

By: Representative Fillingane

To: County Affairs;
Judiciary A

HOUSE BILL NO. 1093

1 AN ACT TO AMEND SECTION 9-9-1, MISSISSIPPI CODE OF 1972, TO
2 GRANT TO COUNTIES OF A CERTAIN POPULATION SIZE THE OPTION TO
3 CREATE A COUNTY COURT; TO BRING FORWARD SECTIONS 9-9-37 AND
4 9-9-45, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND
5 FOR RELATED PURPOSES.

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

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

9 9-9-1. (1) There shall be an inferior court to be known as
10 the county court in and for each of the following counties:

11 (a) Each county of the state wherein a county court is
12 in existence on July 1, 1985; * * *

13 (b) From and after January 1, 1987, each county that
14 has a population exceeding fifty thousand (50,000) inhabitants as
15 shown by the latest federal decennial census; and

16 (c) At the sole election of the board of supervisors,
17 each county that has a population exceeding thirty-nine thousand
18 (39,000) inhabitants as shown by the latest federal decennial
19 census shall have the option, but shall not be required, to
20 establish a county court under the provisions of this section.

21 (2) (a) A county judge for a county that is required to
22 establish a county court under subsection (1)(b) of this section
23 shall be elected by the qualified electors of the county for the
24 same term and in the same manner as provided for the election of
25 circuit court judges at an election held at the same time as the
26 next regular election of circuit court judges first occurring
27 after the date upon which it can be determined that a county court

28 is required under the provisions of subsection (1)(b) of this
29 section to be established in such county.

30 (b) A county judge for a county that elects to
31 establish a county court under subsection (1)(c) of this section
32 shall be elected by the qualified electors of the county in the
33 same manner as provided for the election of circuit court judges
34 at an election held at the November general election first
35 occurring after the date when the board of supervisors spreads
36 upon its minutes a resolution creating the county court. The term
37 of the county court judge so elected shall begin on the first day
38 of January following the November election, and shall end at the
39 same time as for county court judges generally. Thereafter, the
40 county court judge shall be elected and serve for a term as
41 provided for county court judges generally.

42 (3) The provisions of this section shall not be construed so
43 as to require that a county court be established in any county in
44 which the board of supervisors has agreed and contracted with the
45 board of supervisors of any other county or counties to support
46 and maintain one (1) county court for such counties as provided in
47 Section 9-9-3.

48 **SECTION 2.** Section 9-9-37, Mississippi Code of 1972, is
49 brought forward as follows:

50 9-9-37. From and after July 1, 1985, in any county not
51 brought within the provisions of this chapter by the terms of
52 Sections 9-9-1 and 9-9-3 thereof, and in which a county court is
53 not in existence, on a petition of ten percent (10%) of the
54 qualified electors of such county, addressed to the board of
55 supervisors, an election shall be called by the said board and
56 conducted in such a way and manner now provided by law for a
57 special election for the purpose of determining whether or not
58 said court shall be established in such county; and, if a majority
59 vote at such election in favor of a county court, then the
60 election commission shall so certify to the Secretary of State and

61 the Governor shall then issue a proclamation establishing the
62 county court in such county; and thereafter at the next succeeding
63 meeting of the board of supervisors the board shall call an
64 election for the election of a county judge, and such election
65 shall be conducted in the way and manner now provided by law for
66 holding a special election.

67 Any county which has or may come under the provisions of this
68 chapter by an election as provided above may thereafter come from
69 under this chapter in the manner hereinafter provided. On
70 petition of ten percent (10%) of the qualified electors of such
71 county, addressed to the board of supervisors of such county, an
72 election shall be called by such board of supervisors and
73 conducted in the way and manner now provided by law for a special
74 election for the purpose of determining whether or not such county
75 court shall be abolished in said county; and, if the majority vote
76 at such election in favor of abolishing the county court, then the
77 election commission shall so certify to the Secretary of State.
78 The Governor shall then issue a proclamation declaring that the
79 county court in said county be abolished on the first day of the
80 month next succeeding such election.

81 In the event the county court is established or in the event
82 the county court is abolished under the provisions of this
83 section, then an election shall not be called on such subject
84 within less than two (2) years thereafter.

85 The salary of the county judge in all counties which may come
86 under the provisions of this chapter by an election as provided in
87 this section shall be fixed at such amount as provided for in
88 Section 9-9-11.

89 **SECTION 3.** Section 9-9-45, Mississippi Code of 1972, is
90 brought forward as follows:

91 9-9-45. When hereafter any county of the state shall become
92 eligible by reason of the growth in population, in assessed
93 valuation and the existence therein of a municipality of the

94 number of inhabitants all as specified in Section 9-9-1 of this
95 chapter, it shall be the duty of the Governor, upon the
96 determination by him of the facts aforesaid, to issue his public
97 proclamation establishing a county court in the said county, and
98 calling an election on a date to be fixed in said proclamation for
99 the election of a county judge. The term of office of a county
100 judge elected under this section and Section 9-9-39 shall expire
101 thereafter at the same time at which there expires the regular
102 terms of circuit judges and chancellors. When in the last year of
103 any four-year judicial period any county has fallen below the
104 requirements of eligibility as stated in Section 9-9-1 of this
105 chapter, it shall be the duty of the Governor so to ascertain and
106 proclaim, thereupon after the expiration of the then four-year
107 term, the county court shall cease to exist in such county, unless
108 by an election held under the provisions of Section 9-9-39 the
109 said court be retained or reestablished.

110 **SECTION 4.** The Attorney General of the State of Mississippi
111 shall submit this act, immediately upon approval by the Governor,
112 or upon approval by the Legislature subsequent to a veto, to the
113 Attorney General of the United States or to the United States
114 District Court for the District of Columbia in accordance with the
115 provisions of the Voting Rights Act of 1965, as amended and
116 extended.

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