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To: Juvenile Justice;  
Appropriations

## HOUSE BILL NO. 1126

1 AN ACT TO AMEND SECTION 43-21-123, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE FOR STATE FUNDING OF YOUTH COURT REFEREES IN COUNTIES  
3 THAT DO NOT HAVE A COUNTY COURT AND TO PROVIDE FOR STATE AND  
4 COUNTY CONTRIBUTIONS TO THE YOUTH COURT BUDGET; TO AMEND SECTION  
5 9-1-19, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF  
6 JUDGES TO GRANT REMEDIAL WRITS; TO AMEND SECTION 9-1-23,  
7 MISSISSIPPI CODE OF 1972, TO INCLUDE COUNTY COURT JUDGES AS  
8 CONSERVATORS OF THE PEACE; TO AMEND SECTION 9-1-25, MISSISSIPPI  
9 CODE OF 1972, TO PROHIBIT COUNTY COURT JUDGES FROM PRACTICING LAW;  
10 TO AMEND SECTION 9-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
11 COUNTY COURT TO OBTAIN A SEAL; TO AMEND SECTION 9-1-36,  
12 MISSISSIPPI CODE OF 1972, TO ALLOW COUNTY COURT JUDGES TO BE  
13 APPROPRIATED AN OFFICE ALLOWANCE; TO AMEND SECTION 9-9-9,  
14 MISSISSIPPI CODE OF 1972, TO PROHIBIT COUNTY COURT JUDGES FROM  
15 PRACTICING LAW; TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972,  
16 TO REVISE THE COMPENSATION FOR COUNTY COURT JUDGES; TO AMEND  
17 SECTION 43-21-107, MISSISSIPPI CODE OF 1972, TO REMOVE ALL  
18 REFERENCES TO THE FAMILY COURT; TO AMEND SECTION 43-21-111,  
19 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT STATE FUNDING TO A  
20 COUNTY SHALL BE CONTINGENT ON THE COUNTY'S REGULAR YOUTH COURT  
21 REFEREE COMPLYING WITH ANNUAL TRAINING REQUIREMENTS; TO AMEND  
22 SECTIONS 9-9-23, 9-13-17, 9-13-61 AND 23-15-975, MISSISSIPPI CODE  
23 OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR  
24 RELATED PURPOSES.

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

26 SECTION 1. Section 43-21-123, Mississippi Code of 1972, is  
27 amended as follows:[BD1]

28 43-21-123. (1) Except for expenses provided by state  
29 funds \* \* \* or other monies, or both, the board of supervisors, or  
30 the municipal governing board where there is a municipal youth  
31 court, shall adequately provide funds for the operation of the  
32 youth court division of the appropriate court in conjunction with  
33 the regular \* \* \* court budget \* \* \*. The Administrative Office  
34 of Courts shall establish a formula for the minimum level of  
35 compensation for all regular youth court referees and municipal  
36 youth court referees which shall be based on each county's youth  
37 court caseload. The formula shall be reviewed by the

38 Administrative Office of Courts at least every two (2) years to  
39 ensure that the minimum regular youth court referee level of  
40 compensation is in accordance with the youth court's caseload.  
41 All counties utilizing a regular youth court referee or  
42 municipalities utilizing a municipal youth court referee shall  
43 provide the regular youth court referee or municipal youth court  
44 referee with a salary which is not less than the minimum level of  
45 compensation established by the Administrative Office of Courts.  
46 The formula for the minimum level of compensation for regular  
47 youth court referees shall not prohibit any county board of  
48 supervisors or governing authorities of a municipality from  
49 establishing a salary for regular youth court referees or  
50 municipal youth court referees which exceeds the amount  
51 established by the Administrative Office of Courts. In  
52 preparation for that funding, on an annual basis at the time  
53 requested, the youth court judge, regular youth court referee or  
54 administrator shall prepare and submit to the board of  
55 supervisors, or the municipal governing board of the youth court  
56 wherever the youth court is a municipal court, an annual budget  
57 which will identify the number, staff position, title and amount  
58 of annual or monthly compensation of each position as well as  
59 provide for other expenditures necessary to the functioning and  
60 operation of the youth court. When the budget of the youth court  
61 or youth court judge is approved by the board of supervisors or  
62 the governing authority of the municipality, then the youth  
63 court, youth court judge, regular youth court referee or  
64 administrator may employ such persons as provided in the budget  
65 from time to time.

66 (2) The board of supervisors of any county in which there is  
67 located a youth court, and the governing authority of any  
68 municipality in which there is located a municipal youth court,  
69 are each authorized to reimburse the youth court referees and  
70 other county-employed youth court employees or personnel for  
71 reasonable travel and expenses incurred in the performance of  
72 their duties and in attending educational meetings offering  
73 professional training to such persons as budgeted.

74 (3) (a) In addition to any monthly compensation provided to

75 a regular youth court referee or municipal youth court referee by  
76 the county or municipality served by such regular youth court  
77 referee or municipal youth court referee, under subsection (1) of  
78 this section, each regular youth court referee and municipal youth  
79 court referee shall receive monthly supplemental salary support  
80 funds payable by the Administrative Office of Courts out of the  
81 State General Fund in an amount established by the Administrative  
82 Office of Courts.

83 (b) To ensure that all youth courts not served by a  
84 county court shall have sufficient support funds to carry on the  
85 business of the youth court, the Administrative Office of Courts  
86 shall establish a formula for providing state support, payable  
87 from the general fund for the support of such youth courts. Such  
88 youth court support funds shall be available to each regular youth  
89 court referee and municipal youth court referee, as long as the  
90 senior chancellor does not elect to employ a youth court  
91 administrator as provided in subsection (3)(c) of this section,  
92 and each regular youth court referee shall have the individual  
93 discretion to appropriate those funds as expense monies to assist  
94 in hiring secretarial staff and acquiring materials necessary to  
95 carry on the business of the court within the referee's private  
96 practice of law or may direct the use of those funds through the  
97 county budget for court support supplies or services. The regular  
98 youth court referee and municipal youth court referee shall be  
99 accountable for assuring through private or county employees the  
100 proper preparation and filing of all necessary tracking and other  
101 documentation attendant to the administration of the youth court.  
102 The formula developed by the Administrative Office of Courts for  
103 providing youth court support funds shall be reviewed by the  
104 Administrative Office of Courts every two (2) years to ensure that  
105 the youth court support funds provided under subsection 3(a) of  
106 this section are proportional to each youth court's caseload.  
107 Approval of the use of any of the youth court support funds made

108 under this subsection shall be made by the Administrative Office  
109 of Courts in accordance with procedures established by the  
110 Administrative Office of Courts.

111 (c) In lieu of accepting any referee support funds as  
112 provided in paragraph (b) of this subsection, when permitted by  
113 the Administrative Office of Courts, the senior chancellors of  
114 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
115 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
116 administrator for the district whose responsibility will be to  
117 perform all reporting, tracking and other duties of a court  
118 administrator for all youth courts in the district which are under  
119 the chancery court system. The Administrative Office of Courts  
120 shall allocate to each chancellor so electing a sum not to exceed  
121 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,  
122 fringe benefits and equipment of such administrator, and an  
123 additional sum not to exceed One Thousand Nine Hundred Dollars  
124 (\$1,900.00) to cover travel expense of the administrator.

125 (4) (a) Counties in which a county court exists shall make  
126 an annual contribution to the Administrative Office of Courts in  
127 an amount of One Hundred Eleven Thousand Three Hundred Eleven  
128 Dollars (\$111,311.00), divided into twelve (12) equal monthly  
129 installments. Each installment is due not later than the close of  
130 business on the twenty-fifth day of the month preceding the month  
131 for which the installment is due, or, if the twenty-fifth day  
132 falls on a holiday or weekend, on the preceding regular business  
133 day.

134 (b) Counties failing to make the financial  
135 contributions required by this subsection (4) shall forfeit their  
136 right to receive their homestead exemption reimbursement in an  
137 amount sufficient to repay obligations due until such time as  
138 their indebtedness is satisfied or satisfactory arrangements have  
139 been made. Homestead exemption reimbursement, upon demand made in  
140 writing to the State Tax Commission by the Administrative Office

141 of Courts, shall be paid to the Administrative Office of Courts  
142 and applied to the discharge of the obligation.

143 SECTION 2. Section 9-1-19, Mississippi Code of 1972, is  
144 amended as follows:[BD2]

145 9-1-19. The judges of the Supreme, circuit and county courts  
146 and chancellors and judges of the Court of Appeals, in termtime  
147 and in vacation, may severally order the issuance of writs of  
148 habeas corpus, mandamus, certiorari, supersedeas and attachments,  
149 and grant injunctions and all other remedial writs, in all cases  
150 where the same may properly be granted according to right and  
151 justice, returnable to any court, whether the suit or proceedings  
152 be pending in the district of the judge or chancellor granting the  
153 same or not. The fiat of such judge or chancellor shall authorize  
154 the issuance of the process for a writ returnable to the proper  
155 court or before the proper officer; and all such process or writs  
156 may be granted, issued and executed on Sunday.

157 SECTION 3. Section 9-1-23, Mississippi Code of 1972, is  
158 amended as follows:[BD3]

159 9-1-23. The judges of the Supreme, circuit and county courts  
160 and chancellors and judges of the Court of Appeals shall be  
161 conservators of the peace for the state, each with full power to  
162 do all acts which conservators of the peace may lawfully do; and  
163 the circuit judges, chancellors and county judges shall reside  
164 within their respective districts \* \* \*.

165 SECTION 4. Section 9-1-25, Mississippi Code of 1972, is  
166 amended as follows:[BD4]

167 9-1-25. It shall \* \* \* be unlawful for any judge of the  
168 Supreme Court, Court of Appeals or a judge of the circuit or  
169 county court, or a chancellor to exercise the profession or  
170 employment of an attorney or counselor at law, or to be engaged in  
171 the practice of law; and any person offending against this  
172 prohibition shall be guilty of a high misdemeanor and be removed  
173 from office; but this shall not prohibit a chancellor, circuit

174 judge, county judge or a judge of the Court of Appeals from  
175 practicing in any of the courts for a period of six (6) months  
176 from the time such judges or chancellors assume office \* \* \* to  
177 enable them to bring to a conclusion cases actually pending when  
178 they were appointed or elected in which such chancellor or judge  
179 was then employed, nor shall a judge of the Supreme Court be  
180 hindered from appearing in the courts of the United States in any  
181 case in which he was engaged when he was appointed or elected  
182 judge.

183 SECTION 5. Section 9-1-35, Mississippi Code of 1972, is  
184 amended as follows:[BD5]

185 9-1-35. The clerk of the Supreme Court and of the Court of  
186 Appeals, at the expense of the state, and the clerk of every  
187 circuit, county and chancery court, at the expense of the county,  
188 shall keep a seal, with the style of the court around the margin  
189 and the image of an eagle in the center.

190 SECTION 6. Section 9-1-36, Mississippi Code of 1972, is  
191 amended as follows:[BD6]

192 9-1-36. (1) Each circuit judge, county judge and chancellor  
193 shall receive an office operating allowance for the expenses of  
194 operating the office of such judge, including retaining a law  
195 clerk, legal research, stenographic help, stationery, stamps,  
196 furniture, office equipment, telephone, office rent and other  
197 items and expenditures necessary and incident to maintaining the  
198 office of judge. The allowance shall be paid only to the extent  
199 of actual expenses incurred by any such judge as itemized and  
200 certified by such judge to the Supreme Court and then in an amount  
201 of Four Thousand Dollars (\$4,000.00) per annum; however, such  
202 judge may expend sums in excess thereof from the compensation  
203 otherwise provided for his office. No part of this expense or  
204 allowance shall be used to pay an official court reporter for  
205 services rendered to said court.

206 (2) In addition to the amounts provided for in subsection

207 (1), there is \* \* \* created a separate office allowance fund for  
208 the purpose of providing support staff to judges. This fund shall  
209 be managed by the Administrative Office of Courts.

210 (3) Each judge who desires to employ support staff after  
211 July 1, 1994, shall make application to the Administrative Office  
212 of Courts by submitting to the Administrative Office of Courts a  
213 proposed personnel plan setting forth what support staff is deemed  
214 necessary. Such plan may be submitted by a single judge or by any  
215 combination of judges desiring to share support staff. In the  
216 process of the preparation of the plan, the judges, at their  
217 request, may receive advice, suggestions, recommendations and  
218 other assistance from the Administrative Office of Courts. The  
219 Administrative Office of Courts must approve the positions, job  
220 descriptions and salaries before the positions may be filled. The  
221 Administrative Office of Courts shall not approve any plan which  
222 does not first require the expenditure of the funds in the support  
223 staff fund for compensation of any of the support staff before  
224 expenditure is authorized of county funds for that purpose. Upon  
225 approval by the Administrative Office of Courts, the judge or  
226 judges may appoint the employees to the position or positions, and  
227 each employee so appointed will work at the will and pleasure of  
228 the judge or judges who appointed him but will be employees of the  
229 Administrative Office of Courts. Upon approval by the  
230 Administrative Office of Courts, the appointment of any support  
231 staff shall be evidenced by the entry of an order on the minutes  
232 of the court. When support staff is appointed jointly by two (2)  
233 or more judges, the order setting forth any appointment shall be  
234 entered on the minutes of each participating court.

235 (4) The Administrative Office of Courts shall develop and  
236 promulgate minimum qualifications for the certification of court  
237 administrators. Any court administrator appointed on or after  
238 October 1, 1996, shall be required to be certified by the  
239 Administrative Office of Courts.

240 (5) Support staff shall receive compensation pursuant to  
241 personnel policies established by the Administrative Office of  
242 Courts; however, from and after July 1, 1994, the Administrative  
243 Office of Courts shall allocate from the support staff fund an  
244 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year  
245 (July 1 through June 30) per judge for whom support staff is  
246 approved for the funding of support staff assigned to a judge or  
247 judges. Any employment under this subsection shall be subject to  
248 the provisions of Section 25-1-53.

249 The Administrative Office of Courts may approve expenditure  
250 from the fund for additional equipment for support staff appointed  
251 under this section in any year in which the allocation per judge  
252 is sufficient to meet the equipment expense after provision for  
253 the compensation of the support staff.

254 (6) For the purposes of this section, the following terms  
255 shall have the meaning ascribed herein unless the context clearly  
256 requires otherwise:

257 (a) "Judges" means circuit judges, county judges and  
258 chancellors, or any combination \* \* \*;

259 (b) "Support staff" means court administrators, law  
260 clerks, legal research assistants or secretaries, resource  
261 administrator or case managers, or both, appointed by a youth  
262 court judge, or any combination \* \* \*, but shall not mean school  
263 attendance officers;

264 (c) "Compensation" means the gross salary plus all  
265 amounts paid for benefits or otherwise as a result of employment  
266 or as required by employment; \* \* \* however, \* \* \* only salary  
267 earned for services rendered shall be reported and credited for  
268 Public Employees' Retirement System purposes. Amounts paid for  
269 benefits or otherwise, including reimbursement for travel  
270 expenses, shall not be reported or credited for retirement  
271 purposes.

272 (7) Title to all tangible property, excepting stamps,



273 stationery and minor expendable office supplies, procured with  
274 funds authorized by this section, shall be and forever remain in  
275 the State of Mississippi to be used by the \* \* \* judge \* \* \*  
276 during the term of his office and \* \* \* by his successors during  
277 their terms of office.

278 (8) Any \* \* \* judge \* \* \* who did not have a primary office  
279 provided by the county on March 1, 1988, shall be allowed an  
280 additional Four Thousand Dollars (\$4,000.00) per annum to defray  
281 the actual expenses incurred \* \* \* in maintaining an office;  
282 however, any \* \* \* judge \* \* \* who had a primary office provided  
283 by the county on March 1, 1988, and who vacated the office space  
284 after such date for a legitimate reason, as determined by the  
285 Department of Finance and Administration, shall be allowed the  
286 additional office expense allowance provided under this  
287 subsection.

288 (9) The Supreme Court, through the Administrative Office of  
289 Courts, shall submit to the Department of Finance and  
290 Administration the itemized and certified expenses for office  
291 operating allowances that are directed to the court pursuant to  
292 this section.

293 (10) The Supreme Court, through the Administrative Office of  
294 Courts, shall have the power to adopt rules and regulations  
295 regarding the administration of the office operating allowance  
296 authorized pursuant to this section.

297 SECTION 7. Section 9-9-9, Mississippi Code of 1972, is  
298 amended as follows:[BD7]

299 9-9-9. The county judge shall not otherwise practice  
300 law \* \* \* but this prohibition shall not prohibit the judges of  
301 the county courts from practicing in any of the courts \* \* \* to  
302 conclude cases that are actually pending when they were appointed  
303 or elected, in which such county judges were then employed as  
304 provided in Section 9-1-25, for judges of the circuit court and  
305 chancellors.

306 SECTION 8. Section 9-9-11, Mississippi Code of 1972, is  
307 amended as follows:[BD8]

308 9-9-11. \* \* \* The county court judge shall receive an annual  
309 salary payable monthly out of the State General Fund in the amount  
310 of One Thousand Dollars (\$1,000.00) less than the annual salary  
311 which is now or shall \* \* \* be provided for circuit and chancery  
312 judges of this state. \* \* \* The office of county court judge  
313 \* \* \* shall be a full-time position, and the holder thereof shall  
314 not otherwise engage in the practice of law.

315 \* \* \*

316 SECTION 9. Section 43-21-107, Mississippi Code of 1972, is  
317 amended as follows:[BD9]

318 43-21-107. \* \* \* (1) A youth court division is \* \* \*  
319 created as a division of the county court of each county now or  
320 hereafter having a county court and which does not have a family  
321 court, and the county judge shall be the judge of the youth court  
322 unless another judge is named by the county judge as provided by  
323 this chapter.

324 (2) A youth court division is \* \* \* created as a division of  
325 the chancery court of each county in which no county court \* \* \*  
326 is maintained and any chancellor within a chancery court district  
327 shall be the judge of the youth court of that county within such  
328 chancery court district unless another judge is named by the  
329 senior chancellor of the county or chancery court district as  
330 provided by this chapter.

331 (3) In any county where there is no county court \* \* \* on  
332 July 1, 1979, there may be created a youth court division as a  
333 division of the municipal court in any city if the governing  
334 authorities of such city adopt a resolution to that effect. The  
335 cost of the youth court division of the municipal court shall be  
336 paid from any funds available to the municipality for such  
337 purposes excluding state and county funds.

338 SECTION 10. Section 43-21-111, Mississippi Code of 1972, is

339 amended as follows:[BD10]

340 43-21-111. (1) In any county not having a county court,  
341 \* \* \* the judge may appoint as provided in Section 43-21-123  
342 regular or special referees who shall be attorneys at law and  
343 members of the bar in good standing to act in cases concerning  
344 children within the jurisdiction of the youth court, and a regular  
345 referee shall hold office until removed by the judge. The  
346 requirement that regular or special referees appointed under this  
347 subsection be attorneys shall apply only to regular or special  
348 referees who were not first appointed regular or special referees  
349 prior to July 1, 1991.

350 (2) Any referee appointed under subsection (1) of this  
351 section or subsection (3) of Section 43-21-107 shall be required  
352 to receive judicial training approved by the Mississippi Judicial  
353 College and shall be required to receive regular annual continuing  
354 education in the field of juvenile justice. The amount of  
355 judicial training and annual continuing education which shall be  
356 satisfactory to fulfill the requirements of this section shall  
357 conform with the amount prescribed by the Rules and Regulations  
358 for Mandatory Continuing Judicial Education promulgated by the  
359 Supreme Court. The Administrative Office of Courts shall maintain  
360 a roll of referees appointed under this section, shall enforce the  
361 provisions of this subsection, shall maintain records on all such  
362 referees regarding such training and shall not disburse funds to  
363 any county for the budget of a youth court referee or any  
364 supplemental salary support for any regular youth court referee or  
365 municipal youth court referee who is not in compliance with the  
366 judicial training requirements. Should a referee miss two (2)  
367 consecutive training sessions sponsored or approved by the  
368 Mississippi Judicial College as required by this subsection or  
369 fail to attend one (1) such training session within six (6) months  
370 of their initial appointment as a referee, the referee shall be  
371 disqualified to serve and be immediately removed as a referee and

372 another member of the bar shall be appointed as provided in this  
373 section.

374 (3) The judge may direct that hearings in any case or class  
375 of cases be conducted in the first instance by the referee. The  
376 judge may also delegate his own administrative responsibilities to  
377 the referee.

378 (4) All hearings authorized to be heard by a referee shall  
379 proceed in the same manner as hearings before the youth court  
380 judge. A referee shall possess all powers and perform all the  
381 duties of the youth court judge in the hearings authorized to be  
382 heard by the referee.

383 (5) An order entered by the referee shall be mailed  
384 immediately to all parties and their counsel. A rehearing by the  
385 judge shall be allowed if any party files a written motion for a  
386 rehearing or on the court's own motion within three (3) days after  
387 notice of referee's order. The youth court may enlarge the time  
388 for filing a motion for a rehearing for good cause shown. Any  
389 rehearing shall be upon the record of the hearing before the  
390 referee, but additional evidence may be admitted in the discretion  
391 of the judge. A motion for a rehearing shall not act as a  
392 supersedeas of the referee's order, unless the judge shall so  
393 order.

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

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

399 SECTION 11. Section 9-9-23, Mississippi Code of 1972, is  
400 amended as follows:[BD11]

401 9-9-23. The county judge shall have power to issue writs,  
402 and to try matters, of habeas corpus on application to him \* \* \*,  
403 or when made returnable before him by a superior judge. He shall  
404 also have the power to order the issuance of writs of certiorari,

405 supersedeas, attachments, and other remedial writs in all cases  
406 pending in, or within the jurisdiction of, his court. He shall  
407 have the authority to issue search warrants in his county or  
408 district returnable to his own court or to any court of a justice  
409 court judge within his county or district in the same manner  
410 as \* \* \* provided by law for the issuance of search warrants by  
411 justice court judges. In all cases pending in or within the  
412 jurisdiction of his court, he shall have, in termtime and in  
413 vacation, the power to order, do or determine to the same extent  
414 and in the same manner as a justice court judge, a circuit judge  
415 or a chancellor could do in termtime or in vacation in such cases.

416 But he shall not have original power to issue writs of  
417 injunction, or other remedial writs in equity or in law except in  
418 those cases \* \* \* specified in this section as being within his  
419 jurisdiction. \* \* \* However, \* \* \* when any judge or chancellor  
420 authorized to issue such writs of injunction, or any other  
421 equitable or legal remedial writs \* \* \* reserved in this section,  
422 directs in writing, the hearing of application for those writs may  
423 be by him referred to the county judge, in which event the \* \* \*  
424 direction of the superior judge shall vest in the \* \* \* county  
425 judge all authority to take such action on the application as the  
426 \* \* \* superior judge could have taken under the right and the law,  
427 had the \* \* \* application been at all times before the \* \* \*  
428 superior judge. The jurisdiction authorized under the preceding  
429 sentence shall cease upon the denying or granting of the  
430 application.

431 SECTION 12. Section 9-13-17, Mississippi Code of 1972, is  
432 amended as follows:[BD12]

433 9-13-17. The circuit judge, chancellor \* \* \* or county judge  
434 may, by an order spread upon the minutes and made a part of the  
435 records of the court, appoint an additional court reporter for a  
436 term or part of a term whose duties, qualifications and  
437 compensation shall be the same as is now provided by law for

438 official court reporters. The additional court reporter shall be  
439 subject to the control of the judge or chancellor, as is now  
440 provided by law for official court reporters, and the judge or  
441 chancellor shall have the additional power to terminate the  
442 appointment of such additional court reporter, whenever in his  
443 opinion the necessity for \* \* \* an additional court reporter  
444 ceases to exist, by placing upon the minutes of the court an order  
445 to that effect. The regular court reporter shall not draw any  
446 compensation while the assistant court reporter alone is serving;  
447 however, in the event the assistant court reporter is serving  
448 because of the illness of the regular court reporter, the court  
449 may authorize payment of the assistant court reporter from the  
450 Administrative Office of Courts without diminution of the salary  
451 of the regular court reporter, for a period not to exceed  
452 forty-five (45) days in any one (1) calendar year. However, in  
453 any circuit, chancery, or county \* \* \* court district within the  
454 State of Mississippi, if the judge or chancellor shall determine  
455 that in order to relieve the continuously crowded docket in his  
456 district, or for other good cause shown, the appointment of an  
457 additional court reporter is necessary for the proper  
458 administration of justice, he may, with the advice and consent of  
459 the board of supervisors if the court district is composed of a  
460 single county and with the advice and consent of at least one-half  
461 (1/2) of the boards of supervisors if the court district is  
462 composed of more than one (1) county, by an order spread upon the  
463 minutes and made a part of the records of the court, appoint an  
464 additional court reporter. The additional court reporter shall  
465 serve at the will and pleasure of the judge or chancellor, may be  
466 a resident of any county of the state, and shall be paid a salary  
467 designated by the judge or chancellor not to exceed the salary  
468 authorized by Section 9-13-19. The salary of the additional court  
469 reporter shall be paid by the Administrative Office of Courts, as  
470 provided in Section 9-13-19; and mileage shall be paid to the

471 additional court reporter by the county as provided in the same  
472 section. The office of such additional court reporter appointed  
473 under this section shall not be abolished or compensation reduced  
474 during the term of office of the appointing judge or chancellor  
475 without the consent and approval of the appointing judge or  
476 chancellor.

477 SECTION 13. Section 9-13-61, Mississippi Code of 1972, is  
478 amended as follows:[BD13]

479 9-13-61. There shall be an official court reporter for each  
480 county \* \* \* court judge in the State of Mississippi, to be  
481 appointed by such judge, for the purpose of performing the  
482 necessary and required stenographic work of the court or division  
483 thereof over which the appointing judge is presiding, that work to  
484 be performed under the direction of such judge and in the same  
485 manner and to the same effect as is provided in the chapter on  
486 court reporting.

487 Except as otherwise provided in this section, the reporters  
488 of those courts shall receive an annual salary of not less than  
489 Twenty-four Thousand Dollars (\$24,000.00) and may, at the  
490 discretion of the board of supervisors, receive a monthly salary  
491 equal to that of the reporter of the circuit court district  
492 wherein the county lies, the same to be paid monthly by the county  
493 out of its general fund.

494 \* \* \* However, \* \* \* in any Class 1 county having a  
495 population in excess of fifty-six thousand (56,000) persons  
496 according to the 1970 federal decennial census, the reporter shall  
497 receive a monthly salary equal to that of the reporter of the  
498 circuit court district in which the county \* \* \* court lies, the  
499 same to be paid monthly by the county out of its general fund.

500 In addition in any Class 1 county bordering on the  
501 Mississippi River and which has \* \* \* a national military park and  
502 national military cemetery situated therein, and having a  
503 population in excess of forty-four thousand (44,000) according to

504 the 1970 federal decennial census, the reporter shall receive a  
505 monthly salary equal to that of the reporter of the circuit court  
506 district in which the county lies, the same to be paid monthly by  
507 the county out of its general fund.

508 In addition in any Class 1 county bordering on the  
509 Mississippi River wherein U.S. Highways 61 and 84 intersect, and  
510 having a population in excess of thirty-seven thousand (37,000) in  
511 the 1960 federal decennial census, the reporter shall receive a  
512 monthly salary equal to that of the reporter of the circuit court  
513 district in which the county lies, the same to be paid monthly by  
514 the county out of its general fund.

515 \* \* \* In addition to the foregoing compensation, all  
516 county \* \* \* court reporters shall be paid the same fees for  
517 transcript of the record on appeals as are now or hereafter paid  
518 circuit court reporters for like or similar work.

519 SECTION 14. Section 23-15-975, Mississippi Code of 1972, is  
520 amended as follows:[BD14]

521 23-15-975. As used in Sections 23-15-974 through 23-15-985  
522 of this subarticle, the term "judicial office" includes the office  
523 of justice of the Supreme Court, judge of the Court of Appeals,  
524 circuit judge, chancellor and county court judge \* \* \*. All such  
525 justices and judges shall be full-time positions and such justices  
526 and judges shall not engage in the practice of law before any  
527 court, administrative agency or other judicial or quasi-judicial  
528 forum except as provided by law for finalizing pending cases after  
529 election to judicial office.

530 SECTION 15. All new programs authorized under House Bill No.  
531 \_\_\_\_\_, 2000 Regular Session, shall be subject to the availability  
532 of funds specifically appropriated therefor by the Legislature  
533 during the 2000 Regular Session or any subsequent session. It is  
534 the intent of the Legislature that this act shall be codified but  
535 that no amendment to a code section or repeal of a code section  
536 enacted by this House Bill, No.\_\_\_\_\_, 2000 Regular Session, shall



537 take effect until the Legislature has funded any new programs  
538 authorized under this act by line item appropriation, the line  
539 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.