

By: Walls, Harden

To: Juvenile Justice;
Appropriations

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 PROVIDE FOR STATE FUNDING OF YOUTH COURT REFEREES IN
23 COUNTIES NOT HAVING A COUNTY COURT AND TO PROVIDE FOR STATE AND
24 COUNTY CONTRIBUTIONS TOWARD THE YOUTH COURT BUDGET; TO AMEND
25 SECTIONS 9-13-17 AND 9-13-61, MISSISSIPPI CODE OF 1972, IN
26 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 out of the State General Fund in the amount
41 of One Thousand Dollars (\$1,000.00) less than the annual salary
42 which is now or shall hereafter be provided for circuit and
43 chancery judges of this state * * *. * * * The office of county
44 court judge * * * shall be a full-time position, and the holder
45 thereof shall not 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 shall receive monthly supplemental salary support
379 funds payable by the Administrative Office of Courts out of the
380 State General Fund in an amount established by the Administrative
381 Office of Courts.

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

402 support funds shall be reviewed by the Administrative Office of
403 Courts every two (2) years to ensure that the youth court support
404 funds provided herein are proportional to each youth court's
405 caseload. Approval of the use of any of the youth court support
406 funds made under this subsection shall be made by the
407 Administrative Office of Courts in accordance with procedures
408 established by the Administrative Office of Courts.

409 (c) In lieu of accepting any referee support funds as
410 provided in paragraph (b) of this subsection, when permitted by
411 the Administrative Office of Courts, the senior chancellors of
412 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
413 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
414 administrator for the district whose responsibility will be to
415 perform all reporting, tracking and other duties of a court
416 administrator for all youth courts in the district which are under
417 the chancery court system. The Administrative Office of Courts
418 shall allocate to each chancellor so electing a sum not to exceed
419 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,
420 fringe benefits and equipment of each administrator, and an
421 additional sum not to exceed One Thousand Nine Hundred Dollars
422 (\$1,900.00) to cover travel expense of the administrator.

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

431 (b) Counties failing to make the financial
432 contributions required by this subsection (4) of this act shall
433 forfeit their right to receive their homestead exemption
434 reimbursement in an amount sufficient to repay obligations due

435 until such time as their indebtedness is satisfied or satisfactory
436 arrangements have been made. Homestead exemption reimbursements,
437 upon demand made in writing to the State Tax Commission by the
438 Administrative Office of Courts, shall be paid to the
439 Administrative Office of Courts and applied to the discharge of
440 the obligation.

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

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

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

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

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

497 Except as hereinafter provided, the reporters of said courts
498 shall receive an annual salary of not less than Twenty-four
499 Thousand Dollars (\$24,000.00) and may, at the discretion of the
500 board of supervisors, receive a monthly salary equal to that of

501 the reporter of the circuit court district wherein the county
502 lies, the same to be paid monthly by the county out of its general
503 fund.

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

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

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

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

530 SECTION 15. All new programs authorized under this Senate
531 Bill No. 3179, 2000 Regular Session, shall be subject to the
532 availability of funds specifically appropriated therefor by the
533 Legislature during the 2000 Regular Session or any subsequent

534 session. It is the intent of the Legislature that this act shall
535 be codified but that no amendment to a code section or repeal of a
536 code section enacted by this Senate Bill No. 3179, 2000 Regular
537 Session, shall take effect until the Legislature has funded any
538 new programs authorized hereunder by line item appropriation, said
539 line item appropriation to be certified by the Legislative Budget
540 Office to the Secretary of State.

541 SECTION 16. This act shall take effect and be in force from
542 and after July 1, 2000.