

By: Representative Warren

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 881

1 AN ACT TO ABOLISH ALL FAMILY COURTS AND PROVIDE FOR THE
2 TRANSFER OF CASES TO THE APPROPRIATE COUNTY COURT; TO REPEAL
3 SECTIONS 43-23-1 THROUGH 43-23-55, MISSISSIPPI CODE OF 1972, WHICH
4 PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF FAMILY COURTS; TO
5 AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO REVISE THE
6 CONTINUATION OR ESTABLISHMENT OF COUNTY COURTS IN CERTAIN
7 COUNTIES; TO AMEND SECTION 9-9-5, MISSISSIPPI CODE OF 1972, TO
8 REVISE THE QUALIFICATION AND SENIORITY OF THE OFFICE OF COUNTY
9 COURT JUDGE; TO AMEND SECTION 9-9-9, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY; TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO
11 REVISE THE COMPENSATION OF THE OFFICE OF COUNTY COURT JUDGE; TO
12 AMEND SECTION 9-7-126, MISSISSIPPI CODE OF 1972, TO REVISE THE
13 COUNTY COMPENSATION TO CIRCUIT CLERKS IN CERTAIN COUNTIES; TO
14 AMEND SECTIONS 23-15-975 AND 23-15-977, MISSISSIPPI CODE OF 1972,
15 IN CONFORMITY; TO AMEND SECTION 9-1-19, MISSISSIPPI CODE OF 1972,
16 TO REVISE THE AUTHORITY OF JUDGES TO GRANT REMEDIAL WRITS; TO
17 AMEND SECTION 9-1-23, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY
18 COURT JUDGES AS THOSE WHO ARE CONSERVATORS OF THE PEACE; TO AMEND
19 SECTION 9-1-25, MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT
20 JUDGES AMONG THOSE WHO ARE NOT TO PRACTICE LAW; TO AMEND SECTION
21 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY COURT TO
22 OBTAIN A SEAL; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972,
23 TO INCLUDE COUNTY COURT JUDGES AMONG THOSE FOR WHOM AN OFFICE
24 ALLOWANCE IS APPROPRIATED; TO AMEND SECTION 9-9-19, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE FOR THE HOLDING OF COUNTY COURT IN
26 CERTAIN COUNTIES; TO AMEND SECTIONS 9-9-21, 9-9-23, 9-9-29 AND
27 43-21-107, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
28 SECTION 43-21-111, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A
29 PARTIAL STATE FUNDING OF YOUTH COURT REFEREES IN COUNTIES NOT
30 HAVING A COUNTY COURT; TO AMEND SECTIONS 43-21-123, 9-13-17 AND
31 9-13-61, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO REPEAL
32 SECTION 9-9-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
33 ESTABLISHMENT OF A COUNTY COURT BY AGREEMENT BETWEEN TWO OR MORE
34 COUNTIES; TO REPEAL SECTION 9-9-13, MISSISSIPPI CODE OF 1972,
35 WHICH AUTHORIZES CERTAIN MUNICIPALITIES TO SUPPLEMENT THE SALARIES
36 OF COUNTY JUDGES; TO REPEAL SECTION 9-9-14, MISSISSIPPI CODE OF
37 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS FOR HARRISON COUNTY;
38 TO REPEAL SECTION 9-9-15, MISSISSIPPI CODE OF 1972, WHICH
39 AUTHORIZES THREE COUNTY JUDGESHIPS FOR HINDS COUNTY; TO REPEAL
40 SECTION 9-9-16, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO
41 COUNTY JUDGESHIPS FOR WASHINGTON COUNTY; TO REPEAL SECTION 9-9-17,
42 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES TWO COUNTY JUDGESHIPS
43 FOR JACKSON COUNTY; TO REPEAL SECTION 9-9-37, MISSISSIPPI CODE OF
44 1972, WHICH PROVIDES FOR THE ESTABLISHMENT OR ABOLITION OF COUNTY
45 COURTS; TO REPEAL SECTION 9-9-39, MISSISSIPPI CODE OF 1972, WHICH
46 PROVIDES FOR TRANSFER OF PENDING MATTERS IN ANY COUNTY COURT THAT
47 MAY BE ABOLISHED; TO REPEAL SECTION 9-9-41, MISSISSIPPI CODE OF
48 1972, WHICH PROVIDES FOR THE ABOLITION OF COUNTY COURTS IN CERTAIN
49 COUNTIES; TO REPEAL SECTION 9-9-43, MISSISSIPPI CODE OF 1972,
50 WHICH REQUIRES LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF
51 COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45,
52 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ESTABLISHMENT OR

53 ABOLITION OF COUNTY COURTS UNDER CERTAIN CIRCUMSTANCES; AND FOR
54 RELATED PURPOSES.

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

56 SECTION 1. From and after January 1, 2000, all family courts
57 are abolished. All matters pending in any family court abolished
58 shall be transferred to the county court of the county wherein the
59 family court was located without the necessity for any motion or
60 order of court for such transfer.

61 SECTION 2. Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7,
62 43-23-9, 43-23-11, 43-23-13, 43-23-15, 43-23-17, 43-23-19,
63 43-23-21, 43-23-23, 43-23-25, 43-23-27, 43-23-29, 43-23-31,
64 43-23-33, 43-23-35, 43-23-37, 43-23-39, 43-23-41, 43-23-43,
65 43-23-45, 43-23-47, 43-23-49, 43-23-51, 43-23-53 and 43-23-55,
66 Mississippi Code of 1972, which provide for the establishment and
67 operation of family courts, are repealed.

68 SECTION 3. Section 9-9-1, Mississippi Code of 1972, is
69 amended as follows:

70 9-9-1. (1) There shall be an inferior court to be known as
71 the county court in and for each of the following single county
72 districts:

73 Adams County;
74 Bolivar County;
75 Coahoma County;
76 DeSoto County;
77 Forrest County;
78 Harrison County;
79 Hinds County;
80 Jackson County;
81 Jones County;
82 Lauderdale County;
83 Lee County;
84 Leflore County;
85 Lowndes County;
86 Madison County;

87 Pike County;
88 Rankin County;
89 Warren County;
90 Washington County; and
91 Yazoo County.

92 (2) (a) Any two (2) or three (3) counties in the discretion
93 of their respective boards of supervisors may apply to the
94 Administrative Office of Courts to be designated as a county court
95 district upon condition that:

96 (i) As a group, the counties are contiguous; and

97 (ii) At least one (1) of the counties has a
98 population of twenty-five thousand five hundred (25,500) or more
99 according to the latest decennial census, or the counties
100 comprising the proposed district have had an annual aggregate
101 caseload in excess of three hundred fifty (350) youth court
102 referrals according to the most recently available Department of
103 Human Services statistics.

104 (b) The number of multicounty county courts to be
105 formed pursuant to this subsection (2) shall not exceed ten (10).
106 In the event the number of qualified applications for county court
107 formation hereunder exceeds the number allowable, the
108 Administrative Office of Courts shall use such criteria as it
109 deems relevant in approving and denying applications. The
110 Administrative Office of Courts may deny an application which is
111 qualified on its face regardless of whether the maximum number of
112 courts have been formed. Once duly formed, a county court
113 existing under the authority of this subsection (2) shall not be
114 abolished except by act of the Legislature.

115 (c) Counties wishing to apply for designation as a
116 county court pursuant to the provisions of this subsection (2)
117 shall do so on a form to be prescribed by the Administrative
118 Office of Courts by means of a resolution duly spread upon the
119 minutes of the board of supervisors.

120 (d) Counties aggrieved by the denial of an application

121 under this subsection (2) have a right of appeal from the decision
122 of the Administrative Office of Courts to the Circuit Court of
123 Hinds County as is otherwise provided by law for appeals from the
124 decisions of administrative agencies.

125 (3) (a) Except as provided in paragraph (b) of this
126 subsection, there shall be one (1) county court judge for each
127 county court district.

128 (b) There shall be two (2) county court judges for the
129 county court of Jackson County, three (3) county court judges for
130 the county court of Harrison County, and three (3) county court
131 judges for the county court of Hinds County.

132 (c) For the purposes of the 1999 election only, any
133 candidates for the position of county judge of Harrison County
134 shall file their intent to be a candidate not later than sixty
135 (60) days prior to the general election. The qualification and
136 election of the three (3) judgeships shall otherwise be as
137 provided by Sections 23-15-974 through 23-15-985.

138 SECTION 4. Section 9-9-5, Mississippi Code of 1972, is
139 amended as follows:

140 9-9-5. (1) The county judge shall possess all of the
141 qualifications of a circuit judge as prescribed by the Mississippi
142 Constitution. The county judge of a single county district must
143 be a qualified elector of the county. The county judge of a
144 multicounty district must be a qualified elector of any one (1) of
145 the counties comprising the district. Except as provided in
146 subsection (2) of this section, the county judge shall be elected
147 by the qualified electors of the county court district at the time
148 and in the manner as circuit judges are elected and * * * shall
149 hold office for the same term. Vacancies in the office of county
150 judge shall be filled in the same manner as vacancies in the
151 office of circuit judge.

152 (2) In a district having more than one (1) office of county
153 court judge, there shall be no distinction whatsoever in the
154 powers, duties and emoluments of those offices except that the

155 judge who has been for the longest time continuously a judge of
156 that court or, should no judge have served longer in office than
157 the others, the judge who has been for the longest time a member
158 of The Mississippi Bar shall be the senior judge. The senior
159 judge shall have the right to assign causes and dockets and, in
160 districts consisting of more than one (1) county, to set terms.

161 (3) For the purposes of this act, the election of judges to
162 courts created by this act shall be for a term of three (3) years
163 and the election shall be held on the general election day in
164 November of 1999. Candidates shall file their intent to be a
165 candidate not later than sixty (60) days prior to the general
166 election. Thereafter such judges shall be elected as provided by
167 Section 23-15-974 through 23-15-985.

168 SECTION 5. Section 9-9-9, Mississippi Code of 1972, is
169 amended as follows:

170 9-9-9. The county judge shall not otherwise practice
171 law * * *, but this prohibition shall not prohibit the judges of
172 the county courts from practicing in any of the courts so far as
173 to enable them to bring to a conclusion cases actually pending
174 when they were appointed or elected, in which such county judges
175 were then employed as provided in Section 9-1-25, Mississippi Code
176 of 1972, for judges of the circuit court and chancellors.

177 SECTION 6. Section 9-9-11, Mississippi Code of 1972, is
178 amended as follows:

179 9-9-11. * * * The county court judge shall receive an annual
180 salary payable monthly out of the State General Fund in the amount
181 of One Thousand Dollars (\$1,000.00) less than the annual salary
182 which is now or shall hereafter be provided for circuit and
183 chancery judges of this state * * *. The office of county court
184 judge * * * shall be a full-time position, and the holder thereof
185 shall not otherwise engage in the practice of law.

186 * * *

187 SECTION 7. Section 9-7-126, Mississippi Code of 1972, is
188 amended as follows:

189 9-7-126. (1) There shall be allowed out of the county
190 treasury from the general county funds or any other available
191 funds payable monthly by the board of supervisors of the county
192 not less than the following amounts for the purposes of defraying
193 the salaries of deputy circuit clerks:

194 Class 1 and 2 counties not less than Four Hundred Fifty
195 Dollars (\$450.00) per month;

196 Class 3 and 4 counties not less than Three Hundred Fifty
197 Dollars (\$350.00) per month;

198 Class 5, 6, 7 and 8 counties not less than Two Hundred Fifty
199 Dollars (\$250.00) per month.

200 The above and foregoing allowances shall be for the purposes
201 of defraying the salaries of deputy circuit clerks provided such
202 allowance, upon written request of the circuit clerk, shall be
203 paid directly to the deputy circuit clerk designated by him in the
204 absence of which request said allowance shall be paid monthly to
205 the circuit clerk. Deputy circuit clerks employed under authority
206 of this section shall be deemed employees of the county. The
207 clerk shall select and supervise their public duties.

208 (2) This section shall not apply to any county having a
209 county court except that in any county electing to form a county
210 court pursuant to the provisions of House Bill No. _____, 1999
211 Regular Session, the provisions of subsection (1) shall apply;
212 further, in any county in which U.S. Highway 49 and Mississippi
213 Highway 6 intersect, any county in which U.S. Highway 61 and
214 Mississippi Highway 4 intersect, any county having a population in
215 excess of fifty-seven thousand (57,000) and which is traversed by
216 the Tennessee-Tombigbee Waterway or whose county seat is within
217 twenty (20) miles of the Tennessee-Tombigbee Waterway, any county
218 bordering the State of Tennessee and the Mississippi River, and
219 any county in which U.S. Highway 82 and U.S. Highway 49E
220 intersect, the provisions of this section shall be discretionary
221 with the respective board of supervisors.

222 SECTION 8. Section 23-15-975, Mississippi Code of 1972, is

223 amended as follows:

224 23-15-975. As used in Sections 23-15-974 through 23-15-985
225 of this subarticle, the term "judicial office" includes the office
226 of justice of the Supreme Court, judge of the Court of Appeals,
227 circuit judge, chancellor and county court judge * * *. All such
228 justices and judges shall be full-time positions and such justices
229 and judges shall not engage in the practice of law before any
230 court, administrative agency or other judicial or quasi-judicial
231 forum except as provided by law for finalizing pending cases after
232 election to judicial office.

233 SECTION 9. Section 23-15-977, Mississippi Code of 1972, is
234 amended as follows:

235 23-15-977. * * * Except as may be otherwise provided by law,
236 all candidates for judicial office as defined in Section 23-15-975
237 of this subarticle shall file their intent to be a candidate with
238 the State Board of Election Commissioners not later than the first
239 Friday after the first Monday in May prior to the general election
240 for judicial office and shall pay * * * the following amounts:

241 (a) Candidates for Supreme Court judge and Court of
242 Appeals, the sum of Two Hundred Dollars (\$200.00).

243 (b) Candidates for circuit judge, county judge and
244 chancellor, the sum of One Hundred Dollars (\$100.00).

245 * * *

246 SECTION 10. Section 9-1-19, Mississippi Code of 1972, is
247 amended as follows:

248 9-1-19. The judges of the Supreme, * * * circuit and county
249 courts, and chancellors and judges of the Court of Appeals, in
250 termtime and in vacation, may severally order the issuance of
251 writs of habeas corpus, mandamus, certiorari, supersedeas and
252 attachments, and grant injunctions and all other remedial writs,
253 in all cases where the same may properly be granted according to
254 right and justice, returnable to any court, whether the suit or
255 proceedings be pending in the district of the judge or chancellor
256 granting the same or not. The fiat of such judge or chancellor

257 shall authorize the issuance of the process for a writ returnable
258 to the proper court or before the proper officer; and all such
259 process or writs may be granted, issued and executed on Sunday.

260 SECTION 11. Section 9-1-23, Mississippi Code of 1972, is
261 amended as follows:

262 9-1-23. The judges of the Supreme, circuit and county courts
263 and chancellors and judges of the Court of Appeals shall be
264 conservators of the peace for the state, each with full power to
265 do all acts which conservators of the peace may lawfully do; and
266 the circuit judges, * * * chancellors and county judges shall
267 reside within their respective districts * * *.

268 SECTION 12. Section 9-1-25, Mississippi Code of 1972, is
269 amended as follows:

270 9-1-25. It shall not be lawful for any judge of the Supreme
271 Court, Court of Appeals or a judge of the circuit or county court,
272 or a chancellor to exercise the profession or employment of an
273 attorney or counsellor at law, or to be engaged in the practice of
274 law; and any person offending against this prohibition shall be
275 guilty of a high misdemeanor and be removed from office; but this
276 shall not prohibit a chancellor, * * * circuit judge, county judge
277 or a judge of the Court of Appeals from practicing in any of the
278 courts for a period of six (6) months from the time such judges or
279 chancellors assume office so far as to enable them to bring to a
280 conclusion cases actually pending when they were appointed or
281 elected in which such chancellor or judge was then employed, nor
282 shall a judge of the Supreme Court be hindered from appearing in
283 the courts of the United States in any case in which he was
284 engaged when he was appointed or elected judge.

285 SECTION 13. Section 9-1-35, Mississippi Code of 1972, is
286 amended as follows:

287 9-1-35. The clerk of the Supreme Court and of the Court of
288 Appeals, at the expense of the state, and the clerk of every
289 circuit, county and chancery court, at the expense of the county,
290 shall keep a seal, with the style of the court around the margin

291 and the image of an eagle in the center.

292 SECTION 14. Section 9-1-36, Mississippi Code of 1972, is
293 amended as follows:

294 9-1-36. (1) Each circuit judge, county judge and chancellor
295 shall receive an office operating allowance for the expenses of
296 operating the office of such judge, including retaining a law
297 clerk, legal research, stenographic help, stationery, stamps,
298 furniture, office equipment, telephone, office rent and other
299 items and expenditures necessary and incident to maintaining the
300 office of judge. Such allowance shall be paid only to the extent
301 of actual expenses incurred by any such judge as itemized and
302 certified by such judge to the Supreme Court and then in an amount
303 of not more than Four Thousand Dollars (\$4,000.00) per annum;
304 however, such judge may expend sums in excess thereof from the
305 compensation otherwise provided for his office. No part of this
306 expense or allowance shall be used to pay an official court
307 reporter for services rendered to said court.

308 (2) In addition to the amounts provided for in subsection
309 (1), there is hereby created a separate office allowance fund for
310 the purpose of providing support staff to judges. This fund shall
311 be managed by the Administrative Office of Courts.

312 (3) Each judge who desires to employ or continue to employ
313 support staff after July 1, 1994, shall make application to the
314 Administrative Office of Courts by submitting to the
315 Administrative Office of Courts before July 1 of each year a
316 proposed personnel plan setting forth what support staff is deemed
317 necessary. Such plan may be submitted by a single judge or by any
318 combination of judges desiring to share support staff. In the
319 process of the preparation of the plan, the judges, at their
320 request, may receive advice, suggestions, recommendations and
321 other assistance from the Administrative Office of Courts. The
322 Administrative Office of Courts must approve the positions, job
323 descriptions and salaries before the positions may be filled. The
324 Administrative Office of Courts shall not approve any plan which

325 does not first require the expenditure of the funds in the support
326 staff fund for compensation of any of the support staff before
327 expenditure is authorized of county funds for that purpose. Upon
328 approval by the Administrative Office of Courts, the judge or
329 judges may appoint the employees to the position or positions, and
330 each employee so appointed will work at the will and pleasure of
331 the judge or judges who appointed him but will be employees of the
332 Administrative Office of Courts. Upon approval by the
333 Administrative Office of Courts, the appointment of any support
334 staff shall be evidenced by the entry of an order on the minutes
335 of the court. When support staff is appointed jointly by two (2)
336 or more judges, the order setting forth any appointment shall be
337 entered on the minutes of each participating court.

338 (4) The Administrative Office of Courts shall develop and
339 promulgate minimum qualifications for the certification of court
340 administrators. Any court administrator appointed on or after
341 October 1, 1996, shall be required to be certified by the
342 Administrative Office of Courts.

343 (5) Support staff shall receive compensation pursuant to
344 personnel policies established by the Administrative Office of
345 Courts; however, from and after July 1, 1994, the Administrative
346 Office of Courts shall allocate from the support staff fund an
347 amount not to exceed Forty Thousand Dollars (\$40,000.00) per
348 fiscal year (July 1 through June 30) per judge for whom support
349 staff is approved for the funding of support staff assigned to a
350 judge or judges. Any employment pursuant to this subsection shall
351 be subject to the provisions of Section 25-1-53.

352 The Administrative Office of Courts may approve expenditure
353 from the fund for additional equipment for support staff appointed
354 pursuant to this section in any year in which the allocation per
355 judge is sufficient to meet the equipment expense after provision
356 for the compensation of the support staff.

357 (6) For the purposes of this section, the following terms
358 shall have the meaning ascribed herein unless the context clearly

359 requires otherwise:

360 (a) "Judges" means circuit judges, county judges and
361 chancellors, or any combination thereof;

362 (b) "Support staff" means court administrators, law
363 clerks, legal research assistants or secretaries, or any
364 combination thereof, but shall not mean school attendance
365 officers;

366 (c) "Compensation" means the gross salary plus all
367 amounts paid for benefits or otherwise as a result of employment
368 or as required by employment; provided, however, that only salary
369 earned for services rendered shall be reported and credited for
370 Public Employees' Retirement System purposes. Amounts paid for
371 benefits or otherwise, including reimbursement for travel
372 expenses, shall not be reported or credited for retirement
373 purposes.

374 (7) Title to all tangible property, excepting stamps,
375 stationery and minor expendable office supplies, procured with
376 funds authorized by this section, shall be and forever remain in
377 the State of Mississippi to be used by the * * * judge * * *
378 during the term of his office and thereafter by his successors.

379 (8) Any * * * judge * * * who did not have a primary office
380 provided by the county on March 1, 1988, shall be allowed an
381 additional Four Thousand Dollars (\$4,000.00) per annum to defray
382 the actual expenses incurred by such judge * * * in maintaining an
383 office; however, any * * * judge * * * who had a primary office
384 provided by the county on March 1, 1988, and who vacated the
385 office space after such date for a legitimate reason, as
386 determined by the Department of Finance and Administration, shall
387 be allowed the additional office expense allowance provided under
388 this subsection.

389 (9) The Supreme Court, through the Administrative Office of
390 Courts, shall submit to the Department of Finance and
391 Administration the itemized and certified expenses for office
392 operating allowances that are directed to the court pursuant to

393 this section.

394 (10) The Supreme Court, through the Administrative Office of
395 Courts, shall have the power to adopt rules and regulations
396 regarding the administration of the office operating allowance
397 authorized pursuant to this section.

398 SECTION 15. Section 9-9-19, Mississippi Code of 1972, is
399 amended as follows:

400 9-9-19. (1) There shall be a court to be styled "The County
401 Court of the County of _____" in each county court
402 as set forth in subsection (2) of this section.

403 (2) A term of court shall be held in the county courthouse
404 of the county, beginning on the second Monday of each month and
405 continuing so long as may be necessary; but in counties where
406 there are two (2) circuit court districts, or in county courts
407 formed in a multicounty district, the county court shall be
408 convened in each judicial district and in each county not less
409 than four (4) times each year, and the terms of court shall be set
410 and published as is required for circuit and chancery courts.

411 Provided that in the County of Jones, a county having two (2)
412 judicial districts, that a term shall be held in the second
413 judicial district of said county on the second Monday of each
414 month; and provided that in the first judicial district a term
415 shall be held on the fourth Monday of January, the fourth Monday
416 of March, the fourth Monday of April, the fourth Monday of June
417 and the fourth Monday of October. Provided that in the County of
418 Hinds, a county having two (2) judicial districts, a term shall be
419 held in the first judicial district on the second Monday of each
420 month and in the second judicial district on the second Monday of
421 March, June, September and December, and provided further that,
422 when such terms are held concurrently, either of the county judges
423 of Hinds County may be assigned to hold all or any part of such
424 terms in either of the two (2) judicial districts. Provided,
425 further, that in the County of Bolivar, a county having two (2)
426 judicial districts, a term shall be held in the first judicial

427 district on the second Monday of April, August and December, and
428 in the second judicial district on the second Monday of January,
429 February, March, May, June, July, September, October and November.
430 Provided, however, that in the County of Harrison, a county having
431 two (2) county judges and two (2) judicial districts, that a term
432 shall be held in each judicial district concurrently each month.
433 Provided, however, that the judge of the county court for good
434 cause shown may, by order spread on the minutes of the county
435 court, designate some place other than the county courthouse for
436 the holding of such term of the county court as may be designated
437 in said order. The county judge may call a special term of the
438 county court upon giving ten (10) days' notice, and such notice
439 shall be given by posting the same at the front door of the
440 courthouse in said county and by the publication of said notice
441 for one insertion in some newspaper of general circulation in the
442 county.

443 * * *

444 SECTION 16. Section 9-9-21, Mississippi Code of 1972, is
445 amended as follows:

446 9-9-21. (1) The jurisdiction of the county court shall be
447 as follows: It shall have jurisdiction concurrent with the
448 justice court in all matters, civil and criminal of which the
449 justice court has jurisdiction; and it shall have jurisdiction
450 concurrent with the circuit and chancery courts in all matters of
451 law and equity wherein the amount of value of the thing in
452 controversy shall not exceed, exclusive of costs and interest, the
453 sum of Seventy-five Thousand Dollars (\$75,000.00), and the
454 jurisdiction of the county court shall not be affected by any
455 setoff, counterclaim or cross-bill in such actions where the
456 amount sought to be recovered in such setoff, counterclaim or
457 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).
458 Provided, however, the party filing such setoff, counterclaim or
459 cross-bill which exceeds Seventy-five Thousand Dollars
460 (\$75,000.00) shall give notice to the opposite party or parties as

461 provided in Section 13-3-83, and on motion of all parties filed
462 within twenty (20) days after the filing of such setoff,
463 counterclaim or cross-bill, the county court shall transfer the
464 case to the circuit or chancery court wherein the county court is
465 situated and which would otherwise have jurisdiction. It shall
466 have exclusively the jurisdiction heretofore exercised by the
467 justice court in the following matters and causes: namely,
468 eminent domain, the partition of personal property, and actions of
469 unlawful entry and detainer, provided that the actions of eminent
470 domain and unlawful entry and detainer may be returnable and
471 triable before the judge of said court in vacation.

472 (2) In multicounty county court districts, it shall be
473 lawful for such court sitting in one (1) county to act upon any
474 and all matters of which it has jurisdiction as provided by law
475 arising in the other county under the jurisdiction of said court.

476 SECTION 17. Section 9-9-23, Mississippi Code of 1972, is
477 amended as follows:

478 9-9-23. The county judge shall have power to issue writs,
479 and to try matters, of habeas corpus on application to him
480 therefor, or when made returnable before him by a superior judge.

481 He shall also have the power to order the issuance of writs of
482 certiorari, supersedeas, attachments, and other remedial writs in
483 all cases pending in, or within the jurisdiction of, his court.

484 He shall have the authority to issue search warrants in his
485 district returnable to his own court or to any court of a justice
486 court judge within his district in the same manner as is provided
487 by law for the issuance of search warrants by justice court
488 judges. In all cases pending in, or within the jurisdiction of,
489 his court, he shall have, in term time, and in vacation, the power
490 to order, do or determine to the same extent and in the same
491 manner as a justice court judge or a circuit judge or a chancellor
492 could do in term time or in vacation in such cases. But he shall
493 not have original power to issue writs of injunction, or other
494 remedial writs in equity or in law except in those cases

495 hereinabove specified as being within his jurisdiction. Provided,
496 however, that when any judge or chancellor authorized to issue
497 such writs of injunction, or any other equitable or legal remedial
498 writs hereinabove reserved, shall so direct in writing the hearing
499 of application therefor may be by him referred to the county
500 judge, in which event the said direction of the superior judge
501 shall vest in the said county judge all authority to take such
502 action on said application as the said superior judge could have
503 taken under the right and the law, had the said application been
504 at all times before the said superior judge. The jurisdiction
505 authorized under the foregoing proviso shall cease upon the
506 denying or granting of the application.

507 SECTION 18. Section 9-9-29, Mississippi Code of 1972, is
508 amended as follows:

509 9-9-29. (1) The county court shall be a court of record
510 and, except as provided in subsection (2) of this section, the
511 clerk of the circuit court shall be the clerk of the county court,
512 and he or his deputy shall attend all the sessions of the county
513 court, and have present at all sessions, all books, records,
514 files, and papers pertaining to the term then in session. The
515 dockets, minutes, and records of the county court shall be kept,
516 so far as is practicable, in the same manner as are those of the
517 circuit court as provided by statute and the Mississippi Rules of
518 Civil Procedure. The sheriff shall be the executive officer of
519 the county court; he shall by himself, or deputy, attend all its
520 sessions, and he shall serve all process and execute all writs
521 issued therefrom in the manner as such process and writs would be
522 served and executed when issued by the justice courts, or by the
523 circuit or chancery courts according as appertains to the value of
524 the cause or matter in hand. The clerk and sheriff shall receive
525 the same fees for attendance, and for other services as are
526 allowed by law to the clerk and to the sheriffs for like duties in
527 the circuit and chancery courts; provided however, that in all
528 cases where the justice courts have concurrent jurisdiction with

529 the county court, the clerk shall be allowed to receive only such
530 fees as are allowed to justice courts, and the sheriff shall be
531 allowed only such fees as the constable in said justice court
532 would be entitled to under the law for similar services.

533 (2) The clerk of the chancery court shall be the clerk of
534 the youth court for all counties electing to form a county court
535 pursuant to the provisions of House Bill No. _____, 1999 Regular
536 Session, and the clerk of the chancery court shall perform such
537 duties for the youth court as is otherwise provided by law.

538 SECTION 19. Section 43-21-107, Mississippi Code of 1972, is
539 amended as follows:

540 43-21-107.

541 * * *

542 (1) A youth court division is hereby created as a division
543 of the county court of each county now or hereafter having a
544 county court * * *, and the county judge shall be the judge of the
545 youth court unless another judge is named by the county judge as
546 provided by this chapter.

547 (2) A youth court division is hereby created as a division
548 of the chancery court of each county in which no county
549 court * * * is maintained and any chancellor within a chancery
550 court district shall be the judge of the youth court of that
551 county within such chancery court district unless another judge is
552 named by the senior chancellor of the county or chancery court
553 district as provided by this chapter.

554 (3) In any county where there is no county court or family
555 court on July 1, 1979, there may be created a youth court division
556 as a division of the municipal court in any city if the governing
557 authorities of such city adopt a resolution to that effect. The
558 cost of the youth court division of the municipal court shall be
559 paid from any funds available to the municipality for such
560 purposes excluding state and county funds.

561 (4) The Administrative Office of Courts is authorized to
562 require county judges in courts with low youth court caseloads to

563 assist in relieving courts with heavy youth court caseloads
564 provided adequate funds are available for travel and lodging for
565 the county court judges and their court reporters.

566 SECTION 20. Section 43-21-111, Mississippi Code of 1972, is
567 amended as follows:

568 43-21-111. (1) In any county not having a county
569 court, * * * the judge may appoint as provided in Section
570 43-21-123 regular or special referees who shall be attorneys at
571 law and members of the bar in good standing to act in cases
572 concerning children within the jurisdiction of the youth court,
573 and a regular referee shall hold office until removed by the
574 judge. The requirement that regular or special referees appointed
575 pursuant to this subsection be attorneys shall apply only to
576 regular or special referees who were not first appointed regular
577 or special referees prior to July 1, 1991.

578 (2) Any referee appointed pursuant to subsection (1) of this
579 section shall be required to receive judicial training approved by
580 the Mississippi Judicial College and shall be required to receive
581 regular annual continuing education in the field of juvenile
582 justice. The amount of judicial training and annual continuing
583 education which shall be satisfactory to fulfill the requirements
584 of this section shall conform with the amount prescribed by the
585 Rules and Regulations for Mandatory Continuing Judicial Education
586 promulgated by the Supreme Court. The Administrative Office of
587 Courts shall maintain a roll of referees appointed under this
588 section, shall enforce the provisions of this subsection, shall
589 maintain records on all such referees regarding such training and
590 shall not disburse funds to any county for the budget of a youth
591 court referee who is not in compliance with the judicial training
592 requirements. Should a referee miss two (2) consecutive training
593 sessions sponsored or approved by the Mississippi Judicial College
594 as required by this subsection or fail to attend one (1) such
595 training session within six (6) months of their initial
596 appointment as a referee, the referee shall be disqualified to

597 serve and be immediately removed as a referee and another member
598 of the bar shall be appointed as provided in this section.

599 (3) The judge may direct that hearings in any case or class
600 of cases be conducted in the first instance by the referee. The
601 judge may also delegate his own administrative responsibilities to
602 the referee.

603 (4) All hearings authorized to be heard by a referee shall
604 proceed in the same manner as hearings before the youth court
605 judge. A referee shall possess all powers and perform all the
606 duties of the youth court judge in the hearings authorized to be
607 heard by the referee.

608 (5) An order entered by the referee shall be mailed
609 immediately to all parties and their counsel. A rehearing by the
610 judge shall be allowed if any party files a written motion for a
611 rehearing or on the court's own motion within three (3) days after
612 notice of referee's order. The youth court may enlarge the time
613 for filing a motion for a rehearing for good cause shown. Any
614 rehearing shall be upon the record of the hearing before the
615 referee, but additional evidence may be admitted in the discretion
616 of the judge. A motion for a rehearing shall not act as a
617 supersedeas of the referee's order, unless the judge shall so
618 order.

619 (6) The salary for the referee shall be fixed on order of
620 the judge as provided in Section 43-21-123 and shall be paid by
621 the county out of any available funds budgeted for the youth court
622 by the board of supervisors.

623 (7) * * * The judge of the chancery court may appoint a
624 suitable person as referee to two (2) or more counties within his
625 district * * *.

626 SECTION 21. Section 43-21-123, Mississippi Code of 1972, is
627 amended as follows:

628 43-21-123. (1) Except for expenses provided by state funds
629 and/or other monies, the board of supervisors, or the municipal
630 governing board where there is a municipal youth court, shall

631 adequately provide funds for the operation of the youth court
632 division of the chancery court, or the county courts where county
633 courts are constituted, in conjunction with the regular chancery
634 or county court budget * * *. In preparation for said funding, on
635 an annual basis at the time requested, the youth court judge,
636 regular youth court referee or administrator shall prepare and
637 submit to the board of supervisors, or the municipal governing
638 board of the youth court wherever the youth court is a municipal
639 court, an annual budget which will identify the number, staff
640 position, title and amount of annual or monthly compensation of
641 each position as well as provide for other expenditures necessary
642 to the functioning and operation of the youth court. When the
643 budget of the youth court or youth court judge is approved by the
644 board of supervisors or the governing authority of the
645 municipality, then the youth court or youth court judge may employ
646 such persons as provided in the budget from time to time.

647 (2) The board of supervisors of any county in which there is
648 located a youth court, and the governing authority of any
649 municipality in which there is located a municipal youth court,
650 are each authorized to reimburse the youth court referees and
651 other county-employed youth court employees or personnel for
652 reasonable travel and expenses incurred in the performance of
653 their duties and in attending educational meetings offering
654 professional training to such persons as budgeted.

655 (3) The salary for a referee shall be based on a formula
656 established by the Administrative Office of Courts which shall
657 take into account the youth court's caseload. Subject to a cap of
658 One Thousand Seven Hundred Dollars (\$1,700.00) per month, the
659 salary for a referee serving in one (1) county shall not exceed
660 the salary of a member of the board of supervisors of that county,
661 and the salary of a referee serving two (2) or more counties shall
662 not exceed an amount equal to the combined salaries of one (1)
663 member of the boards of supervisors of the two (2) highest paid
664 boards of supervisors of the counties served by that referee.

665 (4) (a) Counties in which a youth or family court existed
666 on January 1, 1999, shall make an annual contribution to the
667 Administrative Office of Courts of Seventy-six Thousand Eight
668 Hundred Dollars (\$76,800.00) per youth court judge position that
669 was authorized and funded on that date, or the total 1996 fiscal
670 year expense for compensation and fringe benefits of all youth
671 court judges, whichever is the lesser amount, divided into twelve
672 (12) equal monthly installments. Each installment is due not
673 later than the close of business on the twenty-fifth day of the
674 month preceding the month for which the installment is due, or, if
675 the twenty-fifth day falls on a holiday or weekend, on the
676 preceding regular business day.

677 (b) Counties in which a referee salary or salaries were
678 funded as of January 1, 1999, shall make an annual contribution to
679 the Administrative Office of Courts in an amount equal to the
680 total expense for youth court referee salary and any associated
681 expenses of the county for fiscal year 1996, divided into twelve
682 (12) equal monthly installments. Each installment is due not
683 later than the close of business on the twenty-fifth day of the
684 month preceding the month for which the installment is due, or, if
685 the twenty-fifth day falls on a holiday or weekend, on the
686 preceding regular business day.

687 (c) Counties in which neither any referee nor any youth
688 court judge was funded as of January 19, 1999, shall make an
689 annual contribution to the Administrative Office of Courts in an
690 amount to be determined by the Administrative Office of Courts and
691 based on the contributions required of counties of similar size
692 and caseload, divided into twelve (12) equal monthly installments.
693 Each installment is due not later than the close of business on
694 the twenty-fifth day of the month preceding the month for which
695 the installment is due, or, if the twenty-fifth day falls on a
696 holiday or weekend, on the preceding regular business day.

697 (d) Counties failing to make the financial
698 contributions required by this section shall forfeit their right

699 to receive their homestead exemption reimbursement in an amount
700 sufficient to repay obligations due until such time as their
701 indebtedness is satisfied or satisfactory arrangements have been
702 made. Homestead exemption reimbursements, upon demand made in
703 writing to the State Tax Commission by the Administrative Office
704 of Courts, shall be paid to the Administrative Office of Courts
705 and applied to the discharge of the obligation.

706 (5) The Administrative Office of Courts shall, in a fair and
707 equitable manner, apportion responsibility for the payment of the
708 salary serving in more than one (1) county among or between the
709 various counties as appropriate.

710 (6) The Administrative Office of Courts shall allocate, in a
711 fair and equitable manner, support funds to the referee-staffed
712 youth courts, and it shall be within the discretion of the referee
713 whether to use these funds to carry on the business of the court
714 within their private law practice or to direct the use of those
715 funds through the county budget. No such funds shall be paid to
716 any youth court referee or to the county in which the youth court
717 referee is not in current, full compliance with the continuing
718 education requirements of Section 43-21-111.

719 SECTION 22. Section 9-13-17, Mississippi Code of 1972, is
720 amended as follows:

721 9-13-17. The circuit judge, chancellor * * * or county judge
722 may, by an order spread upon the minutes and made a part of the
723 records of the court, appoint an additional court reporter for a
724 term or part of a term whose duties, qualifications and
725 compensation shall be the same as is now provided by law for
726 official court reporters. The additional court reporter shall be
727 subject to the control of the judge or chancellor, as is now
728 provided by law for official court reporters, and the judge or
729 chancellor shall have the additional power to terminate the
730 appointment of such additional court reporter, whenever in his
731 opinion the necessity for such an additional court reporter ceases
732 to exist, by placing upon the minutes of the court an order to

733 that effect. The regular court reporter shall not draw any
734 compensation while the assistant court reporter alone is serving;
735 however, in the event the assistant court reporter is serving
736 because of the illness of the regular court reporter, the court
737 may authorize payment of said assistant court reporter from the
738 Administrative Office of Courts without diminution of the salary
739 of the regular court reporter, for a period not to exceed
740 forty-five (45) days in any one (1) calendar year. However, in
741 any circuit, chancery or county * * * court district within the
742 State of Mississippi, if the judge or chancellor shall determine
743 that in order to relieve the continuously crowded docket in such
744 district, or for other good cause shown, the appointment of an
745 additional court reporter is necessary for the proper
746 administration of justice, he may, with the advice and consent of
747 the board of supervisors if the court district is composed of a
748 single county and with the advice and consent of at least one-half
749 (1/2) of the boards of supervisors if the court district is
750 composed of more than one (1) county, by an order spread upon the
751 minutes and made a part of the records of the court, appoint an
752 additional court reporter. The additional court reporter shall
753 serve at the will and pleasure of the judge or chancellor, may be
754 a resident of any county of the state, and shall be paid a salary
755 designated by the judge or chancellor not to exceed the salary
756 authorized by Section 9-13-19. The salary of the additional court
757 reporter shall be paid by the Administrative Office of Courts, as
758 provided in Section 9-13-19; and mileage shall be paid to the
759 additional court reporter by the county as provided in the same
760 section. The office of such additional court reporter appointed
761 under this section shall not be abolished or compensation reduced
762 during the term of office of the appointing judge or chancellor
763 without the consent and approval of the appointing judge or
764 chancellor.

765 SECTION 23. Section 9-13-61, Mississippi Code of 1972, is
766 amended as follows:

767 9-13-61. There shall be an official court reporter for each
768 county * * * court judge in the State of Mississippi, to be
769 appointed by such judge, for the purpose of performing the
770 necessary and required stenographic work of the court or division
771 thereof over which the appointing judge is presiding, said work to
772 be performed under the direction of such judge and in the same
773 manner and to the same effect as is provided in the chapter on
774 court reporting.

775 Except as hereinafter provided, the reporters of said courts
776 shall receive an annual salary of not less than Twenty-four
777 Thousand Dollars (\$24,000.00) and may, at the discretion of the
778 board of supervisors, receive a monthly salary equal to that of
779 the reporter of the circuit court district wherein the county
780 lies, the same to be paid monthly by the county out of its general
781 fund.

782 Provided, however, that in any Class 1 county having a
783 population in excess of fifty-six thousand (56,000) persons
784 according to the 1970 federal decennial census, the reporter shall
785 receive a monthly salary equal to that of the reporter of the
786 circuit court district wherein the county or family court lies,
787 the same to be paid monthly by the county out of its general fund.

788 Provided further, that in any Class 1 county bordering on the
789 Mississippi River and which has situated therein a national
790 military park and national military cemetery, and having a
791 population in excess of forty-four thousand (44,000) according to
792 the 1970 federal decennial census, the reporter shall receive a
793 monthly salary equal to that of the reporter of the circuit court
794 district wherein the county lies, the same to be paid monthly by
795 the county out of its general fund.

796 Provided further, that in any Class 1 county bordering on the
797 Mississippi River wherein U.S. Highways 61 and 84 intersect, and
798 having a population in excess of thirty-seven thousand (37,000) in
799 the 1960 federal decennial census, the reporter shall receive a
800 monthly salary equal to that of the reporter of the circuit court

801 district wherein the county lies, the same to be paid monthly by
802 the county out of its general fund.

803 Provided further, that in addition to the foregoing
804 compensation, all county and family court reporters shall be paid
805 the same fees for transcript of the record on appeals as are now
806 or hereafter paid circuit court reporters for like or similar
807 work.

808 Provided further, that in any multicounty county court
809 district, the county court judge shall appoint the court reporter
810 as provided in this section, and the salary of that court reporter
811 shall be set by the Administrative Office of Courts within the
812 parameters of this section, and the Administrative Office of
813 Courts shall fairly and equitably apportion between or among the
814 counties comprising that court the proportionate responsibilities
815 for the payment of that salary.

816 SECTION 24. Section 9-9-3, Mississippi Code of 1972, which
817 provides for the establishment of a county court by agreement
818 between two (2) or more counties, is repealed.

819 SECTION 25. Section 9-9-13, Mississippi Code of 1972, which
820 authorizes the governing body of certain municipalities to
821 supplement the salaries of county judicial officers, is repealed.

822 SECTION 26. Section 9-9-14, Mississippi Code of 1972, which
823 authorizes two (2) county judgeships for Harrison County, is
824 repealed.

825 SECTION 27. Section 9-9-15, Mississippi Code of 1972, which
826 authorizes three (3) county judgeships for Hinds County, is
827 repealed.

828 SECTION 28. Section 9-9-16, Mississippi Code of 1972, which
829 authorizes two (2) county judgeships for Washington County, is
830 repealed.

831 SECTION 29. Section 9-9-17, Mississippi Code of 1972, which
832 authorizes two (2) county judgeships for Jackson County, is
833 repealed.

834 SECTION 30. Section 9-9-37, Mississippi Code of 1972, which

835 provides for the establishment or abolition of county courts, is
836 repealed.

837 SECTION 31. Section 9-9-39, Mississippi Code of 1972, which
838 provides for transfer of pending matters in any county court that
839 may be abolished, is repealed.

840 SECTION 32. Section 9-9-41, Mississippi Code of 1972, which
841 provides for the abolition of county courts in certain counties,
842 is repealed.

843 SECTION 33. Section 9-9-43, Mississippi Code of 1972, which
844 requires legislation action or election for abolition of county
845 courts in certain counties, is repealed.

846 SECTION 34. Section 9-9-45, Mississippi Code of 1972, which
847 requires the establishment or abolition of county courts under
848 certain circumstances, is repealed.

849 SECTION 35. The Attorney General of the State of Mississippi
850 is hereby directed to submit this act, immediately upon approval
851 by the Governor, or upon approval by the Legislature subsequent to
852 a veto, to the Attorney General of the United States or to the
853 United States District Court for the District of Columbia in
854 accordance with the provisions of the Voting Rights Act of 1965,
855 as amended and extended.

856 SECTION 36. Section 3(3)(c) of this act shall take effect
857 and be in force from and after the date it is effectuated under
858 Section 5 of the Voting Rights Act of 1965, as amended and
859 extended, and the remainder of this act shall take effect on that
860 date or on October 1, 1999, whichever is later.