

By: Senator(s) Dearing

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 3037

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE COUNTY COURT JUDGES AMONG THOSE FOR WHOM AN OFFICE
3 ALLOWANCE IS APPROPRIATED; TO AMEND SECTION 43-21-111, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT STATE FUNDING WILL BE CONTINGENT ON
5 A COUNTY'S REGULAR YOUTH COURT REFEREE COMPLYING WITH ANNUAL
6 TRAINING REQUIREMENTS; TO AMEND SECTION 43-21-123, MISSISSIPPI
7 CODE OF 1972, TO PROVIDE FOR STATE AND COUNTY CONTRIBUTIONS TOWARD
8 THE YOUTH COURT BUDGET; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is
11 amended as follows:

12 9-1-36. (1) Each circuit judge, county court judge and
13 chancellor shall receive an office operating allowance for the
14 expenses of operating the office of such judge, including
15 retaining a law clerk, legal research, stenographic help,
16 stationery, stamps, furniture, office equipment, telephone, office
17 rent and other items and expenditures necessary and incident to
18 maintaining the office of judge. Such allowance shall be paid
19 only to the extent of actual expenses incurred by any such judge
20 as itemized and certified by such judge to the Supreme Court and
21 then in an amount of Four Thousand Dollars (\$4,000.00) per annum;
22 however, such judge may expend sums in excess thereof from the
23 compensation otherwise provided for his office. No part of this
24 expense or allowance shall be used to pay an official court
25 reporter for services rendered to said court.

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

30 (3) Each judge who desires to employ support staff after
31 July 1, 1994, shall make application to the Administrative Office
32 of Courts by submitting to the Administrative Office of Courts a
33 proposed personnel plan setting forth what support staff is deemed
34 necessary. Such plan may be submitted by a single judge or by any
35 combination of judges desiring to share support staff. In the
36 process of the preparation of the plan, the judges, at their
37 request, may receive advice, suggestions, recommendations and
38 other assistance from the Administrative Office of Courts. The
39 Administrative Office of Courts must approve the positions, job
40 descriptions and salaries before the positions may be filled. The
41 Administrative Office of Courts shall not approve any plan which
42 does not first require the expenditure of the funds in the support
43 staff fund for compensation of any of the support staff before
44 expenditure is authorized of county funds for that purpose. Upon
45 approval by the Administrative Office of Courts, the judge or
46 judges may appoint the employees to the position or positions, and
47 each employee so appointed will work at the will and pleasure of
48 the judge or judges who appointed him but will be employees of the
49 Administrative Office of Courts. Upon approval by the
50 Administrative Office of Courts, the appointment of any support
51 staff shall be evidenced by the entry of an order on the minutes
52 of the court. When support staff is appointed jointly by two (2)
53 or more judges, the order setting forth any appointment shall be
54 entered on the minutes of each participating court.

55 (4) The Administrative Office of Courts shall develop and
56 promulgate minimum qualifications for the certification of court
57 administrators. Any court administrator appointed on or after
58 October 1, 1996, shall be required to be certified by the
59 Administrative Office of Courts.

60 (5) Support staff shall receive compensation pursuant to
61 personnel policies established by the Administrative Office of
62 Courts; however, from and after July 1, 1994, the Administrative

63 Office of Courts shall allocate from the support staff fund an
64 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year
65 (July 1 through June 30) per judge for whom support staff is
66 approved for the funding of support staff assigned to a judge or
67 judges. Any employment pursuant to this subsection shall be
68 subject to the provisions of Section 25-1-53.

69 The Administrative Office of Courts may approve expenditure
70 from the fund for additional equipment for support staff appointed
71 pursuant to this section in any year in which the allocation per
72 judge is sufficient to meet the equipment expense after provision
73 for the compensation of the support staff.

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

77 (a) "Judges" means circuit judges, county court judges
78 and chancellors, or any combination thereof;

79 (b) "Support staff" means court administrators, law
80 clerks, legal research assistants or secretaries, resource
81 administrator or case manager appointed by a youth court judge, or
82 any combination thereof, but shall not mean school attendance
83 officers;

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

92 (7) Title to all tangible property, excepting stamps,
93 stationery and minor expendable office supplies, procured with
94 funds authorized by this section, shall be and forever remain in

95 the State of Mississippi to be used by the * * * judge * * *
96 during the term of his office and thereafter by his successors.

97 (8) Any * * * judge * * * who did not have a primary office
98 provided by the county on March 1, 1988, shall be allowed an
99 additional Four Thousand Dollars (\$4,000.00) per annum to defray
100 the actual expenses incurred by such judge * * * in maintaining an
101 office; however, any * * * judge * * * who had a primary office
102 provided by the county on March 1, 1988, and who vacated the
103 office space after such date for a legitimate reason, as
104 determined by the Department of Finance and Administration, shall
105 be allowed the additional office expense allowance provided under
106 this subsection. The county in which a * * * judge * * * sits is
107 authorized to provide funds from any available source to assist in
108 defraying the actual expenses to maintain an office.

109 (9) The Supreme Court, through the Administrative Office of
110 Courts, shall submit to the Department of Finance and
111 Administration the itemized and certified expenses for office
112 operating allowances that are directed to the court pursuant to
113 this section.

114 (10) The Supreme Court, through the Administrative Office of
115 Courts, shall have the power to adopt rules and regulations
116 regarding the administration of the office operating allowance
117 authorized pursuant to this section.

118 **SECTION 2.** Section 43-21-111, Mississippi Code of 1972, is
119 amended as follows:

120 43-21-111. (1) In any county not having a county
121 court, * * * the judge may appoint as provided in Section
122 43-21-123 regular or special referees who shall be attorneys at
123 law and members of the bar in good standing to act in cases
124 concerning children within the jurisdiction of the youth court,
125 and a regular referee shall hold office until removed by the
126 judge. The requirement that regular or special referees appointed
127 pursuant to this subsection be attorneys shall apply only to

128 regular or special referees who were not first appointed regular
129 or special referees prior to July 1, 1991.

130 (2) Any referee appointed pursuant to subsection (1) of this
131 section or subsection (3) of Section 43-21-107 shall be required
132 to receive judicial training approved by the Mississippi Judicial
133 College and shall be required to receive regular annual continuing
134 education in the field of juvenile justice. The amount of
135 judicial training and annual continuing education which shall be
136 satisfactory to fulfill the requirements of this section shall
137 conform with the amount prescribed by the Rules and Regulations
138 for Mandatory Continuing Judicial Education promulgated by the
139 Supreme Court. The Administrative Office of Courts shall maintain
140 a roll of referees appointed under this section, shall enforce the
141 provisions of this subsection, shall maintain records on all such
142 referees regarding such training, and shall not disburse funds to
143 any county for the budget of a youth court referee or municipal
144 youth court referee who is not in compliance with the judicial
145 training requirements. Should a referee miss two (2) consecutive
146 training sessions sponsored or approved by the Mississippi
147 Judicial College as required by this subsection or fail to attend
148 one (1) such training session within six (6) months of their
149 initial appointment as a referee, the referee shall be
150 disqualified to serve and be immediately removed as a referee and
151 another member of the bar shall be appointed as provided in this
152 section.

153 (3) The judge may direct that hearings in any case or class
154 of cases be conducted in the first instance by the referee. The
155 judge may also delegate his own administrative responsibilities to
156 the referee.

157 (4) All hearings authorized to be heard by a referee shall
158 proceed in the same manner as hearings before the youth court
159 judge. A referee shall possess all powers and perform all the

160 duties of the youth court judge in the hearings authorized to be
161 heard by the referee.

162 (5) An order entered by the referee shall be mailed
163 immediately to all parties and their counsel. A rehearing by the
164 judge shall be allowed if any party files a written motion for a
165 rehearing or on the court's own motion within three (3) days after
166 notice of referee's order. The youth court may enlarge the time
167 for filing a motion for a rehearing for good cause shown. Any
168 rehearing shall be upon the record of the hearing before the
169 referee, but additional evidence may be admitted in the discretion
170 of the judge. A motion for a rehearing shall not act as a
171 supersedeas of the referee's order, unless the judge shall so
172 order.

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

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

178 **SECTION 3.** Section 43-21-123, Mississippi Code of 1972, is
179 amended as follows:

180 43-21-123. (1) Except for expenses provided by state funds
181 and/or other monies, the board of supervisors, or the municipal
182 governing board where there is a municipal youth court, shall
183 adequately provide funds for the operation of the youth court
184 division of the appropriate court in conjunction with the
185 regular * * * court budget * * *. In preparation for said
186 funding, on an annual basis at the time requested, the youth court
187 judge, regular youth court referee or administrator shall prepare
188 and submit to the board of supervisors, or the municipal governing
189 board of the youth court wherever the youth court is a municipal
190 court, an annual budget which will identify the number, staff
191 position, title and amount of annual or monthly compensation of
192 each position as well as provide for other expenditures necessary

193 to the functioning and operation of the youth court. When the
194 budget of the youth court or youth court judge is approved by the
195 board of supervisors or the governing authority of the
196 municipality, then the youth court, youth court judge, regular
197 youth court referee or administrator may employ such persons as
198 provided in the budget from time to time.

199 (2) The board of supervisors of any county in which there is
200 located a youth court, and the governing authority of any
201 municipality in which there is located a municipal youth court,
202 are each authorized to reimburse the youth court referees and
203 other county-employed youth court employees or personnel for
204 reasonable travel and expenses incurred in the performance of
205 their duties and in attending educational meetings offering
206 professional training to such persons as budgeted.

207 (3) (a) In order to ensure that all youth courts not served
208 by a county court have sufficient support funds to carry on the
209 business of the youth court, the Administrative Office of Courts
210 shall establish a formula for providing state support payable from
211 the General Fund for the support of the youth courts. Youth court
212 support funds shall be available to each regular youth court
213 referee and municipal youth court referee so long as the senior
214 chancellor does not elect to employ a youth court administrator as
215 set forth in paragraph (b) of this subsection, and each regular
216 youth court referee shall have the individual discretion to
217 appropriate those funds as expense monies to assist in hiring
218 secretarial staff and acquiring materials incident to carrying on
219 the business of the court within the referee's private practice of
220 law, or may direct the use of those funds through the county
221 budget for court support supplies or services. The regular youth
222 court referee and municipal youth court referee shall be
223 accountable for assuring, through private or county employees, the
224 proper preparation and filing of all necessary tracking and other
225 documentation attendant to the administration of the youth court.

226 The formula developed by the Administrative Office of Courts for
227 providing youth court support funds shall be reviewed by the
228 Administrative Office of Courts every two (2) years to ensure that
229 the youth court support funds provided herein are proportional to
230 each youth court's caseload. Approval of the use of any of the
231 youth court support funds made under this subsection shall be made
232 by the Administrative Office of Courts in accordance with
233 procedures established by the Administrative Office of Courts.

234 (b) In lieu of accepting any referee support funds as
235 provided in paragraph (a) of this subsection, when permitted by
236 the Administrative Office of Courts, the senior chancellors of
237 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
238 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
239 administrator for the district whose responsibility will be to
240 perform all reporting, tracking and other duties of a court
241 administrator for all youth courts in the district which are under
242 the chancery court system. The Administrative Office of Courts
243 shall allocate to each chancellor so electing a sum not to exceed
244 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,
245 fringe benefits and equipment of such administrator, and an
246 additional sum not to exceed One Thousand Nine Hundred Dollars
247 (\$1,900.00) to cover travel expenses of the administrator.

248 **SECTION 4.** This act shall take effect and be in force from
249 and after July 1, 2007.