

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

HOUSE BILL NO. 1216  
(As Sent to Governor)

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. \* \* \*



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

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

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



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

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

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

62 \* \* \*

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



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

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

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

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

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

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



92 chancellor during the term of his office and thereafter by his  
93 successors.

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

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

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



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

