

By: Senator(s) Turner

To: Judiciary;
Appropriations

SENATE BILL NO. 2963

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 ALLOW CIRCUIT JUDGES AND CHANCELLORS TO HIRE A FULL-TIME LAW CLERK
3 IN ADDITION TO ANY CLERICAL EMPLOYEE SUCH AS A SECRETARY OR COURT
4 ADMINISTRATOR; AND FOR RELATED PURPOSES.

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

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

8 9-1-36. (1) Each circuit judge and chancellor shall receive
9 an office operating allowance for the expenses of operating the
10 office of such judge, including retaining a law clerk, legal
11 research, stenographic help, stationery, stamps, furniture, office
12 equipment, telephone, office rent and other items and expenditures
13 necessary and incident to maintaining the office of judge. Such
14 allowance shall be paid only to the extent of actual expenses
15 incurred by any such judge as itemized and certified by such judge
16 to the Supreme Court and then not to exceed an amount of Four
17 Thousand Dollars (\$4,000.00) per annum; however, such judge may
18 expend sums in excess thereof from the compensation otherwise
19 provided for his office. No part of this expense or allowance
20 shall be used to pay an official court reporter for services
21 rendered to said court.

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

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



29 proposed personnel plan setting forth what support staff is deemed
30 necessary. Such plan may be submitted by a single judge or by any
31 combination of judges desiring to share support staff. In the
32 process of the preparation of the plan, the judges, at their
33 request, may receive advice, suggestions, recommendations and
34 other assistance from the Administrative Office of Courts. The
35 Administrative Office of Courts must approve the positions, job
36 descriptions and salaries before the positions may be filled. The
37 Administrative Office of Courts shall not approve any plan which
38 does not first require the expenditure of the funds in the support
39 staff fund for compensation of any of the support staff before
40 expenditure is authorized of county funds for that purpose. Upon
41 approval by the Administrative Office of Courts, the judge or
42 judges may appoint the employees to the position or positions, and
43 each employee so appointed will work at the will and pleasure of
44 the judge or 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 two (2)
49 or more judges, the order setting forth any appointment shall be
50 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 of Eighty Thousand Dollars (\$80,000.00) per fiscal year
61 (July 1 through June 30) per judge for whom support staff is



62 approved for the funding of support staff assigned to a judge or
63 judges. Any employment pursuant to this subsection shall be
64 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 circuit judges and chancellors, or
74 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.** This act shall take effect and be in force from
113 and after July 1, 2002.

