

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 697: Court of Appeals; clarify districts.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5 SECTION 1. Section 9-4-1, Mississippi Code of 1972, is
6 amended as follows:

7 9-4-1. (1) There is hereby established a court to be known
8 as the "Court of Appeals of the State of Mississippi," which shall
9 be a court of record.

10 (2) The Court of Appeals shall be comprised of ten (10)
11 appellate judges, two (2) from each Court of Appeals District,
12 selected in accordance with Section 9-4-5.

13 SECTION 2. Section 9-4-5, Mississippi Code of 1972, is
14 amended as follows:

15 9-4-5. (1) The term of office of judges of the Court of
16 Appeals shall be eight (8) years. An election shall be held on
17 the first Tuesday after the first Monday in November 1994, to
18 elect the ten (10) judges of the Court of Appeals, two (2) from
19 each congressional district; provided, however, judges of the
20 Court of Appeals who are elected to take office after the first
21 Monday of January 2002, shall be elected from the Court of Appeals

22 Districts described in subsection (5) of this section. The judges
23 of the Court of Appeals shall begin service on the first Monday of
24 January 1995.

25 (2) (a) In order to provide that the offices of not more
26 than a majority of the judges of said court shall become vacant at
27 any one (1) time, the terms of office of six (6) of the judges
28 first to be elected shall expire in less than eight (8) years. For
29 the purpose of all elections of members of the court, each of the
30 ten (10) judges of the Court of Appeals shall be considered a
31 separate office. The two (2) offices in each of the five
32 (5) * * * districts shall be designated Position Number 1 and
33 Position Number 2, and in qualifying for office as a candidate for
34 any office of judge of the Court of Appeals each candidate shall
35 state the position number of the office to which he aspires and
36 the election ballots shall so indicate.

37 (i) In Congressional District Number 1, the judge
38 of the Court of Appeals for Position Number 1 shall be that office
39 for which the term ends January 1, 1999, and the judge of the
40 Court of Appeals for Position Number 2 shall be that office for
41 which the term ends January 1, 2003.

42 (ii) In Congressional District Number 2, the judge
43 of the Court of Appeals for Position Number 1 shall be that office
44 for which the term ends on January 1, 2003, and the judge of the
45 Court of Appeals for Position Number 2 shall be that office for
46 which the term ends January 1, 2001.

47 (iii) In Congressional District Number 3, the
48 judge of the Court of Appeals for Position Number 1 shall be that
49 office for which the term ends on January 1, 2001, and the judge
50 of the Court of Appeals for Position Number 2 shall be that office
51 for which the term ends January 1, 1999.

52 (iv) In Congressional District Number 4, the judge

53 of the Court of Appeals for Position Number 1 shall be that office
54 for which the term ends on January 1, 1999, and the judge of the
55 Court of Appeals for Position Number 2 shall be that office for
56 which the term ends January 1, 2003.

57 (v) In Congressional District Number 5, the judge
58 of the Court of Appeals for Position Number 1 shall be that office
59 for which the term ends on January 1, 2003, and the judge of the
60 Court of Appeals for Position Number 2 shall be that office for
61 which the term ends January 1, 2001.

62 (b) The laws regulating the general elections shall
63 apply to and govern the elections of judges of the Court of
64 Appeals except as otherwise provided in Sections 23-15-974 through
65 23-15-985.

66 (c) In the year prior to the expiration of the term of
67 an incumbent, and likewise each eighth year thereafter, an
68 election shall be held in the manner provided in this section in
69 the * * * district from which the incumbent Court of Appeals judge
70 was elected at which there shall be elected a successor to the
71 incumbent, whose term of office shall thereafter begin on the
72 first Monday of January of the year in which the term of the
73 incumbent he succeeds expires.

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

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

83 (5) (a) The State of Mississippi is hereby divided into

84 five (5) Court of Appeals Districts as follows:

85 **FIRST DISTRICT.** The First Court of Appeals District shall be
86 composed of the following counties and portions of counties:
87 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
88 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
89 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
90 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
91 in Montgomery County the precincts of North Winona, Lodi, Stewart,
92 Nations and Poplar Creek; in Panola County the precincts of East
93 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
94 Springport, South Springport, Eureka, Williamson, East Batesville
95 4, West Batesville 4, Fern Hill, North Batesville A, East
96 Batesville 5 and West Batesville 5; and in Tallahatchie County the
97 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
98 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
99 Murphreesboro and Rosebloom.

100 **SECOND DISTRICT.** The Second Court of Appeals District shall
101 be composed of the following counties and portions of counties:
102 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
103 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
104 Tunica, Warren, Washington and Yazoo; in Attala County the
105 precincts of Northeast, Hesterville, Possomneck, North Central,
106 McAdams, Newport, Sallis and Southwest; that portion of Grenada
107 County not included in the First Court of Appeals District; in
108 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
109 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
110 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
111 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
112 precincts of Conway, West Carthage, Wiggins, Thomastown and
113 Ofahoma; in Madison County the precincts of Farmhaven, Canton
114 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,

115 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
116 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
117 Canton Precinct 1 and Canton Precinct 4; that portion of
118 Montgomery County not included in the First Court of Appeals
119 District; that portion of Panola County not included in the First
120 Court of Appeals District; and that portion of Tallahatchie County
121 not included in the First Court of Appeals District.

122 **THIRD DISTRICT.** The Third Court of Appeals District shall be
123 composed of the following counties and portions of counties:
124 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
125 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
126 portion of Attala County not included in the Second Court of
127 Appeals District; in Jones County the precincts of Northwest High
128 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
129 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
130 Antioch and Landrum; that portion of Leake County not included in
131 the Second Court of Appeals District; that portion of Madison
132 County not included in the Second Court of Appeals District; and
133 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
134 Diamond, Chaparral, Matherville, Coit and Eucutta.

135 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
136 be composed of the following counties and portions of counties:
137 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
138 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
139 that portion of Hinds County not included in the Second Court of
140 Appeals District; and that portion of Jones county not included in
141 the Third Court of Appeals District.

142 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
143 composed of the following counties and portions of counties:
144 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
145 River, Perry and Stone; and that portion of Wayne County not

146 included in the Third Court of Appeals District.

147 (b) The boundaries of the Court of Appeals Districts
148 described in paragraph (a) of this subsection shall be the
149 boundaries of the counties and precincts listed in paragraph (a)
150 of this subsection as such boundaries existed on October 1, 1990.

151 SECTION 3. The Attorney General of the State of Mississippi
152 shall submit this act, immediately upon approval by the Governor,
153 or upon approval by the Legislature subsequent to a veto, to the
154 Attorney General of the United States or to the United States
155 District Court for the District of Columbia in accordance with the
156 provisions of the Voting Rights Act of 1965, as amended and
157 extended.

158 SECTION 4. This act shall take effect and be in force from
159 and after the date it is effectuated under Section 5 of the Voting
160 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 9-4-1 AND 9-4-5, MISSISSIPPI CODE OF
2 1972, TO DIVIDE THE STATE INTO DISTRICTS FOR ELECTION OF THE
3 JUDGES OF THE COURT OF APPEALS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
Thomas U. Reynolds

X _____
Hob Bryan

X _____
Ferr Smith

X _____
Scottie R. Cuevas

X _____
Dirk D. Dedeaux

X _____
Dean Kirby