

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL**:

S.B. No. 2988: County court; allow certain counties option to create, enact state funding support of youth court (Council compromise).

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

16 SECTION 1. (1) In any county not having a county court
17 judge, the senior chancellor may establish the office of youth
18 court case manager by an order entered on the minutes of the
19 court. The youth court case manager may serve one or more youth
20 courts provided that the youth courts are in the same chancery
21 court district. In the discretion of the senior chancellor, the
22 position of youth court case manager may be a full-time or
23 part-time position, but shall not be filled by any person who is
24 also an employee of the Mississippi Department of Human Services.
25 The youth court case manager may serve as the youth court intake
26 officer as established in Section 43-21-115.

27 (2) It shall be the duty of the youth court case manager to:

28 (a) Perform all nonjudicial tasks of the youth court,
29 other than those assigned to other youth court employees;

30 (b) Maintain all statistical reports, issue case
31 numbers, and be responsible to provide the Administrative Office
32 of Courts all data concerning to the youth court served including
33 completion of all Administrative Office of Courts tracking forms;

34 (c) Serve as liaison with the media, the general
35 public, law enforcement, attorneys, witnesses and all other
36 interested parties;

37 (d) Provide general administrative support for the
38 youth court judge;

39 (e) Insure that all needed court files, evidence and
40 witnesses are before the court as and when needed, and to
41 personally appear at youth court hearings as directed by the
42 court; and

43 (f) Perform other duties assigned by the youth court
44 judge.

45 SECTION 2. (1) In any county not having a county court
46 judge, the senior chancellor may employ a youth court case manager
47 as set forth in Section 1 of this act. A senior chancellor who
48 desires to employ a youth court case manager shall make
49 application to the Administrative Office of Courts. The
50 Administrative Office of Courts must approve the position, job
51 description and salary before the position of youth court case
52 manager may be filled. Upon approval by the Administrative Office
53 of Courts, the senior chancellor may appoint the youth court case
54 manager and each youth court case manager will work at the will
55 and pleasure of the judge who appointed him but will be an
56 employee of the Administrative Office of Courts. Upon approval by
57 the Administrative Office of Courts, the appointment of any youth
58 court case manager shall be evidenced by the entry of an order on
59 the minutes of the youth court. When a youth court case manager
60 is appointed jointly by two (2) or more youth court judges, the
61 order setting forth any appointment shall be entered on the
62 minutes of each participating youth court.

63 (2) The Administrative Office of Courts shall develop and
64 promulgate minimum qualifications for the position of youth court
65 case manager.

66 (3) The Administrative Office of Courts shall allocate from
67 the General Fund, as appropriated by the Legislature, an amount
68 not to exceed Thirty Thousand Dollars (\$30,000.00) per chancery
69 court district for the employment of one (1) or more youth court
70 case managers in the chancery court district. Youth court case
71 managers shall receive compensation pursuant to personnel policies
72 established by the Administrative Office of Courts. Such
73 compensation shall be based on a formula developed by the

74 Administrative Office of Courts.

75 (4) For the purposes of this section, the following terms
76 shall have the meaning ascribed herein unless the context clearly
77 requires otherwise:

78 (a) "Youth court judge" means any chancellor serving as
79 the judge of a youth court of a county or another judge named by
80 the senior chancellor of that county or chancery court district.

81 (b) "Compensation" means the gross salary plus all
82 amounts paid for benefits or otherwise as a result of employment
83 or as required by employment; provided, however, that only salary
84 earned for services rendered shall be reported and credited for
85 Public Employees' Retirement System purposes. Amounts paid for
86 benefits or otherwise, including reimbursement for travel
87 expenses, shall not be reported or credited for retirement
88 purposes.

89 SECTION 3. Any city where the youth court division was
90 created as a division of the municipal court prior to January 1,
91 1999, pursuant to Section 43-21-107(4), may employ a youth court
92 case manager in the same manner as prescribed in Sections 1 and 2
93 of this act for counties not having a county court judge.
94 However, the Administrative Office of Courts shall allocate from
95 the General Fund, as appropriated by the Legislature, an amount
96 not to exceed Twelve Thousand Dollars (\$12,000.00), for the
97 compensation of such youth court case manager.

98 SECTION 4. (1) Each county court judge shall receive an
99 office operating allowance from the General Fund, as appropriated
100 by the Legislature, for the expenses of operating the office of
101 such judge, including legal research, stenographic help,
102 stationery, stamps, furniture, office equipment, telephone and
103 other items and expenditures necessary and incident to maintaining
104 the office of judge. Such allowance shall be paid only to the
105 extent of actual expenses incurred by any such judge as itemized
106 and certified by such judge to the Administrative Office of Courts
107 in an amount equal to the per annum office operating allowance
108 made available to each circuit and chancery judge under Section

109 9-1-36. Nothing in this section shall limit a county court judge
110 from receiving monies from any other source that may be combined
111 and expended on office operating expenses along with the office
112 operating allowance provided in this section. No part of this
113 expense or allowance shall be used to pay an official court
114 reporter for services rendered to said court.

115 (2) In addition to the amounts provided for in subsection
116 (1), there is hereby created from the General Fund, as
117 appropriated by the Legislature, a separate office allowance fund
118 for the purpose of providing support staff to county court judges
119 to be managed by the Administrative Office of Courts.

120 (3) Each county court judge who desires to employ state
121 support staff shall make application to the Administrative Office
122 of Courts by submitting to the Administrative Office of Courts a
123 proposed personnel plan setting forth what state support staff is
124 deemed necessary. Such plan may be submitted by a single judge or
125 by any combination of judges desiring to share support staff. In
126 the process of the preparation of the plan, the judges, at their
127 request, may receive advice, suggestions, recommendations and
128 other assistance from the Administrative Office of Courts. The
129 Administrative Office of Courts must approve the positions, job
130 descriptions and salaries before the positions may be filled.
131 Upon approval by the Administrative Office of Courts, the judge or
132 judges may appoint the state employees to the position or
133 positions, and each state employee so appointed will work at the
134 will and pleasure of the judge or judges who appointed him but
135 will be employees of the Administrative Office of Courts. Upon
136 approval by the Administrative Office of Courts, the appointment
137 of any state support staff shall be evidenced by the entry of an
138 order on the minutes of the court. When state support staff is
139 appointed jointly by two (2) or more judges, the order setting
140 forth any appointment shall be entered on the minutes of each
141 participating court.

142 (4) State support staff provided under this section shall
143 receive compensation pursuant to personnel policies established by

144 the Administrative Office of Courts. The Administrative Office of
145 Courts shall allocate an amount from the General Fund, as
146 appropriated by the Legislature, equal to the per annum state
147 support staff allowance made available to each circuit and
148 chancery judge under Section 9-1-36. Any employment pursuant to
149 this subsection shall be subject to the provisions of Section
150 25-1-53.

151 (5) Any allowances provided under this section shall not
152 serve to relieve the obligation of the counties to provide office
153 operating allowances and/or support staff for such county's county
154 court judge or judges. Allowances provided hereunder are for the
155 express purpose of augmenting allowances provided by the counties
156 to their county court judges. State support staff provided under
157 this section shall not take the place of any county employee and
158 no county employee serving a county court shall receive any
159 compensation under this section. State support staff provided
160 under this section shall not replace or fill any county position
161 which was funded by the county on or before January 1, 1999.
162 Nothing in this section shall limit a county court judge from
163 receiving monies from any other source that may be combined with
164 the state support staff allowance to be used to pay a portion of
165 the salary of any state support staff positions provided under
166 this section, so long as the positions conform to the personnel
167 policies of the Administrative Office of Courts.

168 (6) For the purposes of this section, the following terms
169 shall have the meaning ascribed herein unless the context clearly
170 requires otherwise:

171 (a) "Judge" means county court judge;

172 (b) "State support staff" means any person hired under
173 this section;

174 (c) "Compensation" means the gross salary plus all
175 amounts paid for benefits or otherwise as a result of employment
176 or as required by employment; provided, however, that only salary
177 earned for services rendered shall be reported and credited for
178 Public Employees' Retirement System purposes.

179 (7) Title to all tangible property, excepting stamps,
180 stationery and minor expendable office supplies, procured with
181 funds authorized by this section, shall be the property of the
182 State of Mississippi to be used by the county court judge during
183 the term of his office and thereafter by his successors.

184 (8) The Administrative Office of Courts shall develop job
185 descriptions and set salaries for all state support staff hired
186 under this section for the support of any county court judge.

187 (9) The Supreme Court, through the Administrative Office of
188 Courts, shall have the power to adopt rules and regulations
189 regarding the administration of all allowances authorized pursuant
190 to this section.

191 SECTION 5. Section 43-21-123, Mississippi Code of 1972, is
192 amended as follows:

193 43-21-123. (1) Except for expenses provided by state funds
194 and/or other monies, the board of supervisors, or the municipal
195 governing board where there is a municipal youth court, shall
196 adequately provide funds for the operation of the youth court
197 division of the chancery court in conjunction with the regular
198 chancery court budget, or the county or family courts where said
199 courts are constituted. In preparation for said funding, on an
200 annual basis at the time requested, the youth court judge or
201 administrator shall prepare and submit to the board of
202 supervisors, or the municipal governing board of the youth court
203 wherever the youth court is a municipal court, an annual budget
204 which will identify the number, staff position, title and amount
205 of annual or monthly compensation of each position as well as
206 provide for other expenditures necessary to the functioning and
207 operation of the youth court. When the budget of the youth court
208 or youth court judge is approved by the board of supervisors or
209 the governing authority of the municipality, then the youth court
210 or youth court judge may employ such persons as provided in the
211 budget from time to time.

212 (2) Except for expenses provided by state funds and/or other
213 monies, the board of supervisors of any county in which there is

214 located a youth court, and the governing authority of any
215 municipality in which there is located a municipal youth court,
216 are each authorized to reimburse the youth court judges, referees,
217 youth court administrators and case managers and other youth court
218 employees or personnel for reasonable travel and expenses incurred
219 in the performance of their duties and in attending educational
220 meetings offering professional training to such persons as
221 budgeted.

222 SECTION 6. Nothing in this act shall require any increased
223 expenditure by local governments of the State of Mississippi
224 without the prior consent of said local governmental units.

225 SECTION 7. This act shall take effect and be in force from
226 and after July 1, 1999.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF THE OFFICE OF YOUTH
2 COURT CASE MANAGER; TO PRESCRIBE THE DUTIES OF THE YOUTH COURT
3 CASE MANAGER; TO PROVIDE THAT YOUTH COURT CASE MANAGERS ARE TO BE
4 EMPLOYEES OF THE ADMINISTRATIVE OFFICE OF COURTS WORKING AT THE
5 WILL AND PLEASURE OF THE YOUTH COURT JUDGE; TO AUTHORIZE THE
6 ESTABLISHMENT OF THE OFFICE OF YOUTH COURT ADMINISTRATOR FOR ANY
7 MUNICIPAL YOUTH COURT FORMED PRIOR TO JANUARY 1, 1999; TO
8 AUTHORIZE AN OFFICE OPERATING ALLOWANCE FOR ALL COUNTY COURT
9 JUDGES; TO AUTHORIZE A STATE SUPPORT STAFF ALLOWANCE FOR COUNTY
10 COURT JUDGES; TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF
11 1972, TO INCLUDE REFEREES AND YOUTH COURT ADMINISTRATORS AND YOUTH
12 COURT CASE MANAGERS FOR THE REIMBURSEMENT OF NECESSARY TRAVEL
13 EXPENSES; TO REVISE APPOINTMENT AND COMPENSATION OF YOUTH COURT
14 SUPPORT STAFF; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X
Rob H. Smith

X
Joseph L. Warren

X
Grey F. Ferris

X
Jeffrey C. Smith

Bennie L. Turner

Ted Foster