

By: Senator(s) Jordan (18th)

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2137

1 AN ACT TO AMEND SECTIONS 25-3-35, 25-3-36 AND 9-9-11,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE SALARIES OF THE JUDGES OF
3 THE SUPREME COURT, COURT OF APPEALS, CIRCUIT COURT, CHANCERY
4 COURT, COUNTY COURT AND JUSTICE COURT; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 25-3-35, Mississippi Code of 1972, is
7 amended as follows:

8 25-3-35. (1) The annual salaries of the following judges
9 are fixed as follows, to begin at the commencement of the next
10 term of office immediately succeeding the existing term:

- 11 Chief Justice of the Supreme Court..... \$112,900.00
- 12 Presiding Justice of the Supreme Court..... 110,900.00
- 13 Associate Justices of the Supreme Court, each..... 110,300.00

14 However, in addition to their present official duties, there
15 are imposed upon the Supreme Court Justices the extra duties of
16 making a special study of existing laws and reporting to each
17 regular session of the Legislature such constructive suggestions
18 as they may deem necessary for the improvement of the
19 administration of justice, and of advising and counseling with the
20 State Librarian in the selection of law books for purchase and use
21 in the State Law Library, advising with the librarian thereof upon
22 the removal from the library of any books which may be the least
23 frequently used, and for the placing of same in a convenient
24 location so as to provide additional space for such books and
25 other current publications which may be more frequently used or
26 called for. For such extra services each justice, from and after
27 the effective date of Senate Bill No. 2137, 1999 Regular Session,
28 shall receive a sum sufficient when added to the present salaries

29 of the justices to aggregate One Hundred Twelve Thousand Nine
30 Hundred Dollars (\$112,900.00) for the Chief Justice, One Hundred
31 Ten Thousand Nine Hundred Dollars (\$110,900.00) for the Presiding
32 Justice, and One Hundred Ten Thousand Three Hundred Dollars
33 (\$110,300.00) for Associate Justices, per annum. As each existing
34 term expires and the above-captioned salaries become effective in
35 due course, the extra duties and compensation provided for shall
36 cease.

37 (2) The annual salaries of the judges of the Court of
38 Appeals of Mississippi are fixed as follows:

39 Chief Judge of the Court of Appeals..... \$106,300.00
40 Associate Judges of the Court of Appeals, each.... 103,500.00

41 (3) The annual salaries of the chancery and circuit court
42 judges are fixed as follows:

43 Chancery Judges, each..... \$100,700.00
44 Circuit Judges, each..... 100,700.00

45 In addition to their present official duties, there are
46 imposed upon the chancery and circuit court judges the extra
47 duties of making a special study of existing laws relating to
48 trial courts and reporting to the Supreme Court of the State of
49 Mississippi such constructive suggestions as they may deem
50 necessary for the improvement of the administration of justice,
51 which shall be recommended to the Legislature by the Supreme Court
52 in the manner provided by law. The judges shall advise and
53 supervise in the purchase of law books for the libraries of each
54 district, and shall study and evaluate the inventory of books and
55 facilities now existing in the libraries of each district to
56 effect the removal and relocation of obsolete publications so as
57 to provide additional space for those books and current
58 publications more frequently used. The judges shall study the
59 existing rules promulgated by the circuit and chancery court
60 judicial associations governing the operation of chancery and
61 circuit courts, and revise the same pursuant to existing laws.
62 For such extra services each judge, from and after the effective
63 date of Senate Bill No. 2137, 1999 Regular Session, shall receive
64 a sum sufficient when added to the present salaries of the judges
65 to aggregate One Hundred Thousand Seven Hundred Dollars
66 (\$100,700.00) per annum for each judge. Upon the expiration of

67 the existing term, the above-captioned salaries become effective
68 in due course, and the extra duties and compensation provided for
69 shall cease.

70 (4) The Supreme Court shall prepare a payroll for chancery
71 judges and circuit judges and submit such payroll to the
72 Department of Finance and Administration.

73 (5) The annual salary of the full-time district attorneys
74 shall be Seventy-nine Thousand Eight Hundred Thirty Dollars
75 (\$79,830.00).

76 (6) The annual salary of the full-time legal assistants
77 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
78 more than Sixty-seven Thousand Five Hundred Dollars (\$67,500.00),
79 as established by the district attorney.

80 SECTION 2. Section 25-3-36, Mississippi Code of 1972, is
81 amended as follows:

82 25-3-36. (1) From and after October 1, 1998, every justice
83 court judge shall receive as full compensation for his or her
84 services and in lieu of any and all other fees, costs or
85 compensation heretofore authorized for such justice court judge,
86 an annual salary based upon the population of his or her county
87 according to the 1990 federal decennial census; however, no
88 justice court judge shall be paid less than the salary authorized
89 under this section to be paid the justice court judge based upon
90 the population of the county according to the 1980 federal
91 decennial census. The amount of which salary shall be determined
92 as follows:

93 (a) In counties with a population of more than two
94 hundred thousand (200,000), a salary of Fifty Thousand Two Hundred
95 Ninety-nine Dollars (\$50,299.00).

96 (b) In counties with a population of more than one
97 hundred fifty thousand (150,000) but not more than two hundred
98 thousand (200,000), a salary of Forty-six Thousand Five Hundred
99 Four Dollars (\$46,504.00).

100 (c) In counties with a population of more than

101 seventy-five thousand (75,000) but not more than one hundred fifty
102 thousand (150,000), a salary of Forty-two Thousand Seven Hundred
103 Nine Dollars (\$42,709.00).

104 (d) In counties with a population of more than
105 forty-nine thousand (49,000) but not more than seventy-five
106 thousand (75,000), a salary of Thirty-seven Thousand Three Hundred
107 Ninety-six Dollars (\$37,396.00).

108 (e) In counties with a population of more than
109 thirty-four thousand (34,000) but not more than forty-nine
110 thousand (49,000), a salary of Thirty-two Thousand Eight Hundred
111 Forty-two Dollars (\$32,842.00).

112 (f) In counties with a population of more than
113 twenty-four thousand five hundred (24,500) but not more than
114 thirty-four thousand (34,000), a salary of Thirty-one Thousand
115 Three Hundred Twenty-four Dollars (\$31,324.00).

116 (g) In counties with a population of more than
117 twenty-one thousand (21,000) but not more than twenty-four
118 thousand five hundred (24,500), a salary of Twenty-eight Thousand
119 Two Hundred Eighty-eight Dollars (\$28,288.00).

120 (h) In counties with a population of more than sixteen
121 thousand five hundred (16,500) but not more than twenty-one
122 thousand (21,000), a salary of Twenty-five Thousand Two Hundred
123 Fifty-two Dollars (\$25,252.00).

124 (i) In counties with a population of more than twelve
125 thousand (12,000) but not more than sixteen thousand five hundred
126 (16,500), a salary of Twenty-two Thousand Two Hundred Sixteen
127 Dollars (\$22,216.00).

128 (j) In counties with a population of more than eight
129 thousand (8,000) but not more than twelve thousand (12,000), a
130 salary of Nineteen Thousand Dollars (\$19,000.00).

131 (k) In counties with a population of eight thousand
132 (8,000) or less, a salary of Sixteen Thousand Dollars
133 (\$16,000.00).

134 The board of supervisors of any county having two (2)

135 judicial districts and two (2) justice court judges for the county
136 shall pay the justice court judges an amount equal to that
137 hereinabove provided for judges in the next higher population
138 category per year, if said justice court judges maintain regular
139 office hours and are personally present in the office they
140 maintain for at least thirty (30) hours per week. In any county
141 having a population greater than eight thousand (8,000) but less
142 than eight thousand five hundred (8,500) according to the 1990
143 federal decennial census and in which U.S. Highway 61 and
144 Mississippi Highway 4 intersect, the board of supervisors may, in
145 its discretion, pay such justice court judges an additional amount
146 not to exceed the sum of Eleven Thousand Five Hundred Fifty
147 Dollars (\$11,550.00) per year, payable beginning April 1, 1997.
148 In any county having a population greater than ten thousand
149 (10,000) but less than ten thousand five hundred (10,500)
150 according to the 1990 federal decennial census and in which
151 Mississippi Highway 3 and Mississippi Highway 6 intersect, the
152 board of supervisors may, in its discretion, pay such justice
153 court judges an additional amount not to exceed One Thousand Four
154 Hundred Fifty Dollars (\$1,450.00) per year, payable beginning
155 April 1, 1997. In any county having a population greater than
156 twenty-four thousand seven hundred (24,700) and less than
157 twenty-four thousand nine hundred (24,900), according to the 1990
158 federal census, wherein Mississippi Highways 15 and 16 intersect,
159 the board of supervisors shall pay such justice court judge an
160 additional amount equal to Two Thousand Five Hundred Dollars
161 (\$2,500.00) per year.

162 (2) Notwithstanding the provisions of subsection (1) of this
163 section, in the event that the number of justice court judges
164 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
165 the provisions of Section 9-11-2(4), the aggregate of the salaries
166 paid to the justice court judges of such a county shall not exceed
167 the amount sufficient to pay the number of justice court judges
168 authorized pursuant to Section 9-11-2(1) and such amount shall be

169 equally divided among those justice court judges continuing to
170 hold office under the provisions of Section 9-11-2(4).

171 (3) From and after January 1, 1984, all fees, costs, fines
172 and penalties charged and collected in the justice court shall be
173 paid to the clerk of the justice court for deposit, along with
174 monies from cash bonds and other monies which have been forfeited
175 in criminal cases, into the general fund of the county as provided
176 in Section 9-11-19; and the clerk of the board of supervisors
177 shall be authorized and empowered, upon approval by the board of
178 supervisors, to make disbursements and withdrawals from the
179 general fund of the county in order to pay any reasonable and
180 necessary expenses incurred in complying with this section,
181 including payment of the salaries of justice court judges as
182 provided by subsection (1) of this section. The provisions of
183 this subsection shall not, except as to cash bonds and other
184 monies which have been forfeited in criminal cases, apply to
185 monies required to be deposited in the justice court clerk
186 clearing account as provided in Section 9-11-18, Mississippi Code
187 of 1972.

188 (4) The salaries provided for in subsection (1) of this
189 section shall be payable monthly by warrant drawn by the clerk of
190 the board of supervisors on the general fund of the county;
191 however, the board of supervisors, by resolution duly adopted and
192 entered on its minutes, may provide that such salaries shall be
193 paid semimonthly on the first and fifteenth day of each month. If
194 a pay date falls on a weekend or legal holiday, salary payments
195 shall be made on the workday immediately preceding the weekend or
196 legal holiday.

197 (5) Provided, that the salary of any justice court judge
198 shall not be reduced during his term of office as a result of a
199 population change following a federal decennial census.

200 (6) Any justice court judge who is unable to attend and hold
201 court by reason of being under suspension by the Commission on
202 Judicial Performance or the Mississippi Supreme Court shall not

203 receive a salary while under such suspension.

204 SECTION 3. Section 9-9-11, Mississippi Code of 1972, is
205 amended as follows:

206 9-9-11. (1) Except as otherwise provided in subsections (2)
207 and (3), the county court judge shall receive an annual salary
208 payable monthly out of the county treasury in an amount not to
209 exceed One Thousand Dollars (\$1,000.00) less than the salary which
210 is now or shall hereafter be provided for circuit and chancery
211 judges of this state, in the discretion of the board of
212 supervisors of said county; provided, however, that the salary of
213 such judge shall not be reduced during his term of office.
214 Provided further, that the office of county court judge in any
215 county receiving an annual salary of Thirty-six Thousand Dollars
216 (\$36,000.00) or more shall be a full-time position, and the holder
217 thereof shall not otherwise engage in the practice of law.

218 (2) In the event of the establishment of a county court by
219 agreement between two (2) or more counties as provided in Section
220 9-9-3, the county judge of the court so established shall be paid
221 a salary equal to one and one-half (1-1/2) times that salary that
222 he would be paid if he were the judge of the smallest of such two
223 (2) or more counties, such salary to be paid in monthly
224 installments as provided by law; provided that such salary shall
225 not exceed One Thousand Dollars (\$1,000.00) less than the salary
226 of the circuit and chancery judges of this state.

227 (3) The county court judge shall receive an annual salary
228 payable monthly out of the county treasury as follows:

229 (a) In any county having a population of seventy
230 thousand (70,000) or more according to the 1980 federal census,
231 the county judge shall receive an annual salary of One Thousand
232 Dollars (\$1,000.00) less than that paid to a circuit court judge.
233 The office of county judge shall be a full-time position, and the
234 holder thereof shall not otherwise engage in the practice of law.

235 (b) In any county having a population of sixty thousand
236 (60,000) or more but less than seventy thousand (70,000) according

237 to the 1980 federal census, the county judge shall receive an
238 annual salary of Forty Thousand Dollars (\$40,000.00). The office
239 of county judge shall be a full-time position, and the holder
240 thereof shall not otherwise engage in the practice of law. The
241 county judge shall not be eligible for any additional salary
242 except as may be authorized in subsection (4).

243 (c) In any county having a population of twenty-seven
244 thousand (27,000) or more but less than sixty thousand (60,000)
245 according to the 1980 federal census, the county judge shall
246 receive an annual salary of not less than Twelve Thousand Dollars
247 (\$12,000.00) but not more than Forty Thousand Dollars
248 (\$40,000.00), in the discretion of the board of supervisors of
249 said county. The county judge shall not be eligible for any
250 additional salary except as may be authorized in subsection (4).
251 In the event that the board of supervisors of said county elects
252 to pay such county judge an annual salary of Thirty Thousand
253 Dollars (\$30,000.00) or more, the office of county judge shall be
254 a full-time position, and the holder thereof shall not otherwise
255 engage in the practice of law.

256 (d) In any county having a population of less than
257 twenty-seven thousand (27,000) according to the 1980 federal
258 census, the county judge shall receive an annual salary of not
259 less than Four Thousand Two Hundred Dollars (\$4,200.00) and not
260 more than Eight Thousand Five Hundred Dollars (\$8,500.00), in the
261 discretion of the board of supervisors of said county. The county
262 judge shall not be eligible for any additional salary except as
263 may be authorized in subsection (4).

264 (4) The county judge of any county described in this
265 subsection shall be paid the compensation, and he shall be subject
266 to any restrictions, set forth in the following paragraphs:

267 (a) The county judge of any such Class 1 county with
268 population according to the latest federal decennial census of
269 forty-five thousand (45,000) or more and lying wholly within a
270 levee district and having two (2) judicial districts shall, in the

271 discretion of the board of supervisors of such county, receive an
272 annual salary not exceeding Forty Thousand Dollars (\$40,000.00),
273 or a sum which is One Thousand Dollars (\$1,000.00) less than the
274 salary which is now or shall hereafter be provided for circuit and
275 chancery judges of the state, whichever is greater.

276 (b) The county judge of any Class 1 county having an
277 area in excess of nine hundred twenty-five (925) square miles
278 shall receive an annual salary of not less than Thirty Thousand
279 Dollars (\$30,000.00) but, in the discretion of the board of
280 supervisors of such county, such salary may be not more than Five
281 Hundred Dollars (\$500.00) less than the annual salary of a circuit
282 judge, payable monthly out of the county treasury, and the county
283 judge shall not practice law.

284 (c) The office of county judge in any such Class 1
285 county with a population according to the 1970 federal decennial
286 census of greater than thirty-nine thousand (39,000), and where
287 U.S. Highway 61 and Mississippi Highway 6 intersect, shall receive
288 an annual salary to be paid in monthly installments of not less
289 than an amount equal to ninety percent (90%) of the annual salary
290 which is now or shall hereafter be provided for circuit and
291 chancery judges of the state, as follows: The salary of the
292 county judge shall be increased by ten percent (10%) annually
293 above the base salary of the preceding year until such time as the
294 judge's salary is equal to the amount that is provided by this
295 subsection. The office of county judge shall be a full-time
296 position and the holder thereof shall not otherwise engage in the
297 practice of law.

298 (d) In any Class 1 county bordering on the Mississippi
299 River and which has situated therein a national military park and
300 national military cemetery, the office of county judge shall be a
301 full-time position and the holder thereof shall not otherwise
302 engage in the practice of law. The salary for the county judge in
303 said county shall be fixed at a sum which is One Thousand Dollars
304 (\$1,000.00) less than the salary which is now or shall hereafter

305 be provided for circuit and chancery judges of this state.

306 (e) The county judge in any county having a population
307 of at least forty-two thousand one hundred eleven (42,111),
308 according to the 1970 census, and where U.S. Highway 49E and U.S.
309 Highway 82 intersect, shall receive an annual salary to be paid in
310 monthly installments of not less than Thirty Thousand Dollars
311 (\$30,000.00) but not more than Two Thousand Five Hundred Dollars
312 (\$2,500.00) less than the annual salary of the circuit judge, in
313 the discretion of the board of supervisors of said county.

314 (f) The county judge in any Class 1 county bordering on
315 the Mississippi River and having an area of less than four hundred
316 fifty (450) square miles wherein U.S. Highways 84 and 61 intersect
317 shall receive an annual salary of Four Thousand Dollars
318 (\$4,000.00) less than the annual salary of a circuit judge, and
319 such county judge shall not practice law in any manner. The
320 county judge in such county shall not be eligible to receive any
321 additional salary authorized by this section or from any other
322 source other than that set out and authorized by this paragraph.

323 (g) The county judge of any Class 1 county bordering on
324 the Mississippi River on the west and the State of Tennessee on
325 the north, and traversed north to south by Interstate Highway 55,
326 shall receive an annual salary of ninety percent (90%) of the
327 salary which is now or shall hereafter be provided for chancery
328 and circuit judges of this state, but in any event not less than
329 Sixty Thousand Two Hundred Dollars (\$60,200.00).

330 (h) The county judge of any Class 1 county with a
331 population of greater than sixty-nine thousand (69,000) according
332 to the 1980 federal decennial census, and wherein U.S. Highway 80
333 and Mississippi Highway 43 intersect, shall receive an annual
334 salary in an amount not greater than the sum of Five Hundred
335 Dollars (\$500.00) less than the salary which is now or shall
336 hereafter be provided for circuit and chancery judges of this
337 state, in the discretion of the board of supervisors of said
338 county.

339 (i) The county judge of any county having a population
340 in excess of sixty-six thousand (66,000) according to the 1980
341 federal decennial census, wherein is located a state-supported
342 university and in which U.S. Highways 49 and 11 intersect, shall
343 receive an annual salary of One Thousand Dollars (\$1,000.00) less
344 than that paid to a circuit court judge. The office of such
345 county judge shall be a full-time position, and the holder thereof
346 shall not otherwise engage in the practice of law.

347 (j) The county judge of any county having two (2)
348 judicial districts, having a population in excess of sixty-one
349 thousand nine hundred (61,900) according to the 1980 federal
350 decennial census, in which U.S. Interstate Highway 59 intersects
351 with U.S. Highway 84, shall receive an annual salary of One
352 Thousand Dollars (\$1,000.00) less than the salary which is now or
353 hereafter authorized to be paid circuit and chancery court judges
354 of this state. The office of such county judge shall be a
355 full-time position, and the holder thereof shall not otherwise
356 engage in the practice of law.

357 (k) The office of county judge of any Class I county
358 wherein U.S. Highway 51 and U.S. Highway 98 intersect shall be a
359 full-time position and the holder thereof shall not otherwise
360 engage in the practice of law. The annual salary for the office
361 of county judge in said county may be fixed, in the discretion of
362 the board of supervisors of said county, at a sum not to exceed
363 Two Thousand Dollars (\$2,000.00) less than the salary which is now
364 or shall hereafter be provided for circuit and chancery judges of
365 this state.

366 (l) The county judge of any county having a population
367 of more than forty-one thousand six hundred (41,600) but less than
368 forty-one thousand six hundred fifty (41,650) according to the
369 1980 federal census, and wherein U.S. Highway 49 intersects with
370 Mississippi Highway 22, shall receive an annual salary in an
371 amount established by the board of supervisors, but in no event to
372 exceed the salary provided now or hereafter for circuit and

373 chancery judges of this state.

374 (m) The county judge of any county having a population
375 of more than fifty-seven thousand (57,000) but less than
376 fifty-seven thousand one hundred (57,100) according to the 1980
377 federal census, wherein U.S. Highway 45 intersects with
378 Mississippi Highway 6, shall receive an annual salary in an amount
379 established by the board of supervisors, but in no event to exceed
380 the salary provided now or hereafter for circuit and chancery
381 judges of this state.

382 (n) The county judge of any county having a population
383 of more than fifty-seven thousand three hundred (57,300) according
384 to the 1980 federal decennial census, wherein is located a
385 state-supported university and wherein United States Highways 82
386 and 45 intersect, shall receive an annual salary in an amount
387 established by the board of supervisors, but in no event to exceed
388 the salary provided now or hereafter for circuit and chancery
389 judges of this state.

390 (5) The salary of a county court judge or justice court
391 judge shall not be reduced during his term of office as a result
392 of a population decrease based upon the 1990 federal decennial
393 census.

394 (6) The salary of a sheriff shall not be reduced during his
395 term of office as a result of a population decrease based upon the
396 1990 federal decennial census.

397 (7) From and after October 1, 1993, or the effective date of
398 this act [Laws, 1993, Ch. 550], whichever is later, in addition to
399 the salaries set forth in this section, the board of supervisors
400 of any county, in its discretion, may pay any county court judge
401 whose salary is not established herein in relation to the salary
402 paid to chancery and circuit court judges, an additional amount
403 not to exceed ten percent (10%) of the maximum allowable salary
404 for that judge.

405 (8) From and after October 1, 1999, or the effective date of
406 Senate Bill No. 2137, 1999 Regular Session, whichever is later, in

407 addition to the salaries set forth in this section, the board of
408 supervisors of any county, in its discretion, may pay any county
409 court judge whose salary is not established herein in relation to
410 the salary paid to chancery and circuit court judges, an
411 additional amount not to exceed Four Thousand Dollars (\$4,000.00).

412 SECTION 4. The Attorney General of the State of Mississippi
413 is directed to submit this act, immediately upon approval by the
414 Governor, or upon approval by the Legislature subsequent to a
415 veto, to the Attorney General of the United States or to the
416 United States District Court for the District of Columbia in
417 accordance with the provisions of the Voting Rights Act of 1965,
418 as amended and extended.

419 SECTION 5. This act shall take effect and be in force from
420 and after the date it is effectuated under Section 5 of the Voting
421 Rights Act of 1965, as amended and extended, or October 1, 1999,
422 whichever occurs later.