

## Senate Amendments to House Bill No. 104

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11       **SECTION 1.** Section 19-3-49, Mississippi Code of 1972, is  
12 amended as follows:

13       19-3-49. \* \* \* In all counties of this state wherein there  
14 is no elected county prosecuting attorney, the boards of  
15 supervisors shall have the power and authority to employ a  
16 competent attorney to appear and prosecute in cases requiring the  
17 services of the county prosecuting attorney. The compensation  
18 paid to the person so employed shall be paid from the general fund  
19 of such county and shall not exceed, during any calendar year, the  
20 amount authorized by law to be paid as salary to \* \* \* a member of  
21 the board of supervisors in such county. In addition, such county  
22 prosecuting attorney shall receive the sum of One Thousand Dollars  
23 (\$1,000.00) per month for the purpose of defraying secretarial  
24 expenses. The employment of a county prosecuting attorney as  
25 authorized by this section shall be pursuant to a contract which  
26 shall provide that the salary of such county prosecuting attorney  
27 shall not be reduced, increased or terminated for the period of

the contract. Such contract shall be for the period of the remainder of the term of office of the board of supervisors which employs the county prosecuting attorney; however, the contract shall provide expressly or by reference to this section that the contract shall be abrogated upon the creation and filling of the office of elected county prosecuting attorney.

\* \* \*

**SECTION 2.** This act shall take effect and be in force from and after its passage.

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

AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS IN ALL COUNTIES WHEREIN THERE IS NO ELECTED COUNTY PROSECUTING ATTORNEY TO PAY THE ATTORNEY HIRED TO PROSECUTE CASES REQUIRING THE SERVICES OF A COUNTY PROSECUTING ATTORNEY A SALARY NOT TO EXCEED THE AMOUNT AUTHORIZED TO BE PAID TO A MEMBER OF THE BOARD OF SUPERVISORS, AND TO PROVIDE THAT SUCH COUNTY PROSECUTING ATTORNEY SHALL ALSO RECEIVE A CERTAIN AMOUNT PER MONTH FOR THE PURPOSE OF DEFRAYING SECRETARIAL EXPENSES; AND FOR RELATED PURPOSES.

SS26\HB104PS.J

Eugene S. Clarke  
Secretary of the Senate