

By: Representatives Cockerham, Anthony,
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To: Judiciary A;
Appropriations

HOUSE BILL NO. 1216

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.

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 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. No part of this



19 expense or allowance shall be used to pay an official court
20 reporter for services rendered to * * * the court.

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

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

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



44 judges may appoint the employees to the position or positions, and
45 each employee so appointed will work at the will and pleasure of
46 the judge or judges who appointed him but will be employees of the
47 Administrative Office of Courts. Upon approval by the
48 Administrative Office of Courts, the appointment of any support
49 staff shall be evidenced by the entry of an order on the minutes
50 of the court. When support staff is appointed jointly by two (2)
51 or more judges, the order setting forth any appointment shall be
52 entered on the minutes of each participating court.

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

58 (5) Support staff shall receive compensation pursuant to
59 personnel policies established by the Administrative Office of
60 Courts; however:

61 (a) From and after July 1, * * * 2023, the
62 Administrative Office of Courts shall allocate from the support
63 staff fund an amount of * * * Seventy Thousand Dollars
64 (\$70,000.00) per fiscal year per judge for whom support staff is
65 approved for the funding of support staff assigned to a judge or
66 judges; and

67 (b) From and after July 1, * * * 2023, the
68 Administrative Office of Courts shall allocate from the support



69 staff fund an amount of * * * Seventy Thousand Dollars
70 (\$70,000.00), in addition to the amount provided in paragraph (a).
71 Of the amount provided in this paragraph (b), each judge shall
72 utilize an amount sufficient to ensure that judge has access to
73 the services of a law clerk, whether hired by the judge separately
74 or in concert with another judge. Any excess funds remaining upon
75 satisfaction of this requirement may be used for any other support
76 staff as defined in this section. Any employment pursuant to this
77 subsection shall be subject to the provisions of Section 25-1-53.

78 The Administrative Office of Courts may approve expenditures
79 from the fund for additional equipment for support staff appointed
80 pursuant to this section in any year in which the allocation per
81 judge is sufficient to meet the equipment expense after provision
82 for the compensation of the support staff.

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

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

88 (b) "Support staff" means court administrators, law
89 clerks, legal research assistants or secretaries, or any
90 combination thereof, but shall not mean school attendance
91 officers * * * .

92 (c) "Compensation" means the gross salary plus all
93 amounts paid for benefits or otherwise as a result of employment



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

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

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

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



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

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

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

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

