

By: Walls, Harden

To: Juvenile Justice;  
AppropriationsCOMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3179

1 AN ACT TO AMEND SECTION 9-9-9, MISSISSIPPI CODE OF 1972, TO  
2 ESTABLISH THAT A COUNTY JUDGE SHALL NOT OTHERWISE PRACTICE LAW; TO  
3 AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO REVISE THE  
4 COMPENSATION OF THE OFFICE OF COUNTY COURT JUDGE; TO AMEND SECTION  
5 23-15-975, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
6 SECTION 9-1-19, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY  
7 OF JUDGES TO GRANT REMEDIAL WRITS; TO AMEND SECTION 9-1-23,  
8 MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT JUDGES AS THOSE  
9 WHO ARE CONSERVATORS OF THE PEACE; TO AMEND SECTION 9-1-25,  
10 MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT JUDGES AMONG  
11 THOSE WHO ARE NOT TO PRACTICE LAW; TO AMEND SECTION 9-1-35,  
12 MISSISSIPPI CODE OF 1972, TO REQUIRE THE COUNTY COURT TO OBTAIN A  
13 SEAL; TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
14 INCLUDE COUNTY COURT JUDGES AMONG THOSE FOR WHOM AN OFFICE  
15 ALLOWANCE IS APPROPRIATED; TO AMEND SECTION 9-9-23, MISSISSIPPI  
16 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 43-21-107,  
17 MISSISSIPPI CODE OF 1972, TO REMOVE ALL REFERENCES TO THE FAMILY  
18 COURT; TO AMEND SECTION 43-21-111, MISSISSIPPI CODE OF 1972, TO  
19 PROVIDE THAT STATE FUNDING WILL BE CONTINGENT ON A COUNTY'S  
20 REGULAR YOUTH COURT REFEREE COMPLYING WITH ANNUAL TRAINING  
21 REQUIREMENTS; TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF  
22 1972, TO AUTHORIZE NONSTATE GENERAL FUNDING OF YOUTH COURT  
23 REFEREES IN COUNTIES NOT HAVING A COUNTY COURT AND TO PROVIDE FOR  
24 NONSTATE GENERAL FUND AND COUNTY CONTRIBUTIONS TOWARD THE YOUTH  
25 COURT BUDGET; TO AMEND SECTIONS 9-13-17 AND 9-13-61, MISSISSIPPI  
26 CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

28 SECTION 1. Section 9-9-9, Mississippi Code of 1972, is  
29 amended as follows:[CR1]

30 9-9-9. The county judge shall not otherwise practice  
31 law \* \* \*, but this prohibition shall not prohibit the judges of  
32 the county courts from practicing in any of the courts so far as  
33 to enable them to bring to a conclusion cases actually pending  
34 when they were appointed or elected, in which such county judges  
35 were then employed as provided in Section 9-1-25, Mississippi Code  
36 of 1972, for judges of the circuit court and chancellors.

37 SECTION 2. Section 9-9-11, Mississippi Code of 1972, is  
38 amended as follows:[CR2]

39           9-9-11. \* \* \* The county court judge shall receive an annual  
40 salary payable monthly \* \* \* in the amount of One Thousand Dollars  
41 (\$1,000.00) less than the annual salary which is now or shall  
42 hereafter be provided for circuit and chancery judges of this  
43 state \* \* \*. \* \* \* The office of county court judge \* \* \* shall  
44 be a full-time position, and the holder thereof shall not  
45 otherwise engage in the practice of law.

46       \* \* \*

47           SECTION 3. Section 23-15-975, Mississippi Code of 1972, is  
48 amended as follows:[CR3]

49           23-15-975. As used in Sections 23-15-974 through 23-15-985  
50 of this subarticle, the term "judicial office" includes the office  
51 of justice of the Supreme Court, judge of the Court of Appeals,  
52 circuit judge, chancellor and county court judge \* \* \*. All such  
53 justices and judges shall be full-time positions and such justices  
54 and judges shall not engage in the practice of law before any  
55 court, administrative agency or other judicial or quasi-judicial  
56 forum except as provided by law for finalizing pending cases after  
57 election to judicial office.

58           SECTION 4. Section 9-1-19, Mississippi Code of 1972, is  
59 amended as follows:[CR4]

60           9-1-19. The judges of the Supreme, circuit and county  
61 courts, and chancellors and judges of the Court of Appeals, in  
62 termtime and in vacation, may severally order the issuance of  
63 writs of habeas corpus, mandamus, certiorari, supersedeas and  
64 attachments, and grant injunctions and all other remedial writs,  
65 in all cases where the same may properly be granted according to  
66 right and justice, returnable to any court, whether the suit or  
67 proceedings be pending in the district of the judge or chancellor  
68 granting the same or not. The fiat of such judge or chancellor  
69 shall authorize the issuance of the process for a writ returnable  
70 to the proper court or before the proper officer; and all such  
71 process or writs may be granted, issued and executed on Sunday.

72 SECTION 5. Section 9-1-23, Mississippi Code of 1972, is  
73 amended as follows:[CR5]

74 9-1-23. The judges of the Supreme, circuit and county courts  
75 and chancellors and judges of the Court of Appeals shall be  
76 conservators of the peace for the state, each with full power to  
77 do all acts which conservators of the peace may lawfully do; and  
78 the circuit judges, chancellors and county judges shall reside  
79 within their respective districts \* \* \*.

80 SECTION 6. Section 9-1-25, Mississippi Code of 1972, is  
81 amended as follows:[CR6]

82 9-1-25. It shall not be lawful for any judge of the Supreme  
83 Court, Court of Appeals or a judge of the circuit or county court,  
84 or a chancellor to exercise the profession or employment of an  
85 attorney or counselor at law, or to be engaged in the practice of  
86 law; and any person offending against this prohibition shall be  
87 guilty of a high misdemeanor and be removed from office; but this  
88 shall not prohibit a chancellor, or circuit judge, county judge or  
89 a judge of the Court of Appeals from practicing in any of the  
90 courts for a period of six (6) months from the time such judges or  
91 chancellors assume office so far as to enable them to bring to a  
92 conclusion cases actually pending when they were appointed or  
93 elected in which such chancellor or judge was then employed, nor  
94 shall a judge of the Supreme Court be hindered from appearing in  
95 the courts of the United States in any case in which he was  
96 engaged when he was appointed or elected judge.

97 SECTION 7. Section 9-1-35, Mississippi Code of 1972, is  
98 amended as follows:[CR7]

99 9-1-35. The clerk of the Supreme Court and of the Court of  
100 Appeals, at the expense of the state, and the clerk of every  
101 circuit, county and chancery court, at the expense of the county,  
102 shall keep a seal, with the style of the court around the margin  
103 and the image of an eagle in the center.

104 SECTION 8. Section 9-1-36, Mississippi Code of 1972, is

105 amended as follows:[CR8]

106 9-1-36. (1) Each circuit judge, county judge and chancellor  
107 shall receive an office operating allowance for the expenses of  
108 operating the office of such judge, including retaining a law  
109 clerk, legal research, stenographic help, stationery, stamps,  
110 furniture, office equipment, telephone, office rent and other  
111 items and expenditures necessary and incident to maintaining the  
112 office of judge. Such allowance shall be paid only to the extent  
113 of actual expenses incurred by any such judge as itemized and  
114 certified by such judge to the Supreme Court and then in an amount  
115 of Four Thousand Dollars (\$4,000.00) per annum; however, such  
116 judge may expend sums in excess thereof from the compensation  
117 otherwise provided for his office. No part of this expense or  
118 allowance shall be used to pay an official court reporter for  
119 services rendered to said court.

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

124 (3) Each judge who desires to employ support staff after  
125 July 1, 1994, shall make application to the Administrative Office  
126 of Courts by submitting to the Administrative Office of Courts a  
127 proposed personnel plan setting forth what support staff is deemed  
128 necessary. Such plan may be submitted by a single judge or by any  
129 combination of judges desiring to share support staff. In the  
130 process of the preparation of the plan, the judges, at their  
131 request, may receive advice, suggestions, recommendations and  
132 other assistance from the Administrative Office of Courts. The  
133 Administrative Office of Courts must approve the positions, job  
134 descriptions and salaries before the positions may be filled. The  
135 Administrative Office of Courts shall not approve any plan which  
136 does not first require the expenditure of the funds in the support  
137 staff fund for compensation of any of the support staff before

138 expenditure is authorized of county funds for that purpose. Upon  
139 approval by the Administrative Office of Courts, the judge or  
140 judges may appoint the employees to the position or positions, and  
141 each employee so appointed will work at the will and pleasure of  
142 the judge or judges who appointed him but will be employees of the  
143 Administrative Office of Courts. Upon approval by the  
144 Administrative Office of Courts, the appointment of any support  
145 staff shall be evidenced by the entry of an order on the minutes  
146 of the court. When support staff is appointed jointly by two (2)  
147 or more judges, the order setting forth any appointment shall be  
148 entered on the minutes of each participating court.

149 (4) The Administrative Office of Courts shall develop and  
150 promulgate minimum qualifications for the certification of court  
151 administrators. Any court administrator appointed on or after  
152 October 1, 1996, shall be required to be certified by the  
153 Administrative Office of Courts.

154 (5) Support staff shall receive compensation pursuant to  
155 personnel policies established by the Administrative Office of  
156 Courts; however, from and after July 1, 1994, the Administrative  
157 Office of Courts shall allocate from the support staff fund an  
158 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year  
159 (July 1 through June 30) per judge for whom support staff is  
160 approved for the funding of support staff assigned to a judge or  
161 judges. Any employment pursuant to this subsection shall be  
162 subject to the provisions of Section 25-1-53.

163 The Administrative Office of Courts may approve expenditure  
164 from the fund for additional equipment for support staff appointed  
165 pursuant to this section in any year in which the allocation per  
166 judge is sufficient to meet the equipment expense after provision  
167 for the compensation of the support staff.

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) "Judges" means circuit judges, county judges and  
172 chancellors, or any combination thereof;

173 (b) "Support staff" means court administrators, law  
174 clerks, legal research assistants or secretaries, resource  
175 administrator and/or case managers appointed by a youth court  
176 judge, or any combination thereof, but shall not mean school  
177 attendance officers;

178 (c) "Compensation" means the gross salary plus all  
179 amounts paid for benefits or otherwise as a result of employment  
180 or as required by employment; provided, however, that only salary  
181 earned for services rendered shall be reported and credited for  
182 Public Employees' Retirement System purposes. Amounts paid for  
183 benefits or otherwise, including reimbursement for travel  
184 expenses, shall not be reported or credited for retirement  
185 purposes.

186 (7) Title to all tangible property, excepting stamps,  
187 stationery and minor expendable office supplies, procured with  
188 funds authorized by this section, shall be and forever remain in  
189 the State of Mississippi to be used by the \* \* \* judge \* \* \*  
190 during the term of his office and thereafter by his successors.

191 (8) Any \* \* \* judge \* \* \* who did not have a primary office  
192 provided by the county on March 1, 1988, shall be allowed an  
193 additional Four Thousand Dollars (\$4,000.00) per annum to defray  
194 the actual expenses incurred by such judge \* \* \* in maintaining an  
195 office; however, any \* \* \* judge \* \* \* who had a primary office  
196 provided by the county on March 1, 1988, and who vacated the  
197 office space after such date for a legitimate reason, as  
198 determined by the Department of Finance and Administration, shall  
199 be allowed the additional office expense allowance provided under  
200 this subsection.

201 (9) The Supreme Court, through the Administrative Office of  
202 Courts, shall submit to the Department of Finance and  
203 Administration the itemized and certified expenses for office

204 operating allowances that are directed to the court pursuant to  
205 this section.

206 (10) The Supreme Court, through the Administrative Office of  
207 Courts, shall have the power to adopt rules and regulations  
208 regarding the administration of the office operating allowance  
209 authorized pursuant to this section.

210 SECTION 9. Section 9-9-23, Mississippi Code of 1972, is  
211 amended as follows:[CR9]

212 9-9-23. The county judge shall have power to issue writs,  
213 and to try matters, of habeas corpus on application to him  
214 therefor, or when made returnable before him by a superior judge.

215 He shall also have the power to order the issuance of writs of  
216 certiorari, supersedeas, attachments, and other remedial writs in  
217 all cases pending in, or within the jurisdiction of, his court.  
218 He shall have the authority to issue search warrants in his county  
219 or district returnable to his own court or to any court of a  
220 justice court judge within his county or district in the same  
221 manner as is provided by law for the issuance of search warrants  
222 by justice court judges. In all cases pending in, or within the  
223 jurisdiction of, his court, he shall have, in termtime, and in  
224 vacation, the power to order, do or determine to the same extent  
225 and in the same manner as a justice court judge or a circuit judge  
226 or a chancellor could do in termtime or in vacation in such cases.

227 But he shall not have original power to issue writs of  
228 injunction, or other remedial writs in equity or in law except in  
229 those cases hereinabove specified as being within his  
230 jurisdiction. Provided, however, that when any judge or  
231 chancellor authorized to issue such writs of injunction, or any  
232 other equitable or legal remedial writs hereinabove reserved,  
233 shall so direct in writing the hearing of application therefor may  
234 be by him referred to the county judge, in which event the said  
235 direction of the superior judge shall vest in the said county  
236 judge all authority to take such action on said application as the

237 said superior judge could have taken under the right and the law,  
238 had the said application been at all times before the said  
239 superior judge. The jurisdiction authorized under the foregoing  
240 proviso shall cease upon the denying or granting of the  
241 application.

242 SECTION 10. Section 43-21-107, Mississippi Code of 1972, is  
243 amended as follows:[CR10]

244 43-21-107.

245 \* \* \*

246 (1) A youth court division is hereby created as a division  
247 of the county court of each county now or hereafter having a  
248 county court \* \* \*, and the county judge shall be the judge of the  
249 youth court unless another judge is named by the county judge as  
250 provided by this chapter.

251 (2) A youth court division is hereby created as a division  
252 of the chancery court of each county in which no county  
253 court \* \* \* is maintained and any chancellor within a chancery  
254 court district shall be the judge of the youth court of that  
255 county within such chancery court district unless another judge is  
256 named by the senior chancellor of the county or chancery court  
257 district as provided by this chapter.

258 (3) In any county where there is no county court \* \* \* on  
259 July 1, 1979, there may be created a youth court division as a  
260 division of the municipal court in any city if the governing  
261 authorities of such city adopt a resolution to that effect. The  
262 cost of the youth court division of the municipal court shall be  
263 paid from any funds available to the municipality for such  
264 purposes excluding state and county funds.

265 SECTION 11. Section 43-21-111, Mississippi Code of 1972, is  
266 amended as follows:[CR11]

267 43-21-111. (1) In any county not having a county  
268 court, \* \* \* the judge may appoint as provided in Section  
269 43-21-123 regular or special referees who shall be attorneys at

270 law and members of the bar in good standing to act in cases  
271 concerning children within the jurisdiction of the youth court,  
272 and a regular referee shall hold office until removed by the  
273 judge. The requirement that regular or special referees appointed  
274 pursuant to this subsection be attorneys shall apply only to  
275 regular or special referees who were not first appointed regular  
276 or special referees prior to July 1, 1991.

277 (2) Any referee appointed pursuant to subsection (1) of this  
278 section or subsection (3) of Section 43-21-107 shall be required  
279 to receive judicial training approved by the Mississippi Judicial  
280 College and shall be required to receive regular annual continuing  
281 education in the field of juvenile justice. The amount of  
282 judicial training and annual continuing education which shall be  
283 satisfactory to fulfill the requirements of this section shall  
284 conform with the amount prescribed by the Rules and Regulations  
285 for Mandatory Continuing Judicial Education promulgated by the  
286 Supreme Court. The Administrative Office of Courts shall maintain  
287 a roll of referees appointed under this section, shall enforce the  
288 provisions of this subsection, and shall maintain records on all  
289 such referees regarding such training and shall not disburse funds  
290 to any county for the budget of a youth court referee or any  
291 supplemental salary support for any regular youth court referee or  
292 municipal youth court referee who is not in compliance with the  
293 judicial training requirements. Should a referee miss two (2)  
294 consecutive training sessions sponsored or approved by the  
295 Mississippi Judicial College as required by this subsection or  
296 fail to attend one (1) such training session within six (6) months  
297 of their initial appointment as a referee, the referee shall be  
298 disqualified to serve and be immediately removed as a referee and  
299 another member of the bar shall be appointed as provided in this  
300 section.

301 (3) The judge may direct that hearings in any case or class  
302 of cases be conducted in the first instance by the referee. The

303 judge may also delegate his own administrative responsibilities to  
304 the referee.

305 (4) All hearings authorized to be heard by a referee shall  
306 proceed in the same manner as hearings before the youth court  
307 judge. A referee shall possess all powers and perform all the  
308 duties of the youth court judge in the hearings authorized to be  
309 heard by the referee.

310 (5) An order entered by the referee shall be mailed  
311 immediately to all parties and their counsel. A rehearing by the  
312 judge shall be allowed if any party files a written motion for a  
313 rehearing or on the court's own motion within three (3) days after  
314 notice of referee's order. The youth court may enlarge the time  
315 for filing a motion for a rehearing for good cause shown. Any  
316 rehearing shall be upon the record of the hearing before the  
317 referee, but additional evidence may be admitted in the discretion  
318 of the judge. A motion for a rehearing shall not act as a  
319 supersedeas of the referee's order, unless the judge shall so  
320 order.

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

323 (7) \* \* \* The judge of the chancery court may appoint a  
324 suitable person as referee to two (2) or more counties within his  
325 district \* \* \*.

326 SECTION 12. Section 43-21-123, Mississippi Code of 1972, is  
327 amended as follows:[CR12]

328 43-21-123. (1) Except for expenses provided by state funds  
329 and/or other monies, the board of supervisors, or the municipal  
330 governing board where there is a municipal youth court, shall  
331 adequately provide funds for the operation of the youth court  
332 division of the appropriate court in conjunction with the  
333 regular \* \* \* court budget \* \* \*. The Administrative Office of  
334 Courts shall establish a formula for the minimum level of  
335 compensation for all regular youth court referees and municipal

336 youth court referees which shall be based on each county's youth  
337 court caseload. Such formula shall be reviewed by the  
338 Administrative Office of Courts at least every two (2) years to  
339 ensure that the minimum regular youth court referee level of  
340 compensation is in accordance with the youth court's caseload.  
341 All counties utilizing a regular youth court referee or cities  
342 utilizing a municipal youth court referee shall provide such  
343 regular youth court referee or municipal youth court referee with  
344 a salary which is not less than the minimum level of compensation  
345 established by the Administrative Office of Courts. The formula  
346 for the minimum level of compensation for regular youth court  
347 referees shall not prohibit each county board of supervisors or  
348 city from establishing a salary for regular youth court referees  
349 or municipal youth court referees which exceeds the amount  
350 established by the Administrative Office of Courts. In  
351 preparation for said funding, on an annual basis at the time  
352 requested, the youth court judge, regular youth court referee or  
353 administrator shall prepare and submit to the board of  
354 supervisors, or the municipal governing board of the youth court  
355 wherever the youth court is a municipal court, an annual budget  
356 which will identify the number, staff position, title and amount  
357 of annual or monthly compensation of each position as well as  
358 provide for other expenditures necessary to the functioning and  
359 operation of the youth court. When the budget of the youth court  
360 or youth court judge is approved by the board of supervisors or  
361 the governing authority of the municipality, then the youth court,  
362 youth court judge, regular youth court referee or administrator  
363 may employ such persons as provided in the budget from time to  
364 time.

365 (2) The board of supervisors of any county in which there is  
366 located a youth court, and the governing authority of any  
367 municipality in which there is located a municipal youth court,  
368 are each authorized to reimburse the youth court referees and

369 other county-employed youth court employees or personnel for  
370 reasonable travel and expenses incurred in the performance of  
371 their duties and in attending educational meetings offering  
372 professional training to such persons as budgeted.

373 (3) (a) In addition to any monthly compensation provided to  
374 a regular youth court referee or municipal youth court referee by  
375 the county or city served by such regular youth court referee or  
376 municipal youth court referee pursuant to subsection (1) of this  
377 section, each regular youth court referee and municipal youth  
378 court referee may receive monthly supplemental salary support  
379 funds payable by the Administrative Office of Courts in an amount  
380 established by the Administrative Office of Courts.

381 (b) In order to ensure that all youth courts not served  
382 by a county court have sufficient support funds to carry on the  
383 business of the youth court, the Administrative Office of Courts  
384 may establish a formula for providing support for those youth  
385 courts. Youth court support funds may be available to each  
386 regular youth court referee and municipal youth court referee so  
387 long as the senior chancellor does not elect to employ a youth  
388 court administrator as set forth in subsection 3(c) of this act,  
389 and each regular youth court referee shall have the individual  
390 discretion to appropriate those funds as expense monies to assist  
391 in hiring secretarial staff and acquiring materials incident to  
392 carrying on the business of the court within the referee's private  
393 practice of law, or may direct the use of those funds through the  
394 county budget for court support supplies or services. The regular  
395 youth court referee and municipal youth court referee shall be  
396 accountable for assuring through private or county employees the  
397 proper preparation and filing of all necessary tracking and other  
398 documentation attendant to the administration of the youth court.  
399 The formula developed by the Administrative Office of Courts for  
400 providing youth court support funds shall be reviewed by the  
401 Administrative Office of Courts every two (2) years to ensure that

402 the youth court support funds provided herein are proportional to  
403 each youth court's caseload. Approval of the use of any of the  
404 youth court support funds made under this subsection shall be made  
405 by the Administrative Office of Courts in accordance with  
406 procedures established by the Administrative Office of Courts.

407 (c) In lieu of accepting any referee support funds as  
408 provided in paragraph (b) of this subsection, when permitted by  
409 the Administrative Office of Courts, the senior chancellors of  
410 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
411 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
412 administrator for the district whose responsibility will be to  
413 perform all reporting, tracking and other duties of a court  
414 administrator for all youth courts in the district which are under  
415 the chancery court system. The Administrative Office of Courts  
416 may allocate to each chancellor so electing a sum not to exceed  
417 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,  
418 fringe benefits and equipment of each administrator, and an  
419 additional sum not to exceed One Thousand Nine Hundred Dollars  
420 (\$1,900.00) to cover travel expense of the administrator.

421 (4) (a) Counties in which a county court exists shall make  
422 an annual contribution to the Administrative Office of Courts in  
423 an amount of One Hundred Eleven Thousand Three Hundred Eleven  
424 Dollars (\$111,311.00), divided into twelve (12) equal monthly  
425 installments. Each installment is due not later than the close of  
426 business on the 25th day of the month preceding the month for  
427 which the installment is due, or, if the 25th day falls on a  
428 holiday or weekend, on the preceding regular business day.

429 (b) Counties failing to make the financial  
430 contributions required by this subsection (4) of this act shall  
431 forfeit their right to receive their homestead exemption  
432 reimbursement in an amount sufficient to repay obligations due  
433 until such time as their indebtedness is satisfied or satisfactory  
434 arrangements have been made. Homestead exemption reimbursements,

435 upon demand made in writing to the State Tax Commission by the  
436 Administrative Office of Courts, shall be paid to the  
437 Administrative Office of Courts and applied to the discharge of  
438 the obligation.

439 SECTION 13. Section 9-13-17, Mississippi Code of 1972, is  
440 amended as follows:[CR13]

441 9-13-17. The circuit judge, chancellor \* \* \* or county judge  
442 may, by an order spread upon the minutes and made a part of the  
443 records of the court, appoint an additional court reporter for a  
444 term or part of a term whose duties, qualifications and  
445 compensation shall be the same as is now provided by law for  
446 official court reporters. The additional court reporter shall be  
447 subject to the control of the judge or chancellor, as is now  
448 provided by law for official court reporters, and the judge or  
449 chancellor shall have the additional power to terminate the  
450 appointment of such additional court reporter, whenever in his  
451 opinion the necessity for such an additional court reporter ceases  
452 to exist, by placing upon the minutes of the court an order to  
453 that effect. The regular court reporter shall not draw any  
454 compensation while the assistant court reporter alone is serving;  
455 however, in the event the assistant court reporter is serving  
456 because of the illness of the regular court reporter, the court  
457 may authorize payment of said assistant court reporter from the  
458 Administrative Office of Courts without diminution of the salary  
459 of the regular court reporter, for a period not to exceed  
460 forty-five (45) days in any one (1) calendar year. However, in  
461 any circuit, chancery or county \* \* \* court district within the  
462 State of Mississippi, if the judge or chancellor shall determine  
463 that in order to relieve the continuously crowded docket in such  
464 district, or for other good cause shown, the appointment of an  
465 additional court reporter is necessary for the proper  
466 administration of justice, he may, with the advice and consent of  
467 the board of supervisors if the court district is composed of a

468 single county and with the advice and consent of at least one-half  
469 (1/2) of the boards of supervisors if the court district is  
470 composed of more than one (1) county, by an order spread upon the  
471 minutes and made a part of the records of the court, appoint an  
472 additional court reporter. The additional court reporter shall  
473 serve at the will and pleasure of the judge or chancellor, may be  
474 a resident of any county of the state, and shall be paid a salary  
475 designated by the judge or chancellor not to exceed the salary  
476 authorized by Section 9-13-19. The salary of the additional court  
477 reporter shall be paid by the Administrative Office of Courts, as  
478 provided in Section 9-13-19; and mileage shall be paid to the  
479 additional court reporter by the county as provided in the same  
480 section. The office of such additional court reporter appointed  
481 under this section shall not be abolished or compensation reduced  
482 during the term of office of the appointing judge or chancellor  
483 without the consent and approval of the appointing judge or  
484 chancellor.

485 SECTION 14. Section 9-13-61, Mississippi Code of 1972, is  
486 amended as follows:[CR14]

487 9-13-61. There shall be an official court reporter for each  
488 county \* \* \* court judge in the State of Mississippi, to be  
489 appointed by such judge, for the purpose of performing the  
490 necessary and required stenographic work of the court or division  
491 thereof over which the appointing judge is presiding, said work to  
492 be performed under the direction of such judge and in the same  
493 manner and to the same effect as is provided in the chapter on  
494 court reporting.

495 Except as hereinafter provided, the reporters of said courts  
496 shall receive an annual salary of not less than Twenty-four  
497 Thousand Dollars (\$24,000.00) and may, at the discretion of the  
498 board of supervisors, receive a monthly salary equal to that of  
499 the reporter of the circuit court district wherein the county  
500 lies, the same to be paid monthly by the county out of its general

501 fund.

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

508         Provided further, that in any Class 1 county bordering on the  
509 Mississippi River and which has situated therein a national  
510 military park and national military cemetery, and having a  
511 population in excess of forty-four thousand (44,000) according to  
512 the 1970 federal decennial census, the reporter shall receive a  
513 monthly salary equal to that of the reporter of the circuit court  
514 district wherein the county lies, the same to be paid monthly by  
515 the county out of its general fund.

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

523         Provided further, that in addition to the foregoing  
524 compensation, all county and family court reporters shall be paid  
525 the same fees for transcript of the record on appeals as are now  
526 or hereafter paid circuit court reporters for like or similar  
527 work.

528         SECTION 15. This act shall take effect and be in force from  
529 and after July 1, 2000.