

By: Representative Hood

To: Judiciary A;  
Appropriations

HOUSE BILL NO. 1208

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE OPERATING ALLOWANCE OF CIRCUIT AND CHANCERY JUDGES;  
3 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 (a) Until July 1, 2008, the office operating allowance  
21 under this subsection shall be not less than Four Thousand Dollars  
22 (\$4,000.00) nor more than Nine Thousand Dollars (\$9,000.00) per  
23 annum.

24 (b) From and after July 1, 2008, the office operating  
25 allowance under this subsection shall be Nine Thousand Dollars  
26 (\$9,000.00) per annum.

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

31 (3) Each judge who desires to employ support staff after  
32 July 1, 1994, shall make application to the Administrative Office  
33 of Courts by submitting to the Administrative Office of Courts a  
34 proposed personnel plan setting forth what support staff is deemed  
35 necessary. The plan may be submitted by a single judge or by any  
36 combination of judges desiring to share support staff. In the  
37 process of the preparation of the plan, the judges, at their  
38 request, may receive advice, suggestions, recommendations and  
39 other assistance from the Administrative Office of Courts. The  
40 Administrative Office of Courts must approve the positions, job  
41 descriptions and salaries before the positions may be filled. The  
42 Administrative Office of Courts shall not approve any plan which



43 does not first require the expenditure of the funds in the support  
44 staff fund for compensation of any of the support staff before  
45 expenditure is authorized of county funds for that purpose. Upon  
46 approval by the Administrative Office of Courts, the judge or  
47 judges may appoint the employees to the position or positions, and  
48 each employee so appointed will work at the will and pleasure of  
49 the judge or judges who appointed him but will be employees of the  
50 Administrative Office of Courts. Upon approval by the  
51 Administrative Office of Courts, the appointment of any support  
52 staff shall be evidenced by the entry of an order on the minutes  
53 of the court. When support staff is appointed jointly by two (2)  
54 or more judges, the order setting forth any appointment shall be  
55 entered on the minutes of each participating court.

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

61 (5) Support staff shall receive compensation pursuant to  
62 personnel policies established by the Administrative Office of  
63 Courts \* \* \* in an amount of \* \* \* Eighty Thousand Dollars  
64 (\$80,000.00) per fiscal year per judge for whom support staff is  
65 approved for the funding of support staff assigned to a judge or  
66 judges; and

67 \* \* \*



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

73           (6) For the purposes of this section, the following terms  
74 shall have the meaning ascribed herein unless the context clearly  
75 requires otherwise:

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

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

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

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



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

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

112           (9) The Supreme Court, through the Administrative Office of  
113 Courts, shall submit to the Department of Finance and  
114 Administration the itemized and certified expenses for office  
115 operating allowances that are directed to the court pursuant to  
116 this section.



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

121 **SECTION 2.** This act shall take effect and be in force from  
122 and after its passage.

