

By: Representatives Bozeman, Banks, Clarke,
Flaggs, Robinson (63rd), Straughter, Wallace

To: Fees and Salaries of
Public Officers;
County Affairs

HOUSE BILL NO. 1030

1 AN ACT TO AMEND SECTIONS 9-1-36, 9-17-1 AND 9-17-5,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE APPOINTMENT OF
3 CERTAIN COURT EMPLOYEES BY CIRCUIT, CHANCERY AND COUNTY COURT
4 JUDGES SHALL BE SUBJECT TO THE APPROVAL OF THE BOARDS OF
5 SUPERVISORS; TO AMEND SECTIONS 9-13-1, 9-13-15, 9-13-17, 9-13-19
6 AND 9-13-61, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
7 APPOINTMENT OF COURT REPORTERS BY CIRCUIT, CHANCERY, COUNTY AND
8 FAMILY COURT JUDGES SHALL BE SUBJECT TO THE APPROVAL OF BOARDS OF
9 SUPERVISORS; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 9-1-36, Mississippi Code of 1972, is
12 amended as follows:

13 9-1-36. (1) Each circuit judge and chancellor shall receive
14 an office operating allowance for the expenses of operating the
15 office of such judge, including retaining a law clerk, legal
16 research, stenographic help, stationery, stamps, furniture, office
17 equipment, telephone, office rent and other items and expenditures
18 necessary and incident to maintaining the office of judge. Such
19 allowance shall be paid only to the extent of actual expenses
20 incurred by any such judge as itemized and certified by such judge
21 to the Supreme Court and then in an amount of not more than Four
22 Thousand Dollars (\$4,000.00) per annum; however, such judge may
23 expend sums in excess thereof from the compensation otherwise
24 provided for his office. No part of this expense or allowance
25 shall be used to pay an official court reporter for services
26 rendered to the court.

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

31 (3) Each judge who desires to employ support staff after
32 July 1, 1994, shall make application to the Administrative Office
33 of Courts by submitting to the Administrative Office of Courts a
34 proposed personnel plan, approved by the board of supervisors of
35 the county if the court district is composed of a single county or
36 by at least one-half (½) of the boards of supervisors if the court
37 district is composed of more than one (1) county, which sets forth
38 what support staff is deemed necessary. Such plan may be
39 submitted by a single judge or by any combination of judges
40 desiring to share support staff. In the process of the
41 preparation of the plan, the judges, at their request, may receive
42 advice, suggestions, recommendations and other assistance from the
43 Administrative Office of Courts. The Administrative Office of
44 Courts must approve the positions, job descriptions and salaries
45 before the positions may be filled. The Administrative Office of
46 Courts shall not approve any plan which does not first require the
47 expenditure of the funds in the support staff fund for
48 compensation of any of the support staff before expenditure is
49 authorized of county funds for that purpose. Upon approval by the
50 Administrative Office of Courts, the judge or judges may appoint
51 the employees to the position or positions, and each employee so
52 appointed will work at the will and pleasure of the judge or
53 judges who appointed him but will be employees of the
54 Administrative Office of Courts. Upon approval by the
55 Administrative Office of Courts, the appointment of any support
56 staff shall be evidenced by the entry of an order on the minutes
57 of the court. When support staff is appointed jointly by two (2)
58 or more judges, the order setting forth any appointment shall be
59 entered on the minutes of each participating court.

60 (4) The Administrative Office of Courts shall develop and
61 promulgate minimum qualifications for the certification of court
62 administrators. Any court administrator appointed on or after
63 October 1, 1996, shall be required to be certified by the
64 Administrative Office of Courts.

65 (5) Support staff shall receive compensation pursuant to
66 personnel policies established by the Administrative Office of
67 Courts; however, from and after July 1, 1994, the Administrative
68 Office of Courts shall allocate from the support staff fund an
69 amount not to exceed Forty Thousand Dollars (\$40,000.00) per
70 fiscal year (July 1 through June 30) per judge for whom support
71 staff is approved for the funding of support staff assigned to a
72 judge or judges. Any employment pursuant to this subsection shall
73 be subject to the provisions of Section 25-1-53.

74 The Administrative Office of Courts may approve expenditure
75 from the fund for additional equipment for support staff appointed
76 pursuant to this section in any year in which the allocation per
77 judge is sufficient to meet the equipment expense after provision
78 for the compensation of the support staff.

79 (6) For the purposes of this section, the following terms
80 shall have the meaning ascribed herein unless the context clearly
81 requires otherwise:

82 (a) "Judges" means circuit judges and chancellors, or
83 any combination thereof;

84 (b) "Support staff" means court administrators, law
85 clerks, legal research assistants or secretaries, or any
86 combination thereof, but shall not mean school attendance
87 officers;

88 (c) "Compensation" means the gross salary plus all
89 amounts paid for benefits or otherwise as a result of employment
90 or as required by employment; provided, however, that only salary
91 earned for services rendered shall be reported and credited for
92 Public Employees' Retirement System purposes. Amounts paid for
93 benefits or otherwise, including reimbursement for travel
94 expenses, shall not be reported or credited for retirement
95 purposes.

96 (7) Title to all tangible property, excepting stamps,
97 stationery and minor expendable office supplies, procured with
98 funds authorized by this section, shall be and forever remain in

99 the State of Mississippi to be used by the circuit judge or
100 chancellor during the term of his office and thereafter by his
101 successors.

102 (8) Any circuit judge or chancellor who did not have a
103 primary office provided by the county on March 1, 1988, shall be
104 allowed an additional Four Thousand Dollars (\$4,000.00) per annum
105 to defray the actual expenses incurred by such judge or chancellor
106 in maintaining an office; however, any circuit judge or chancellor
107 who had a primary office provided by the county on March 1, 1988,
108 and who vacated the office space after such date for a legitimate
109 reason, as determined by the Department of Finance and
110 Administration, shall be allowed the additional office expense
111 allowance provided under this subsection.

112 (9) The Supreme Court, through the Administrative Office of
113 Courts, shall submit to the Department of Finance and
114 Administration the itemized and certified expenses for office
115 operating allowances that are directed to the court pursuant to
116 this section.

117 (10) The Supreme Court, through the Administrative Office of
118 Courts, shall have the power to adopt rules and regulations
119 regarding the administration of the office operating allowance
120 authorized pursuant to this section.

121 SECTION 2. Section 9-17-1, Mississippi Code of 1972, is
122 amended as follows:

123 9-17-1. (1) The judges and chancellors of judicial
124 districts, including chancery, circuit and county courts, * * * in
125 their discretion, jointly or independently, may establish the
126 office of court administrator in any county by an order entered on
127 the minutes of each participating court in the county.

128 The establishment of the office of court administrator shall
129 be subject to the approval of the board of supervisors if the
130 court district is composed of a single county or the approval of
131 at least one-half (½) of the boards of supervisors if the court
132 district is composed of more than one (1) county and may be

133 accomplished by vote of a majority of the participating judges and
134 chancellors in the county. * * * Such court administrator shall
135 be appointed by vote of a majority of the judges or chancellors
136 and may be removed by a majority vote of the judges or
137 chancellors. In case of a tie vote, the senior judge or senior
138 chancellor shall cast two (2) votes.

139 (2) The court administrator shall be provided office space
140 by the board of supervisors in the same manner as such is afforded
141 the judges and chancellors.

142 (3) The annual salary of each court administrator appointed
143 pursuant to this section shall be set by the board of supervisors
144 of the county if the court district is composed of a single county
145 or by vote of the boards of supervisors if the court district is
146 composed of more than one (1) county upon the recommendation of
147 the judges and chancellors of each participating county and shall
148 be submitted to the Administrative Office of Courts * * * . The
149 salary shall be paid in twelve (12) installments on the last
150 working day of the month by the Administrative Office of Courts
151 after it has been authorized by the participating counties and an
152 order has been duly placed on the minutes of each participating
153 board of supervisors.

154 Any county within a judicial district having a court
155 administrator shall transfer to the Administrative Office of
156 Courts one-twelfth (1/12) of its pro rata cost of the compensation
157 * * * for the court administrator by the twentieth day of each
158 month for the compensation that is to be paid on the last day of
159 that month. The board of supervisors may transfer the pro rata
160 cost of the county from the funds of that county pursuant to
161 Section 9-17-5(2)(b).

162 (4) For all travel required in the performance of official
163 duties, the court administrator shall be paid mileage by the
164 county in which the duties were performed at the same rate as
165 provided for county employees in Section 25-3-41. The court
166 administrator shall file a certificate of mileage expense incurred

167 during that term with the board of supervisors of each
168 participating county, and payment of such expense shall be paid
169 proportionately out of the court administration fund established
170 pursuant to Section 9-17-5.

171 SECTION 3. Section 9-17-5, Mississippi Code of 1972, is
172 amended as follows:

173 9-17-5. (1) In each county where a court administrator has
174 been appointed pursuant to this chapter, a special fund in the
175 county treasury is hereby established to be known as the "court
176 administration fund."

177 (2) (a) The judges and chancellors may apply their expense
178 allowance in Section 9-1-36 to the court administration fund.

179 (b) The board of supervisors of any county within a
180 judicial district having a court administrator is authorized to
181 pay its pro rata cost of the salary and furnish an equipped office
182 for the court administrator and his staff from county funds. The
183 board of supervisors is further authorized to accept grants,
184 gifts, donations or federal funds for the benefit of the office of
185 the court administrator.

186 (c) The board of supervisors of any county within a
187 judicial district having a court administrator is authorized, in
188 its discretion, to charge, in addition to all other costs required
189 by law, an amount not to exceed Two Dollars (\$2.00) for each
190 complaint filed in the chancery, circuit and county courts of such
191 county. Any money collected pursuant to this subsection shall be
192 paid into the court administrator fund.

193 (d) Money paid into the court administration fund under
194 this chapter shall be applied to the office of the court
195 administrator for the purpose of funding that office.

196 (3) All expenditures made from the court administration fund
197 shall be upon written requisition of the court administrator
198 approved by a judge or chancellor to the county or counties of the
199 district designated by him, in proportion to the business of his
200 office in the county, and subject to the approval of the board of

201 supervisors if the court district is composed of a single county
202 or the approval of at least one-half (½) of the boards of
203 supervisors if the court district is composed of more than one (1)
204 county.

205 SECTION 4. Section 9-13-1, Mississippi Code of 1972, is
206 amended as follows:

207 9-13-1. Each circuit judge and chancellor shall appoint a
208 competent person as shorthand reporter in his district, subject to
209 the approval of the board of supervisors if the court district is
210 composed of a single county or the approval of at least one-half
211 (½) of the boards of supervisors if the court district is composed
212 of more than one (1) county. The appointment of the shorthand
213 reporter shall be made by an entry upon the minutes of the court
214 of an order to that effect, dated and signed by the judge. The
215 * * * shorthand reporter shall be known as the official court
216 reporter of the court district.

217 SECTION 5. Section 9-13-15, Mississippi Code of 1972, is
218 amended as follows:

219 9-13-15. If the court reporter is absent during the session
220 of the court, the judge or chancellor may appoint, subject to the
221 approval of the board of supervisors if the court district is
222 composed of a single county or the approval of at least one-half
223 (½) of the boards of supervisors if the court district is composed
224 of more than one (1) county, by an order entered upon the minutes
225 of the court, * * * a court reporter pro tempore, who shall be
226 sworn to faithfully discharge his duties as such, and who shall
227 perform all the duties and be liable to all the penalties and
228 punishments described for or incident to the office of court
229 reporter. The court reporter pro tempore shall be paid for his
230 services by the Administrative Office of Courts, out of the salary
231 of the regular court reporter and at the same rate as the regular
232 court reporter for the time that the court reporter pro tempore
233 shall act. The court which is being served by the court reporter
234 pro tempore shall authorize his compensation by auditing and

235 reporting the time served by the court reporter pro tempore to the
236 Administrative Office of Courts. However, if the appointment of a
237 court reporter pro tempore is made because of illness of the
238 regular court reporter, the court may authorize compensation of
239 the court reporter pro tempore from the Administrative Office of
240 Courts, subject to the approval of the board of supervisors if the
241 court district is composed of a single county or the approval of
242 at least one-half (½) of the boards of supervisors if the court
243 district is composed of more than one (1) county, without
244 diminution of the salary of the regular court reporter, for a
245 period not to exceed forty-five (45) days in any one (1) calendar
246 year. The salary of the court reporter pro tempore shall be paid
247 as provided in Section 9-13-19.

248 All acts of the court reporter pro tempore shall be as valid
249 and effectual as if done by the regular court reporter; and such
250 acts as are required to be certified and signed by the court
251 reporter shall be certified and signed by him as court reporter
252 pro tempore.

253 SECTION 6. Section 9-13-17, Mississippi Code of 1972, is
254 amended as follows:

255 9-13-17. The circuit judge, chancellor, family court judge
256 or county judge may, by an order spread upon the minutes and made
257 a part of the records of the court, appoint an additional court
258 reporter, subject to the approval of the board of supervisors if
259 the court district is composed of a single county or the approval
260 of at least one-half (½) of the boards of supervisors if the court
261 district is composed of more than one (1) county, for a term or
262 part of a term whose duties, qualifications and compensation shall
263 be the same as is now provided by law for official court
264 reporters. The additional court reporter shall be subject to the
265 control of the judge or chancellor, as is now provided by law for
266 official court reporters, and the judge or chancellor shall have
267 the additional power to terminate the appointment of such
268 additional court reporter, whenever in his opinion the necessity

269 for such an additional court reporter ceases to exist, by placing
270 upon the minutes of the court an order to that effect. The
271 regular court reporter shall not draw any compensation while the
272 assistant court reporter alone is serving; however, in the event
273 the assistant court reporter is serving because of the illness of
274 the regular court reporter, the court, subject to the approval of
275 the board of supervisors if the court district is composed of a
276 single county or the approval of at least one-half (½) of the
277 boards of supervisors if the court district is composed of more
278 than one (1) county, may authorize payment of the assistant court
279 reporter from the Administrative Office of Courts without
280 diminution of the salary of the regular court reporter, for a
281 period not to exceed forty-five (45) days in any one (1) calendar
282 year. However, in any circuit, chancery, county or family court
283 district within the State of Mississippi, if the judge or
284 chancellor shall determine that in order to relieve the
285 continuously crowded docket in such district, or for other good
286 cause shown, the appointment of an additional court reporter is
287 necessary for the proper administration of justice, he may,
288 subject to the approval of the board of supervisors if the court
289 district is composed of a single county or at least one-half (1/2)
290 of the boards of supervisors if the court district is composed of
291 more than one (1) county, by an order spread upon the minutes and
292 made a part of the records of the court, appoint an additional
293 court reporter. The additional court reporter shall serve at the
294 will and pleasure of the judge or chancellor, may be a resident of
295 any county of the state, and shall be paid a salary designated by
296 the judge or chancellor, subject to the approval of the board of
297 supervisors if the court district is composed of a single county
298 or the approval of at least one-half (½) of the boards of
299 supervisors if the court district is composed of more than one (1)
300 county, not to exceed the salary authorized by Section 9-13-19.
301 The salary of the additional court reporter shall be paid by the
302 Administrative Office of Courts, as provided in Section 9-13-19;

303 and mileage shall be paid to the additional court reporter by the
304 county as provided in the same section. The office of such
305 additional court reporter appointed under this section shall not
306 be abolished or compensation reduced during the term of office of
307 the appointing judge or chancellor without the consent and
308 approval of the appointing judge or chancellor.

309 SECTION 7. Section 9-13-19, Mississippi Code of 1972, is
310 amended as follows:

311 9-13-19. (1) Court reporters for circuit and chancery
312 courts shall be paid an annual salary of Thirty-eight Thousand
313 Dollars (\$38,000.00) payable by the Administrative Office of
314 Courts. In addition, any court reporter performing the duties of
315 a court administrator in the same judicial district in which the
316 person is employed as a court reporter may be paid additional
317 compensation for performing the court administrator duties. The
318 annual amount of the additional compensation shall be set by vote
319 of the judges and chancellors for whom the court administrator
320 duties are performed, with consideration given to the number of
321 hours per month devoted by the court reporter to performing the
322 duties of a court administrator. The additional compensation
323 shall be subject to the approval of the board of supervisors of
324 the county if the court district is composed of a single county or
325 the approval of at least one-half (½) of the boards of supervisors
326 if the court district is composed of more than one (1) county.

327 (2) The several counties in each respective court district
328 shall transfer from the general funds of those county treasuries
329 to the Administrative Office of Courts a proportionate amount to
330 be paid toward the annual compensation of the court reporter,
331 including any additional compensation paid for the performance of
332 court administrator duties. The amount to be paid by each county
333 shall be determined by the number of weeks in which court is held
334 in each county in proportion to the total number of weeks court is
335 held in the district. For purposes of this section, the term
336 "compensation" means the gross salary plus all amounts paid for

337 benefits, or otherwise, as a result of employment or as required
338 by employment, but does not include transcript fees otherwise
339 authorized to be paid by or through the counties. However, only
340 salary earned for services rendered shall be reported and credited
341 for retirement purposes. Amounts paid for transcript fees,
342 benefits or otherwise, including reimbursement for travel
343 expenses, shall not be reported or credited for retirement
344 purposes.

345 For example, if there are thirty-eight (38) scheduled court
346 weeks in a particular district, a county in which court is
347 scheduled five (5) weeks out of the year would have to pay
348 five-thirty-eighths (5/38) of the total annual compensation.

349 (3) The salary and any additional compensation for the
350 performance of court administrator duties shall be paid in twelve
351 (12) installments on the last working day of each month after it
352 has been duly authorized by the appointing judge or chancellor and
353 an order duly placed on the minutes of the court and approved by
354 the board of supervisors of the county or at least one-half (½) of
355 the boards of supervisors if the court district is composed of
356 more than one (1) county. Each county shall transfer to the
357 Administrative Office of Courts one-twelfth (1/12) of the amount
358 required to be paid pursuant to subsection (2) of this section by
359 the twentieth day of each month for the salary that is to be paid
360 on the last working day of the month. The Administrative Office
361 of Courts shall pay to the court reporter the total amount of
362 salary due for that month. Any county may pay, in the discretion
363 of the board of supervisors, by the twentieth day of January of
364 any year, the amount due for a full twelve (12) months.

365 (4) From and after October 1, 1996, all circuit and chancery
366 court reporters will be employees of the Administrative Office of
367 Courts.

368 (5) No circuit or chancery court reporter shall be entitled
369 to any compensation for any special or extended term of court

370 * * * .

371 (6) No chancery or circuit court reporter shall practice law
372 in the court within which he or she is the court reporter.

373 (7) For all travel required in the performance of official
374 duties, the circuit or chancery court reporter shall be paid
375 mileage by the county in which the duties were performed at the
376 same rate as provided for county employees in Section 25-3-41.
377 The court reporter shall file in the office of the clerk of the
378 court which he serves a certificate of mileage expense incurred
379 during that term and payment of such expense to the court reporter
380 shall be paid on allowance by the judge of such court, subject to
381 the approval of the board of supervisors of the county.

382 SECTION 8. Section 9-13-61, Mississippi Code of 1972, is
383 amended as follows:

384 9-13-61. There shall be an official court reporter for each
385 county and family court judge in the State of Mississippi, to be
386 appointed by such judge, subject to the approval of the board of
387 supervisors, for the purpose of performing the necessary and
388 required stenographic work of the court or division thereof over
389 which the appointing judge is presiding, such work to be performed
390 under the direction of such judge and in the same manner and to
391 the same effect as is provided in the chapter on court reporting.

392 Except as hereinafter provided, the reporters of the family
393 and county courts shall receive an annual salary of not less than
394 Twenty-four Thousand Dollars (\$24,000.00) and may, at the
395 discretion of the board of supervisors, receive a monthly salary
396 equal to that of the reporter of the circuit court district
397 wherein the county lies, the same to be paid monthly by the county
398 out of its general fund.

399 * * * However, * * * in any Class 1 county having a
400 population in excess of fifty-six thousand (56,000) persons
401 according to the 1970 federal decennial census, the reporter shall
402 receive a monthly salary equal to that of the reporter of the
403 circuit court district wherein the county or family court lies,
404 the same to be paid monthly by the county out of its general fund.

405 * * * In any Class 1 county bordering on the Mississippi
406 River and which has situated therein a national military park and
407 national military cemetery, and having a population in excess of
408 forty-four thousand (44,000) according to the 1970 federal
409 decennial census, the reporter shall receive a monthly salary
410 equal to that of the reporter of the circuit court district
411 wherein the county lies, the same to be paid monthly by the county
412 out of its general fund.

413 * * * In any Class 1 county bordering on the Mississippi
414 River wherein U.S. Highways 61 and 84 intersect, and having a
415 population in excess of thirty-seven thousand (37,000) in the 1960
416 federal decennial census, the reporter shall receive a monthly
417 salary equal to that of the reporter of the circuit court district
418 wherein the county lies, the same to be paid monthly by the county
419 out of its general fund.

420 * * * In addition to the foregoing compensation, all county
421 and family court reporters shall be paid the same fees for
422 transcript of the record on appeals as are * * * paid to circuit
423 court reporters for like or similar work.

424 SECTION 9. This act shall take effect and be in force from
425 and after October 1, 1999.