

By: Representative Lamar

To: Judiciary B;
Appropriations

HOUSE BILL NO. 762

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE OFFICE OPERATING ALLOWANCE FOR CIRCUIT AND CHANCERY
3 JUDGES; AND 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 circuit judge and chancellor shall receive
8 an office operating allowance for the expenses of operating the
9 office of the 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. The
13 allowance shall be paid only to the extent of actual expenses
14 incurred by the judge as itemized and certified by the judge to
15 the Supreme Court in the amounts set forth in this subsection;
16 however, the judge may expend sums in excess thereof from the
17 compensation otherwise provided for his office. No part of this



18 expense or allowance shall be used to pay an official court
19 reporter for services rendered to said court.

20 * * *

21 * * * The office operating allowance under this subsection
22 shall be * * * Fifty-Nine Thousand Dollars (\$59,000.00) per annum.

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

27 (3) Each judge who desires to employ support staff * * *
28 shall make application to the Administrative Office of Courts by
29 submitting to the Administrative Office of Courts a proposed
30 personnel plan setting forth what support staff is deemed
31 necessary. The plan may be submitted by a single judge or by any
32 combination of judges desiring to share support staff. In the
33 process of the preparation of the plan, the judges, at their
34 request, may receive advice, suggestions, recommendations and
35 other assistance from the Administrative Office of Courts. The
36 Administrative Office of Courts must approve the positions, job
37 descriptions and salaries before the positions may be filled. The
38 Administrative Office of Courts shall not approve any plan which
39 does not first require the expenditure of the funds in the support
40 staff fund for compensation of any of the support staff before
41 expenditure is authorized of county funds for that purpose. Upon
42 approval by the Administrative Office of Courts, the judge or



43 judges may appoint the employees to the position or positions, and
44 each employee so appointed will work at the will and pleasure of
45 the judge or judges who appointed him but will be employees of the
46 Administrative Office of Courts. Upon approval by the
47 Administrative Office of Courts, the appointment of any support
48 staff shall be evidenced by the entry of an order on the minutes
49 of the court. When support staff is appointed jointly by two (2)
50 or more judges, the order setting forth any appointment shall be
51 entered on the minutes of each participating court.

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

57 (5) Support staff shall receive compensation pursuant to
58 personnel policies established by the Administrative Office of
59 Courts; however:

60 (a) * * * The Administrative Office of Courts shall
61 allocate from the support staff fund an amount of * * * Ninety
62 Thousand Dollars (\$90,000.00) per fiscal year per judge for whom
63 support staff is approved for the funding of support staff
64 assigned to a judge or judges; and

65 (b) * * * In addition to the amount provided in paragraph
66 (a) of this section, the Administrative Office of Courts shall
67 allocate from the support staff fund an amount of * * * Ninety



68 Thousand Dollars (\$90,000.00), in addition to the amount provided
69 in paragraph (a). Of the amount provided in this paragraph (b),
70 each judge shall utilize an amount sufficient to ensure that judge
71 has access to the services of a law clerk, whether hired by the
72 judge separately or in concert with another judge. Any excess
73 funds remaining upon satisfaction of this requirement may be used
74 for any other support staff as defined in this section. Any
75 employment pursuant to this subsection shall be subject to the
76 provisions of Section 25-1-53.

77 The Administrative Office of Courts may approve expenditure
78 from the fund for additional equipment for support staff appointed
79 pursuant to this section in any year in which the allocation per
80 judge is sufficient to meet the equipment expense after provision
81 for the compensation of the support staff.

82 (6) For the purposes of this section, the following terms
83 shall have the meaning ascribed herein unless the context clearly
84 requires otherwise:

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

87 (b) "Support staff" means court administrators, law
88 clerks, legal research assistants or secretaries, or any
89 combination thereof, but shall not mean school attendance
90 officers;

91 (c) "Compensation" means the gross salary plus all
92 amounts paid for benefits or otherwise as a result of employment



93 or as required by employment; provided, however, that only salary
94 earned for services rendered shall be reported and credited for
95 Public Employees' Retirement System purposes. Amounts paid for
96 benefits or otherwise, including reimbursement for travel
97 expenses, shall not be reported or credited for retirement
98 purposes;

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

102 (7) Title to all tangible property, excepting stamps,
103 stationery and minor expendable office supplies, procured with
104 funds authorized by this section, shall be and forever remain in
105 the State of Mississippi to be used by the circuit judge or
106 chancellor during the term of his office and thereafter by his
107 successors.

108 (8) Any circuit judge or chancellor who did not have a
109 primary office provided by the county on March 1, 1988, shall be
110 allowed an additional Four Thousand Dollars (\$4,000.00) per annum
111 to defray the actual expenses incurred by the judge or chancellor
112 in maintaining an office; however, any circuit judge or chancellor
113 who had a primary office provided by the county on March 1, 1988,
114 and who vacated the office space after that date for a legitimate
115 reason, as determined by the Department of Finance and
116 Administration, shall be allowed the additional office expense
117 allowance provided under this subsection. The county in which a



118 circuit judge or chancellor sits is authorized to provide funds
119 from any available source to assist in defraying the actual
120 expenses to maintain an office.

121 (9) The Supreme Court, through the Administrative Office of
122 Courts, shall submit to the Department of Finance and
123 Administration the itemized and certified expenses for office
124 operating allowances that are directed to the court pursuant to
125 this section.

126 (10) The Supreme Court, through the Administrative Office of
127 Courts, shall have the power to adopt rules and regulations
128 regarding the administration of the office operating allowance
129 authorized pursuant to this section.

130 **SECTION 2.** This act shall take effect and be in force from
131 and after July 1, 2023.

