

By: Representative Banks

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 1259

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE USE OF CERTAIN JUDICIAL OFFICE EXPENSE FUNDS; AND FOR  
3 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 (11) The Supreme Court and the Administrative Office of  
111 Courts may not restrict the use by judges of any funds for travel  
112 or attending judicial conferences.

113 **SECTION 2.** This act shall take effect and be in force from  
114 and after July 1, 2003.

