

By: Representatives Martinson, Baker (74th),
Blackmon, Coleman (65th), Denny, Fleming,
Gunn, Smith (27th)

To: Fees and Salaries of
Public Officers; County
Affairs

HOUSE BILL NO. 891

1 AN ACT TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE ANNUAL SALARY OF CERTAIN COUNTY COURT JUDGES
3 SHALL BE \$1,000.00 LESS THAN THE SALARY PAID TO CIRCUIT AND
4 CHANCERY JUDGES OF THIS STATE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 9-9-11, Mississippi Code of 1972, is
7 amended as follows:

8 9-9-11. (1) Except as otherwise provided in subsections (2)
9 and (3), the county court judge shall receive an annual salary
10 payable monthly out of the county treasury in an amount not to
11 exceed One Thousand Dollars (\$1,000.00) less than the salary which
12 is now or shall hereafter be provided for circuit and chancery
13 judges of this state, in the discretion of the board of
14 supervisors of said county; provided, however, that the salary of
15 such judge shall not be reduced during his term of office.
16 Provided further, that the office of county court judge in any
17 county receiving an annual salary of Thirty-six Thousand Dollars
18 (\$36,000.00) or more shall be a full-time position, and the holder
19 thereof shall not otherwise engage in the practice of law.

20 (2) In the event of the establishment of a county court by
21 agreement between two (2) or more counties as provided in Section
22 9-9-3, the county judge of the court so established shall be paid
23 a salary equal to one and one-half (1-1/2) times that salary that
24 he would be paid if he were the judge of the smallest of such two
25 (2) or more counties, such salary to be paid in monthly
26 installments as provided by law; provided that such salary shall
27 not exceed One Thousand Dollars (\$1,000.00) less than the salary
28 of the circuit and chancery judges of this state.

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

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

37 (b) In any county having a population of sixty thousand
38 (60,000) or more but less than seventy thousand (70,000) according
39 to the 1980 federal census, the county judge shall receive an
40 annual salary of Forty Thousand Dollars (\$40,000.00). The office
41 of county judge shall be a full-time position, and the holder
42 thereof shall not otherwise engage in the practice of law. The
43 county judge shall not be eligible for any additional salary
44 except as may be authorized in subsection (4).

45 (c) In any county having a population of twenty-seven
46 thousand (27,000) or more but less than sixty thousand (60,000)
47 according to the 1980 federal census, the county judge shall
48 receive an annual salary of not less than Twelve Thousand Dollars
49 (\$12,000.00) but not more than Forty Thousand Dollars
50 (\$40,000.00), in the discretion of the board of supervisors of
51 said county. The county judge shall not be eligible for any
52 additional salary except as may be authorized in subsection (4).
53 In the event that the board of supervisors of said county elects
54 to pay such county judge an annual salary of Thirty Thousand
55 Dollars (\$30,000.00) or more, the office of county judge shall be
56 a full-time position, and the holder thereof shall not otherwise
57 engage in the practice of law.

58 (d) In any county having a population of less than
59 twenty-seven thousand (27,000) according to the 1980 federal
60 census, the county judge shall receive an annual salary of not
61 less than Four Thousand Two Hundred Dollars (\$4,200.00) and not

62 more than Eight Thousand Five Hundred Dollars (\$8,500.00), in the
63 discretion of the board of supervisors of said county. The county
64 judge shall not be eligible for any additional salary except as
65 may be authorized in subsection (4).

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

69 (a) The county judge of any such Class 1 county with
70 population according to the latest federal decennial census of
71 forty-five thousand (45,000) or more and lying wholly within a
72 levee district and having two (2) judicial districts shall, in the
73 discretion of the board of supervisors of such county, receive an
74 annual salary not exceeding Forty Thousand Dollars (\$40,000.00),
75 or a sum which is One Thousand Dollars (\$1,000.00) less than the
76 salary which is now or shall hereafter be provided for circuit and
77 chancery judges of the state, whichever is greater.

78 (b) The county judge of any Class 1 county having an
79 area in excess of nine hundred twenty-five (925) square miles
80 shall receive an annual salary of not less than Thirty Thousand
81 Dollars (\$30,000.00) but, in the discretion of the board of
82 supervisors of such county, such salary may be not more than Five
83 Hundred Dollars (\$500.00) less than the annual salary of a circuit
84 judge, payable monthly out of the county treasury, and the county
85 judge shall not practice law.

86 (c) The office of county judge in any such Class 1
87 county with a population according to the 1970 federal decennial
88 census of greater than thirty-nine thousand (39,000), and where
89 U.S. Highway 61 and Mississippi Highway 6 intersect, shall receive
90 an annual salary to be paid in monthly installments of not less
91 than an amount equal to ninety percent (90%) of the annual salary
92 which is now or shall hereafter be provided for circuit and
93 chancery judges of the state, as follows: The salary of the
94 county judge shall be increased by ten percent (10%) annually

95 above the base salary of the preceding year until such time as the
96 judge's salary is equal to the amount that is provided by this
97 subsection. The office of county judge shall be a full-time
98 position and the holder thereof shall not otherwise engage in the
99 practice of law.

100 (d) In any Class 1 county bordering on the Mississippi
101 River and which has situated therein a national military park and
102 national military cemetery, the office of county judge shall be a
103 full-time position and the holder thereof shall not otherwise
104 engage in the practice of law. The salary for the county judge in
105 said county shall be fixed at a sum which is One Thousand Dollars
106 (\$1,000.00) less than the salary which is now or shall hereafter
107 be provided for circuit and chancery judges of this state.

108 (e) The county judge in any county having a population
109 of at least forty-two thousand one hundred eleven (42,111),
110 according to the 1970 census, and where U.S. Highway 49E and U.S.
111 Highway 82 intersect, shall receive an annual salary to be paid in
112 monthly installments of not less than Thirty Thousand Dollars
113 (\$30,000.00) but not more than Two Thousand Five Hundred Dollars
114 (\$2,500.00) less than the annual salary of the circuit judge, in
115 the discretion of the board of supervisors of said county.

116 (f) The county judge in any Class 1 county bordering on
117 the Mississippi River and having an area of less than four hundred
118 fifty (450) square miles wherein U.S. Highways 84 and 61 intersect
119 shall receive an annual salary of Four Thousand Dollars
120 (\$4,000.00) less than the annual salary of a circuit judge, and
121 such county judge shall not practice law in any manner. The
122 county judge in such county shall not be eligible to receive any
123 additional salary authorized by this section or from any other
124 source other than that set out and authorized by this paragraph.

125 (g) The county judge of any Class 1 county bordering on
126 the Mississippi River on the west and the State of Tennessee on
127 the north, and traversed north to south by Interstate Highway 55,

128 shall receive an annual salary of ninety percent (90%) of the
129 salary which is now or shall hereafter be provided for chancery
130 and circuit judges of this state, but in any event not less than
131 Sixty Thousand Two Hundred Dollars (\$60,200.00).

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

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

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

159 (k) The office of county judge of any Class I county
160 wherein U.S. Highway 51 and U.S. Highway 98 intersect shall be a

161 full-time position and the holder thereof shall not otherwise
162 engage in the practice of law. The annual salary for the office
163 of county judge in said county may be fixed, in the discretion of
164 the board of supervisors of said county, at a sum not to exceed
165 Two Thousand Dollars (\$2,000.00) less than the salary which is now
166 or shall hereafter be provided for circuit and chancery judges of
167 this state.

168 (l) The county judges of any county having a population
169 of more than forty-one thousand six hundred (41,600) but less than
170 forty-one thousand six hundred fifty (41,650) according to the
171 1980 federal census, and wherein U.S. Highway 49 intersects with
172 Mississippi Highway 22, shall receive an annual salary of One
173 Thousand Dollars (\$1,000.00) less than the salary which is now or
174 shall hereafter be paid to the circuit and chancery judges of this
175 state.

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

184 (n) The county judge of any county having a population
185 of more than fifty-seven thousand three hundred (57,300) according
186 to the 1980 federal decennial census, wherein is located a
187 state-supported university and wherein U.S. Highways 82 and 45
188 intersect, shall receive an annual salary in an amount established
189 by the board of supervisors, but in no event to exceed the salary
190 provided now or hereafter for circuit and chancery judges of this
191 state.

192 (5) The salary of a county court judge or justice court
193 judge shall not be reduced during his term of office as a result

194 of a population decrease based upon the 1990 federal decennial
195 census.

196 (6) The salary of a sheriff shall not be reduced during his
197 term of office as a result of a population decrease based upon the
198 1990 federal decennial census.

199 (7) Notwithstanding any provision of this section to the
200 contrary, the board of supervisors of any county, in its
201 discretion, may pay its county court judge an annual salary of One
202 Thousand Dollars (\$1,000.00) less than that paid to a circuit
203 court judge. The office of county judge shall be a full-time
204 position, and the holder thereof shall not otherwise engage in the
205 practice of law.

206 **SECTION 2.** The Attorney General of the State of Mississippi
207 shall submit this act, immediately upon approval by the Governor,
208 or upon approval by the Legislature subsequent to a veto, to the
209 Attorney General of the United States or to the United States
210 District Court for the District of Columbia in accordance with the
211 provisions of the Voting Rights Act of 1965, as amended and
212 extended.

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