

By: Representative Perry

To: Judiciary A;
Appropriations

HOUSE BILL NO. 764

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFICE ALLOWANCE FOR CHANCELLORS AND CIRCUIT COURT
3 JUDGES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 9-1-36, Mississippi Code of 1972, is
6 amended as follows:

7 9-1-36. (1) Each circuit judge and chancellor shall receive
8 an office operating allowance for the expenses of operating the
9 office of such judge, including retaining a law clerk, legal
10 research, stenographic help, stationery, stamps, furniture, office
11 equipment, telephone, office rent and other items and expenditures
12 necessary and incident to maintaining the office of judge. Such
13 allowance shall be paid only to the extent of actual expenses
14 incurred by any such judge as itemized and certified by such judge
15 to the Supreme Court and then in an amount of not more than Eight
16 Thousand Dollars (\$8,000.00) per annum; however, such judge may
17 expend sums in excess thereof from the compensation otherwise
18 provided for his office. No part of this expense or allowance
19 shall be used to pay an official court reporter for services
20 rendered to said court.

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

25 (3) Each judge who desires to employ support staff after
26 July 1, 1994, shall make application to the Administrative Office
27 of Courts by submitting to the Administrative Office of Courts a

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

50 (4) The Administrative Office of Courts shall develop and
51 promulgate minimum qualifications for the certification of court
52 administrators. Any court administrator appointed on or after
53 October 1, 1996, shall be required to be certified by the
54 Administrative Office of Courts.

55 (5) Support staff shall receive compensation pursuant to
56 personnel policies established by the Administrative Office of
57 Courts; however, from and after July 1, 1994, the Administrative
58 Office of Courts shall allocate from the support staff fund an
59 amount not to exceed Forty Thousand Dollars (\$40,000.00) per
60 fiscal year (July 1 through June 30) per judge for whom support
61 staff is approved for the funding of support staff assigned to a
62 judge or judges. Any employment pursuant to this subsection shall
63 be subject to the provisions of Section 25-1-53.

64 The Administrative Office of Courts may approve expenditure
65 from the fund for additional equipment for support staff appointed

66 pursuant to this section in any year in which the allocation per
67 judge is sufficient to meet the equipment expense after provision
68 for the compensation of the support staff.

69 (6) For the purposes of this section, the following terms
70 shall have the meaning ascribed herein unless the context clearly
71 requires otherwise:

72 (a) "Judges" means circuit judges and chancellors, or
73 any combination thereof;

74 (b) "Support staff" means court administrators, law
75 clerks, legal research assistants or secretaries, or any
76 combination thereof, but shall not mean school attendance
77 officers;

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

86 (7) Title to all tangible property, excepting stamps,
87 stationery and minor expendable office supplies, procured with
88 funds authorized by this section, shall be and forever remain in
89 the State of Mississippi to be used by the circuit judge or
90 chancellor during the term of his office and thereafter by his
91 successors.

92 (8) Any circuit judge or chancellor who did not have a
93 primary office provided by the county on March 1, 1988, shall be
94 allowed an additional Eight Thousand Dollars (\$8,000.00) per annum
95 to defray the actual expenses incurred by such judge or chancellor
96 in maintaining an office; however, any circuit judge or chancellor
97 who had a primary office provided by the county on March 1, 1988,
98 and who vacated the office space after such date for a legitimate
99 reason, as determined by the Department of Finance and

100 Administration, shall be allowed the additional office expense
101 allowance provided under this subsection.

102 (9) The Supreme Court, through the Administrative Office of
103 Courts, shall submit to the Department of Finance and
104 Administration the itemized and certified expenses for office
105 operating allowances that are directed to the court pursuant to
106 this section.

107 (10) The Supreme Court, through the Administrative Office of
108 Courts, shall have the power to adopt rules and regulations
109 regarding the administration of the office operating allowance
110 authorized pursuant to this section.

111 SECTION 2. This act shall take effect and be in force from
112 and after July 1, 1999.