

By: Representative Watson

To: Judiciary A;
Appropriations

HOUSE BILL NO. 641

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE OFFICE OPERATING ALLOWANCE AND THE OFFICE MAINTENANCE
3 ALLOWANCE FOR CHANCELLORS AND CIRCUIT COURT JUDGES; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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 such 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. Such
14 allowance shall be paid only to the extent of actual expenses
15 incurred by any such judge as itemized and certified by such judge
16 to the Supreme Court and then in an amount of Eight Thousand
17 Dollars (\$8,000.00) per annum; however, such judge may expend sums
18 in excess thereof from the compensation otherwise provided for his
19 office. No part of this expense or allowance shall be used to pay
20 an official court reporter for services rendered to said court.

21 (2) In addition to the amounts provided for in subsection
22 (1), there is hereby created a separate office allowance fund for
23 the purpose of providing support staff to judges. This fund shall
24 be 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. Such 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; however, from and after July 1, 1994, the Administrative
58 Office of Courts shall allocate from the support staff fund an
59 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year
60 (July 1 through June 30) per judge for whom support staff is
61 approved for the funding of support staff assigned to a judge or

62 judges. Any employment pursuant to this subsection shall be
63 subject to the provisions of Section 25-1-53.

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

69 (6) For the purposes of this section, the following terms
70 shall have the meaning ascribed herein unless the context clearly
71 requires otherwise:

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

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

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

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

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

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

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

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

114 **SECTION 2.** The Attorney General of the State of Mississippi
115 shall submit this act, immediately upon approval by the Governor,
116 or upon approval by the Legislature subsequent to a veto, to the
117 Attorney General of the United States or to the United States
118 District Court for the District of Columbia in accordance with the
119 provisions of the Voting Rights Act of 1965, as amended and
120 extended.

121 **SECTION 3.** This act shall take effect and be in force from
122 and after the date it is effectuated under Section 5 of the Voting
123 Rights Act of 1965, as amended and extended.