

By: Representative Perry

To: Judiciary A;
Appropriations

HOUSE BILL NO. 768
(As Passed the House)

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR FULL FUNDING OF TRIAL COURT SUPPORT STAFF AND OFFICE
3 ALLOWANCE; 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 * * * Four Thousand
16 Dollars (\$4,000.00) per annum; however, such judge may expend sums
17 in excess thereof from the compensation otherwise provided for his
18 office. No part of this expense or allowance shall be used to pay
19 an official court reporter for services rendered to said court.

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

24 (3) Each judge who desires to employ support staff after
25 July 1, 1994, shall make application to the Administrative Office
26 of Courts by submitting to the Administrative Office of Courts a
27 proposed personnel plan setting forth what support staff is deemed

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

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

54 (5) Support staff shall receive compensation pursuant to
55 personnel policies established by the Administrative Office of
56 Courts; however, from and after July 1, 1994, the Administrative
57 Office of Courts shall allocate from the support staff fund an
58 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year
59 (July 1 through June 30) per judge for whom support staff is
60 approved for the funding of support staff assigned to a judge or
61 judges. Any employment pursuant to this subsection shall be
62 subject to the provisions of Section 25-1-53.

63 The Administrative Office of Courts may approve expenditure
64 from the fund for additional equipment for support staff appointed
65 pursuant to this section in any year in which the allocation per

66 judge is sufficient to meet the equipment expense after provision
67 for the compensation of the support staff.

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

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

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

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

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

91 (8) Any circuit judge or chancellor who did not have a
92 primary office provided by the county on March 1, 1988, shall be
93 allowed an additional Four Thousand Dollars (\$4,000.00) per annum
94 to defray the actual expenses incurred by such judge or chancellor
95 in maintaining an office; however, any circuit judge or chancellor
96 who had a primary office provided by the county on March 1, 1988,
97 and who vacated the office space after such date for a legitimate
98 reason, as determined by the Department of Finance and
99 Administration, shall be allowed the additional office expense

100 allowance provided under this subsection.

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

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

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