

By: Senator(s) Ross

To: Judiciary, Division A;
Appropriations

SENATE BILL NO. 2440

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SUPPORT STAFF ALLOWANCE FOR TRIAL COURT JUDGES WITH
3 CERTAIN ATTENDANT RESTRICTIONS; 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 and then in an amount of Nine Thousand Dollars
16 (\$9,000.00) per annum; however, the judge may expend sums in
17 excess thereof from the compensation otherwise provided for his
18 office. No part of this expense or allowance shall be used to pay
19 an official court reporter for services rendered to said court.

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

24 (3) Each judge who desires to employ support staff after
25 July 1, 1994, shall make application to the Administrative Office
26 of Courts by submitting to the Administrative Office of Courts a
27 proposed personnel plan setting forth what support staff is deemed

28 necessary. The plan may be submitted by a single judge or by any
29 combination of judges desiring to share support staff. In the
30 process of the preparation of the plan, the judges, at their
31 request, may receive advice, suggestions, recommendations and
32 other assistance from the Administrative Office of Courts. The
33 Administrative Office of Courts must approve the positions, job
34 descriptions and salaries before the positions may be filled. The
35 Administrative Office of Courts shall not approve any plan which
36 does not first require the expenditure of the funds in the support
37 staff fund for compensation of any of the support staff before
38 expenditure is authorized of county funds for that purpose. Upon
39 approval by the Administrative Office of Courts, the judge or
40 judges may appoint the employees to the position or positions, and
41 each employee so appointed will work at the will and pleasure of
42 the judge or judges who appointed him but will be employees of the
43 Administrative Office of Courts. Upon approval by the
44 Administrative Office of Courts, the appointment of any support
45 staff shall be evidenced by the entry of an order on the minutes
46 of the court. When support staff is appointed jointly by two (2)
47 or more judges, the order setting forth any appointment shall be
48 entered on the minutes of each participating court.

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

54 (5) Support staff shall receive compensation pursuant to
55 personnel policies established by the Administrative Office of
56 Courts; however:

57 (a) 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

60 year * * * per judge for whom support staff is approved for the
61 funding of support staff assigned to a judge or judges; and

62 (b) From and after July 1, 2007, the Administrative
63 Office of Courts shall allocate from the support staff fund an
64 additional amount not to exceed Forty Thousand Dollars
65 (\$40,000.00), subject to the availability of funds appropriated
66 therefor. Of the amount provided in this paragraph (b), each
67 judge shall utilize an amount sufficient to ensure that judge has
68 access to the services of a law clerk, whether hired by the judge
69 separately or in concert with another judge. Any excess funds
70 remaining upon satisfaction of this requirement may be used for
71 any other support staff as defined in this section. Any
72 employment pursuant to this subsection shall be subject to the
73 provisions of Section 25-1-53.

74 The Administrative Office of Courts may approve expenditure
75 from the fund for additional equipment for support staff appointed
76 pursuant to this section in any year in which the allocation per
77 judge is sufficient to meet the equipment expense after provision
78 for the compensation of the support staff.

79 (6) For the purposes of this section, the following terms
80 shall have the meaning ascribed herein unless the context clearly
81 requires otherwise:

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

84 (b) "Support staff" means court administrators, law
85 clerks, legal research assistants or secretaries, or any
86 combination thereof, but shall not mean school attendance
87 officers;

88 (c) "Compensation" means the gross salary plus all
89 amounts paid for benefits or otherwise as a result of employment
90 or as required by employment; provided, however, that only salary
91 earned for services rendered shall be reported and credited for
92 Public Employees' Retirement System purposes. Amounts paid for

93 benefits or otherwise, including reimbursement for travel
94 expenses, shall not be reported or credited for retirement
95 purposes;

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

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

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

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

123 (10) The Supreme Court, through the Administrative Office of
124 Courts, shall have the power to adopt rules and regulations

125 regarding the administration of the office operating allowance
126 authorized pursuant to this section.

127 **SECTION 2.** This act shall take effect and be in force from
128 and after July 1, 2007.