

By: Representative Guice

To: Judiciary A; Fees and
Salaries of Public Officers

HOUSE BILL NO. 1509

1 AN ACT TO CREATE THE JUDICIAL APPOINTMENT AND JUDICIAL
2 CONFIRMATION COMMITTEES TO APPOINT JUDGES OF THE SUPREME COURT AND
3 THE COURT OF APPEALS; TO PROVIDE THE MEMBERSHIP OF THE COMMITTEES;
4 TO PROVIDE THE PROCEDURE FOR APPOINTING AND CONFIRMING SUCH
5 JUDGES; TO PROVIDE FOR QUALIFICATIONS FOR SUCH JUDGES; TO PROVIDE
6 FOR THE TERMS OF SUCH JUDGES; TO PROVIDE FOR A NO CONFIDENCE
7 LEGISLATIVE MEASURE FOR REMOVAL OF A JUDGE; TO AMEND SECTIONS
8 9-4-5, 23-15-975, 23-15-977, 23-15-849, 23-15-991 AND 23-15-993,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
10 ACT; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO REVISE
11 THE SALARIES OF JUDGES OF THE SUPREME COURT AND THE COURT OF
12 APPEALS; TO REPEAL SECTION 9-4-15, MISSISSIPPI CODE OF 1972, WHICH
13 PROVIDES FOR THE TIME FOR ELECTING JUDGES OF THE COURT OF APPEALS;
14 TO REPEAL SECTION 23-15-995, MISSISSIPPI CODE OF 1972, WHICH
15 PROVIDES FOR THE APPLICABILITY OF ELECTION LAWS TO THE ELECTION OF
16 JUDGES OF THE SUPREME COURT; AND FOR RELATED PURPOSES.

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

18 SECTION 1. (1) There is created in the House of
19 Representatives the Judicial Appointment Committee for the purpose
20 of appointing judges of the Supreme Court and the Court of Appeals
21 which shall be comprised of eleven (11) members appointed by the
22 Speaker of the House. Three (3) members shall be appointed from
23 each of the Supreme Court Districts and two (2) members shall be
24 appointed from the state at large.

25 (2) There is created in the Mississippi State Senate the
26 Judicial Confirmation Committee for the purpose of confirming
27 appointees to the Supreme Court and the Court of Appeals which
28 shall be comprised of eleven (11) members appointed by the
29 Lieutenant Governor. Three (3) members shall be appointed from
30 each of the Supreme Court Districts and two (2) members shall be
31 appointed from the state at large.

32 (3) No attorneys shall be appointed to the committees
33 created in subsections (1) and (2) of this section.

34 SECTION 2. The Judicial Appointment Committee shall consider
35 all qualified applicants for judges of the Supreme Court and the
36 Court of Appeals. To be qualified a judicial candidate shall have
37 a minimum of ten (10) years experience practicing law and a
38 minimum of four (4) years as a circuit court judge, chancellor or
39 county court judge. The Judicial Appointment Committee shall
40 select three (3) applicants for each vacant position on the
41 Supreme Court or the Court of Appeals from which the Governor
42 shall select one (1) as the appointee.

43 SECTION 3. The Judicial Confirmation Committee shall
44 consider the appointees selected by the Governor as provided in
45 Section 2 of this act and may make a recommendation to the full
46 Senate for confirmation. If an appointee fails to receive a
47 recommendation from the Judicial Confirmation Committee or if the
48 full Senate fails to confirm an appointee, the process provided in
49 Section 2 of the act shall begin again until an appointee is
50 confirmed.

51 SECTION 4. Judges of the Supreme Court and the Court of
52 Appeals shall serve for a term of twelve (12) years and no such
53 judge shall serve more than two (2) terms. At the end of a first
54 term a sitting judge shall be given priority by the Judicial
55 Appointment Committee for a second term if the judge desires to
56 serve a second term.

57 SECTION 5. A judge may be called up for a no confidence vote
58 and removed from office if a member of the Legislature introduces
59 a bill of no confidence in the Legislature and such bill is passed
60 by the Legislature and signed by the Governor. A no confidence
61 bill shall not be double referred in either the House of
62 Representatives or the State Senate. A veto of a no confidence
63 bill may be overridden by a two-thirds (2/3) vote of both the
64 House of Representatives and the State Senate.

65 SECTION 6. The provisions of this act shall apply to each
66 current judge of the Supreme Court and the Court of Appeals upon
67 the expiration of the current term to which the respective judge
68 was elected.

69 SECTION 7. Section 9-4-5, Mississippi Code of 1972, is
70 amended as follows:

71 9-4-5. (1) The term of office of judges of the Court of
72 Appeals shall be eight (8) years. An election shall be held on
73 the first Tuesday after the first Monday in November 1994, to
74 elect the ten (10) judges of the Court of Appeals, two (2) from
75 each congressional district. The judges of the Court of Appeals
76 shall begin service on the first Monday of January 1995. From and
77 after the adoption of House Bill No. _____, 2001 Regular Session,
78 judges of the Court of Appeals shall be appointed for terms of
79 twelve (12) years.

80 (2) (a) In order to provide that the offices of not more
81 than a majority of the judges of said court shall become vacant at
82 any one (1) time, the terms of office of six (6) of the judges
83 first to be elected shall expire in less than eight (8) years.
84 For the purpose of all elections of members of the court, each of
85 the ten (10) judges of the Court of Appeals shall be considered a
86 separate office. The two (2) offices in each of the five (5)
87 congressional districts shall be designated Position Number 1 and
88 Position Number 2, and in qualifying for office as a candidate for
89 any office of judge of the Court of Appeals each candidate shall
90 state the position number of the office to which he aspires and
91 the election ballots shall so indicate.

92 (i) In Congressional District Number 1, the judge
93 of the Court of Appeals for Position Number 1 shall be that office
94 for which the term ends January 1, 1999, and the judge of the
95 Court of Appeals for Position Number 2 shall be that office for
96 which the term ends January 1, 2003.

97 (ii) In Congressional District Number 2, the judge
98 of the Court of Appeals for Position Number 1 shall be that office
99 for which the term ends on January 1, 2003, and the judge of the
100 Court of Appeals for Position Number 2 shall be that office for
101 which the term ends January 1, 2001.

102 (iii) In Congressional District Number 3, the
103 judge of the Court of Appeals for Position Number 1 shall be that
104 office for which the term ends on January 1, 2001, and the judge
105 of the Court of Appeals for Position Number 2 shall be that office
106 for which the term ends January 1, 1999.

107 (iv) In Congressional District Number 4, the judge
108 of the Court of Appeals for Position Number 1 shall be that office
109 for which the term ends on January 1, 1999, and the judge of the
110 Court of Appeals for Position Number 2 shall be that office for
111 which the term ends January 1, 2003.

112 (v) In Congressional District Number 5, the judge
113 of the Court of Appeals for Position Number 1 shall be that office
114 for which the term ends on January 1, 2003, and the judge of the
115 Court of Appeals for Position Number 2 shall be that office for
116 which the term ends January 1, 2001.

117 (b) The laws regulating the general elections shall
118 apply to and govern the elections of judges of the Court of
119 Appeals except as otherwise provided in Sections 23-15-974 through
120 23-15-985.

121 (c) In the year prior to the expiration of the term of
122 an incumbent, and likewise each eighth year thereafter, an
123 election shall be held in the manner provided in this section in
124 the congressional district from which the incumbent Court of
125 Appeals judge was elected at which there shall be elected a
126 successor to the incumbent, whose term of office shall thereafter
127 begin on the first Monday of January of the year in which the term
128 of the incumbent he succeeds expires.

129 (3) No person shall be eligible for the office of judge of
130 the Court of Appeals who has not attained the age of thirty (30)
131 years at the time of his election and who has not been a
132 practicing attorney and citizen of the state for five (5) years
133 immediately preceding such election.

134 (4) Any vacancy on the Court of Appeals shall be filled by
135 appointment of the Governor for that portion of the unexpired term
136 prior to the election to fill the remainder of said term according
137 to provisions of Section 23-15-849, Mississippi Code of 1972.

138 (5) Judges of the Court of Appeals shall be appointed as
139 provided in Sections 1 through 6 of House Bill No._____, 2001
140 Regular Session upon passage of House Bill No._____, 2001 Regular
141 Session.

142 SECTION 8. Section 23-15-975, Mississippi Code of 1972, is
143 amended as follows:

144 23-15-975. As used in Sections 23-15-974 through 23-15-985
145 of this subarticle, the term "judicial office" includes the office
146 of * * * circuit judge, chancellor, county court judge and family
147 court judge. All such justices and judges shall be full-time
148 positions and such justices and judges shall not engage in the
149 practice of law before any court, administrative agency or other
150 judicial or quasi-judicial forum except as provided by law for
151 finalizing pending cases after election to judicial office.

152 SECTION 9. Section 23-15-977, Mississippi Code of 1972, is
153 amended as follows:

154 23-15-977. (1) All candidates for judicial office as
155 defined in Section 23-15-975 of this subarticle shall file their
156 intent to be a candidate with the proper officials not later than
157 5:00 p.m. on the first Friday after the first Monday in May prior
158 to the general election for judicial office and shall pay to the
159 proper officials the following amounts:

160 * * *

161 (a) Candidates for circuit judge and chancellor, the
162 sum of One Hundred Dollars (\$100.00).

163 (b) Candidates for county judge and family court judge,
164 the sum of Fifteen Dollars (\$15.00).

165 (2) Candidates for judicial offices listed in paragraph (a)
166 * * * of subsection (1) of this section shall file their intent to
167 be a candidate with, and pay the proper assessment made pursuant
168 to subsection (1) of this section to, the State Board of Election
169 Commissioners.

170 (3) Candidates for judicial offices listed in paragraph (b)
171 of subsection (1) of this section shall file their intent to be a
172 candidate with, and pay the proper assessment made pursuant to
173 subsection (1) of this section to, the circuit clerk of the proper
174 county. The circuit clerk shall notify the county commissioners
175 of election of all persons who have filed their intent to be a
176 candidate filed with, and paid the proper assessment to, such
177 clerk. Such notification shall occur within two (2) business days
178 and shall contain all necessary information.

179 SECTION 10. Section 23-15-849, Mississippi Code of 1972, is
180 amended as follows:

181 23-15-849. * * * Vacancies in the office of * * * circuit
182 judge or chancellor shall be filled for the unexpired term by the
183 qualified electors at the next regular election for state officers
184 or for representatives in Congress occurring more than nine (9)
185 months after the existence of the vacancy to be filled, and the
186 term of office of the person elected to fill a vacancy shall
187 commence on the first Monday in January following his election.
188 Upon the occurring of such a vacancy, the Governor shall appoint a
189 qualified person from the district in which the vacancy exists to
190 hold the office and discharge the duties thereof until the vacancy
191 shall be filled by election as hereinabove provided.

192 * * *

193 SECTION 11. Section 23-15-991, Mississippi Code of 1972, is
194 amended as follows:

195 23-15-991. The term of office of judges of the Supreme Court
196 shall be twelve (12) years and the judges shall be selected as
197 provided in Sections 1 through 6 of House Bill No._____, 2001
198 Regular Session.

199 SECTION 12. Section 23-15-993, Mississippi Code of 1972, is
200 amended as follows:

201 23-15-993. For the purpose of all elections, each of the
202 nine (9) judgeships of the Supreme Court shall be considered a
203 separate office. The three (3) offices in each of the three (3)
204 Supreme Court districts shall be designated Position Number 1,
205 Position Number 2 and Position Number 3, and in qualifying for
206 office as a candidate for any office of judge of the Supreme Court
207 each candidate shall state the position number of the office to
208 which he aspires and the regular election ballots shall so
209 indicate. In Supreme Court District Number 1: Position Number 1
210 shall be that office for which the term ends in January, 1966;
211 Position Number 2 shall be that office for which the term ends in
212 January, 1965; and Position Number 3 shall be that office for
213 which the term ends in January, 1969. In District Number 2:
214 Position Number 1 shall be that office for which the term ends in
215 January, 1972; Position Number 2 shall be that office for which
216 the term ends in January, 1969; and Position Number 3 shall be for
217 that office for which the term ends in January, 1973. In District
218 Number 3: Position Number 1 shall be that office for which the
219 term ends in January, 1969; Position Number 2 shall be that office
220 for which the term ends in January, 1969; and Position Number 3
221 shall be that office for which the term ends in January, 1965.
222 From and after the adoption of House Bill No._____, 2001 Regular
223 Session, the judgeships of the Supreme Court shall be filled as
224 provided in Sections 1 through 6 of House Bill No._____, 2001
225 Regular Session.

226 SECTION 13. Section 25-3-35, Mississippi Code of 1972, is
227 amended as follows:

228 25-3-35. (1) (a) The annual salaries of the following
229 judges are fixed as follows, to begin at the commencement of the
230 next term of office immediately succeeding the existing term:

231 Chief Justice of the Supreme Court..... \$104,900.00
232 Presiding Justice of the Supreme Court..... 102,900.00
233 Associate Justices of the Supreme Court, each..... 102,300.00

234 However, in addition to their present official duties, there
235 are imposed upon the Supreme Court Justices the extra duties of
236 making a special study of existing laws and reporting to each
237 regular session of the Legislature such constructive suggestions
238 as they may deem necessary for the improvement of the
239 administration of justice, and of advising and counseling with the
240 State Librarian in the selection of law books for purchase and use
241 in the State Law Library, advising with the librarian thereof upon
242 the removal from the library of any books which may be the least
243 frequently used, and for the placing of same in a convenient
244 location so as to provide additional space for such books and
245 other current publications which may be more frequently used or
246 called for. For such extra services each justice, from and after
247 June 17, 1999, shall receive a sum sufficient when added to the
248 present salaries of the justices to aggregate One Hundred Four
249 Thousand Nine Hundred Dollars (\$104,900.00) for the Chief Justice,
250 One Hundred Two Thousand Nine Hundred Dollars (\$102,900.00) for
251 the Presiding Justice, and One Hundred Two Thousand Three Hundred
252 Dollars (\$102,300.00) for Associate Justices, per annum. As each
253 existing term expires and the above-captioned salaries become
254 effective in due course, the extra duties and compensation
255 provided for shall cease.

256 (b) The salaries of judges of the Supreme Court shall
257 increase by five percent (5%) for each four (4) years served but
258 shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00).

259 (2) (a) The annual salaries of the judges of the Court of
260 Appeals of Mississippi are fixed as follows:

261 Chief Judge of the Court of Appeals..... \$ 98,300.00
262 Associate Judges of the Court of Appeals, each..... 95,500.00

263 (b) The salaries of judges of the Court of Appeals
264 shall increase by five percent (5%) for each four (4) years of
265 service but shall not exceed One Hundred Fifty Thousand Dollars
266 (\$150,000.00).

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

269 Chancery Judges, each..... \$94,700.00
270 Circuit Judges, each..... 94,700.00

271 In addition to their present official duties, there are
272 imposed upon the chancery and circuit court judges the extra
273 duties of making a special study of existing laws relating to
274 trial courts and reporting to the Supreme Court of the State of
275 Mississippi such constructive suggestions as they may deem
276 necessary for the improvement of the administration of justice,
277 which shall be recommended to the Legislature by the Supreme Court
278 in the manner provided by law. The judges shall advise and
279 supervise in the purchase of law books for the libraries of each
280 district, and shall study and evaluate the inventory of books and
281 facilities now existing in the libraries of each district to
282 effect the removal and relocation of obsolete publications so as
283 to provide additional space for those books and current
284 publications more frequently used. The judges shall study the
285 existing rules promulgated by the circuit and chancery court
286 judicial associations governing the operation of chancery and
287 circuit courts, and revise the same pursuant to existing laws.
288 For such extra services each judge, from and after June 17, 1999,
289 shall receive a sum sufficient when added to the present salaries
290 of the judges to aggregate Ninety-four Thousand Seven Hundred
291 Dollars (\$94,700.00) per annum for each judge. Upon the

292 expiration of the existing term, the above-captioned salaries
293 become effective in due course, and the extra duties and
294 compensation provided for shall cease.

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

298 (5) The annual salary of the full-time district attorneys
299 shall be Seventy-nine Thousand Eight Hundred Thirty Dollars
300 (\$79,830.00).

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

305 SECTION 14. Section 9-4-15, Mississippi Code of 1972, which
306 provides for the time for electing judges of the Court of Appeals,
307 is repealed.

308 SECTION 15. Section 23-15-995, Mississippi Code of 1972,
309 which provides for the applicability of election laws to the
310 election of judges of the Supreme Court, is repealed.

311 SECTION 16. The Attorney General of the State of Mississippi
312 shall submit this act, immediately upon approval by the Governor,
313 or upon approval by the Legislature subsequent to a veto, to the
314 Attorney General of the United States or to the United States
315 District Court for the District of Columbia in accordance with the
316 provisions of the Voting Rights Act of 1965, as amended and
317 extended.

318 SECTION 17. This act shall take effect and be in force from
319 and after the date it is effectuated under Section 5 of the Voting
320 Rights Act of 1965, as amended and extended, provided that House
321 Concurrent Resolution No. _____, 2001 Regular Session, has been
322 ratified by the electorate.