

By: Senator(s) Tollison

To: Fees, Salaries and Administration

SENATE BILL NO. 2770

1 AN ACT TO AMEND SECTION 25-3-36, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE REQUIREMENT FOR CERTAIN JUSTICE COURT JUDGES TO
3 MAINTAIN REGULAR OFFICE HOURS AND BE PERSONALLY PRESENT IN THE
4 OFFICE FOR AT LEAST 30 HOURS PER WEEK BEFORE RECEIVING PAY IN THE
5 NEXT HIGHER POPULATION CATEGORY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-3-36, Mississippi Code of 1972, is
8 amended as follows:

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

19 (a) In counties with a population of more than two
20 hundred thousand (200,000), a salary of Fifty-five Thousand Five
21 Hundred Fifty-nine Dollars (\$55,559.00).

22 (b) In counties with a population of more than one
23 hundred fifty thousand (150,000) but not more than two hundred
24 thousand (200,000), a salary of Fifty-one Thousand Five Dollars
25 (\$51,005.00).

26 (c) In counties with a population of more than
27 seventy-five thousand (75,000) but not more than one hundred fifty

28 thousand (150,000), a salary of Forty-six Thousand Four Hundred
29 Fifty-one Dollars (\$46,451.00).

30 (d) In counties with a population of more than
31 forty-nine thousand (49,000) but not more than seventy-five
32 thousand (75,000), a salary of Forty Thousand Seventy-five Dollars
33 (\$40,075.00).

34 (e) In counties with a population of more than
35 thirty-four thousand (34,000) but not more than forty-nine
36 thousand (49,000), a salary of Thirty-four Thousand Six Hundred
37 Ten Dollars (\$34,610.00).

38 (f) In counties with a population of more than
39 twenty-four thousand five hundred (24,500) but not more than
40 thirty-four thousand (34,000), a salary of Thirty-two Thousand
41 Seven Hundred Eighty-nine Dollars (\$32,789.00).

42 (g) In counties with a population of more than
43 twenty-one thousand (21,000) but not more than twenty-four
44 thousand five hundred (24,500), a salary of Twenty-nine Thousand
45 One Hundred Forty-six Dollars (\$29,146.00).

46 (h) In counties with a population of more than sixteen
47 thousand five hundred (16,500) but not more than twenty-one
48 thousand (21,000), a salary of Twenty-five Thousand Five Hundred
49 Two Dollars (\$25,502.00).

50 (i) In counties with a population of more than twelve
51 thousand (12,000) but not more than sixteen thousand five hundred
52 (16,500), a salary of Twenty-one Thousand Eight Hundred Fifty-nine
53 Dollars (\$21,859.00).

54 (j) In counties with a population of more than eight
55 thousand (8,000) but not more than twelve thousand (12,000), a
56 salary of Eighteen Thousand Dollars (\$18,000.00).

57 (k) In counties with a population of eight thousand
58 (8,000) or less, a salary of Fourteen Thousand Four Hundred
59 Dollars (\$14,400.00).

60 The board of supervisors of any county having two (2)
61 judicial districts and two (2) justice court judges for the county
62 shall pay each justice court judge an amount equal to that
63 provided in this subsection for judges in the next higher
64 population category per year * * *.

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

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

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

88 (2) Notwithstanding the provisions of subsection (1) of this
89 section, in the event that the number of justice court judges
90 authorized pursuant to Section 9-11-2(1) is exceeded pursuant to
91 the provisions of Section 9-11-2(4), the aggregate of the salaries
92 paid to the justice court judges of such a county shall not exceed

93 the amount sufficient to pay the number of justice court judges
94 authorized pursuant to Section 9-11-2(1), and such amount shall be
95 equally divided among those justice court judges continuing to
96 hold office under the provisions of Section 9-11-2(4).

97 (3) From and after January 1, 1984, all fees, costs, fines
98 and penalties charged and collected in the justice court shall be
99 paid to the clerk of the justice court for deposit, along with
100 monies from cash bonds and other monies which have been forfeited
101 in criminal cases, into the general fund of the county as provided
102 in Section 9-11-19; and the clerk of the board of supervisors
103 shall be authorized and empowered, upon approval by the board of
104 supervisors, to make disbursements and withdrawals from the
105 general fund of the county in order to pay any reasonable and
106 necessary expenses incurred in complying with this section,
107 including payment of the salaries of justice court judges as
108 provided by subsection (1) of this section. The provisions of
109 this subsection shall not, except as to cash bonds and other
110 monies which have been forfeited in criminal cases, apply to
111 monies required to be deposited in the justice court clerk
112 clearing account as provided in Section 9-11-18, Mississippi Code
113 of 1972.

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

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

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

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

136 **SECTION 3.** This act shall take effect and be in force from
137 and after the date it is effectuated under Section 5 of the Voting
138 Rights Act of 1965, as amended and extended.