

By: Representative Blackmon

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1506

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 REVISE OFFICE EXPENSES FOR TRIAL JUDGES; AND FOR RELATED PURPOSES.

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

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

6 9-1-36. (1) Each circuit judge and chancellor shall receive
7 an office operating allowance for the expenses of operating the
8 office of such judge, including retaining a law clerk, legal
9 research, stenographic help, stationery, stamps, furniture, office
10 equipment, telephone, office rent and other items and expenditures
11 necessary and incident to maintaining the office of judge. Such
12 allowance shall be paid only to the extent of actual expenses
13 incurred by any such judge as itemized and certified by such judge
14 to the Supreme Court and then in an amount of Four Thousand
15 Dollars (\$4,000.00) per annum; however, such judge may expend sums
16 in excess thereof from the compensation otherwise provided for his
17 office. No part of this expense or allowance shall be used to pay
18 an official court reporter for services rendered to said court.

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

23 (3) Each judge who desires to employ support staff after
24 July 1, 1994, shall make application to the Administrative Office
25 of Courts by submitting to the Administrative Office of Courts a
26 proposed personnel plan setting forth what support staff is deemed
27 necessary. Such plan may be submitted by a single judge or by any

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

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

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

60 judges. Any employment pursuant to this subsection shall be
61 subject to the provisions of Section 25-1-53.

62 The Administrative Office of Courts may approve expenditure
63 from the fund for additional equipment for support staff appointed
64 pursuant to this section in any year in which the allocation per
65 judge is sufficient to meet the equipment expense after provision
66 for the compensation of the support staff.

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

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

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

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

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

90 (8) All circuit judges and chancellors shall be allowed an
91 additional Nine Thousand Dollars (\$9,000.00) per annum to defray
92 the actual expenses incurred by such judge or chancellor in

93 maintaining an office. The county in which a circuit judge or
94 chancellor sits is authorized to provide funds from any available
95 source to assist in defraying the actual expenses to maintain an
96 office.

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

102 (10) The Supreme Court, through the Administrative Office of
103 Courts, shall have the power to adopt rules and regulations
104 regarding the administration of the office operating allowance
105 authorized pursuant to this section.

106 **SECTION 2.** This act shall take effect and be in force from
107 and after July 1, 2007.