

By: Holland

To: Fees and Salaries of
Public Officers;
County Affairs

HOUSE BILL NO. 147

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF JUSTICE COURT JUDGES; AND FOR RELATED
3 PURPOSES.

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

5 SECTION 1. Section 25-3-36, Mississippi Code of 1972, is
6 amended as follows:[JU1]

7 25-3-36. (1) From and after October 1, 1998, every justice
8 court judge shall receive as full compensation for his or her
9 services and in lieu of any and all other fees, costs or
10 compensation heretofore authorized for such justice court judge,
11 an annual salary based upon the population of his or her county
12 according to the 1990 federal decennial census; however, no
13 justice court judge shall be paid less than the salary authorized
14 under this section to be paid the justice court judge based upon
15 the population of the county according to the 1980 federal
16 decennial census. The amount of which salary shall be determined
17 as follows:

18 (a) In counties with a population of more than two
19 hundred thousand (200,000), a salary of Fifty-four Thousand Two
20 Hundred Ninety-nine Dollars (\$54,299.00).

21 (b) In counties with a population of more than one

22 hundred fifty thousand (150,000) but not more than two hundred
23 thousand (200,000), a salary of Fifty Thousand Five Hundred Four
24 Dollars (\$50,504.00).

25 (c) In counties with a population of more than
26 seventy-five thousand (75,000) but not more than one hundred fifty
27 thousand (150,000), a salary of Forty-eight Thousand Seven Hundred
28 Nine Dollars (\$48,709.00).

29 (d) In counties with a population of more than
30 forty-nine thousand (49,000) but not more than seventy-five
31 thousand (75,000), a salary of Forty-three Thousand Three Hundred
32 Ninety-six Dollars (\$43,396.00).

33 (e) In counties with a population of more than
34 thirty-four thousand (34,000) but not more than forty-nine
35 thousand (49,000), a salary of Forty Thousand Eight Hundred
36 Forty-two Dollars (\$40,842.00).

37 (f) In counties with a population of more than
38 twenty-four thousand five hundred (24,500) but not more than
39 thirty-four thousand (34,000), a salary of Thirty-nine Thousand
40 Three Hundred Twenty-four Dollars (\$39,324.00).

41 (g) In counties with a population of more than
42 twenty-one thousand (21,000) but not more than twenty-four
43 thousand five hundred (24,500), a salary of Thirty-six Thousand
44 Two Hundred Eighty-eight Dollars (\$36,288.00).

45 (h) In counties with a population of more than sixteen
46 thousand five hundred (16,500) but not more than twenty-one
47 thousand (21,000), a salary of Thirty-three Thousand Two Hundred
48 Fifty-two Dollars (\$33,252.00).

49 (i) In counties with a population of more than twelve
50 thousand (12,000) but not more than sixteen thousand five hundred
51 (16,500), a salary of Thirty Thousand Two Hundred Sixteen Dollars
52 (\$30,216.00).

53 (j) In counties with a population of more than eight
54 thousand (8,000) but not more than twelve thousand (12,000), a
55 salary of Twenty-seven Thousand Dollars (\$27,000.00).

56 (k) In counties with a population of eight thousand
57 (8,000) or less, a salary of Twenty-four Thousand Dollars
58 (\$24,000.00).

59 The board of supervisors of any county having two (2)
60 judicial districts and two (2) justice court judges for the county
61 shall pay the justice court judges an amount equal to that * * *
62 provided in this subsection for judges in the next higher
63 population category per year, if the justice court judge maintains
64 regular office hours and is personally present in the office he
65 maintains for at least thirty (30) hours per week.

66 In any county having a population greater than eight thousand
67 (8,000) but less than eight thousand five hundred (8,500)
68 according to the 1990 federal decennial census and in which U.S.
69 Highway 61 and Mississippi Highway 4 intersect, the board of
70 supervisors * * *, in its discretion, may pay such justice court
71 judges an additional amount not to exceed the sum of Eleven
72 Thousand Five Hundred Fifty Dollars (\$11,550.00) per year, payable
73 beginning April 1, 1997. In any county having a population
74 greater than ten thousand (10,000) but less than ten thousand five
75 hundred (10,500) according to the 1990 federal decennial census
76 and in which Mississippi Highway 3 and Mississippi Highway 6
77 intersect, the board of supervisors * * *, in its discretion, may
78 pay such justice court judges an additional amount not to exceed
79 One Thousand Four Hundred Fifty Dollars (\$1,450.00) per year,
80 payable beginning April 1, 1997. In any county having a

81 population greater than twenty-four thousand seven hundred
82 (24,700) and less than twenty-four thousand nine hundred (24,900),
83 according to the 1990 federal census, wherein Mississippi Highways
84 15 and 16 intersect, the board of supervisors shall pay such
85 justice court judge an additional amount equal to Two Thousand
86 Five Hundred Dollars (\$2,500.00) per year.

87 (2) Notwithstanding the provisions of subsection (1) of this
88 section, in the event that the number of justice court judges
89 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
90 the provisions of Section 9-11-2(4), the aggregate of the salaries
91 paid to the justice court judges of such a county shall not exceed
92 the amount sufficient to pay the number of justice court judges
93 authorized pursuant to Section 9-11-2(1) and such amount shall be
94 equally divided among those justice court judges continuing to
95 hold office under the provisions of Section 9-11-2(4).

96 (3) From and after January 1, 1984, all fees, costs, fines
97 and penalties charged and collected in the justice court shall be
98 paid to the clerk of the justice court for deposit, along with
99 monies from cash bonds and other monies which have been forfeited
100 in criminal cases, into the general fund of the county as provided
101 in Section 9-11-19; and the clerk of the board of supervisors
102 shall be authorized and empowered, upon approval by the board of
103 supervisors, to make disbursements and withdrawals from the
104 general fund of the county in order to pay any reasonable and
105 necessary expenses incurred in complying with this section,
106 including payment of the salaries of justice court judges as
107 provided by subsection (1) of this section. The provisions of
108 this subsection shall not, except as to cash bonds and other

109 monies which have been forfeited in criminal cases, apply to
110 monies required to be deposited in the justice court clerk
111 clearing account as provided in Section 9-11-18.

112 (4) The salaries provided for in subsection (1) of this
113 section shall be payable monthly by warrant drawn by the clerk of
114 the board of supervisors on the general fund of the county;
115 however, the board of supervisors, by resolution duly adopted and
116 entered on its minutes, may provide that such salaries shall be
117 paid semimonthly on the first and fifteenth day of each month. If
118 a pay date falls on a weekend or legal holiday, salary payments
119 shall be made on the workday immediately preceding the weekend or
120 legal holiday.

121 (5) * * * The salary of a justice court judge shall not be
122 reduced during his term of office as a result of a population
123 change following a federal decennial census.

124 (6) Any justice court judge who is unable to attend and hold
125 court by reason of being under suspension by the Commission on
126 Judicial Performance or the Mississippi Supreme Court shall not
127 receive a salary while under such suspension.

128 SECTION 2. The Attorney General of the State of Mississippi
129 shall submit this act, immediately upon approval by the Governor,
130 or upon approval by the Legislature subsequent to a veto, to the
131 Attorney General of the United States or to the United States
132 District Court for the District of Columbia in accordance with the
133 provisions of the Voting Rights Act of 1965, as amended and
134 extended.

135 SECTION 3. This act shall take effect and be in force from
136 and after October 1, 2000, if it is effectuated on or before that

137 date under Section 5 of the Voting Rights Act of 1965, as amended
138 and extended. If it is effectuated under Section 5 of the Voting
139 Rights Act of 1965, as amended and extended, after October 1,
140 2000, this act shall take effect and be in force from and after
141 the date it is effectuated under Section 5 of the Voting Rights
142 Act of 1965, as amended and extended.