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Chapter No. 70
13/HR07/A050SG
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HOUSE BILL NO. 1643

Originated in House _____ Clerk

HOUSE BILL NO. 1643

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI STATE SUPREME COURT WHICH IS COMPRISED OF THE SUPREME COURT, THE OFFICE OF THE SUPREME COURT CLERK AND THE STATE LAW LIBRARY AND TO PAY EXPENSES OF SPECIAL JUDGES, CHANCELLORS AND CIRCUIT JUDGES, AND FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE ADMINISTRATIVE OFFICE OF COURTS AND CERTIFIED COURT REPORTERS, CONTINUING LEGAL EDUCATION, COURT OF APPEALS AND THE BOARD OF BAR ADMISSIONS, FOR THE FISCAL YEAR 2014; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi State Supreme Court for the fiscal year beginning July 1, 2013, and ending June 30, 2014.

..... $ 6,588,118.00.

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

for the purpose of defraying the expenses of the Mississippi State Supreme Court for the fiscal year beginning July 1, 2013, and ending June 30, 2014 ..... $ 500,247.00.

SECTION 3. Of the funds appropriated under the provisions of this act for the purpose of defraying the expenses of the Mississippi State Supreme Court, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	66
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

SECTION 4. The following sum, or so much thereof as may be necessary, is hereby 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 special judges, chancellors and circuit judges for the fiscal year beginning July 1, 2013, and ending June 30, 2014 .... $ 22,803,293.00.

SECTION 5. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the trial judges, for the purpose of defraying the expenses of special judges, chancellors and circuit judges for the fiscal year beginning July 1, 2013, and ending June 30, 2014 ..... $ 2,679,120.00.

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	102
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

Of the funds appropriated and allocated herein, Eight Million One Hundred Sixty Thousand Dollars ($8,160,000.00) 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 hereby 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, 2013, and ending June 30, 2014 ..... $ 3,165,402.00.

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

Administrative Office of Courts and the Board of Certified Court Reporters for the fiscal year beginning July 1, 2013, and ending June 30, 2014 ..... $ 22,949,992.00.

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

AUTHORIZED POSITIONS:

Permanent:	Full Time	24
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

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

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

SECTION 10. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Continuing Legal Education Fund, a special fund hereby created in the State 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, 2013, and ending June 30, 2014 ..... $ 135,538.00.

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	1
	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 hereby 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, 2013, and ending June 30, 2014 ..... $ 5,646,227.00.

SECTION 13. The following sum, or so much thereof as may be necessary, is hereby 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, 2013, and ending June 30, 2014 ..... $ 171,931.00.

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	57
	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 hereby 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, 2013, and ending June 30, 2014 ..... $ 406,515.00.

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.

SECTION 21. Of the funds appropriated under the provisions of this act, an amount not to exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) may be provided for the Comprehensive Electronic Court Systems Fund administered by the Administrative Office of Courts.

SECTION 22. It is the intention of the Legislature that the Mississippi State Supreme Court shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2014 budget request process.

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

SECTION 24. It is the intention of the Legislature that the Administrative Office of the Courts shall have the authority to transfer any money not previously appropriated in the Drug Court Fund (Fund #3060) to the Supreme Court, Court of Appeals and Administrative Office of the Courts Administrative Funds for the purpose of defraying the operating expenditures of the judiciary.

Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

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

SECTION 26. It is the intention of the Legislature that in the event there are not sufficient funds in the Judicial System 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 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, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 1, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2013

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

4-18-13
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