

By: Senator(s) Turner, Farris

To: Juvenile Justice;
AppropriationsCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2988

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

53 COUNTIES; TO REPEAL SECTION 9-9-43, MISSISSIPPI CODE OF 1972,
54 WHICH REQUIRES LEGISLATIVE ACTION OR ELECTION FOR ABOLITION OF
55 COUNTY COURTS IN CERTAIN COUNTIES; TO REPEAL SECTION 9-9-45,
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ESTABLISHMENT OR
57 ABOLITION OF COUNTY COURTS UNDER CERTAIN CIRCUMSTANCES; AND FOR
58 RELATED PURPOSES.

59 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
60

61 SECTION 1. From and after the effective date of this act,
62 all family courts are abolished. All matters pending in any
63 family court abolished shall be transferred to the county court of
64 the county wherein the family court was located without the
65 necessity for any motion or order of court for such transfer.

66 SECTION 2. From and after the effective date of this act,
67 Sections 43-23-1, 43-23-3, 43-23-5, 43-23-7, 43-23-9, 43-23-11,
68 43-23-13, 43-23-15, 43-23-17, 43-23-19, 43-23-21, 43-23-23,
69 43-23-25, 43-23-27, 43-23-29, 43-23-31, 43-23-33, 43-23-35,
70 43-23-37, 43-23-39, 43-23-41, 43-23-43, 43-23-45, 43-23-47,
71 43-23-49, 43-23-51, 43-23-53 and 43-23-55, Mississippi Code of
72 1972, which provide for the establishment and operation of family
73 courts, are repealed.

74 SECTION 3. The following provision shall be codified as
75 Section 9-9-2, Mississippi Code of 1972:

76 9-9-2. (1) Any two (2) or three (3) counties in the
77 discretion of their respective boards of supervisors may apply to
78 the Administrative Office of Courts to be designated as a county
79 court district upon condition that:

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

81 (b) At least one (1) of the counties has a population
82 of twenty-five thousand five hundred (25,500) or more according to
83 the latest decennial census, or the counties comprising the
84 proposed district have had an annual aggregate caseload in excess
85 of three hundred fifty (350) youth court referrals according to
86 the most recently available Department of Human Services
87 statistics.

88 (2) The number of multicounty county courts to be formed
89 pursuant to this section shall not exceed ten (10). In the event

90 the number of qualified applications for county court formation
91 hereunder exceeds the number allowable, the Administrative Office
92 of Courts shall use such criteria as it deems relevant in
93 approving and denying applications. The Administrative Office of
94 Courts may deny an application which is qualified on its face
95 regardless of whether the maximum number of courts have been
96 formed. Once duly formed, a county court existing under the
97 authority of this section shall not be abolished except by act of
98 the Legislature.

99 (3) Counties wishing to apply for designation as a county
100 court pursuant to the provisions of this section shall do so on a
101 form to be prescribed by the Administrative Office of Courts by
102 means of a resolution duly spread upon the minutes of the board of
103 supervisors.

104 (4) Counties aggrieved by the denial of an application under
105 this section have a right of appeal from the decision of the
106 Administrative Office of Courts to the Circuit Court of Hinds
107 County as is otherwise provided by law for appeals from the
108 decisions of administrative agencies.

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

111 9-9-5. (1) The county judge shall possess all of the
112 qualifications of a circuit judge as prescribed by the Mississippi
113 Constitution. * * * The county judge of a single county district
114 must be a qualified elector of the county. The county judge of a
115 multicounty district must be a qualified elector of any one (1) of
116 the counties comprising the district. The county judge shall be
117 elected by the qualified electors of the county or the county
118 court district at the time and in the manner as circuit judges are
119 elected and * * * shall hold office for the same term. Vacancies
120 in the office of county judge shall be filled in the same manner
121 as vacancies in the office of circuit judge.

122 (2) Those judges elected in the 1998 general election as
123 county court judges shall continue as the county court judges for

124 the term beginning January 1, 1999.

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) The judge elected family court judge of Harrison
133 County in the 1998 general election shall be a county court judge
134 of Harrison County from and after the effective date of Senate
135 Bill No. 2988, 1999 Regular Session.

136 (4) In a district having more than one (1) office of county
137 court judge, there shall be no distinction whatsoever in the
138 powers, duties and emoluments of those offices except that the
139 judge who has been for the longest time continuously a judge of
140 that court or, should no judge have served longer in office than
141 the others, the judge who has been for the longest time a member
142 of The Mississippi Bar shall be the senior judge. The senior
143 judge shall have the right to assign causes and dockets and, in
144 districts consisting of more than one (1) county, to set terms.

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

147 9-9-9. The county judge shall not otherwise practice
148 law * * *, but this prohibition shall not prohibit the judges of
149 the county courts from practicing in any of the courts so far as
150 to enable them to bring to a conclusion cases actually pending
151 when they were appointed or elected, in which such county judges
152 were then employed as provided in Section 9-1-25, Mississippi Code
153 of 1972, for judges of the circuit court and chancellors.

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

156 9-9-11. * * * The county court judge shall receive an annual
157 salary payable monthly out of the State General Fund in the amount

158 of One Thousand Dollars (\$1,000.00) less than the annual salary
159 which is now or shall hereafter be provided for circuit and
160 chancery judges of this state * * *. * * * The office of county
161 court judge * * * shall be a full-time position, and the holder
162 thereof shall not otherwise engage in the practice of law.

163 * * *

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

166 9-7-126. (1) There shall be allowed out of the county
167 treasury from the general county funds or any other available
168 funds payable monthly by the board of supervisors of the county
169 not less than the following amounts for the purposes of defraying
170 the salaries of deputy circuit clerks:

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

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

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

177 The above and foregoing allowances shall be for the purposes
178 of defraying the salaries of deputy circuit clerks provided such
179 allowance, upon written request of the circuit clerk, shall be
180 paid directly to the deputy circuit clerk designated by him in the
181 absence of which request said allowance shall be paid monthly to
182 the circuit clerk. Deputy circuit clerks employed under authority
183 of this section shall be deemed employees of the county. The
184 clerk shall select and supervise their public duties.

185 (2) This section shall not apply to any county having a
186 county court except that in any county electing to form a county
187 court pursuant to the provisions of Senate Bill No. 2988, 1999
188 Regular Session, the provisions of subsection (1) shall apply;
189 further, in any county in which U.S. Highway 49 and Mississippi
190 Highway 6 intersect, any county in which U.S. Highway 61 and
191 Mississippi Highway 4 intersect, any county having a population in

192 excess of fifty-seven thousand (57,000) and which is traversed by
193 the Tennessee-Tombigbee Waterway or whose county seat is within
194 twenty (20) miles of the Tennessee-Tombigbee Waterway, any county
195 bordering the State of Tennessee and the Mississippi River, and
196 any county in which U.S. Highway 82 and U.S. Highway 49E
197 intersect, the provisions of this section shall be discretionary
198 with the respective board of supervisors.

199 SECTION 8. Section 23-15-975, Mississippi Code of 1972, is
200 amended as follows:

201 23-15-975. As used in Sections 23-15-974 through 23-15-985
202 of this subarticle, the term "judicial office" includes the office
203 of justice of the Supreme Court, judge of the Court of Appeals,
204 circuit judge, chancellor and county court judge * * *. All such
205 justices and judges shall be full-time positions and such justices
206 and judges shall not engage in the practice of law before any
207 court, administrative agency or other judicial or quasi-judicial
208 forum except as provided by law for finalizing pending cases after
209 election to judicial office.

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

212 23-15-977. (1) All candidates for judicial office as
213 defined in Section 23-15-975 of this subarticle shall file their
214 intent to be a candidate with the proper officials not later than
215 the first Friday after the first Monday in May prior to the
216 general election for judicial office and shall pay to the proper
217 officials the following amounts:

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

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

222 (c) Candidates for county judge * * *, the sum of
223 Fifteen Dollars (\$15.00).

224 (2) (a) Candidates for judicial offices listed in
225 paragraphs (a) and (b) of subsection (1) of this section, and

226 candidates listed in paragraph (c) who are running in a
227 multicounty district, shall file their intent to be a candidate
228 with, and pay the proper assessment made pursuant to subsection
229 (1) of this section to, the State Board of Election Commissioners.

230 (b) Other candidates for judicial offices listed in
231 paragraph (c) of subsection (1) of this section shall file their
232 intent to be a candidate with, and pay the proper assessment made
233 pursuant to subsection (1) of this section to, the circuit clerk
234 of the proper county. The circuit clerk shall notify the county
235 commissioners of election of all persons who have filed their
236 intent to be a candidate filed with, and paid the proper
237 assessment to, such clerk. Such notification shall occur within
238 two (2) business days and shall contain all necessary information.

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

241 9-1-19. The judges of the Supreme, * * * circuit and county
242 courts, and chancellors and judges of the Court of Appeals, in
243 termtime and in vacation, may severally order the issuance of
244 writs of habeas corpus, mandamus, certiorari, supersedeas and
245 attachments, and grant injunctions and all other remedial writs,
246 in all cases where the same may properly be granted according to
247 right and justice, returnable to any court, whether the suit or
248 proceedings be pending in the district of the judge or chancellor
249 granting the same or not. The fiat of such judge or chancellor
250 shall authorize the issuance of the process for a writ returnable
251 to the proper court or before the proper officer; and all such
252 process or writs may be granted, issued and executed on Sunday.

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

255 9-1-23. The judges of the Supreme, circuit and county courts
256 and chancellors and judges of the Court of Appeals shall be
257 conservators of the peace for the state, each with full power to
258 do all acts which conservators of the peace may lawfully do; and
259 the circuit judges, * * * chancellors and county judges shall

260 reside within their respective districts * * *.

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

263 9-1-25. It shall not be lawful for any judge of the Supreme
264 Court, Court of Appeals or a judge of the circuit or county court,
265 or a chancellor to exercise the profession or employment of an
266 attorney or counsellor at law, or to be engaged in the practice of
267 law; and any person offending against this prohibition shall be
268 guilty of a high misdemeanor and be removed from office; but this
269 shall not prohibit a chancellor, * * * circuit judge, county judge
270 or a judge of the Court of Appeals from practicing in any of the
271 courts for a period of six (6) months from the time such judges or
272 chancellors assume office so far as to enable them to bring to a
273 conclusion cases actually pending when they were appointed or
274 elected in which such chancellor or judge was then employed, nor
275 shall a judge of the Supreme Court be hindered from appearing in
276 the courts of the United States in any case in which he was
277 engaged when he was appointed or elected judge.

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

280 9-1-35. The clerk of the Supreme Court and of the Court of
281 Appeals, at the expense of the state, and the clerk of every
282 circuit, county and chancery court, at the expense of the county,
283 shall keep a seal, with the style of the court around the margin
284 and the image of an eagle in the center.

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

287 9-1-36. (1) Each circuit judge, county judge and chancellor
288 shall receive an office operating allowance for the expenses of
289 operating the office of such judge, including retaining a law
290 clerk, legal research, stenographic help, stationery, stamps,
291 furniture, office equipment, telephone, office rent and other
292 items and expenditures necessary and incident to maintaining the
293 office of judge. Such allowance shall be paid only to the extent

294 of actual expenses incurred by any such judge as itemized and
295 certified by such judge to the Supreme Court and then in an amount
296 of not more than Eight Thousand Dollars (\$8,000.00) per annum;
297 however, such judge may expend sums in excess thereof from the
298 compensation otherwise provided for his office. No part of this
299 expense or allowance shall be used to pay an official court
300 reporter for services rendered to said court.

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

305 (3) Each judge who desires to employ support staff after
306 July 1, 1994, shall make application to the Administrative Office
307 of Courts by submitting to the Administrative Office of Courts a
308 proposed personnel plan setting forth what support staff is deemed
309 necessary. Such plan may be submitted by a single judge or by any
310 combination of judges desiring to share support staff. In the
311 process of the preparation of the plan, the judges, at their
312 request, may receive advice, suggestions, recommendations and
313 other assistance from the Administrative Office of Courts. The
314 Administrative Office of Courts must approve the positions, job
315 descriptions and salaries before the positions may be filled. The
316 Administrative Office of Courts shall not approve any plan which
317 does not first require the expenditure of the funds in the support
318 staff fund for compensation of any of the support staff before
319 expenditure is authorized of county funds for that purpose. Upon
320 approval by the Administrative Office of Courts, the judge or
321 judges may appoint the employees to the position or positions, and
322 each employee so appointed will work at the will and pleasure of
323 the judge or judges who appointed him but will be employees of the
324 Administrative Office of Courts. Upon approval by the
325 Administrative Office of Courts, the appointment of any support
326 staff shall be evidenced by the entry of an order on the minutes
327 of the court. When support staff is appointed jointly by two (2)

328 or more judges, the order setting forth any appointment shall be
329 entered on the minutes of each participating court.

330 (4) The Administrative Office of Courts shall develop and
331 promulgate minimum qualifications for the certification of court
332 administrators. Any court administrator appointed on or after
333 October 1, 1996, shall be required to be certified by the
334 Administrative Office of Courts.

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

344 The Administrative Office of Courts may approve expenditure
345 from the fund for additional equipment for support staff appointed
346 pursuant to this section in any year in which the allocation per
347 judge is sufficient to meet the equipment expense after provision
348 for the compensation of the support staff.

349 (6) For the purposes of this section, the following terms
350 shall have the meaning ascribed herein unless the context clearly
351 requires otherwise:

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

354 (b) "Support staff" means court administrators, law
355 clerks, legal research assistants or secretaries, or any
356 combination thereof, but shall not mean school attendance
357 officers;

358 (c) "Compensation" means the gross salary plus all
359 amounts paid for benefits or otherwise as a result of employment
360 or as required by employment; provided, however, that only salary
361 earned for services rendered shall be reported and credited for

362 Public Employees' Retirement System purposes. Amounts paid for
363 benefits or otherwise, including reimbursement for travel
364 expenses, shall not be reported or credited for retirement
365 purposes.

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

371 (8) Any * * * judge * * * who did not have a primary office
372 provided by the county on March 1, 1988, shall be allowed an
373 additional Eight Thousand Dollars (\$8,000.00) per annum to defray
374 the actual expenses incurred by such judge * * * in maintaining an
375 office; however, any * * * judge * * * who had a primary office
376 provided by the county on March 1, 1988, and who vacated the
377 office space after such date for a legitimate reason, as
378 determined by the Department of Finance and Administration, shall
379 be allowed the additional office expense allowance provided under
380 this subsection.

381 (9) The Supreme Court, through the Administrative Office of
382 Courts, shall submit to the Department of Finance and
383 Administration the itemized and certified expenses for office
384 operating allowances that are directed to the court pursuant to
385 this section.

386 (10) The Supreme Court, through the Administrative Office of
387 Courts, shall have the power to adopt rules and regulations
388 regarding the administration of the office operating allowance
389 authorized pursuant to this section.

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

392 9-9-19. (1) There shall be a court to be styled "The County
393 Court of the County of _____" in each county court
394 as set forth in subsection (2) of this section.

395 (2) A term of court shall be held in the county courthouse

396 of the county, beginning on the second Monday of each month and
397 continuing so long as may be necessary; but in counties where
398 there are two (2) circuit court districts, or in county courts
399 formed in a multicounty district, the county court shall be
400 convened in each judicial district and in each county not less
401 than four (4) times each year, and the terms of court shall be set
402 and published as is required for circuit and chancery courts.
403 Provided that in the County of Jones, a county having two (2)
404 judicial districts, that a term shall be held in the second
405 judicial district of said county on the second Monday of each
406 month; and provided that in the first judicial district a term
407 shall be held on the fourth Monday of January, the fourth Monday
408 of March, the fourth Monday of April, the fourth Monday of June
409 and the fourth Monday of October. Provided that in the County of
410 Hinds, a county having two (2) judicial districts, a term shall be
411 held in the first judicial district on the second Monday of each
412 month and in the second judicial district on the second Monday of
413 March, June, September and December, and provided further that,
414 when such terms are held concurrently, any of the county judges of
415 Hinds County may be assigned to hold all or any part of such terms
416 in either of the two (2) judicial districts. Provided, further,
417 that in the County of Bolivar, a county having two (2) judicial
418 districts, a term shall be held in the first judicial district on
419 the second Monday of April, August and December, and in the second
420 judicial district on the second Monday of January, February,
421 March, May, June, July, September, October and November. Provided,
422 however, that in the County of Harrison, a county having three (3)
423 county judges and two (2) judicial districts, that a term shall be
424 held in each judicial district concurrently each month.

425 (3) * * * The judge of the county court for good cause shown
426 may, by order spread on the minutes of the county court, designate
427 some place other than the county courthouse for the holding of
428 such term of the county court as may be designated in said order.

429 The county judge may call a special term of the county court upon

430 giving ten (10) days' notice, and such notice shall be given by
431 posting the same at the front door of the courthouse in said
432 county and by the publication of said notice for one insertion in
433 some newspaper of general circulation in the county.

434 * * *

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

437 9-9-21. (1) The jurisdiction of the county court shall be
438 as follows: It shall have jurisdiction concurrent with the
439 justice court in all matters, civil and criminal of which the
440 justice court has jurisdiction; and it shall have jurisdiction
441 concurrent with the circuit and chancery courts in all matters of
442 law and equity wherein the amount of value of the thing in
443 controversy shall not exceed, exclusive of costs and interest, the
444 sum of Seventy-five Thousand Dollars (\$75,000.00), and the
445 jurisdiction of the county court shall not be affected by any
446 setoff, counterclaim or cross-bill in such actions where the
447 amount sought to be recovered in such setoff, counterclaim or
448 cross-bill exceeds Seventy-five Thousand Dollars (\$75,000.00).
449 Provided, however, the party filing such setoff, counterclaim or
450 cross-bill which exceeds Seventy-five Thousand Dollars
451 (\$75,000.00) shall give notice to the opposite party or parties as
452 provided in Section 13-3-83, and on motion of all parties filed
453 within twenty (20) days after the filing of such setoff,
454 counterclaim or cross-bill, the county court shall transfer the
455 case to the circuit or chancery court wherein the county court is
456 situated and which would otherwise have jurisdiction. It shall
457 have exclusively the jurisdiction heretofore exercised by the
458 justice court in the following matters and causes: namely,
459 eminent domain, the partition of personal property, and actions of
460 unlawful entry and detainer, provided that the actions of eminent
461 domain and unlawful entry and detainer may be returnable and
462 triable before the judge of said court in vacation.

463 (2) In * * * multicounty county court districts * * *, it

464 shall be lawful for such court sitting in one (1) county to act
465 upon any and all matters of which it has jurisdiction as provided
466 by law arising in the other county under the jurisdiction of said
467 court.

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

470 9-9-23. The county judge shall have power to issue writs,
471 and to try matters, of habeas corpus on application to him
472 therefor, or when made returnable before him by a superior judge.
473 He shall also have the power to order the issuance of writs of
474 certiorari, supersedeas, attachments, and other remedial writs in
475 all cases pending in, or within the jurisdiction of, his court.
476 He shall have the authority to issue search warrants in his
477 district returnable to his own court or to any court of a justice
478 court judge within his district in the same manner as is provided
479 by law for the issuance of search warrants by justice court
480 judges. In all cases pending in, or within the jurisdiction of,
481 his court, he shall have, in term time, and in vacation, the power
482 to order, do or determine to the same extent and in the same
483 manner as a justice court judge or a circuit judge or a chancellor
484 could do in term time or in vacation in such cases. But he shall
485 not have original power to issue writs of injunction, or other
486 remedial writs in equity or in law except in those cases
487 hereinabove specified as being within his jurisdiction. Provided,
488 however, that when any judge or chancellor authorized to issue
489 such writs of injunction, or any other equitable or legal remedial
490 writs hereinabove reserved, shall so direct in writing the hearing
491 of application therefor may be by him referred to the county
492 judge, in which event the said direction of the superior judge
493 shall vest in the said county judge all authority to take such
494 action on said application as the said superior judge could have
495 taken under the right and the law, had the said application been
496 at all times before the said superior judge. The jurisdiction
497 authorized under the foregoing proviso shall cease upon the

498 denying or granting of the application.

499 SECTION 18. Section 43-21-107, Mississippi Code of 1972, is
500 amended as follows:

501 43-21-107.

502 * * *

503 (1) A youth court division is hereby created as a division
504 of the county court of each county now or hereafter having a
505 county court * * *, and the county judge shall be the judge of the
506 youth court unless another judge is named by the county judge as
507 provided by this chapter.

508 (2) A youth court division is hereby created as a division
509 of the chancery court of each county in which no county
510 court * * * is maintained and any chancellor within a chancery
511 court district shall be the judge of the youth court of that
512 county within such chancery court district unless another judge is
513 named by the senior chancellor of the county or chancery court
514 district as provided by this chapter.

515 (3) In any county where there is no county court or family
516 court on July 1, 1979, there may be created a youth court division
517 as a division of the municipal court in any city if the governing
518 authorities of such city adopt a resolution to that effect. The
519 cost of the youth court division of the municipal court shall be
520 paid from any funds available to the municipality for such
521 purposes excluding state and county funds.

522 (4) The Administrative Office of Courts is authorized to
523 require county judges in courts with low youth court caseloads to
524 assist in relieving courts with heavy youth court caseloads
525 provided adequate funds are available for travel and lodging for
526 the county court judges and their court reporters.

527 SECTION 19. Section 9-9-29, Mississippi Code of 1972, is
528 amended as follows:

529 9-9-29. (1) The county court shall be a court of record
530 and, except as provided in subsection (2) of this section, the
531 clerk of the circuit court shall be the clerk of the county court,

532 and he or his deputy shall attend all the sessions of the county
533 court, and have present at all sessions, all books, records,
534 files, and papers pertaining to the term then in session. The
535 dockets, minutes, and records of the county court shall be kept,
536 so far as is practicable, in the same manner as are those of the
537 circuit court as provided by statute and the Mississippi Rules of
538 Civil Procedure. The sheriff shall be the executive officer of
539 the county court; he shall by himself, or deputy, attend all its
540 sessions, and he shall serve all process and execute all writs
541 issued therefrom in the manner as such process and writs would be
542 served and executed when issued by the justice courts, or by the
543 circuit or chancery courts according as appertains to the value of
544 the cause or matter in hand. The clerk and sheriff shall receive
545 the same fees for attendance, and for other services as are
546 allowed by law to the clerk and to the sheriffs for like duties in
547 the circuit and chancery courts; provided however, that in all
548 cases where the justice courts have concurrent jurisdiction with
549 the county court, the clerk shall be allowed to receive only such
550 fees as are allowed to justice courts, and the sheriff shall be
551 allowed only such fees as the constable in said justice court
552 would be entitled to under the law for similar services.

553 (2) The clerk of the chancery court shall be the clerk of
554 the youth court for all counties electing to form a county court
555 pursuant to the provisions of Senate Bill No. 2988, 1999 Regular
556 Session, and the clerk of the chancery court shall perform such
557 duties for the youth court as is otherwise provided by law.

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

560 43-21-111. (1) In any county not having a county
561 court * * *, the judge may appoint as provided in Section
562 43-21-123 regular or special referees who shall be attorneys at
563 law and members of the bar in good standing to act in cases
564 concerning children within the jurisdiction of the youth court,
565 and a regular referee shall hold office until removed by the

566 judge. The requirement that regular or special referees appointed
567 pursuant to this subsection be attorneys shall apply only to
568 regular or special referees who were not first appointed regular
569 or special referees prior to July 1, 1991.

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

591 (3) The judge may direct that hearings in any case or class
592 of cases be conducted in the first instance by the referee. The
593 judge may also delegate his own administrative responsibilities to
594 the referee.

595 (4) All hearings authorized to be heard by a referee shall
596 proceed in the same manner as hearings before the youth court
597 judge. A referee shall possess all powers and perform all the
598 duties of the youth court judge in the hearings authorized to be
599 heard by the referee.

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

611 (6) The salary for the referee shall be * * * as provided in
612 Section 43-21-123 * * *.

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

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

618 43-21-123. (1) Except for expenses provided by state funds
619 and/or other monies, the board of supervisors, or the municipal
620 governing board where there is a municipal youth court, shall
621 adequately provide funds for the operation of the youth court
622 division of the appropriate court in conjunction with the
623 regular * * * court budget * * *. In preparation for said
624 funding, on an annual basis at the time requested, the youth court
625 judge, regular youth court referee or administrator shall prepare
626 and submit to the board of supervisors, or the municipal governing
627 board of the youth court wherever the youth court is a municipal
628 court, an annual budget which will identify the number, staff
629 position, title and amount of annual or monthly compensation of
630 each position as well as provide for other expenditures necessary
631 to the functioning and operation of the youth court. When the
632 budget of the youth court or youth court judge is approved by the
633 board of supervisors or the governing authority of the

634 municipality, then the youth court, youth court judge, regular
635 youth court referee or administrator may employ such persons as
636 provided in the budget from time to time.

637 (2) The board of supervisors of any county in which there is
638 located a youth court, and the governing authority of any
639 municipality in which there is located a municipal youth court,
640 are each authorized to reimburse the youth court referees and
641 other county-employed youth court employees or personnel for
642 reasonable travel and expenses incurred in the performance of
643 their duties and in attending educational meetings offering
644 professional training to such persons as budgeted.

645 (3) (a) A regular youth court referee shall receive an
646 annual salary payable monthly by the Administrative Office of
647 Courts out of the State General Fund in an amount to be based on a
648 formula established by the Administrative Office of Courts which
649 shall take into account the youth court's caseload, but not to
650 exceed One Thousand Seven Hundred Dollars (\$1,700.00) per month.
651 A board of supervisors is authorized, in its discretion, to
652 supplement the salary of the regular youth court referee.

653 (b) The regular youth court referee shall be entitled
654 to support funds to carry on the business of the youth court and
655 shall have the individual discretion to appropriate those funds as
656 expense monies to assist in hiring secretarial staff and acquiring
657 materials incident to carrying on the business of the court within
658 the referee's private practice of law or may direct the use of
659 those funds through the county budget for court support supplies
660 or services. The referee shall be accountable for assuring
661 through private or county employees the proper preparation and
662 filing of all necessary tracking and other documentation attendant
663 to the administration of the youth court.

664 The Administrative Office of Courts is authorized to allocate
665 referee court support not to exceed the following amounts per
666 county specified:

667 District 1

668	<u>Alcorn County</u>	<u>\$12,000.00</u>
669	<u>Tishomingo County</u>	<u>7,000.00</u>
670	<u>Prentiss County</u>	<u>8,000.00</u>
671	<u>Union County</u>	<u>10,000.00</u>
672	<u>Pontotoc County</u>	<u>8,000.00</u>
673	<u>Itawamba County</u>	<u>12,000.00</u>
674	<u>Monroe County</u>	<u>12,000.00</u>
675	<u>District 2</u>	
676	<u>Scott County</u>	<u>\$ 8,000.00</u>
677	<u>Newton County</u>	<u>7,000.00</u>
678	<u>Jasper County</u>	<u>5,000.00</u>
679	<u>District 3</u>	
680	<u>Tate County</u>	<u>\$10,000.00</u>
681	<u>Panola County</u>	<u>12,000.00</u>
682	<u>Yalobusha County</u>	<u>9,000.00</u>
683	<u>Grenada County</u>	<u>12,000.00</u>
684	<u>Montgomery County</u>	<u>12,000.00</u>
685	<u>District 4</u>	
686	<u>Franklin County</u>	<u>\$ 8,000.00</u>
687	<u>Amite County</u>	<u>8,000.00</u>
688	<u>Walthall County</u>	<u>9,000.00</u>
689	<u>District 6</u>	
690	<u>Carroll County</u>	<u>\$ 5,000.00</u>
691	<u>Attala County</u>	<u>9,000.00</u>
692	<u>Choctaw County</u>	<u>5,000.00</u>
693	<u>Winston County</u>	<u>10,000.00</u>
694	<u>Neshoba County</u>	<u>12,000.00</u>
695	<u>Kemper County</u>	<u>5,000.00</u>
696	<u>District 7</u>	
697	<u>Tunica County</u>	<u>\$ 8,000.00</u>
698	<u>Quitman County</u>	<u>11,000.00</u>
699	<u>Tallahatchie County</u>	<u>11,000.00</u>
700	<u>District 8</u>	
701	<u>Stone County</u>	<u>\$ 8,000.00</u>

702	<u>Hancock County</u>	<u>12,000.00</u>
703	<u>District 9</u>	
704	<u>Sunflower County</u>	<u>\$12,000.00</u>
705	<u>Humphreys County</u>	<u>5,000.00</u>
706	<u>Sharkey County</u>	<u>5,000.00</u>
707	<u>Issaquena County</u>	<u>5,000.00</u>
708	<u>District 10</u>	
709	<u>Marion County</u>	<u>\$ 9,000.00</u>
710	<u>Lamar County</u>	<u>12,000.00</u>
711	<u>Pearl River County</u>	<u>12,000.00</u>
712	<u>Perry County</u>	<u>5,000.00</u>
713	<u>District 11</u>	
714	<u>Holmes County</u>	<u>\$ 5,000.00</u>
715	<u>Leake County</u>	<u>9,000.00</u>
716	<u>District 12</u>	
717	<u>Clarke County</u>	<u>\$ 7,000.00</u>
718	<u>District 13</u>	
719	<u>Simpson County</u>	<u>\$12,000.00</u>
720	<u>Smith County</u>	<u>7,000.00</u>
721	<u>Covington County</u>	<u>9,000.00</u>
722	<u>Jefferson Davis County</u>	<u>7,000.00</u>
723	<u>Lawrence County</u>	<u>5,000.00</u>
724	<u>District 14</u>	
725	<u>Chickasaw County</u>	<u>\$ 8,000.00</u>
726	<u>Webster County</u>	<u>5,000.00</u>
727	<u>Clay County</u>	<u>12,000.00</u>
728	<u>Oktibbeha County</u>	<u>11,000.00</u>
729	<u>Noxubee County</u>	<u>5,000.00</u>
730	<u>District 15</u>	
731	<u>Copiah County</u>	<u>\$12,000.00</u>
732	<u>Lincoln County</u>	<u>12,000.00</u>
733	<u>District 16</u>	
734	<u>Green County</u>	<u>\$ 5,000.00</u>
735	<u>George County</u>	<u>12,000.00</u>

736	<u>District 17</u>	
737	<u>Claiborne County</u>	<u>\$ 6,000.00</u>
738	<u>Jefferson County</u>	<u>7,000.00</u>
739	<u>Wilkinson County</u>	<u>7,000.00</u>
740	<u>District 18</u>	
741	<u>Marshall County</u>	<u>\$ 9,000.00</u>
742	<u>Benton County</u>	<u>5,000.00</u>
743	<u>Tippah County</u>	<u>7,000.00</u>
744	<u>Lafayette County</u>	<u>12,000.00</u>
745	<u>Calhoun County</u>	<u>7,000.00</u>
746	<u>District 19</u>	
747	<u>Wayne County</u>	<u>\$10,000.00</u>

748 (c) In lieu of accepting any referee support funds as
749 provided in paragraph (b) of this subsection, when permitted by
750 the Administrative Office of Courts, the senior chancellor of a
751 chancery district having at least two (2) counties which do not
752 have a county court may appoint a youth court administrator for
753 the district whose responsibility will be to perform all
754 reporting, tracking, and other duties of a court administrator for
755 all youth courts in the district which are under the chancery
756 court system. The Administrative Office of Courts shall develop a
757 formula which shall take into account youth court caseloads which
758 will justify the position of a youth court administrator in a
759 chancery district and grant permission provided in this section
760 only to those districts qualifying under the formula. The
761 Administrative Office of Courts must approve the position, job
762 description and salary before the position of youth court
763 administrator may be filled. Upon approval by the Administrative
764 Office of Courts, the senior chancellor, by the entry of an order
765 on the minutes of the youth court, may appoint the youth court
766 administrator, who will work at the will and pleasure of the
767 senior chancellor who appointed him as an employee of the
768 Administrative Office of Courts. The Administrative Office of
769 Courts shall allocate to each chancellor so electing a sum not to

770 exceed Thirty Thousand Dollars (\$30,000.00) per year to cover the
771 salary, fringe benefits and equipment of such administrator, and
772 an additional sum not to exceed One Thousand Nine Hundred Dollars
773 (\$1,900.00) to cover travel expense of the administrator.

774 (4) (a) Counties in which a county or family court existed
775 on January 1, 1999, shall make an annual contribution to the
776 Administrative Office of Courts in an amount equal to the total
777 expense for county and family court judge salaries and fringe
778 benefits for Fiscal Year 1996, divided into twelve (12) equal
779 monthly installments. Each installment is due not later than the
780 close of business on the 25th day of the month preceding the month
781 for which the installment is due, or, if the 25th day falls on a
782 holiday or weekend, on the preceding regular business day.

783 (b) Counties in which a referee salary or salaries were
784 funded as of January 1, 1999, shall make an annual contribution to
785 the Administrative Office of Courts in an amount equal to the
786 total expense, not to exceed One Thousand Seven Hundred Dollars
787 (\$1,700.00) plus fringe benefits per month, for youth court
788 referee salary and fringe benefits associated therewith for Fiscal
789 Year 1996, divided into twelve (12) equal monthly installments.
790 Each installment is due not later than the close of business on
791 the 25th day of the month preceding the month for which the
792 installment is due, or, if the 25th falls on a holiday or weekend,
793 on the preceding regular business day.

794 (c) Counties in which neither any referee nor any
795 county court judge were funded as of January 1, 1999, shall not be
796 required to make an annual contribution to the Administrative
797 Office of Courts; provided that, should a chancellor of such a
798 county elect to appoint a regular youth court referee, the county
799 shall make an annual contribution to the Administrative Office of
800 Courts in an amount to be determined by the Administrative Office
801 of Courts and based on the contributions required of counties of
802 similar size and caseload, divided into twelve (12) equal monthly
803 installments. Each installment is due not later than the close of

804 business on the 25th day of the month preceding the month for
805 which the installment is due, or, if the 25th falls on a holiday
806 or weekend, on the preceding regular business day.

807 (d) Counties failing to make the financial
808 contributions required by this subsection (4) shall forfeit their
809 right to receive their homestead exemption reimbursement in an
810 amount sufficient to repay obligations due until such time as
811 their indebtedness is satisfied or satisfactory arrangements have
812 been made. Homestead exemption reimbursements, upon demand made
813 in writing to the State Tax Commission by the Administrative
814 Office of Courts, shall be paid to the Administrative Office of
815 Courts and applied to the discharge of the obligation.

816 (5) The Administrative Office of Courts shall allocate
817 responsibility for the payment of the salary of a referee serving
818 in more than one (1) county among or between the various counties
819 according to a formula which shall take into account the youth
820 courts' caseloads.

821 (6) The Administrative Office of Courts shall allocate
822 support funds to the referee-staffed youth courts according to a
823 formula which shall take into account the youth courts' caseloads,
824 and it shall be within the discretion of the referee whether to
825 use these funds to carry on the business of the court within his
826 private law practice or to direct the use of those funds through
827 the county budget. No such funds or salary shall be paid to any
828 youth court referee or to the county in which the youth court
829 referee is not in current, full compliance with the continuing
830 education requirements of Section 43-21-111.

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

833 9-13-17. The circuit judge, chancellor * * * or county judge
834 may, by an order spread upon the minutes and made a part of the
835 records of the court, appoint an additional court reporter for a
836 term or part of a term whose duties, qualifications and
837 compensation shall be the same as is now provided by law for

838 official court reporters. The additional court reporter shall be
839 subject to the control of the judge or chancellor, as is now
840 provided by law for official court reporters, and the judge or
841 chancellor shall have the additional power to terminate the
842 appointment of such additional court reporter, whenever in his
843 opinion the necessity for such an additional court reporter ceases
844 to exist, by placing upon the minutes of the court an order to
845 that effect. The regular court reporter shall not draw any
846 compensation while the assistant court reporter alone is serving;
847 however, in the event the assistant court reporter is serving
848 because of the illness of the regular court reporter, the court
849 may authorize payment of said assistant court reporter from the
850 Administrative Office of Courts without diminution of the salary
851 of the regular court reporter, for a period not to exceed
852 forty-five (45) days in any one (1) calendar year. However, in
853 any circuit, chancery or county * * * court district within the
854 State of Mississippi, if the judge or chancellor shall determine
855 that in order to relieve the continuously crowded docket in such
856 district, or for other good cause shown, the appointment of an
857 additional court reporter is necessary for the proper
858 administration of justice, he may, with the advice and consent of
859 the board of supervisors if the court district is composed of a
860 single county and with the advice and consent of at least one-half
861 (1/2) of the boards of supervisors if the court district is
862 composed of more than one (1) county, by an order spread upon the
863 minutes and made a part of the records of the court, appoint an
864 additional court reporter. The additional court reporter shall
865 serve at the will and pleasure of the judge or chancellor, may be
866 a resident of any county of the state, and shall be paid a salary
867 designated by the judge or chancellor not to exceed the salary
868 authorized by Section 9-13-19. The salary of the additional court
869 reporter shall be paid by the Administrative Office of Courts, as
870 provided in Section 9-13-19; and mileage shall be paid to the
871 additional court reporter by the county as provided in the same

872 section. The office of such additional court reporter appointed
873 under this section shall not be abolished or compensation reduced
874 during the term of office of the appointing judge or chancellor
875 without the consent and approval of the appointing judge or
876 chancellor.

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

879 9-13-61. There shall be an official court reporter for each
880 county * * * court judge in the State of Mississippi, to be
881 appointed by such judge, for the purpose of performing the
882 necessary and required stenographic work of the court or division
883 thereof over which the appointing judge is presiding, said work to
884 be performed under the direction of such judge and in the same
885 manner and to the same effect as is provided in the chapter on
886 court reporting.

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

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

900 Provided further, that in any Class 1 county bordering on the
901 Mississippi River and which has situated therein a national
902 military park and national military cemetery, and having a
903 population in excess of forty-four thousand (44,000) according to
904 the 1970 federal decennial census, the reporter shall receive a
905 monthly salary equal to that of the reporter of the circuit court

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

908 Provided further, that in any Class 1 county bordering on the
909 Mississippi River wherein U.S. Highways 61 and 84 intersect, and
910 having a population in excess of thirty-seven thousand (37,000) in
911 the 1960 federal decennial census, the reporter shall receive a
912 monthly salary equal to that of the reporter of the circuit court
913 district wherein the county lies, the same to be paid monthly by
914 the county out of its general fund.

915 Provided further, that in addition to the foregoing
916 compensation, all county and family court reporters shall be paid
917 the same fees for transcript of the record on appeals as are now
918 or hereafter paid circuit court reporters for like or similar
919 work.

920 Provided further, that in any multicounty county court
921 district, the county court judge shall appoint the court reporter
922 as provided in this section, and the salary of that court reporter
923 shall be set by the Administrative Office of Courts within the
924 parameters of this section, and the Administrative Office of
925 Courts shall fairly and equitably apportion between or among the
926 counties comprising that court the proportionate responsibilities
927 for the payment of that salary.

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

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

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

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

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

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

946 SECTION 30. Section 9-9-37, Mississippi Code of 1972, which
947 provides for the establishment or abolition of county courts, is
948 repealed.

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

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

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

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

961 SECTION 35. The Attorney General of the State of Mississippi
962 is hereby directed to submit this act, immediately upon approval
963 by the Governor, or upon approval by the Legislature subsequent to
964 a veto, to the Attorney General of the United States or to the
965 United States District Court for the District of Columbia in
966 accordance with the provisions of the Voting Rights Act of 1965,
967 as amended and extended.

968 SECTION 36. All new programs authorized under this Senate
969 Bill No. 2988, 1999 Regular Session, shall be subject to the
970 availability of funds specifically appropriated therefor by the
971 Legislature during the 1999 Regular Session or any subsequent
972 session. It is the intent of the Legislature that this act shall
973 be codified but that no amendment to a code section or repeal of a

974 code section enacted by this Senate Bill No. 2988, 1999 Regular
975 Session, shall take effect until the Legislature has funded any
976 new programs authorized hereunder by line item appropriation, said
977 line item appropriation to be certified by the Legislative Budget
978 Office to the Secretary of State.

979 SECTION 37. This act shall take effect and be in force from
980 and after the date it is effectuated under Section 5 of the Voting
981 Rights Act of 1965, as amended and extended.