

Chapter No. 95  
11/SS26/ANAP1SG  
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**SENATE BILL NO. 3085**

Originated in Senate *Jerald W. Guyner* Secretary

SENATE BILL NO. 3085

AN ACT MAKING AN ADDITIONAL APPROPRIATION OF BUDGET CONTINGENCY FUNDS AND OTHER SPECIAL FUNDS TO DEFRAY THE EXPENSES OF THE DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS FOR FISCAL YEAR 2011; THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR STATE PROPERTY INSURANCE FOR FISCAL YEARS 2011 AND 2012; THE OFFICE OF THE ATTORNEY GENERAL FOR CERTAIN LEGAL EXPENSES, JUDGMENTS, AND SETTLEMENTS FOR FISCAL YEAR 2011; THE DEPARTMENT OF HUMAN SERVICES FOR THE DIVISION OF FAMILY AND CHILDREN'S SERVICES FOR FISCAL YEAR 2011; THE JOINT COMMITTEE ON COMPILATION, REVISION AND PUBLICATION OF LEGISLATION FOR FISCAL YEAR 2011; THE BOARD OF NURSING FOR FISCAL YEAR 2011; STATE FIRE ACADEMY FOR FISCAL YEAR 2011; THE DEPARTMENT OF REVENUE FOR HIRING TEMPORARY EMPLOYEES; AND THE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS FOR CERTAIN EXPENSES FOR FISCAL YEAR 2011; AND FOR RELATED PURPOSES.

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

**SECTION 1.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, to the district attorneys, assistant district attorneys and criminal investigators for the purpose of defraying salary, terminal leave and tort claims assessment for the fiscal year ending June 30, 2011.....  
.....\$ 430,590.00.

**SECTION 2.** In addition to all other sums heretofore appropriated, the following sum or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of district attorneys, assistant district attorneys and criminal investigators for the purpose of defraying salary, terminal leave and tort claims assessment for the fiscal year ending June 30, 2011.....\$ 283,258.00.

**SECTION 3.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, to the Department of Finance and Administration, for the purpose of purchasing property insurance on state property as required by the Stafford Act, Section 311, Paragraph 5154 and 44 CFR 206.252 and 206.253, and House Bill No. 4, Fifth Extraordinary Session of 2005, for the period beginning upon passage and through the fiscal year ending June 30, 2012.....\$ 6,514,767.00.

**SECTION 4.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Department of Finance and Administration, for the purpose of purchasing property insurance on state property as required by the Stafford Act, Section 311, Paragraph 5154 and 44 CFR 206.252 and 206.253, and House Bill No. 4, Fifth Extraordinary Session of 2005, for the period beginning upon passage and through the fiscal year ending June 30, 2012....  
.....\$ 485,233.00.

**SECTION 5.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, for the purpose of paying for certain outside legal assistance, expert witness fees, court fees, judgments and settlement agreements incurred by the Office of the Attorney General for the fiscal year ending June 30, 2011.....  
.....\$ 1,870,420.00.

Of the funds appropriated in this Section, the following amounts are provided:

(a) Olivia Y., et al v. Haley Barbour, as Governor; Donald Taylor, as Exec. Dir. of DHS; and Billy Mangold, as Director of the Division of Family and Children's Services and the Department of Human Services, United States District Court for the Southern District of Mississippi, Jackson Division, Cause No. 3:04cv251(L) (N).....\$ 1,260,600.00.

(b) State of Mississippi, ex rel. Attorney General Jim Hood, on behalf of Mississippi Land Water and Resources Board and Mississippi Development Authority v. Facility Construction Management Inc. and Facility Holding Corp.....\$ 140,000.00.

(c) Maxine Rucker v. Mississippi Department of Health, United States District Court for the Northern District of Mississippi, Greenville Division, Cause No. 4:08CV143.....\$ 9,000.00.

(d) J.A., et al vs. Barbour, et al, United States District Court for the Southern District of Mississippi, Cause No. 3:07-CV-00394-DPJ-FKB.....\$ 10,000.00.

(e) Kenney Brewer v. State of Mississippi, Circuit Court of Noxubee County, Mississippi, Claimant No. 2009-0099.....\$ 50,000.00.

(f) Levon Brooks v. State of Mississippi, Circuit Court of Noxubee County, Mississippi, Claimant No. 2009-0098.....\$ 50,000.00.

(g) Arthur Johnson v. State of Mississippi, Circuit Court of Sunflower County, Mississippi, Claimant No. 2009-0289-CI.....\$ 50,000.00.

(h) Cedric Willis v. State of Mississippi, Circuit Court of Hinds County, Mississippi, Claimant No. 251-09-649-CIV.....\$ 50,000.00.

(i) Bobby Joe Townsend v. State of Mississippi, Circuit Court of Webster County, Mississippi, Claimant No. 2010-81-CVM.....\$ 50,000.00.

(j) David Lee Chapman v. State of Mississippi, Circuit Court of Newton County, Mississippi, Claimant No. 251-10-721-CIV.....\$ 50,000.00.

(k) Calvin Wilks v. State of Mississippi, Circuit Court of Hinds County, Mississippi, Claimant No. 251-10-721-CIV.....\$ 50,000.00.

(l) Deborah Champluvier v. State of Mississippi, Circuit Court of DeSoto County, Mississippi, Claimant No. CV-2010-160.....\$ 25,000.00.

(m) Attorneys fees for Jim Waide, Attorney at Law, for the purpose of Claimant's counsel for Bobby Joe Townsend.....\$ 8,333.00.

(n) Attorneys fees for Thomas Q. Brame, Attorney at Law, for the purpose of Claimant's counsel for David Lee Chapman.....\$ 10,000.00.

(o) Attorneys fees for Robert B. McDuff, Attorney at Law, for the purpose of Claimant's counsel for Calvin Wilks.....\$ 17,916.00.

(p) Willie Morrow, et al vs. Mississippi Department of Public Safety, et al., United States District Court for the Southern District of Mississippi, Cause No. 1:70-cv-04716.....\$ 39,571.00.

**SECTION 6.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, to the Department of Human Services, for the purpose of defraying the expenses related to the Division of Family and Children's Services, Olivia Y. Lawsuit Settlement Agreement for the year ending June 30, 2011.....\$ 3,000,000.00.

**SECTION 7.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be

necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, to the Joint Committee on Compilation, Revision and Publication of Legislation for the year ending June 30, 2011.....\$ 230,000.00.

**SECTION 8.** In addition to all other sums heretofore appropriated, the following sum or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Board of Nursing for the purpose of defraying the expense for equipment and contractual services for the year ending June 30, 2011.....\$ 250,000.00.

**SECTION 9.** In addition to all other sums heretofore appropriated, the following sum or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the State Fire Academy for the purpose of defraying the expense for the construction and completion of training classrooms for the year ending June 30, 2011.....\$ 400,000.00.

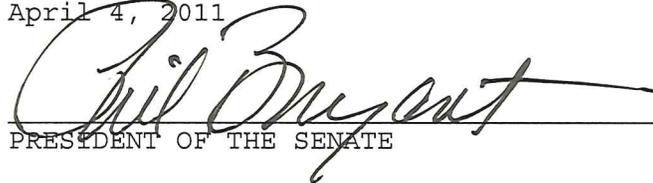
**SECTION 10.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Budget Contingency Fund created in Section 27-103-301, Mississippi Code of 1972, not otherwise appropriated, to the Department of Revenue for the purpose of hiring temporary employees for processing delinquent tax collections and to process the backlog of title applications for the year ending June 30, 2011...\$ 90,000.00.

**SECTION 11.** In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi State Board of Examiners for Licensed Professional Counselors for the purpose of defraying the expense of accounting audits, Internet development and attorney fees for the year ending June 30, 2011..\$ 50,000.00.

SECTION 12. The money herein appropriated shall be paid by the State Treasurer out of any money in 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 13. This act shall take effect and be in force from and after its passage and through the fiscal year ending June 30, 2011, except for Sections 3 and 4 which shall take effect and be in force beginning upon passage of this act and through the fiscal year ending June 30, 2012.

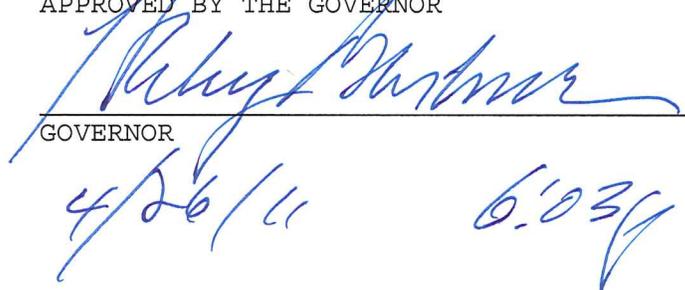
PASSED BY THE SENATE  
April 4, 2011

  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 4, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
GOVERNOR  
4/26/11 6:03p