

By: Senator(s) Chamberlin, Flowers

To: Fees, Salaries and Administration

SENATE BILL NO. 2325

1 AN ACT TO AMEND SECTION 9-9-11, MISSISSIPPI CODE OF 1972, TO
2 CHANGE THE YEAR OF FEDERAL CENSUS WHICH IS USED AS A BASIS FOR
3 COMPENSATION OF COUNTY COURT JUDGES IN CERTAIN COUNTIES; AND FOR
4 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 2000 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 2000 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 * * *

126 (g) The county judge of any Class 1 county with a
127 population of greater than sixty-nine thousand (69,000) according

128 to the 1980 federal decennial census, and wherein U.S. Highway 80
129 and Mississippi Highway 43 intersect, shall receive an annual
130 salary in an amount not greater than the sum of Five Hundred
131 Dollars (\$500.00) less than the salary which is now or shall
132 hereafter be provided for circuit and chancery judges of this
133 state, in the discretion of the board of supervisors of said
134 county.

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

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

153 (j) The office of county judge of any Class I county
154 wherein U.S. Highway 51 and U.S. Highway 98 intersect shall be a
155 full-time position and the holder thereof shall not otherwise
156 engage in the practice of law. The annual salary for the office
157 of county judge in said county may be fixed, in the discretion of
158 the board of supervisors of said county, at a sum not to exceed
159 Two Thousand Dollars (\$2,000.00) less than the salary which is now

160 or shall hereafter be provided for circuit and chancery judges of
161 this state.

162 (k) The county judge of any county having a population
163 of more than forty-one thousand six hundred (41,600) but less than
164 forty-one thousand six hundred fifty (41,650) according to the
165 1980 federal census, and wherein U.S. Highway 49 intersects with
166 Mississippi Highway 22, shall receive an annual salary in an
167 amount established by the board of supervisors, but in no event to
168 exceed the salary provided now or hereafter for circuit and
169 chancery judges of this state.

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

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

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

190 (6) The salary of a sheriff shall not be reduced during his
191 term of office as a result of a population decrease based upon the
192 1990 federal decennial census.

193 (7) From and after October 1, 1993, or the effective date of
194 this act [Laws, 1993, Chapter 550], whichever is later, in
195 addition to the salaries set forth in this section, the board of
196 supervisors of any county, in its discretion, may pay any county
197 court judge whose salary is not established herein in relation to
198 the salary paid to chancery and circuit court judges, an
199 additional amount not to exceed ten percent (10%) of the maximum
200 allowable salary for that judge.

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

208 **SECTION 3.** This act shall take effect and be in force from
209 and after the date it is effectuated under Section 5 of the Voting
210 Rights Act of 1965, as amended and extended, or October 1, 2004,
211 whichever occurs later.