

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 1216

BY: Senator(s) Wiggins

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

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

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



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

23 * * *

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

27 (2) In addition to the amounts provided for in subsection
28 (1), there is * * * 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 * * * One Hundred Thousand Dollars
64 (\$100,000.00) per fiscal year per judge for whom all support staff
65 is approved for the funding of support staff assigned to a judge
66 or judges * * *.

67 * * *



68 The Administrative Office of Courts may approve expenditures
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) (a) Each temporary special circuit judge shall receive
74 an office operating allowance for the purposes described in
75 Section 9-1-36(1) in the amount of Zero Dollars (\$0.00) per annum.

76 (b) Support staff shall receive compensation pursuant
77 to personnel policies established by the Administrative Office of
78 Courts in an amount of Zero Dollars (\$0.00) per fiscal year per
79 temporary special circuit judge for whom all support staff is
80 approved for the funding of support staff assigned to a temporary
81 special circuit judge or temporary special circuit judges.

82 (* * *7) For the purposes of this section, the following
83 terms * * * have the meaning ascribed * * * in this subsection
84 unless the context clearly 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



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

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

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

(* * *9) Any circuit judge or chancellor who did not have a primary office provided by the county on March 1, 1988, shall be allowed an additional * * * Seven Thousand Dollars (\$7,000.00) per annum to defray the actual expenses incurred by the judge or chancellor in maintaining an office; however, any circuit judge or chancellor who had a primary office provided by the county on March 1, 1988, and who vacated the office space after that date for a legitimate reason, as determined by the Department of Finance and Administration, shall be allowed the additional office expense allowance provided under this subsection. The county in



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

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

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

SECTION 2. The funds authorized in Section 9-1-36(6) shall only be for the purposes of defraying the expenses of any temporary special circuit judge appointed under the authority of House Bill 1020, 2023 Regular Session.

SECTION 3. This act shall take effect and be in force from and after July 1, 2023, and shall stand repealed on June 30, 2023.

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

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

