

By: Representatives Gipson, Baker, Bain,
Willis

To: Judiciary B; Fees and
Salaries of Public Officers

HOUSE BILL NO. 1049

1 AN ACT TO AMEND SECTION 9-13-19 AND 9-13-61, MISSISSIPPI CODE
2 OF 1972, TO INCREASE THE SALARY OF COURT REPORTERS IN CIRCUIT,
3 CHANCERY AND COUNTY COURTS; TO PROVIDE HOW CIRCUIT, CHANCERY AND
4 COUNTY COURT REPORTERS WILL BE PAID; TO AMEND SECTIONS 19-13-15
5 AND 9-13-17, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
6 PROVISIONS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 9-13-19, Mississippi Code of 1972, is
9 amended as follows:

10 9-13-19. (1) Court reporters for circuit and chancery
11 courts shall be paid an annual salary payable by the
12 Administrative Office of Courts not to exceed * * * Fifty Thousand
13 Five Hundred Dollars (\$50,500.00) for court reporters with five
14 (5) years' experience or less; not to exceed * * * Fifty-eight
15 Thousand Five Hundred Dollars (\$58,500.00) for court reporters who
16 have more than five (5) years' experience but less than ten (10)
17 years; and not to exceed * * * Sixty-six Thousand Dollars
18 (\$66,000.00) for court reporters who have ten (10) years or more
19 experience. In addition, any court reporter performing the duties
20 of a court administrator in the same judicial district in which



21 the person is employed as a court reporter may be paid additional
22 compensation for performing the court administrator duties. The
23 annual amount of the additional compensation shall be set by vote
24 of the judges and chancellors for whom the court administrator
25 duties are performed, with consideration given to the number of
26 hours per month devoted by the court reporter to performing the
27 duties of a court administrator. The additional compensation
28 shall be submitted to the Administrative Office of Courts for
29 approval.

30 (2) The several counties in each respective court district
31 shall transfer from the general funds of those county treasuries
32 to the Administrative Office of Courts a proportionate amount to
33 be paid toward the annual compensation of the court reporter,
34 including any additional compensation paid for the performance of
35 court administrator duties. Any increase in compensation
36 authorized by House Bill No. 1049, 2015 Regular Session, shall be
37 paid with appropriated funds from the Legislature for only one (1)
38 court reporter for each circuit or chancery judge.

39 Any additional court reporter that a circuit or chancery
40 judge seeks to employ shall be paid from the general funds of the
41 county treasury. The several counties in each respective court
42 district shall transfer from the general funds of those county
43 treasuries to the Administrative Office of Courts the compensation
44 for any additional court reporter that a circuit or chancery judge
45 seeks to employ. The amount to be paid by each county shall be



46 determined by the number of weeks in which court is held in each
47 county in proportion to the total number of weeks court is held in
48 the district. For purposes of this section, the term
49 "compensation" means the gross salary plus all amounts paid for
50 benefits, or otherwise, as a result of employment or as required
51 by employment, but does not include transcript fees otherwise
52 authorized to be paid by or through the counties. However, only
53 salary earned for services rendered shall be reported and credited
54 for retirement purposes. Amounts paid for transcript fees,
55 benefits or otherwise, including reimbursement for travel
56 expenses, shall not be reported or credited for retirement
57 purposes.

58 For example, if there are thirty-eight (38) scheduled court
59 weeks in a particular district, a county in which court is
60 scheduled five (5) weeks out of the year would have to pay
61 five-thirty-eighths (5/38) of the total annual compensation.

62 (3) The salary and any additional compensation for the
63 performance of court administrator duties shall be paid in twelve
64 (12) installments on the last working day of each month after it
65 has been duly authorized by the appointing judge or chancellor and
66 an order duly placed on the minutes of the court. Each county
67 shall transfer to the Administrative Office of Courts one-twelfth
68 (1/12) of the amount required to be paid pursuant to subsection
69 (2) of this section by the twentieth day of each month for the
70 salary that is to be paid on the last working day of the month.



71 The Administrative Office of Courts shall pay to the court
72 reporter the total amount of salary due for that month. Any
73 county may pay, in the discretion of the board of supervisors, by
74 the twentieth day of January of any year, the amount due for a
75 full twelve (12) months.

76 (4) From and after October 1, 1996, all circuit and chancery
77 court reporters will be employees of the Administrative Office of
78 Courts.

79 (5) No circuit or chancery court reporter shall be entitled
80 to any compensation for any special or extended term of court
81 after passage of this section.

82 (6) No chancery or circuit court reporter shall practice law
83 in the court within which he or she is the court reporter.

84 (7) For all travel required in the performance of official
85 duties, the circuit or chancery court reporter shall be paid
86 mileage by the county in which the duties were performed at the
87 same rate as provided for state employees in Section 25-3-41. The
88 court reporter shall file in the office of the clerk of the court
89 which he serves a certificate of mileage expense incurred during
90 that term and payment of such expense to the court reporter shall
91 be paid on allowance by the judge of such court.

92 **SECTION 2.** Section 9-13-61, Mississippi Code of 1972, is
93 amended as follows:

94 9-13-61. There shall be an official court reporter for each
95 county * * * court judge in the State of Mississippi, to be



96 appointed by such judge, for the purpose of performing the
97 necessary and required stenographic work of the court or division
98 thereof over which the appointing judge is presiding, said work to
99 be performed under the direction of such judge and in the same
100 manner and to the same effect as is provided in the chapter on
101 court reporting.

102 Except as hereinafter provided, the reporters of said * * *
103 court shall receive an annual salary of not less than * * *
104 Twenty-nine Thousand Dollars (\$29,000.00) and may, at the
105 discretion of the board of supervisors, receive a monthly salary
106 equal to that of the reporter of the circuit court district
107 wherein the county lies, the same to be paid monthly by the county
108 out of its general fund. Any increase in compensation authorized
109 by House Bill No. 1049, 2015 Regular Session, shall be paid with
110 appropriated funds from the Legislature for only one (1) court
111 reporter for each county judge.

112 Any additional court reporter that a county judge seeks to
113 employ shall be paid from the general funds of the county
114 treasury. The several counties in each respective court district
115 shall transfer from the general funds of those county treasuries
116 to the Administrative Office of Courts the compensation for any
117 additional court reporter that a county judge seeks to employ.

118 Provided, however, that in any Class 1 county having a
119 population in excess of fifty-six thousand (56,000) persons
120 according to the 1970 federal decennial census, the reporter shall



121 receive a monthly salary equal to that of the reporter of the
122 circuit court district wherein the county * * * court lies, the
123 same to be paid monthly by the county out of its general fund.

124 Provided further, that in any Class 1 county bordering on the
125 Mississippi River and which has situated therein a national
126 military park and national military cemetery, and having a
127 population in excess of forty-four thousand (44,000) according to
128 the 1970 federal decennial census, the reporter shall receive a
129 monthly salary equal to that of the reporter of the circuit court
130 district wherein the county lies, the same to be paid monthly by
131 the county out of its general fund.

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

139 Provided further, that in addition to the foregoing
140 compensation, all county * * * court reporters shall be paid the
141 same fees for transcript of the record on appeals as are now or
142 hereafter paid circuit court reporters for like or similar work.

143 **SECTION 3.** Section 9-13-15, Mississippi Code of 1972, is
144 amended as follows:



145 9-13-15. If the court reporter is absent during the session
146 of the court, the judge or chancellor may, by an order entered
147 upon the minutes of the court, appoint a court reporter pro
148 tempore, who shall be sworn to faithfully discharge his duties as
149 such, and who shall perform all the duties and be liable to all
150 the penalties and punishments described for or incident to the
151 office of court reporter. The court reporter pro tempore shall be
152 paid for his services by the Administrative Office of Courts * * *
153 and at the same rate as the regular court reporter for the time
154 that the court reporter pro tempore * * * acts. The court which
155 is being served by the court reporter pro tempore shall authorize
156 his compensation by auditing and reporting the time served by the
157 court reporter pro tempore to the Administrative Office of Courts.
158 * * * The salary of the court reporter pro tempore shall be paid
159 as provided in Section 9-13-19.

160 All acts of the court reporter pro tempore shall be as valid
161 and effectual as if done by the regular court reporter; and such
162 acts as are required to be certified and signed by the court
163 reporter shall be certified and signed by him as court reporter
164 pro tempore.

165 **SECTION 4.** Section 9-13-17, Mississippi Code of 1972, is
166 amended as follows:

167 9-13-17. The circuit judge, chancellor, * * * or county
168 judge may, by an order spread upon the minutes and made a part of
169 the records of the court, appoint an additional court reporter for



170 a term or part of a term whose duties, qualifications and
171 compensation shall be the same as is now provided by law for
172 official court reporters. The additional court reporter shall be
173 subject to the control of the judge or chancellor, as is now
174 provided by law for official court reporters, and the judge or
175 chancellor shall have the additional power to terminate the
176 appointment of such additional court reporter, whenever in his
177 opinion the necessity for such an additional court reporter ceases
178 to exist, by placing upon the minutes of the court an order to
179 that effect. * * * The additional court reporter shall be paid
180 for his services a salary designated by the judge or chancellor
181 not to exceed the salary authorized by Section 9-13-19. The
182 salary of the additional court reporter shall be paid by the
183 Administrative Office of Courts, as provided in Section 9-13-19.
184 However, in any circuit, chancery, or county * * * court district
185 within the State of Mississippi, if the judge or chancellor * * *
186 determines that in order to relieve the continuously crowded
187 docket in such district, or for other good cause shown, the
188 appointment of an additional court reporter is necessary for the
189 proper administration of justice, he may, with the advice and
190 consent of the board of supervisors if the court district is
191 composed of a single county and with the advice and consent of at
192 least one-half (1/2) of the boards of supervisors if the court
193 district is composed of more than one (1) county, by an order
194 spread upon the minutes and made a part of the records of the



195 court, appoint an additional court reporter. The additional court
196 reporter shall serve at the will and pleasure of the judge or
197 chancellor, may be a resident of any county of the state, and
198 shall be paid a salary designated by the judge or chancellor not
199 to exceed the salary authorized by Section 9-13-19. The salary of
200 the additional court reporter shall be paid by the Administrative
201 Office of Courts, as provided in Section 9-13-19; and mileage
202 shall be paid to the additional court reporter by the county as
203 provided in the same section. The office of such additional court
204 reporter appointed under this section shall not be abolished or
205 compensation reduced during the term of office of the appointing
206 judge or chancellor without the consent and approval of the
207 appointing judge or chancellor.

208 **SECTION 5.** This act shall take effect and be in force from
209 and after July 1, 2015.

