

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 154

By Senator(s) Committee

**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:

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

(a) For counties with a total population of more than
two hundred thousand (200,000), a salary not to exceed
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).

27 (e) For counties with a total population of more than
28 twenty-five thousand (25,000) and not more than thirty-five
29 thousand (35,000), a salary not to exceed Nineteen Thousand Three
30 Hundred Dollars (\$19,300.00).

31 (f) For counties with a total population of more than
32 fifteen thousand (15,000) and not more than twenty-five thousand
33 (25,000), a salary not to exceed Seventeen Thousand Seven Hundred
34 Dollars (\$17,700.00).

35 (g) For counties with a total population of more than
36 ten thousand (10,000) and not more than fifteen thousand (15,000),
37 a salary not to exceed Sixteen Thousand One Hundred Dollars
38 (\$16,100.00).

39 (h) For counties with a total population of more than
40 six thousand (6,000) and not more than ten thousand (10,000), a
41 salary not to exceed Fourteen Thousand Five Hundred Dollars
42 (\$14,500.00).

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

48 In all cases of conviction there shall be taxed against the
49 convicted defendant, as an item of cost, the sum of Three Dollars
50 (\$3.00), which shall be turned in to the county treasury as a part
51 of the general county funds; however, the Three Dollars (\$3.00)
52 shall not be taxed in any case in which it is not the specific
53 duty of the county attorney to appear and prosecute.

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

59 (2) In the following counties, the county prosecuting

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attorney shall receive for his services an annual salary to be paid by the board of supervisors, as follows:

(a) In any county bordering upon the Mississippi River and having a population of not less than thirty thousand (30,000) and not more than thirty-five thousand five hundred (35,500) according to the federal census of 1990, and in counties having a population of not more than thirty-seven thousand (37,000) according to the federal census of 1990 in which Interstate Highway 55 and U.S. Highway 98 intersect, the county prosecuting attorney shall receive a salary equal to the justice court judge of such county; and in any county wherein is located the state's oldest state-supported institution of higher learning and wherein Mississippi State Highways 7 and 6 intersect, the county prosecuting attorney shall receive an annual salary equal to that of a member of the board of supervisors of such county.

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

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93 applies, notwithstanding any other provision of law to the
94 contrary.

95 (c) In any county wherein is housed the seat of State
96 Government, wherein U.S. Highways 80 and 49 intersect, and having
97 two (2) judicial districts, the annual salary of the county
98 prosecuting attorney shall be no more than Thirty-three Thousand
99 Dollars (\$33,000.00).

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

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

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

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

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

125 (h) In any Class 1 county bordering on the Mississippi

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126 River, lying in whole or in part within a levee district, wherein
127 U.S. Highways 82 and 61 intersect, bounded by the Sunflower River
128 and Steele's Bayou, the salary of the county prosecuting attorney
129 shall be Twenty-five Thousand Dollars (\$25,000.00) or a salary
130 equal to that of a justice court judge in such county, whichever
131 is greater. In addition, such county prosecuting attorney shall
132 receive the sum of One Thousand Dollars (\$1,000.00) per month for
133 the purpose of defraying secretarial expenses.

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

153 (j) In any county bordering on the State of Alabama,
154 having a population in excess of seventy-five thousand (75,000)
155 according to the 1980 decennial census in which is located an
156 institution of higher learning and a United States military
157 installation and which is traversed by an interstate highway, the
158 salary of the county prosecuting attorney shall not be less than

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Twelve Thousand Dollars (\$12,000.00) nor more than the amount of the annual salary received by a member of the board of supervisors 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.

(l) In any Class 2 county wherein Mississippi Highways 6 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.

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

(p) In any county wherein is located a state-supported

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192 institution of higher learning and wherein U.S. Highway 82 and
193 Mississippi Highway 389 intersect, the salary of the county
194 prosecuting attorney shall be not less than Twelve Thousand
195 Dollars (\$12,000.00) nor greater than Twenty Thousand Four Hundred
196 Dollars (\$20,400.00).

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

201 (r) In any county traversed by the Natchez Trace
202 Parkway wherein U.S. Highway 45 and Mississippi Highway 4
203 intersect, the salary of the county prosecuting attorney shall be
204 not less than Ten Thousand Dollars (\$10,000.00) nor more than the
205 annual salary of justice court judges in the county.

206 (s) In any county having a population of more than
207 fourteen thousand (14,000) according to the 1970 census and which
208 county is bordered on the north by the State of Tennessee and on
209 the east by the State of Alabama and in which U.S. Highway No. 72
210 and Highway No. 25 intersect, the salary of the county prosecuting
211 attorney shall be not less than Ten Thousand Dollars (\$10,000.00)
212 nor more than the annual salary of justice court judges in the
213 county.

214 (t) (i) In any county wherein Interstate Highway 55
215 and State Highway 22 intersect, and which is also traversed in
216 whole or part by U.S. Highways 49 and 51, and State Highways 16,
217 17, 43 and the Natchez Trace Parkway, and also containing a part
218 of a public lake or reservoir, in excess of thirty thousand
219 (30,000) acres, the annual salary of the county prosecuting
220 attorney shall be Twenty-four Thousand Dollars (\$24,000.00).

221 (ii) From and after October 1, 1993, in addition
222 to the salary provided for item (i) of this paragraph, the board
223 of supervisors, in its discretion, may pay the county prosecuting
224 attorney an additional amount not to exceed ten percent (10%) of

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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).

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

(w) In any county in which the 1975 assessed valuation was Forty Million Seven Hundred Thirty-nine Thousand Four Hundred Sixty-six Dollars (\$40,739,466.00) and wherein U.S. Highway 45 and Mississippi Highway 8 intersect, the salary of the county prosecuting attorney shall be equal to that of a member of the board of supervisors of such county; provided that if such county prosecuting attorney is paid a sum for the purpose of defraying office or secretarial expenses, then the salary prescribed herein shall be reduced by that amount.

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

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

(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 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 48 intersect, a salary equal to the annual salary of justice court judges 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.

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(dd) In any county having a population greater than eighty-seven thousand (87,000) but less than eighty-seven thousand two hundred (87,200) according to the 1990 federal census, in which is located an international airport, an annual salary of Twenty-nine Thousand Dollars (\$29,000.00). In addition, such county prosecuting attorney shall receive the sum of One Thousand Dollars (\$1,000.00) per month for the purpose of defraying secretarial expenses.

(ee) In any county having a population greater than eight thousand (8,000) but less than eight thousand two hundred (8,200) according to the 1990 federal census, and in which U.S. Highway 61 and Mississippi Highway 4 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an amount not to exceed Fourteen Thousand Dollars (\$14,000.00), in addition to the maximum allowable salary for that attorney under subsection (1), beginning on April 1, 1997.

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

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

(hh) In any county having a population greater than eight thousand three hundred (8,300) but less than eight thousand four hundred (8,400) according to the 1990 federal census, and in

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which U.S. Highway 84 and U.S. Highway 98 intersect, the board of supervisors may, in its discretion, pay the county prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(ii) After September 30, 1993, 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). In addition, such county prosecuting attorney shall receive after September 30, 1993, the sum of Seven Hundred Fifty Dollars (\$750.00) per month for the purpose of defraying office or secretarial expenses.

(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 salary of the county prosecuting attorney shall be not less than Ten Thousand Dollars (\$10,000.00) nor more than the annual salary of justice court judges in the county.

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

(ll) In any county having a population greater than thirty thousand two hundred (30,200) but less than thirty thousand three hundred (30,300) according to the 1990 federal census, and in which U.S. Interstate 55 and Mississippi Highway 84 intersect, the board of supervisors may, in its discretion, pay the county

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prosecuting attorney an additional amount not to exceed ten percent (10%) of the maximum allowable salary for that attorney under subsection (1).

(mm) In any county on the Mississippi River levee, having a population greater than forty-one thousand eight hundred (41,800) but less than forty-one thousand nine hundred (41,900) according to the 1990 federal census wherein U.S. Highway 61 and Mississippi Highway 8 intersect, a salary of not less than the annual salary of justice court judges in the county.

(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, a salary equal to Twenty-three Thousand Eight Hundred Seventy Dollars (\$23,870.00).

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

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

(qq) In any county bordering on the State of Tennessee and the State of Arkansas, wherein Interstate Highway 55 and

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390 Mississippi Highway 302 intersect, the board of supervisors, in
391 its discretion, may pay the county prosecuting attorney an annual
392 salary equal to the annual salary of justice court judges in the
393 county.

394 (3) In any case where a salary, expense allowance or other
395 sum is authorized or paid by the board of supervisors pursuant to
396 this section, that salary, expense allowance or other sum shall
397 not be reduced or terminated during the term for which the county
398 attorney was elected.

399 SECTION 2. The Attorney General of the State of
400 Mississippi shall submit this act, immediately upon approval by
401 the Governor, or upon approval by the Legislature subsequent to a
402 veto, to the Attorney General of the United States or to the
403 United States District Court for the District of Columbia in
404 accordance with the provisions of the Voting Rights Act of 1965,
405 as amended and extended.

406 SECTION 3. This act shall take effect and be in force from
407 and after the date it is effectuated under Section 5 of the Voting
408 Rights Act of 1965, as amended and extended.

**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
2 AUTHORIZE THE BOARD OF SUPERVISORS IN CERTAIN COUNTIES TO PAY THE
3 COUNTY PROSECUTING ATTORNEY A SALARY EQUAL TO THE SALARY OF
4 JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.