

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

HOUSE BILL NO. 1216  
(As Passed the House)

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 \*\*\* in an amount of \*\*\* One Hundred Forty Thousand*  
61 *Dollars (\$140,000.00) per fiscal year per judge for whom all*  
62 *support staff is approved for the funding of support staff*  
63 *assigned to a judge or judges \*\*\*.*

64 \*\*\*

65 The Administrative Office of Courts may approve expenditures  
66 from the fund for additional equipment for support staff appointed  
67 pursuant to this section in any year in which the allocation per



68 judge is sufficient to meet the equipment expense after provision  
69 for the compensation of the support staff.

70 (6) For the purposes of this section, the following  
71 terms \* \* \* have the meaning ascribed \* \* \* in this subsection  
72 unless the context clearly requires otherwise:

73 (a) "Judges" means circuit judges and chancellors, or  
74 any combination thereof \* \* \*.

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

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

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

90 (7) Title to all tangible property, excepting stamps,  
91 stationery and minor expendable office supplies, procured with  
92 funds authorized by this section, shall be and forever remain in



93 the State of Mississippi to be used by the circuit judge or  
94 chancellor during the term of his office and thereafter by his  
95 successors.

96 (8) Any circuit judge or chancellor who did not have a  
97 primary office provided by the county on March 1, 1988, shall be  
98 allowed an additional \* \* \* Seven Thousand Dollars (\$7,000.00) per  
99 annum to defray the actual expenses incurred by the judge or  
100 chancellor in maintaining an office; however, any circuit judge or  
101 chancellor who had a primary office provided by the county on  
102 March 1, 1988, and who vacated the office space after that date  
103 for a legitimate reason, as determined by the Department of  
104 Finance and Administration, shall be allowed the additional office  
105 expense allowance provided under this subsection. The county in  
106 which a circuit judge or chancellor sits is authorized to provide  
107 funds from any available source to assist in defraying the actual  
108 expenses to maintain an office.

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

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



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

