

By: Senator(s) Hall, Horhn, Harden

To: Fees, Salaries and  
Administration;  
County Affairs

## SENATE BILL NO. 2633

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  
157 compensation \* \* \* for the court administrator by the twentieth  
158 day of each month for the compensation that is to be paid on the  
159 last day of that month. The board of supervisors may transfer the  
160 pro rata cost of the county from the funds of that county pursuant  
161 to 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 administration 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.

215 The \* \* \* 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  
290 (1/2) of the boards of supervisors if the court district is  
291 composed of more than one (1) county, by an order spread upon the  
292 minutes and made a part of the records of the court, appoint an  
293 additional court reporter. The additional court reporter shall  
294 serve at the will and pleasure of the judge or chancellor, may be  
295 a resident of any county of the state, and shall be paid a salary  
296 designated by the judge or chancellor, subject to the approval of  
297 the board of supervisors if the court district is composed of a  
298 single county or the approval of at least one-half (½) of the  
299 boards of supervisors if the court district is composed of more  
300 than one (1) county, not to exceed the salary authorized by  
301 Section 9-13-19. The salary of the additional court reporter  
302 shall be paid by the Administrative Office of Courts, as provided

303 in Section 9-13-19; and mileage shall be paid to the additional  
304 court reporter by the county as provided in the same section. The  
305 office of such additional court reporter appointed under this  
306 section shall not be abolished or compensation reduced during the  
307 term of office of the appointing judge or chancellor without the  
308 consent and 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  
370 court \* \* \*.

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.