

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2477

BY: Senator(s) Ross

1 **AMEND by inserting after line 163 the following:**

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

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

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

21 (3) Each judge who desires to employ support staff after
22 July 1, 1994, shall make application to the Administrative Office

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

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

51 (5) Support staff shall receive compensation pursuant to
52 personnel policies established by the Administrative Office of
53 Courts; however:

54 (a) From and after July 1, 1994, the Administrative
55 Office of Courts shall allocate from the support staff fund an
56 amount of Forty Thousand Dollars (\$40,000.00) per fiscal
57 year * * * per judge for whom support staff is approved for the
58 funding of support staff assigned to a judge or judges; and

59 (b) From and after July 1, 2007, the Administrative
60 Office of Courts shall allocate from the support staff fund an
61 additional amount not to exceed Forty Thousand Dollars
62 (\$40,000.00), subject to the availability of funds appropriated
63 therefor. Of the amount provided in this paragraph (b), each
64 judge shall utilize an amount sufficient to ensure that judge has
65 access to the services of a law clerk, whether hired by the judge
66 separately or in concert with another judge. Any excess funds
67 remaining upon satisfaction of this requirement may be used for
68 any other support staff as defined in this section. Any
69 employment pursuant to this subsection shall be subject to the
70 provisions of Section 25-1-53.

71 The Administrative Office of Courts may approve expenditure
72 from the fund for additional equipment for support staff appointed
73 pursuant to this section in any year in which the allocation per
74 judge is sufficient to meet the equipment expense after provision
75 for the compensation of the support staff.

76 (6) For the purposes of this section, the following terms
77 shall have the meaning ascribed herein unless the context clearly
78 requires otherwise:

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

81 (b) "Support staff" means court administrators, law
82 clerks, legal research assistants or secretaries, or any
83 combination thereof, but shall not mean school attendance
84 officers;

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

93 (d) "Law clerk" means a clerk hired to assist a judge
94 or judges who has a law degree or who is a full-time law student
95 who is making satisfactory progress at an accredited law school.

96 (7) Title to all tangible property, excepting stamps,
97 stationery and minor expendable office supplies, procured with
98 funds authorized by this section, shall be and forever remain in
99 the State of Mississippi to be used by the circuit judge or
100 chancellor during the term of his office and thereafter by his
101 successors.

102 (8) Any circuit judge or chancellor who did not have a
103 primary office provided by the county on March 1, 1988, shall be
104 allowed an additional Four Thousand Dollars (\$4,000.00) per annum
105 to defray the actual expenses incurred by the judge or chancellor
106 in maintaining an office; however, any circuit judge or chancellor
107 who had a primary office provided by the county on March 1, 1988,
108 and who vacated the office space after that date for a legitimate
109 reason, as determined by the Department of Finance and
110 Administration, shall be allowed the additional office expense
111 allowance provided under this subsection. The county in which a
112 circuit judge or chancellor sits is authorized to provide funds
113 from any available source to assist in defraying the actual
114 expenses to maintain an office.

115 (9) The Supreme Court, through the Administrative Office of
116 Courts, shall submit to the Department of Finance and

117 Administration the itemized and certified expenses for office
118 operating allowances that are directed to the court pursuant to
119 this section.

120 (10) The Supreme Court, through the Administrative Office of
121 Courts, shall have the power to adopt rules and regulations
122 regarding the administration of the office operating allowance
123 authorized pursuant to this section.

124 **FURTHER, amend the title on line 7 by inserting after the**
125 **semicolon the following:**

126 TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO INCREASE THE
127 SUPPORT STAFF ALLOWANCE FOR TRIAL COURT JUDGES WITH CERTAIN
128 ATTENDANT RESTRICTIONS;