

By: Representative Banks

To: Fees and Salaries of  
Public Officers

HOUSE BILL NO. 1198

1 AN ACT TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO  
2 REVISE HOW THE SALARIES OF COUNTY JUDGES ARE CALCULATED; TO AMEND  
3 SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE  
4 SALARIES OF SUPREME COURT JUSTICES, JUDGES OF THE COURT OF  
5 APPEALS, CHANCERY JUDGES AND CIRCUIT JUDGES ARE CALCULATED; AND  
6 FOR RELATED PURPOSES.

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

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

10 9-9-11. (1) Except as otherwise provided in subsections  
11 (2), (3) and (4), the county court judge shall receive an annual  
12 salary payable monthly out of the county treasury in an amount not  
13 to exceed the salary of the United States Magistrate; provided,  
14 however, that the salary of such judge shall not be reduced during  
15 his term of office. Provided further, that the office of county  
16 court judge in any county receiving an annual salary of Thirty-six  
17 Thousand Dollars (\$36,000.00) or more shall be a full-time  
18 position, and the holder thereof shall not otherwise engage in the  
19 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 the salary of the United States Magistrate.

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

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

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

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

57           (d) In any county having a population of less than  
58 twenty-seven thousand (27,000) according to the 1980 federal  
59 census, the county judge shall receive an annual salary of not  
60 less than Four Thousand Two Hundred Dollars (\$4,200.00) and not  
61 more than Eight Thousand Five Hundred Dollars (\$8,500.00), in the  
62 discretion of the board of supervisors of said county. The county

63 judge shall not be eligible for any additional salary except as  
64 may be authorized in subsection (4).

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

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

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

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

96 subsection. The office of county judge shall be a full-time  
97 position and the holder thereof shall not otherwise engage in the  
98 practice of law.

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

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

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

124 (g) The county judge of any Class 1 county bordering on  
125 the Mississippi River on the west and the State of Tennessee on  
126 the north, and traversed north to south by Interstate Highway 55,  
127 shall receive an annual salary of ninety percent (90%) of the  
128 salary which is now or shall hereafter be provided for chancery

129 and circuit judges of this state, but in any event not less than  
130 Sixty Thousand Two Hundred Dollars (\$60,200.00).

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

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

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

158 (k) The office of county judge of any Class I county  
159 wherein U.S. Highway 51 and U.S. Highway 98 intersect shall be a  
160 full-time position and the holder thereof shall not otherwise  
161 engage in the practice of law. The annual salary for the office

162 of county judge in said county may be fixed, in the discretion of  
163 the board of supervisors of said county, at a sum not to exceed  
164 Two Thousand Dollars (\$2,000.00) less than the salary which is now  
165 or shall hereafter be provided for circuit and chancery judges of  
166 this state.

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

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

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

191 (5) The salary of a county court judge or justice court  
192 judge shall not be reduced during his term of office as a result  
193 of a population decrease based upon the 1990 federal decennial  
194 census.

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

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

205 **SECTION 2.** Section 25-3-35, Mississippi Code of 1972, is  
206 amended as follows:

207 25-3-35. (1) The annual salaries of the following judges  
208 are fixed as follows, to begin at the commencement of the next  
209 term of office immediately succeeding the existing term:

210 Chief Justice of the Supreme Court, a salary not to exceed  
211 seventy-five percent (75%) of the salary of the Chief Justice of  
212 the Supreme Court of the United States.

213 Presiding Justice of the Supreme Court, a salary not to  
214 exceed seventy-five percent (75%) of the salary of the Chief  
215 Justice of the United States Supreme Court.

216 Associate Justices of the Supreme Court, a salary not to  
217 exceed seventy-five percent (75%) of the salary of the justices of  
218 the United States Supreme Court.

219 However, in addition to their present official duties, there  
220 are imposed upon the Supreme Court justices the extra duties of  
221 making a special study of existing laws and reporting to each  
222 regular session of the Legislature such constructive suggestions  
223 as they may deem necessary for the improvement of the  
224 administration of justice, and of identifying and directing the  
225 State Librarian to apply for grants and donations from any public  
226 or private source for the purpose of enhancing the holdings of the  
227 state law library, and of advising and counseling with the State

228 Librarian in the selection of law books for purchase and use in  
229 the State Law Library, advising with the librarian thereof upon  
230 the removal from the library of any books which may be the least  
231 frequently used, and for the placing of same in a convenient  
232 location so as to provide additional space for such books and  
233 other current publications which may be more frequently used or  
234 called for. \* \* \* As each existing term expires and the  
235 above-captioned salaries become effective in due course, the extra  
236 duties and compensation provided for shall cease.

237 The fixed salaries as specified in this subsection (1) shall  
238 be the exclusive and total compensation which can be reported to  
239 the Public Employees' Retirement System for retirement purposes;  
240 however, any judge in office on December 31, 2003, may continue to  
241 report his expense allowance as part of his compensation for  
242 retirement purposes.

243 (2) The annual salaries of the judges of the Court of  
244 Appeals of Mississippi are fixed as follows, to begin at the  
245 commencement of the next term of office immediately succeeding the  
246 existing term:

247 Chief Judge of the Court of Appeals, a salary not to exceed  
248 seventy-five percent (75%) of the salary of the Chief Judge of the  
249 United States Court of Appeals for the Fifth Circuit.

250 Associate Judges of the Court of Appeals, a salary not to  
251 exceed seventy-five percent (75%) of the salary of the judges of  
252 the United States Court of Appeal for the Fifth Circuit.

253 However, in addition to their present official duties, there  
254 are imposed upon the judges of the Court of Appeals the extra  
255 duties of making a special study of existing laws and reporting to  
256 the Supreme Court of the State of Mississippi such constructive  
257 suggestions as they may deem necessary for the improvement of the  
258 administration of justice, and assisting in advising and  
259 counseling with the State Librarian in the selection of law books  
260 for purchase and use in the State Law Library, assisting in



261 advising with the librarian thereof upon the removal from the  
262 library of any books which may be the least frequently used, and  
263 for the placing of same in a convenient location so as to provide  
264 additional space for such books and other current publications  
265 which may be more frequently used or called for. \* \* \* As each  
266 existing term expires and the above-captioned salaries become  
267 effective in due course, the extra duties and compensation  
268 provided for shall cease.

269 The fixed salaries as specified in this subsection (2) shall  
270 be the exclusive and total compensation which can be reported to  
271 the Public Employees' Retirement System for retirement purposes;  
272 however, any judge in office on December 31, 2003, may continue to  
273 report his expense allowance as part of his compensation for  
274 retirement purposes.

275 (3) The annual salaries of the chancery and circuit court  
276 judges are fixed as follows, to begin at the commencement of the  
277 next term of office immediately succeeding the existing term:

278 Chancery Judges, a salary not to exceed seventy-five percent  
279 (75%) of the salary of the United States District Court for the  
280 Northern and Southern Districts of Mississippi.

281 Circuit Judges, each, a salary not to exceed seventy-five  
282 percent (75%) of the salary of the United States District Court  
283 for the Northern and Southern Districts of Mississippi.

284 In addition to their present official duties, there are  
285 imposed upon the chancery and circuit court judges the extra  
286 duties of making a special study of existing laws relating to  
287 trial courts and reporting to the Supreme Court of the State of  
288 Mississippi such constructive suggestions as they may deem  
289 necessary for the improvement of the administration of justice,  
290 which shall be recommended to the Legislature by the Supreme Court  
291 in the manner provided by law. The judges shall advise and  
292 supervise in the purchase of law books for the libraries of each  
293 district, and shall study and evaluate the inventory of books and

294 facilities now existing in the libraries of each district to  
295 effect the removal and relocation of obsolete publications so as  
296 to provide additional space for those books and current  
297 publications more frequently used. The judges shall seek and  
298 identify any grants and donations from any public or private  
299 source for the purpose of enhancing the holdings of the libraries  
300 of each district. The judges shall study the existing rules  
301 promulgated by the circuit and chancery court judicial  
302 associations governing the operation of chancery and circuit  
303 courts, and revise the same pursuant to existing laws. \* \* \* Upon  
304 the expiration of the existing term, the above-captioned salaries  
305 become effective in due course, and the extra duties and  
306 compensation provided for shall cease.

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

310 (5) The annual salary of the full-time district attorneys  
311 shall be Ninety-five Thousand Seven Hundred Ninety-six Dollars  
312 (\$95,796.00).

313 (6) The annual salary of the full-time legal assistants  
314 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor  
315 more than eighty percent (80%) of the salary of the district  
316 attorney for legal assistants who have been licensed to practice  
317 law for five (5) years or less; eighty-five percent (85%) of the  
318 salary of the district attorney for legal assistants who have been  
319 licensed to practice law for at least five (5) years but less than  
320 fifteen (15) years; and ninety percent (90%) of the salary of the  
321 district attorney for legal assistants who have been licensed to  
322 practice law for at least fifteen (15) years or more.

323 (7) This section shall stand repealed from and after July 1,  
324 2008.

325 **SECTION 3.** The Attorney General of the State of Mississippi  
326 shall submit this act, immediately upon approval by the Governor,

327 or upon approval by the Legislature subsequent to a veto, to the  
328 Attorney General of the United States or to the United States  
329 District Court for the District of Columbia in accordance with the  
330 provisions of the Voting Rights Act of 1965, as amended and  
331 extended.

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