

**Replace By Substitute
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1216

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

8 9-1-36. (1) Each circuit judge and chancellor shall receive
9 an office operating allowance for the expenses of operating the
10 office of the judge, including retaining a law clerk, legal
11 research, stenographic help, stationery, stamps, furniture, office
12 equipment, telephone, office rent and other items and expenditures
13 necessary and incident to maintaining the office of judge. The
14 allowance shall be paid only to the extent of actual expenses
15 incurred by the judge as itemized and certified by the judge to



16 the Supreme Court in the amounts set forth in this subsection;
17 however, the judge may expend sums in excess thereof from the
18 compensation otherwise provided for his office. * * * Part of
19 this expense or allowance * * * may be used to pay an official
20 court reporter for services rendered to * * * the court.

21 * * *

22 * * * From and after July 1, * * * 2023, the office
23 operating allowance under this subsection shall be * * * Fifteen
24 Thousand Dollars (\$15,000.00) per annum.

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

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



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

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

59 (5) Support staff shall receive compensation pursuant to
60 personnel policies established by the Administrative Office of
61 Courts * * * in an amount of * * * One Hundred Thousand Dollars
62 (\$100,000.00) per fiscal year per judge for whom all support staff
63 is approved for the funding of support staff assigned to a judge
64 or judges * * *.

65 * * *



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

71 (6) For the purposes of this section, the following
72 terms * * * have the meaning ascribed * * * in this subsection
73 unless the context clearly requires otherwise:

74 (a) "Judges" means circuit judges and chancellors, or
75 any combination thereof * * *.

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

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

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



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

97 (8) Any circuit judge or chancellor who did not have a
98 primary office provided by the county on March 1, 1988, shall be
99 allowed an additional * * * Seven Thousand Dollars (\$7,000.00) per
100 annum to defray the actual expenses incurred by the judge or
101 chancellor in maintaining an office; however, any circuit judge or
102 chancellor who had a primary office provided by the county on
103 March 1, 1988, and who vacated the office space after that date
104 for a legitimate reason, as determined by the Department of
105 Finance and Administration, shall be allowed the additional office
106 expense allowance provided under this subsection. The county in
107 which a circuit judge or chancellor sits is authorized to provide
108 funds from any available source to assist in defraying the actual
109 expenses to maintain an office.

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



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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE OFFICE OPERATING ALLOWANCE, SUPPORT STAFF FUNDING AND
3 THE ADDITIONAL OFFICE EXPENSE ALLOWANCE PAYABLE TO CIRCUIT JUDGES
4 AND CHANCELLORS; AND FOR RELATED PURPOSES.

