183 Fund, as created in Section 27-103-303, Mississippi Code of 1972,
184 and allocated in a manner as determined by the State Treasurer.
185 These funds are provided for programmers, trainers and operations
186 for the Mississippi Electronic Courts (MEC) System to meet the
187 mandate to bring all the courts into the MEC System for the
188 Supreme Courts - Administrative Office of the Courts.

189 **SECTION 23.** Of the funds appropriated under the provisions
190 of this act, an amount not to exceed Two Million Four Hundred
191 Sixty Thousand Five Hundred Dollars (\$2,460,500.00) may be
192 provided for the Comprehensive Electronic Court Systems Fund
193 administered by the Administrative Office of Courts.

194 **SECTION 24.** It is the intention of the Legislature that the
195 Mississippi State Supreme Court shall maintain complete accounting



196 and personnel records related to the expenditure of all funds
197 appropriated under this act and that such records shall be in the
198 same format and level of detail as maintained for Fiscal Year
199 2022. It is further the intention of the Legislature that the
200 agency's budget request for Fiscal Year 2024 shall be submitted to
201 the Joint Legislative Budget Committee in a format and level of
202 detail comparable to the format and level of detail provided
203 during the Fiscal Year 2023 budget request process.

204 **SECTION 25.** Of the funds appropriated under the provisions
205 of this act, One Million Eight Hundred Seventy-five Thousand
206 Dollars (\$1,875,000.00) shall be provided for the Youth Court
207 Support Fund administered by the Administrative Office of Courts.

208 **SECTION 26.** Of the funds appropriated in Section 7, Nine
209 Million Dollars (\$9,000,000.00) is provided to defray the costs of
210 the Drug Court Program.

211 **SECTION 27.** It is the intention of the Legislature that in
212 the event there are not sufficient funds in the Judicial System
213 Operation Fund created under Section 9-21-45, Mississippi Code of
214 1972, in any given year with which to pay the annual salary
215 supplements set forth in HB 484, 2012 Regular Session, then the
216 county treasury shall not be obligated to fund such salary
217 supplements and the salary of county court judges shall be that in
218 place prior to the passage of HB 484, 2012 Regular Session.

219 **SECTION 28.** Of the funds appropriated in Section 7, it is
220 the intention of the Legislature that an amount of Six Million



221 Seven Hundred Thousand Dollars (\$6,700,000.00) may be allocated
222 for the programs supported from General Fund court assessments as
223 follows:

224 Drug Courts.....\$ 6,500,000.00
225 Civil Legal Assistance.....\$ 200,000.00

226 **SECTION 29.** (1) In addition to all other funds appropriated
227 herein, the following sum, or so much thereof as may be necessary,
228 is hereby appropriated out of any money in the State Treasury to
229 the credit of the Coronavirus State Fiscal Recovery Fund not
230 otherwise appropriated, to the credit of the Supreme Court - Trial
231 Judges, for the fiscal year beginning July 1, 2022, and ending
232 June 30, 2023.....\$ 1,500,000.00.

233 These funds are provided for the purpose of providing
234 temporary Special Judges to help alleviate the backlog of adoption
235 cases in Child Protection Services, and operational expenditures
236 necessary to respond to the effects of the COVID-19 pandemic as
237 allowable under Section 9901 of the American Rescue Plan Act of
238 2021 (ARPA) or any guidance or regulation issued by the United
239 States Department of the Treasury in conformity therewith.

240 (2) None of the funds provided under this section shall be
241 used to pay employee premium payments.

242 (3) The agency shall not disburse any funds provided under
243 this section to any recipient without first: (a) making an
244 individualized determination that the reimbursement sought is, in
245 the agency's independent judgment, for necessary expenditures



246 eligible under Section 602 of the federal Social Security Act as
247 added by Section 9901 of the federal American Rescue Plan Act of
248 2021 (ARPA) and its implementing guidelines, guidance, rules,
249 regulations and/or other criteria, as may be amended or
250 supplemented from time to time, by the United States Department of
251 the Treasury; and (b) determining that the recipient has not
252 received and will not receive reimbursement for the expense in
253 question from any source of funds, including insurance proceeds,
254 other than those funds provided under Section 602 of the federal
255 Social Security Act as added by Section 9901 of ARPA. In
256 addition, the agency shall ensure that all funds provided under
257 this section are disbursed in compliance with the Single Audit Act
258 (31 USC Sections 7501-7507) and the related provisions of the
259 Uniform Guidance, 2 CFR Section 200.303 regarding internal
260 controls, Sections 200.330 through 200.332 regarding sub-recipient
261 monitoring and management, and subpart F regarding audit
262 requirements.

263 (4) As a condition of receiving and expending the funds
264 provided to the agency under this section, the agency shall
265 certify to the Department of Finance and Administration that each
266 expenditure of the funds provided to the agency under this section
267 complies with the guidelines, guidance, rules, regulations and/or
268 other criteria, as may be amended from time to time, of the United
269 States Department of the Treasury regarding the use of monies from
270 the Coronavirus State Fiscal Recovery Fund established by ARPA.



271 (5) If the Office of Inspector General of the United States
272 Department of the Treasury, or the Office of Inspector General of
273 any other federal agency having oversight over the use of monies
274 from the Coronavirus State Fiscal Recovery Fund established by
275 ARPA (a) determines that the agency or recipient has expended or
276 otherwise used any of the funds provided to the agency under this
277 section for any purpose that is not in compliance with the
278 guidelines, guidance, rules, regulations and/or other criteria, as
279 may be amended from time to time, of the United States Department
280 of the Treasury regarding the use of monies from the Coronavirus
281 State Fiscal Recovery Fund established by the ARPA, and (b) the
282 State of Mississippi is required to repay the federal government
283 for any of those funds that the Office of the Inspector General
284 determined were expended or otherwise used improperly by the
285 agency or recipient, then the agency or recipient that expended or
286 otherwise used those funds improperly shall be required to pay the
287 amount of those funds to the State of Mississippi for repayment to
288 the federal government.

289 **SECTION 30.** (1) In addition to all other funds appropriated
290 herein, the following sum, or so much thereof as may be necessary,
291 is hereby appropriated out of any money in the State Treasury to
292 the credit of the Coronavirus State Fiscal Recovery Fund not
293 otherwise appropriated, to the credit of the Supreme Court - Trial
294 Judges, for the fiscal year beginning July 1, 2022, and ending
295 June 30, 2023.....\$ 1,727,683.00.



296 These funds are provided for the purpose of funding
297 additional special temporary courts that supplement those
298 authorized under Section 9-7-25, Mississippi Code of 1972,
299 necessary to respond to the effects of the COVID-19 pandemic as
300 allowable under Section 9901 of the American Rescue Plan Act of
301 2021 (ARPA) or any guidance or regulation issued by the United
302 States Department of the Treasury in conformity therewith.

303 (2) None of the funds provided under this section shall be
304 used to pay employee premium payments.

305 (3) The agency shall not disburse any funds provided under
306 this section to any recipient without first: (a) making an
307 individualized determination that the reimbursement sought is, in
308 the agency's independent judgment, for necessary expenditures
309 eligible under Section 602 of the federal Social Security Act as
310 added by Section 9901 of the federal American Rescue Plan Act of
311 2021 (ARPA) and its implementing guidelines, guidance, rules,
312 regulations and/or other criteria, as may be amended or
313 supplemented from time to time, by the United States Department of
314 the Treasury; and (b) determining that the recipient has not
315 received and will not receive reimbursement for the expense in
316 question from any source of funds, including insurance proceeds,
317 other than those funds provided under Section 602 of the federal
318 Social Security Act as added by Section 9901 of ARPA. In
319 addition, the agency shall ensure that all funds provided under
320 this section are disbursed in compliance with the Single Audit Act



321 (31 USC Sections 7501-7507) and the related provisions of the
322 Uniform Guidance, 2 CFR Section 200.303 regarding internal
323 controls, Sections 200.330 through 200.332 regarding sub-recipient
324 monitoring and management, and subpart F regarding audit
325 requirements.

326 (4) As a condition of receiving and expending the funds
327 provided to the agency under this section, the agency shall
328 certify to the Department of Finance and Administration that each
329 expenditure of the funds provided to the agency under this section
330 complies with the guidelines, guidance, rules, regulations and/or
331 other criteria, as may be amended from time to time, of the United
332 States Department of the Treasury regarding the use of monies from
333 the Coronavirus State Fiscal Recovery Fund established by ARPA.

334 (5) If the Office of Inspector General of the United States
335 Department of the Treasury, or the Office of Inspector General of
336 any other federal agency having oversight over the use of monies
337 from the Coronavirus State Fiscal Recovery Fund established by
338 ARPA (a) determines that the agency or recipient has expended or
339 otherwise used any of the funds provided to the agency under this
340 section for any purpose that is not in compliance with the
341 guidelines, guidance, rules, regulations and/or other criteria, as
342 may be amended from time to time, of the United States Department
343 of the Treasury regarding the use of monies from the Coronavirus
344 State Fiscal Recovery Fund established by the ARPA, and (b) the
345 State of Mississippi is required to repay the federal government



346 for any of those funds that the Office of the Inspector General
347 determined were expended or otherwise used improperly by the
348 agency or recipient, then the agency or recipient that expended or
349 otherwise used those funds improperly shall be required to pay the
350 amount of those funds to the State of Mississippi for repayment to
351 the federal government.

352 **SECTION 31.** The money herein appropriated shall be paid by
353 the State Treasurer out of any money in the State Treasury to the
354 credit of the proper fund or funds as set forth in this act, upon
355 warrants issued by the State Fiscal Officer; and the State Fiscal
356 Officer shall issue his warrants upon requisitions signed by the
357 proper person, officer or officers, in the manner provided by law.

358 **SECTION 32.** This act shall take effect and be in force from
359 and after July 1, 2022.

