

By: Senator(s) Walls

To: Judiciary;
Appropriations

SENATE BILL NO. 3006

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:

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:

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:

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:

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:

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:

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 counsellor 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:

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:

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 and chancellors, or
172 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:

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 term time, 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 term time or in vacation in such
227 cases. 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 provision 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:

244 43-21-107. * * *

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

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

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

264 SECTION 11. Section 43-21-111, Mississippi Code of 1972, is
265 amended as follows:

266 43-21-111. (1) In any county not having a county
267 court, * * * the judge may appoint as provided in Section
268 43-21-123 regular or special referees who shall be attorneys at
269 law and members of the bar in good standing to act in cases
270 concerning children within the jurisdiction of the youth court,
271 and a regular referee shall hold office until removed by the
272 judge. The requirement that regular or special referees appointed
273 pursuant to this subsection be attorneys shall apply only to
274 regular or special referees who were not first appointed regular
275 or special referees prior to July 1, 1991.

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

298 another member of the bar shall be appointed as provided in this
299 section.

300 (3) The judge may direct that hearings in any case or class
301 of cases be conducted in the first instance by the referee. The
302 judge may also delegate his own administrative responsibilities to
303 the referee.

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

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

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

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

325 SECTION 12. Section 43-21-123, Mississippi Code of 1972, is
326 amended as follows:

327 43-21-123. (1) Except for expenses provided by state funds
328 and/or other monies, the board of supervisors, or the municipal
329 governing board where there is a municipal youth court, shall
330 adequately provide funds for the operation of the youth court

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

364 (2) The board of supervisors of any county in which there is
365 located a youth court, and the governing authority of any
366 municipality in which there is located a municipal youth court,
367 are each authorized to reimburse the youth court referees and
368 other county-employed youth court employees or personnel for
369 reasonable travel and expenses incurred in the performance of
370 their duties and in attending educational meetings offering
371 professional training to such persons as budgeted.

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

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

397 documentation attendant to the administration of the youth court.
398 The formula developed by the Administrative Office of Courts for
399 providing youth court support funds shall be reviewed by the
400 Administrative Office of Courts every two (2) years to ensure that
401 the youth court support funds provided herein are proportional to
402 each youth court's caseload. Approval of the use of any of the
403 youth court support funds made under this subsection shall be made
404 by the Administrative Office of Courts in accordance with
405 procedures established by the Administrative Office of Courts.

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

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

428 (b) Counties failing to make the financial
429 contributions required by this subsection (4) of this act shall

430 forfeit their right to receive their homestead exemption
431 reimbursement in an amount sufficient to repay obligations due
432 until such time as their indebtedness is satisfied or satisfactory
433 arrangements have been made. Homestead exemption reimbursements,
434 upon demand made in writing to the State Tax Commission by the
435 Administrative Office of Courts, shall be paid to the
436 Administrative Office of Courts and applied to the discharge of
437 the obligation.

438 SECTION 13. Section 9-13-17, Mississippi Code of 1972, is
439 amended as follows:

440 9-13-17. The circuit judge, chancellor * * * or county judge
441 may, by an order spread upon the minutes and made a part of the
442 records of the court, appoint an additional court reporter for a
443 term or part of a term whose duties, qualifications and
444 compensation shall be the same as is now provided by law for
445 official court reporters. The additional court reporter shall be
446 subject to the control of the judge or chancellor, as is now
447 provided by law for official court reporters, and the judge or
448 chancellor shall have the additional power to terminate the
449 appointment of such additional court reporter, whenever in his
450 opinion the necessity for such an additional court reporter ceases
451 to exist, by placing upon the minutes of the court an order to
452 that effect. The regular court reporter shall not draw any
453 compensation while the assistant court reporter alone is serving;
454 however, in the event the assistant court reporter is serving
455 because of the illness of the regular court reporter, the court
456 may authorize payment of said assistant court reporter from the
457 Administrative Office of Courts without diminution of the salary
458 of the regular court reporter, for a period not to exceed
459 forty-five (45) days in any one (1) calendar year. However, in
460 any circuit, chancery or county * * * court district within the
461 State of Mississippi, if the judge or chancellor shall determine
462 that in order to relieve the continuously crowded docket in such

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

484 SECTION 14. Section 9-13-61, Mississippi Code of 1972, is
485 amended as follows:

486 9-13-61. There shall be an official court reporter for each
487 county * * * court judge in the State of Mississippi, to be
488 appointed by such judge, for the purpose of performing the
489 necessary and required stenographic work of the court or division
490 thereof over which the appointing judge is presiding, said work to
491 be performed under the direction of such judge and in the same
492 manner and to the same effect as is provided in the chapter on
493 court reporting.

494 Except as hereinafter provided, the reporters of said courts
495 shall receive an annual salary of not less than Twenty-four

496 Thousand Dollars (\$24,000.00) and may, at the discretion of the
497 board of supervisors, receive a monthly salary equal to that of
498 the reporter of the circuit court district wherein the county
499 lies, the same to be paid monthly by the county out of its general
500 fund.

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

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

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

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

527 SECTION 15. The Attorney General of the State of Mississippi
528 shall submit this act, immediately upon approval by the Governor,

529 or upon approval by the Legislature subsequent to a veto, to the
530 Attorney General of the United States or to the United States
531 District Court for the District of Columbia in accordance with the
532 provisions of the Voting Rights Act of 1965, as amended and
533 extended.

534 SECTION 16. This act shall take effect and be in force from
535 and after January 1, 2002 or the date it is effectuated under
536 Section 5 of the Voting Rights Act of 1965, as amended and
537 extended, or the date of approval, whichever is later.