

By: Representatives Wallace, Watson, Evans,
Green (96th)

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1091

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN OFFICE ALLOWANCE FOR JUSTICES OF THE SUPREME COURT; AND
3 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 justice of the Supreme Court, circuit
8 judge and chancellor shall receive an office operating allowance
9 for the expenses of operating the office of such judge, including
10 retaining a law clerk, legal research, stenographic help,
11 stationery, stamps, furniture, office equipment, telephone, office
12 rent and other items and expenditures necessary and incident to
13 maintaining the office of judge. Such allowance shall be paid
14 only to the extent of actual expenses incurred by any such judge
15 as itemized and certified by such judge to the Supreme Court and
16 then in an amount of not more than Four Thousand Dollars
17 (\$4,000.00) per annum; however, such judge may expend sums in
18 excess thereof from the compensation otherwise provided for his
19 office. No part of this expense or allowance shall be used to pay
20 an official court reporter for services 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
26 staff * * * after July 1, 1994, shall make application to the
27 Administrative Office of Courts by submitting to the

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

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

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

65 The Administrative Office of Courts may approve expenditure

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

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

73 (a) "Judges" means justice of the Supreme Court,
74 circuit judges and chancellors, or any combination thereof;

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

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

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

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

100 reason, as determined by the Department of Finance and
101 Administration, shall be allowed the additional office expense
102 allowance provided under this subsection.

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

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

112 SECTION 2. The Attorney General of the State of Mississippi
113 shall submit this act, immediately upon approval by the Governor,
114 or upon approval by the Legislature subsequent to a veto, to the
115 Attorney General of the United States or to the United States
116 District Court for the District of Columbia in accordance with the
117 provisions of the Voting Rights Act of 1965, as amended and
118 extended.

119 SECTION 3. This act shall take effect and be in force from
120 and after the date it is effectuated under Section 5 of the Voting
121 Rights Act of 1965, as amended and extended.