

By: Senator(s) Walls

To: Judiciary, Division A;  
Appropriations

SENATE BILL NO. 2243

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 practice law \* \* \*, but  
31 this prohibition shall not prohibit the judges of the county  
32 courts from practicing in any of the courts so far as to enable  
33 them to bring to a conclusion cases actually pending when they  
34 were appointed or elected, in which such county judges were then  
35 employed as provided in Section 9-1-25, Mississippi Code of 1972,  
36 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 be a  
44 full-time position, and the holder thereof shall not otherwise  
45 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, and 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, circuit judge, county judge or a  
89 judge of the Court of Appeals from practicing in any of the courts  
90 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 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 termtime, and in  
224 vacation, the power to order, do or determine to the same extent  
225 and in the same manner as a justice court judge or a circuit judge  
226 or a chancellor could do in termtime or in vacation in such cases.  
227 But he shall not have original power to issue writs of injunction,  
228 or other remedial writs in equity or in law except in those cases  
229 hereinabove specified as being within his jurisdiction. Provided,  
230 however, that when any judge or chancellor authorized to issue  
231 such writs of injunction, or any other equitable or legal remedial  
232 writs hereinabove reserved, shall so direct in writing the hearing  
233 of application therefor may be by him referred to the county

234 judge, in which event the said direction of the superior judge  
235 shall vest in the said county judge all authority to take such  
236 action on said application as the said superior judge could have  
237 taken under the right and the law, had the said application been  
238 at all times before the said superior judge. The jurisdiction  
239 authorized under the foregoing provision shall cease upon the  
240 denying or granting of the application.

241 **SECTION 10.** Section 43-21-107, Mississippi Code of 1972, is  
242 amended as follows:

243 43-21-107. \* \* \*

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

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

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

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

265 43-21-111. (1) In any county not having a county court or  
266 family court, \* \* \* the judge may appoint as provided in Section



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

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

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

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

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

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

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

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

326 43-21-123. (1) Except for expenses provided by state funds  
327 and/or other monies, the board of supervisors, or the municipal  
328 governing board where there is a municipal youth court, shall  
329 adequately provide funds for the operation of the youth court  
330 division of the appropriate court in conjunction with the  
331 regular \* \* \* court budget \* \* \*. The Administrative Office of

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

363       (2) The board of supervisors of any county in which there is  
364 located a youth court, and the governing authority of any

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

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

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

398 Administrative Office of Courts for providing youth court support  
399 funds shall be reviewed by the Administrative Office of Courts  
400 every two (2) years to ensure that the youth court support funds  
401 provided herein are proportional to each youth court's case load.  
402 Approval of the use of any of the youth court support funds made  
403 under this subsection shall be made by the Administrative Office  
404 of Courts in accordance with procedures established by the  
405 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 calendar year. However, in any  
460 circuit, chancery or county \* \* \* court district within the State  
461 of Mississippi, if the judge or chancellor shall determine that in  
462 order to relieve the continuously crowded docket in such district,  
463 or for other good cause shown, the appointment of an additional

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

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

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

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

497 the reporter of the circuit court district wherein the county  
498 lies, the same to be paid monthly by the county out of its general  
499 fund.

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

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

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

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

526         **SECTION 15.** The Attorney General of the State of Mississippi  
527 shall submit this act, immediately upon approval by the Governor,  
528 or upon approval by the Legislature subsequent to a veto, to the  
529 Attorney General of the United States or to the United States



530 District Court for the District of Columbia in accordance with the  
531 provisions of the Voting Rights Act of 1965, as amended and  
532 extended.

533       **SECTION 16.** This act shall take effect and be in force from  
534 and after January 1, 2005, or the date it is effectuated under  
535 Section 5 of the Voting Rights Act of 1965, as amended and  
536 extended, or the date of approval, whichever is later.