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. 836: County prosecutor; allow Rankin County to employ full time.

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:

SECTION 1. Section 25-3-9, Mississippi Code of 1972, is amended as follows:

13 25-3-9. (1) Except as provided in subsections (2) and (3) 14 of this section, the county prosecuting attorney may receive for 15 his services an annual salary to be paid by the board of 16 supervisors as follows:

17 (a) For counties with a total population of more than
18 two hundred thousand (200,000), a salary not to exceed
19 Twenty-eight Thousand Five Hundred Dollars (\$28,500.00).

(b) For counties with a total population of more than
one hundred thousand (100,000) and not more than two hundred
thousand (200,000), a salary not to exceed Twenty-six Thousand
Five Hundred Dollars (\$26,500.00).

(c) For counties with a total population of more than
fifty thousand (50,000) and not more than one hundred thousand
(100,000), a salary not to exceed Twenty-one Thousand Seven
Hundred Dollars (\$21,700.00).

(d) For counties with a total population of more than
thirty-five thousand (35,000) and not more than fifty thousand
(50,000), a salary not to exceed Twenty Thousand Four Hundred
Dollars (\$20,400.00).

32

(e) For counties with a total population of more than

33 twenty-five thousand (25,000) and not more than thirty-five 34 thousand (35,000), a salary not to exceed Nineteen Thousand Three 35 Hundred Dollars (\$19,300.00).

36 (f) For counties with a total population of more than 37 fifteen thousand (15,000) and not more than twenty-five thousand 38 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred 39 Dollars (\$17,700.00).

40 (g) For counties with a total population of more than
41 ten thousand (10,000) and not more than fifteen thousand (15,000),
42 a salary not to exceed Sixteen Thousand One Hundred Dollars
43 (\$16,100.00).

(h) For counties with a total population of more than
six thousand (6,000) and not more than ten thousand (10,000), a
salary not to exceed Fourteen Thousand Five Hundred Dollars
(\$14,500.00).

48 (i) For counties with a total population of six
49 thousand (6,000) or less, the board of supervisors, in its
50 discretion, may appoint a county prosecuting attorney, and it may
51 pay such county prosecuting attorney an annual salary not to
52 exceed Twelve Thousand Nine Hundred Dollars (\$12,900.00).

In all cases of conviction there shall be taxed against the convicted defendant, as an item of cost, the sum of Three Dollars (\$3.00), which shall be turned in to the county treasury as a part of the general county funds; however, the Three Dollars (\$3.00) shall not be taxed in any case in which it is not the specific duty of the county attorney to appear and prosecute.

59 From and after October 1, 1993, in addition to the salaries 60 provided for in this subsection, the board of supervisors of any 61 county, in its discretion, may pay the county prosecuting attorney 62 an additional amount not to exceed ten percent (10%) of the 63 maximum allowable salary prescribed herein.

64 (2) In the following counties, the county prosecuting
65 attorney shall receive for his services an annual salary to be
66 paid by the board of supervisors, as follows:

67 (a) In any county bordering upon the Mississippi River68 and having a population of not less than thirty thousand (30,000)

and not more than thirty-five thousand five hundred (35,500) 69 according to the federal census of 1990, and in counties having a 70 population of not more than thirty-seven thousand (37,000) 71 according to the federal census of 1990 in which Interstate 72 Highway 55 and U.S. Highway 98 intersect, the county prosecuting 73 74 attorney shall receive a salary equal to the justice court judge of such county; and in any county wherein is located the state's 75 oldest state-supported institution of higher learning and wherein 76 Mississippi State Highways 7 and 6 intersect, the county 77 prosecuting attorney shall receive an annual salary equal to that 78 79 of a member of the board of supervisors of such county.

In counties having a population in excess of fifty 80 (b) thousand (50,000) in the 1960 federal census, wherein is located a 81 state-supported university and in which U.S. Highways 49 and 11 82 intersect, the salary of the county prosecuting attorney shall be 83 not less than Seventeen Thousand Four Hundred Dollars (\$17,400.00) 84 85 per year. The Board of Supervisors of Forrest County, Mississippi, may, in its discretion, and by agreement with the 86 county prosecuting attorney, employ the county prosecuting 87 attorney as a full-time elected official during his/her term of 88 office, designate additional duties and responsibilities of the 89 90 office and pay additional compensation up to, but not in excess of, ninety percent (90%) of the annual compensation and salary of 91 92 the county court judge and the youth court judge of Forrest County as authorized by law and provide a reasonable office and 93 reasonable office expenses to the county prosecuting attorney. 94 95 The salary authorized by this paragraph (b) for the county prosecuting attorney shall be the sole and complete salary for 96 such prosecuting attorney in each county to which this paragraph 97 applies, notwithstanding any other provision of law to the 98 99 contrary.

(c) In any county wherein is housed the seat of state government, wherein U.S. Highways 80 and 49 intersect, and having two (2) judicial districts, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of 105 supervisors in the county.

In any county which has two (2) judicial districts 106 (d) and wherein Highway 8 and Highway 15 intersect, having a 107 108 population of greater than seventeen thousand (17,000), according to the 1980 federal decennial census, the board of supervisors 109 110 shall pay the county prosecuting attorney a salary equal to that of a member of the board of supervisors of such county; provided 111 that if such county prosecuting attorney is paid a sum for the 112 purpose of defraying office or secretarial expenses, then the 113 salary prescribed herein shall be reduced by that amount. 114

(e) In any county bordering the State of Tennessee and in which Mississippi Highways No. 4 and 15 intersect, and having a population of less than twenty thousand (20,000) in the 1970 federal census, the salary of the county prosecuting attorney shall be no less than Six Thousand Dollars (\$6,000.00).

(f) In any county having a population of more than twenty-five thousand (25,000) and in which U.S. Highways 72 and 45 intersect, the salary of the county attorney shall be paid not less than Eight Thousand Dollars (\$8,000.00).

124 In addition, such county prosecuting attorney shall receive 125 the sum of One Thousand Five Hundred Dollars (\$1,500.00) per month 126 for the purpose of defraying secretarial expense.

(g) In any county wherein I-20 and State Highway 15
intersect; and in any county wherein I-20 and State Highway 35
intersect, the salary of the county prosecuting attorney shall be
not less than Eight Thousand Four Hundred Dollars (\$8,400.00).

In any Class 1 county bordering on the Mississippi 131 (h) River, lying in whole or in part within a levee district, wherein 132 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River 133 and Stales Bayou, the board of supervisors, in its discretion, may 134 pay an annual salary equal to the annual salary of members of the 135 136 board of supervisors in the county. In addition, such county prosecuting attorney shall receive the sum of One Thousand Dollars 137 138 (\$1,000.00) per month for the purpose of defraying secretarial expenses. 139

140

(i) In any county bordering on the Gulf of Mexico

having two (2) judicial districts, and wherein U.S. Highways 90 141 142 and 49 intersect, the salary of the county prosecuting attorney shall be not less than Nineteen Thousand Dollars (\$19,000.00) per 143 144 year. The Board of Supervisors of Harrison County, Mississippi, may, in its discretion, and by agreement with the county 145 prosecuting attorney, employ the county prosecuting attorney and 146 his/her assistant during his/her term of office, and designate 147 additional duties and responsibilities of the office and pay 148 additional compensation up to, but not in excess of, ninety 149 percent (90%) of the annual compensation and salary of the county 150 151 court judges of Harrison County as authorized by law and provide adequate office space and reasonable office expenses to the county 152 153 prosecuting attorney and his/her assistant. The salary authorized by this paragraph (i) for the county prosecuting attorney and 154 his/her assistant shall be the sole and complete salary paid by 155 the county for such prosecuting attorney and his/her assistant in 156 each county to which this paragraph applies, notwithstanding any 157 158 other provision of law to the contrary.

In any county bordering on the State of Alabama, 159 (j) 160 having a population in excess of seventy-five thousand (75,000) according to the 1980 decennial census in which is located an 161 162 institution of higher learning and a United States military installation and which is traversed by an interstate highway, the 163 164 salary of the county prosecuting attorney shall not be less than 165 Twelve Thousand Dollars (\$12,000.00) nor more than the amount of the annual salary received by a member of the board of supervisors 166 167 of that county.

(k) In any county with a land area wherein Mississippi
Highways 8 and 9 intersect, the salary of the county prosecuting
attorney shall be not less than Eight Thousand Five Hundred
Dollars (\$8,500.00) per year.

(1) In any Class 2 county wherein Mississippi Highways and 3 intersect, the salary of the county prosecuting attorney shall be not less than Twelve Thousand Dollars (\$12,000.00) per year nor more than the amount of the annual salary received by a member of the board of supervisors of that county. (m) In any county wherein Interstate Highway 55 and
State Highway 8 intersect, the salary of the county prosecuting
attorney shall be not less than Twelve Thousand Dollars
(\$12,000.00) per year.

(n) In any county wherein U.S. Highway 51 intersects
Mississippi Highway 6, and having two (2) judicial districts, the
salary of the county prosecuting attorney shall be not less than
Three Thousand Six Hundred Dollars (\$3,600.00) per year.

In any county bordering on the Alabama state line, 185 (0) having a population of greater than fifteen thousand (15,000) 186 187 according to the 1970 federal decennial census, wherein U.S. Highway 45 and Mississippi Highway 18 intersect, the salary of the 188 189 county prosecuting attorney shall be not less than Three Thousand Six Hundred Dollars (\$3,600.00) nor greater than that of a member 190 of the board of supervisors of such county. All prior acts, 191 orders and resolutions of the board of supervisors of such county 192 193 which authorized the payment of the salary in conformity with the 194 provisions of this paragraph, whether or not heretofore specifically authorized by law are hereby ratified, approved and 195 196 confirmed.

(p) In any county wherein is located a state-supported institution of higher learning and wherein U.S. Highway 82 and Mississippi Highway 389 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(q) In any county having two (2) judicial districts wherein Mississippi Highway 32 intersects U.S. Highway 49E, the salary of the county prosecuting attorney shall be not less than Twelve Thousand Seven Hundred Dollars (\$12,700.00).

(r) In any county traversed by the Natchez Trace
Parkway wherein U.S. Highway 45 and Mississippi Highway 4
intersect, the board of supervisors, in its discretion, may pay
the county prosecuting attorney an annual salary equal to the
annual salary of justice court judges in the county.

212

(s) In any county having a population of more than

fourteen thousand (14,000) according to the 1970 census and which county is bordered on the north by the State of Tennessee and on the east by the State of Alabama and in which U.S. Highway No. 72 and Highway No. 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of justice court judges in the county.

(i) In any county wherein Interstate Highway 55 (t) 220 and State Highway 22 intersect, and which is also traversed in 221 whole or part by U.S. Highways 49 and 51, and State Highways 16, 222 223 17, 43 and the Natchez Trace Parkway, and also containing a part of a public lake or reservoir, in excess of thirty thousand 224 (30,000) acres, the board of supervisors, in its discretion, may 225 pay the county prosecuting attorney an annual salary in the amount 226 of Twenty-eight Thousand Dollars (\$28,000.00). 227

(ii) From and after October 1, 1993, in addition
to the salary provided for <u>subparagraph</u> (i) of this paragraph, the
board of supervisors, in its discretion, may pay the county
prosecuting attorney an additional amount not to exceed ten
percent (10%) of the maximum allowable salary prescribed herein.

(u) In any county having a population in the 1970
census in excess of thirty-five thousand (35,000) and in which
U.S. Highways 49W and 82 intersect, and in which is located a
state penitentiary, the annual salary of a county prosecuting
attorney shall be Thirty Thousand Four Hundred Twenty Dollars
(\$30,420.00).

In any county wherein Mississippi Highway 50 239 (v) intersects U.S. Highway 45-Alternate, and having a population 240 greater than twenty thousand (20,000) according to the 1980 241 242 federal decennial census, a salary equal to that of a member of the board of supervisors of such county; provided that if such 243 244 county prosecuting attorney is paid a sum for the purpose of defraying office or secretarial expenses, then the salary 245 246 prescribed herein shall be reduced by that amount.

(w) In any county in which the 1975 assessed valuationwas Forty Million Seven Hundred Thirty-nine Thousand Four Hundred

249 Sixty-six Dollars (\$40,739,466.00) and wherein U.S. Highway 45 and 250 Mississippi Highway 8 intersect, the salary of the county 251 prosecuting attorney shall be equal to that of a member of the 252 board of supervisors of such county.

In any county bordering on the Mississippi River 253 (\mathbf{x}) 254 having a population greater than fifty thousand (50,000) according to the 1980 federal decennial census and also having a national 255 256 military park and national cemetery, an annual salary of Twenty-five Thousand Dollars (\$25,000.00) or a salary equal to 257 that of a member of the board of supervisors in such county, 258 259 whichever is greater. In addition, such county prosecuting attorney shall receive the sum of One Thousand Dollars (\$1,000.00) 260 261 per month for the purpose of defraying secretarial expenses.

In any county bordering on the Alabama state line, 262 (y) traversed by the Chickasawhay River, and wherein U.S. Highway 45 263 264 and U.S. Highway 84 intersect, a salary that shall be equal to the 265 annual salary of a member of the board of supervisors of such 266 county. All prior acts, orders and resolutions of the board of supervisors of such county which authorize the payment of the 267 268 salary of the county prosecuting attorney in conformity with the provisions of this section as it existed immediately prior to the 269 effective date of Chapter 506, Laws of 1985, are hereby ratified, 270 approved, confirmed and validated. 271

(z) In any county having a population greater than
sixty-five thousand five hundred eighty (65,580) but less than
sixty-five thousand five hundred ninety (65,590) according to the
1990 federal decennial census, wherein U.S. Highway 45 intersects
with Mississippi Highway 6, an annual salary equal to Thirty
Thousand Dollars (\$30,000.00).

(aa) In any county where an institution of higher
learning is located and wherein U.S. Highway 82 and U.S. Highway
45 intersect, the salary of county prosecuting attorney shall be
not less than that of a member of the board of supervisors in such
county, and the board of supervisors may, in its discretion, pay
such county prosecuting attorney a salary in an amount not to
exceed the amount of the salary of the District Attorney for the

285 Sixteenth Judicial District of Mississippi.

(bb) In any county having a population greater than six thousand (6,000) according to the federal decennial census and wherein U.S. Highway 61 and Highway 24 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

(cc) In any county having a population greater than thirty-one thousand (31,000) according to the 1990 federal decennial census and wherein U.S. Highway 61 and U.S. Highway 49 intersect, a salary of not less than the annual salary of justice court judges in the county.

(dd) 297 (i) The Rankin County prosecuting attorney, if 298 such person is not employed on a full-time basis, shall receive an annual salary of Twenty-nine Thousand Dollars (\$29,000.00). * * * 299 (ii) The board of supervisors of Rankin County, in 300 301 its discretion, may employ the elected county prosecuting attorney 302 and an assistant on a full-time basis during his or her term of 303 office and may pay compensation to such full-time prosecuting 304 attorney in an amount of not more than ninety percent (90%) of the 305 annual compensation and salary of the county court judges of the 306 county as authorized by law, and may provide adequate office space 307 and reasonable office expenses to the county prosecuting attorney and his/her assistant. The board of supervisors of Rankin County, 308 309 in its discretion, may also employ a full-time assistant county 310 prosecuting attorney and may pay such person an annual salary in 311 such amount as determined by the board of supervisors. The salary authorized by this subparagraph (dd) (ii) for the elected county 312 prosecuting attorney and an assistant shall be the sole and 313 complete salary paid by the county for the elected prosecuting 314 attorney and assistant in Rankin County, notwithstanding any other 315 316 provisions of law to the contrary.

317 (ee) In any county having a population greater than
318 eight thousand (8,000) but less than eight thousand two hundred
319 (8,200) according to the 1990 federal census, and in which U.S.
320 Highway 61 and Mississippi Highway 4 intersect, the board of

321 supervisors may, in its discretion, pay the county prosecuting 322 attorney an amount not to exceed Fourteen Thousand Dollars 323 (\$14,000.00), in addition to the maximum allowable salary for that 324 attorney under subsection (1), beginning on April 1, 1997.

325 (ff) In any county having a population greater than 326 thirty thousand three hundred (30,300) but less than thirty 327 thousand four hundred (30,400) according to the 1990 federal 328 census, and in which U.S. Highway 78 and Mississippi Highway 7 329 intersect, a salary of not less than the annual salary of a member 330 of the board of supervisors in such county.

331 In any county having a population greater than (gg) thirteen thousand three hundred (13,300) but less than thirteen 332 thousand four hundred (13,400) according to the 1990 federal 333 census, and in which Mississippi Highway 24 and Mississippi 334 Highway 48 intersect, the board of supervisors may, in its 335 discretion, pay the county prosecuting attorney an additional 336 337 amount not to exceed ten percent (10%) of the maximum allowable 338 salary for that attorney under subsection (1).

In any county having a population greater than 339 (hh) 340 eight thousand three hundred (8,300) but less than eight thousand four hundred (8,400) according to the 1990 federal census, and in 341 342 which U.S. Highway 84 and U.S. Highway 98 intersect, the board of supervisors may, in its discretion, pay the county prosecuting 343 attorney an additional amount not to exceed ten percent (10%) of 344 345 the maximum allowable salary for that attorney under subsection 346 (1).

(ii) * * * In any county having a population of more
than thirty thousand four hundred (30,400) and which is traversed
in whole or part by I-59, U.S. Highways 98 and 11 and State
Highway 13, the annual salary of the county prosecuting attorney
shall be Twenty-five Thousand Dollars (\$25,000.00). * * *

(jj) In any county having a population greater than twenty thousand (20,000) according to the 1990 federal census and wherein U.S. Highway 78 and Mississippi Highway 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary 357 of justice court judges in the county.

358 (kk) In any county having a population greater than twelve thousand four hundred (12,400) but less than twelve 359 360 thousand five hundred (12,500) according to the 1990 federal census, and in which U.S. Highway 84 and Mississippi Highway 27 361 362 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed 363 ten percent (10%) of the maximum allowable salary for that 364 attorney under subsection (1). 365

In any county having a population greater than 366 (11)367 thirty thousand two hundred (30,200) but less than thirty thousand three hundred (30,300) according to the 1990 federal census, and 368 in which U.S. Interstate 55 and Mississippi Highway 84 intersect, 369 the board of supervisors may, in its discretion, pay the county 370 prosecuting attorney an additional amount not to exceed ten 371 percent (10%) of the maximum allowable salary for that attorney 372 373 under subsection (1).

374 (mm) In any county on the Mississippi River levee, having a population greater than forty-one thousand eight hundred 375 376 (41,800) but less than forty-one thousand nine hundred (41,900) according to the 1990 federal census wherein U.S. Highway 61 and 377 378 Mississippi Highway 8 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual 379 salary equal to the annual salary of members of the board of 380 381 supervisors in the county. In addition, the board of supervisors, in its discretion, may pay the county prosecuting attorney the sum 382 of One Thousand Dollars (\$1,000.00) per month for the purpose of 383 384 defraying secretarial expenses.

(nn) In any county having a population greater than twenty-four thousand seven hundred (24,700) and less than twenty-four thousand nine hundred (24,900) according to the 1990 federal census, wherein Mississippi Highways 15 and 16 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

392

(oo) In any county having a population greater than

thirty-seven thousand (37,000) but less than thirty-eight thousand 393 (38,000) according to the 1990 federal census, in which is located 394 a state supported institution of higher learning, and in which 395 396 U.S. Highway 82 and Mississippi Highway 7 intersect, the board of supervisors may, in its discretion, pay the county prosecuting 397 398 attorney a salary in an amount not to exceed the amount of the salary of the District Attorney for the Fourth Judicial District 399 of Mississippi. 400

401 (pp) In any county in which U.S. Highway 78 and 402 Mississippi Highway 15 intersect and which is traversed by the 403 Tallahatchie River, a salary equal to that of members of the board 404 of supervisors of the county, which salary shall be in addition to 405 any sums received for the purpose of defraying office or 406 secretarial expenses and sums received as youth court prosecutor 407 fees.

408 (qq) In any county bordering on the State of Tennessee 409 and the State of Arkansas, wherein Interstate Highway 55 and 410 Mississippi Highway 302 intersect, the board of supervisors, in 411 its discretion, may pay the county prosecuting attorney an annual 412 salary equal to the annual salary of justice court judges in the 413 county.

(rr) In any county that is traversed by the Natchez Trace Parkway and in which Mississippi Highway 35 and Mississippi Highway 12 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary in the amount of the annual salary of justice court judges in the county.

(ss) In any county in which Mississippi Highway 14 and Mississippi Highway 25 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary in the amount of Twenty-two Thousand Dollars (\$22,000.00).

(tt) In any county in which Interstate Highway 59 and U.S. Highway 84 intersect, the board of supervisors, in its discretion, may pay the county prosecuting attorney an annual salary equal to the annual salary of members of the board of supervisors in the county.

428

(3) In any case where a salary, expense allowance or other

429 sum is authorized or paid by the board of supervisors pursuant to

430 this section, that salary, expense allowance or other sum shall

431 not be reduced or terminated during the term for which the county

432 attorney was elected.

433 **SECTION 2.** This act shall take effect and be in force from 434 and after January 1, 2004.

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

1 AN ACT TO AMEND SECTION 25-3-9, MISSISSIPPI CODE OF 1972, TO ALLOW THE BOARD OF SUPERVISORS OF RANKIN COUNTY, IN ITS 2 DISCRETION, TO EMPLOY FULL TIME THE ELECTED COUNTY PROSECUTING 3 ATTORNEY AND AN ASSISTANT COUNTY PROSECUTING ATTORNEY; TO 4 5 ESTABLISH THE MAXIMUM COMPENSATION FOR EACH OF SUCH POSITIONS; TO CONFORM THE AMOUNT THAT MAY BE PAID BY THE BOARD OF SUPERVISORS OF 6 7 CERTAIN COUNTIES AS A SECRETARIAL ALLOWANCE FOR THE OFFICE OF COUNTY PROSECUTING ATTORNEY TO THE AMOUNT ALLOWED FOR SUCH PURPOSE 8 IN OTHER COUNTIES; AND FOR RELATED PURPOSES. 9

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X
John R. Reeves
X
Frank Hamilton
x

William Miles

Billy Thames

х

X Gloria Williamson

X Walter Michel