

By: Senator(s) Barrett

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2761

1 AN ACT TO BRING FORWARD SECTION 9-1-36, MISSISSIPPI CODE OF
2 1972, WHICH IS A PROVISION RELATED TO JUDICIAL SUPPORT STAFF, FOR
3 THE PURPOSE OF POSSIBLE AMENDMENT; 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 brought forward 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.



18 From and after July 1, 2023, the office operating allowance
19 under this subsection shall be Fifteen Thousand Dollars
20 (\$15,000.00) per annum.

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

25 (3) Each judge who desires to employ support staff after
26 July 1, 1994, shall make application to the Administrative Office
27 of Courts by submitting to the Administrative Office of Courts a
28 proposed personnel plan setting forth what support staff is deemed
29 necessary. The plan may be submitted by a single judge or by any
30 combination of judges desiring to share support staff. In the
31 process of the preparation of the plan, the judges, at their
32 request, may receive advice, suggestions, recommendations and
33 other assistance from the Administrative Office of Courts. The
34 Administrative Office of Courts must approve the positions, job
35 descriptions and salaries before the positions may be filled. The
36 Administrative Office of Courts shall not approve any plan which
37 does not first require the expenditure of the funds in the support
38 staff fund for compensation of any of the support staff before
39 expenditure is authorized of county funds for that purpose. Upon
40 approval by the Administrative Office of Courts, the judge or
41 judges may appoint the employees to the position or positions, and
42 each employee so appointed will work at the will and pleasure of



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

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

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

60 The Administrative Office of Courts may approve expenditures
61 from the fund for additional equipment for support staff appointed
62 pursuant to this section in any year in which the allocation per
63 judge is sufficient to meet the equipment expense after provision
64 for the compensation of the support staff.

65 (6) For the purposes of this section, the following terms
66 have the meaning ascribed in this subsection unless the context
67 clearly requires otherwise:



68 (a) "Judges" means circuit judges and chancellors, or
69 any combination thereof.

70 (b) "Support staff" means court administrators, law
71 clerks, legal research assistants or secretaries, or any
72 combination thereof, but shall not mean school attendance
73 officers.

74 (c) "Compensation" means the gross salary plus all
75 amounts paid for benefits or otherwise as a result of employment
76 or as required by employment; however, only salary earned for
77 services rendered shall be reported and credited for Public
78 Employees' Retirement System purposes. Amounts paid for benefits
79 or otherwise, including reimbursement for travel expenses, shall
80 not be reported or credited for retirement purposes.

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

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

90 (8) Any circuit judge or chancellor who did not have a
91 primary office provided by the county on March 1, 1988, shall be
92 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum



93 to defray the actual expenses incurred by the judge or chancellor
94 in maintaining an office; however, any circuit judge or chancellor
95 who had a primary office provided by the county on March 1, 1988,
96 and who vacated the office space after that date for a legitimate
97 reason, as determined by the Department of Finance and
98 Administration, shall be allowed the additional office expense
99 allowance provided under this subsection. The county in which a
100 circuit judge or chancellor sits is authorized to provide funds
101 from any available source to assist in defraying the actual
102 expenses to maintain an office.

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

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

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2024.

