

By: Senator(s) Walls

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2406

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 court judge and
107 chancellor shall receive an office operating allowance for the
108 expenses of operating the office of such judge, including
109 retaining a law clerk, legal research, stenographic help,
110 stationery, stamps, furniture, office equipment, telephone, office
111 rent and other items and expenditures necessary and incident to
112 maintaining the office of judge. Such allowance shall be paid
113 only to the extent of actual expenses incurred by any such judge
114 as itemized and certified by such judge to the Supreme Court and
115 then in an amount of Four Thousand Dollars (\$4,000.00) per annum;
116 however, such judge may expend sums in excess thereof from the
117 compensation otherwise provided for his office. No part of this
118 expense or allowance shall be used to pay an official court
119 reporter for 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 judge,
176 or any combination thereof, but shall not mean school attendance
177 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 circuit judge or
190 chancellor during the term of his office and thereafter by his
191 successors.

192 (8) Any * * * judge * * * who did not have a primary office
193 provided by the county on March 1, 1988, shall be allowed an
194 additional Four Thousand Dollars (\$4,000.00) per annum to defray
195 the actual expenses incurred by such judge * * * in maintaining an
196 office; however, any * * * judge * * * who had a primary office
197 provided by the county on March 1, 1988, and who vacated the
198 office space after such date for a legitimate reason, as
199 determined by the Department of Finance and Administration, shall
200 be allowed the additional office expense allowance provided under

201 this subsection. The county in which a circuit judge or
202 chancellor sits is authorized to provide funds from any available
203 source to assist in defraying the actual expenses to maintain an
204 office.

205 (9) The Supreme Court, through the Administrative Office of
206 Courts, shall submit to the Department of Finance and
207 Administration the itemized and certified expenses for office
208 operating allowances that are directed to the court pursuant to
209 this section.

210 (10) The Supreme Court, through the Administrative Office of
211 Courts, shall have the power to adopt rules and regulations
212 regarding the administration of the office operating allowance
213 authorized pursuant to this section.

214 **SECTION 9.** Section 9-9-23, Mississippi Code of 1972, is
215 amended as follows:

216 9-9-23. The county judge shall have power to issue writs,
217 and to try matters, of habeas corpus on application to him
218 therefor, or when made returnable before him by a superior judge.
219 He shall also have the power to order the issuance of writs of
220 certiorari, supersedeas, attachments, and other remedial writs in
221 all cases pending in, or within the jurisdiction of, his court.
222 He shall have the authority to issue search warrants in his county
223 or district returnable to his own court or to any court of a
224 justice court judge within his county or district in the same
225 manner as is provided by law for the issuance of search warrants
226 by justice court judges. In all cases pending in, or within the
227 jurisdiction of, his court, he shall have, in termtime, and in
228 vacation, the power to order, do or determine to the same extent
229 and in the same manner as a justice court judge or a circuit judge
230 or a chancellor could do in termtime or in vacation in such cases.
231 But he shall not have original power to issue writs of injunction,
232 or other remedial writs in equity or in law except in those cases
233 hereinabove specified as being within his jurisdiction. Provided,

234 however, that when any judge or chancellor authorized to issue
235 such writs of injunction, or any other equitable or legal remedial
236 writs hereinabove reserved, shall so direct in writing the hearing
237 of application therefor may be by him referred to the county
238 judge, in which event the said direction of the superior judge
239 shall vest in the said county judge all authority to take such
240 action on said application as the said superior judge could have
241 taken under the right and the law, had the said application been
242 at all times before the said superior judge. The jurisdiction
243 authorized under the foregoing provision shall cease upon the
244 denying or granting of the application.

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

247 43-21-107. * * *

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

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

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

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

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

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

300 disqualified to serve and be immediately removed as a referee and
301 another member of the bar shall be appointed as provided in this
302 section.

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

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

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

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

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

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

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

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

365 may employ such persons as provided in the budget from time to
366 time.

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

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

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

398 court referee shall be accountable for assuring through private or
399 county employees the proper preparation and filing of all
400 necessary tracking and other documentation attendant to the
401 administration of the youth court. The formula developed by the
402 Administrative Office of Courts for providing youth court support
403 funds shall be reviewed by the Administrative Office of Courts
404 every two (2) years to ensure that the youth court support funds
405 provided herein are proportional to each youth court's caseload.
406 Approval of the use of any of the youth court support funds made
407 under this subsection shall be made by the Administrative Office
408 of Courts in accordance with procedures established by the
409 Administrative Office of Courts.

410 (c) In lieu of accepting any referee support funds as
411 provided in paragraph (b) of this subsection, when permitted by
412 the Administrative Office of Courts, the senior chancellors of
413 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,
414 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court
415 administrator for the district whose responsibility will be to
416 perform all reporting, tracking and other duties of a court
417 administrator for all youth courts in the district which are under
418 the chancery court system. The Administrative Office of Courts
419 may allocate to each chancellor so electing a sum not to exceed
420 Thirty Thousand Dollars (\$30,000.00) per year to cover the salary,
421 fringe benefits and equipment of each administrator, and an
422 additional sum not to exceed One Thousand Nine Hundred Dollars
423 (\$1,900.00) to cover travel expenses of the administrator.

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

430 which the installment is due, or, if the 25th day falls on a
431 holiday or weekend, on the preceding regular business day.

432 (b) Counties failing to make the financial
433 contributions required by this subsection (4) shall forfeit their
434 right to receive their homestead exemption reimbursement in an
435 amount sufficient to repay obligations due until such time as
436 their indebtedness is satisfied or satisfactory arrangements have
437 been made. Homestead exemption reimbursements, upon demand made
438 in writing to the State Tax Commission by the Administrative
439 Office of Courts, shall be paid to the Administrative Office of
440 Courts and applied to the discharge of the obligation.

441 **SECTION 13.** Section 9-13-17, Mississippi Code of 1972, is
442 amended as follows:

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

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

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

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

496 Except as hereinafter provided, the reporters of said courts
497 shall receive an annual salary of not less than Twenty-four
498 Thousand Dollars (\$24,000.00) and may, at the discretion of the
499 board of supervisors, receive a monthly salary equal to that of
500 the reporter of the circuit court district wherein the county
501 lies, the same to be paid monthly by the county out of its general
502 fund.

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

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

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

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

529 **SECTION 15.** The Attorney General of the State of Mississippi
530 shall submit this act, immediately upon approval by the Governor,
531 or upon approval by the Legislature subsequent to a veto, to the
532 Attorney General of the United States or to the United States
533 District Court for the District of Columbia in accordance with the
534 provisions of the Voting Rights Act of 1965, as amended and
535 extended.

536 **SECTION 16.** This act shall take effect and be in force from
537 and after January 1, 2006, or the date it is effectuated under
538 Section 5 of the Voting Rights Act of 1965, as amended and
539 extended, or the date of approval, whichever is later.