

By: Senator(s) Doxey

To: Judiciary, Division A;  
Appropriations

SENATE BILL NO. 2477

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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