

By: Representative Yates

To: Judiciary A;  
Appropriations A

HOUSE BILL NO. 1224

1 AN ACT TO AMEND SECTION 9-17-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE MANNER IN WHICH THE CIRCUIT JUDGES, CHANCELLORS AND  
3 COUNTY COURT JUDGES MAY ESTABLISH THE OFFICE OF COURT  
4 ADMINISTRATOR; TO REQUIRE THE ADMINISTRATIVE OFFICE OF COURTS TO  
5 DETERMINE IF A PROSPECTIVE COURT ADMINISTRATOR MEETS THE MINIMUM  
6 REQUIREMENTS BEFORE THE PERSON IS HIRED; TO AMEND SECTION 9-1-36,  
7 MISSISSIPPI CODE OF 1972, TO REQUIRE CIRCUIT JUDGES AND  
8 CHANCELLORS DESIRING TO EMPLOY SUPPORT STAFF TO HAVE CANDIDATES  
9 APPROVED BY THE ADMINISTRATIVE OFFICE OF COURTS BEFORE FILLING  
10 POSITIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-17-1, Mississippi Code of 1972, is  
13 amended as follows:

14 9-17-1. (1) \* \* \* If a circuit or chancery district  
15 contains more than one (1) judge or chancellor, the judges or  
16 chancellors may \* \* \* establish jointly the office of court  
17 administrator \* \* \* for that judicial district with an order  
18 entered on the minutes of each \* \* \* court in \* \* \* that judicial  
19 district.

20 The establishment of the office of court administrator shall  
21 be accomplished by vote of a majority of the participating  
22 judges \* \* \* or chancellors in the \* \* \* district, and such court



23 administrator shall be appointed by vote of a majority of the  
24 judges or chancellors and may be removed by a majority vote of the  
25 judges or chancellors. In case of a tie vote, the senior judge or  
26 senior chancellor shall cast two (2) votes.

27 (2) As an alternative to subsection (1), in a circuit or  
28 chancery district containing more than one (1) judge or  
29 chancellor, a judge or chancellor independently may establish the  
30 office of court administrator for that judge's or chancellor's  
31 office with an order entered on the minutes of each court in that  
32 judicial district appointing the court administrator to serve at  
33 the will and pleasure of the hiring judge or chancellor.

34 (3) In a county court where there is more than one (1)  
35 county judge, the county judges may establish jointly the office  
36 of court administrator for that county court with an order entered  
37 on the minutes of that court.

38 The establishment of the office of court administrator shall  
39 be accomplished by vote of a majority of the county judges in the  
40 county, and the court administrator shall be appointed by a vote  
41 of a majority of the county judges and may be removed by a  
42 majority vote of the county judges. In the case of a tie vote,  
43 the senior county judge shall cast two (2) votes.

44 (4) In a county court with one (1) county judge, the office  
45 of court administrator shall be established with an order entered  
46 on the minutes of that court. The appointment of the court  
47 administrator shall be accomplished with an order entered on the



48 minutes of the court stating that the court administrator serves  
49 at the will and pleasure of the county judge.

50 (5) Before a court administrator appointed under this  
51 section may be hired, the Administrative Office of Courts will  
52 evaluate the chosen applicant to determine if the applicant meets  
53 the minimum requirements of the position of court administrator.

54 (6) The court administrators shall be provided office space  
55 in the same manner as such is afforded the circuit judges \* \* \*,  
56 chancellors and county judges.

57 ( \* \* \*7) The annual salary of \* \* \* the court administrator  
58 appointed pursuant to \* \* \* subsection (1) shall be set by vote of  
59 the circuit judges \* \* \* or chancellors of \* \* \* the district and  
60 shall be submitted to the Administrative Office of Courts for  
61 approval pursuant to Section 9-1-36. The salary shall be paid in  
62 twelve (12) installments on the last working day of the month by  
63 the Administrative Office of Courts after it has been authorized  
64 by the participating judges and chancellors and an order has been  
65 duly placed on the minutes of each participating court.

66 Any county within a judicial district having a court  
67 administrator shall transfer to the Administrative Office of  
68 Courts one-twelfth (1/12) of its pro rata cost of authorized  
69 compensation, as defined in Section 9-1-36, for the court  
70 administrator by the twentieth day of each month for the  
71 compensation that is to be paid on the last day of that month.  
72 The board of supervisors may transfer the pro rata cost of the



73 county from the funds of that county pursuant to Section  
74 9-17-5(2) (b) .

75       ( \* \* \*8) The annual salary of each court administrator  
76 appointed pursuant to subsection (2) shall be set by the  
77 appointing circuit judge or chancellor and shall be submitted to  
78 the Administrative Office of Courts for approval pursuant to  
79 Section 9-1-36. The salary shall be paid in twelve (12)  
80 installments on the last working day of the month by the  
81 Administrative Office of Courts after it has been authorized by  
82 the appointing judge or chancellor and an order has been duly  
83 placed on the minutes of the participating court. A county within  
84 a judicial district have a court administrator shall transfer to  
85 the Administrative Office of Courts one-twelfth (1/12) of its pro  
86 rata cost of authorized compensation, as defined in Section  
87 9-1-36, for the court administrator by the twentieth day of each  
88 month for the compensation that is to be paid on the last day of  
89 that month. The board of supervisors may transfer the pro rata  
90 cost of the county from the funds of that county pursuant to  
91 Section 9-17-5(2) (b) .

92       (9) The annual salary of the court administrator appointed  
93 to subsection (3) shall be set by a vote of the county judges of  
94 the county and shall be paid by the county's board of supervisors.

95       (10) The annual salary of the court administrator appointed  
96 pursuant to subsection (4) shall be set by the county judge of the  
97 county and shall be paid by that county's board of supervisors.



98           (11) For all travel required in the performance of official  
99 duties, the court administrator shall be paid mileage by the  
100 county in which the duties were performed at the same rate as  
101 provided for state employees in Section 25-3-41, Mississippi Code  
102 of 1972. The court administrator shall file a certificate of  
103 mileage expense incurred during that term with the board of  
104 supervisors of each participating county and payment of such  
105 expense shall be paid proportionately out of the court  
106 administration fund established pursuant to Section 9-17-5.

107           **SECTION 2.** Section 9-1-36, Mississippi Code of 1972, is  
108 amended as follows:

109           9-1-36. (1) Each circuit judge and chancellor shall receive  
110 an office operating allowance for the expenses of operating the  
111 office of the judge, including retaining a law clerk, legal  
112 research, stenographic help, stationery, stamps, furniture, office  
113 equipment, telephone, office rent and other items and expenditures  
114 necessary and incident to maintaining the office of judge. The  
115 allowance shall be paid only to the extent of actual expenses  
116 incurred by the judge as itemized and certified by the judge to  
117 the Supreme Court in the amounts set forth in this subsection;  
118 however, the judge may expend sums in excess thereof from the  
119 compensation otherwise provided for his office.

120           From and after July 1, 2023, the office operating allowance  
121 under this subsection shall be Fifteen Thousand Dollars  
122 (\$15,000.00) per annum.



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

127 (3) Each judge who desires to employ support staff \* \* \*  
128 must have each candidate approved by the Administrative Office of  
129 Courts \* \* \* before the positions may be filled. The  
130 Administrative Office of Courts shall not approve any \* \* \* hire  
131 which does not first require the expenditure of the funds in the  
132 support staff fund for compensation of any of the support staff  
133 before expenditure is authorized of county funds for that purpose.  
134 Upon approval by the Administrative Office of Courts, the judge or  
135 judges may appoint the employees to the position or positions, and  
136 each employee so appointed will work at the will and pleasure of  
137 the judge or judges who appointed him but will be employees of the  
138 Administrative Office of Courts. Upon approval by the  
139 Administrative Office of Courts, the appointment of any support  
140 staff shall be evidenced by the entry of an order on the minutes  
141 of the court. When support staff is appointed jointly by two (2)  
142 or more judges, the order setting forth any appointment shall be  
143 entered on the minutes of each participating court.

144 (4) \* \* \* Support staff shall receive compensation pursuant  
145 to personnel policies established by the Administrative Office of  
146 Courts \* \* \*. Each judge shall be allotted the amount of One  
147 Hundred Thousand Dollars (\$100,000.00) per fiscal year \* \* \*



148 for \* \* \* all support staff \* \* \* approved \* \* \* by the  
149 Administrative Office of Courts.

150 The Administrative Office of Courts may approve expenditures  
151 from the fund for additional equipment for support staff appointed  
152 pursuant to this section in any year in which the allocation per  
153 judge is sufficient to meet the equipment expense after provision  
154 for the compensation of the support staff.

155 ( \* \* \* 5) For the purposes of this section, the following  
156 terms have the meaning ascribed in this subsection unless the  
157 context clearly requires otherwise:

158 (a) "Judges" means circuit judges and chancellors, or  
159 any combination thereof.

160 (b) "Support staff" means court administrators, law  
161 clerks, legal research assistants or secretaries, or any  
162 combination thereof, but shall not mean school attendance  
163 officers.

164 (c) "Compensation" means the gross salary plus all  
165 amounts paid for benefits or otherwise as a result of employment  
166 or as required by employment; however, only salary earned for  
167 services rendered shall be reported and credited for Public  
168 Employees' Retirement System purposes. Amounts paid for benefits  
169 or otherwise, including reimbursement for travel expenses, shall  
170 not be reported or credited for retirement purposes.



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

174 ( \* \* \*6) Title to all tangible property, excepting stamps,  
175 stationery and minor expendable office supplies, procured with  
176 funds authorized by this section, shall be and forever remain in  
177 the State of Mississippi to be used by the circuit judge or  
178 chancellor during the term of his office and thereafter by his  
179 successors.

180 ( \* \* \*7) Any circuit judge or chancellor who did not have a  
181 primary office provided by the county on March 1, 1988, shall be  
182 allowed an additional Seven Thousand Dollars (\$7,000.00) per annum  
183 to defray the actual expenses incurred by the judge or chancellor  
184 in maintaining an office; however, any circuit judge or chancellor  
185 who had a primary office provided by the county on March 1, 1988,  
186 and who vacated the office space after that date for a legitimate  
187 reason, as determined by the Department of Finance and  
188 Administration, shall be allowed the additional office expense  
189 allowance provided under this subsection. The county in which a  
190 circuit judge or chancellor sits is authorized to provide funds  
191 from any available source to assist in defraying the actual  
192 expenses to maintain an office.

193 ( \* \* \*8) The Supreme Court, through the Administrative  
194 Office of Courts, shall submit to the Department of Finance and  
195 Administration the itemized and certified expenses for office





196 operating allowances that are directed to the court pursuant to  
197 this section.

198 ( \* \* \*9) The Supreme Court, through the Administrative  
199 Office of Courts, shall have the power to adopt rules and  
200 regulations regarding the administration of the office operating  
201 allowance authorized pursuant to this section.

202 **SECTION 3.** This act shall take effect and be in force from  
203 and after July 1, 2024.

