

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. 961: Mississippi Civil Legal Assistance Fund; provide filing fees to fund.

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:

7 **SECTION 1.** Section 25-7-9, Mississippi Code of 1972, as
8 amended by House Bill No. 1363, 2006 Regular Session, and Senate
9 Bill No. 2757, 2006 Regular Session, is amended as follows:
10 25-7-9. (1) The clerks of the chancery courts shall charge
11 the following fees:
12 (a) For the act of certifying copies of filed
13 documents, for each complete document..... \$ 1.00
14 (b) (i) Recording deeds, wills, leases, amendments,
15 subordinations, liens, releases, cancellations, orders, decrees,
16 oaths, etc., including indexing; for the first fifteen (15)
17 pages..... \$ 10.00
18 Each additional page..... \$ 1.00
19 Sectional index entries per section or subdivision
20 lot..... \$ 1.00
21 (ii) Recording each cancellation per
22 deed of trust..... \$ 10.00
23 (c) Recording deeds of trust, for the first fifteen
24 (15) pages..... \$ 15.00
25 Each additional page..... \$ 1.00
26 Sectional index entries per section or subdivision
27 lot..... \$ 1.00

28 (d) (i) Recording oil and gas leases, cancellations,
 29 etc., including indexing in general indices; for the first fifteen
 30 (15) pages \$ 18.00
 31 Each additional page..... \$ 1.00
 32 Sectional index entries per section or subdivision
 33 lot..... \$ 1.00
 34 (ii) Recording each oil and gas assignment
 35 per assignee..... \$ 18.00
 36 (e) Furnishing copies of any papers of record or on
 37 file and entering marginal notations on documents of record:
 38 If performed by the clerk or his employee,
 39 per page..... \$.50
 40 If performed by any other person, per page..... \$.25
 41 (f) For each day's attendance on the board of
 42 supervisors, for himself and one (1) deputy, each..... \$ 20.00
 43 (g) For other services as clerk of the board of
 44 supervisors an allowance shall be made to him (payable
 45 semiannually at the July and January meetings) out of the county
 46 treasury, an annual sum not exceeding..... \$3,000.00
 47 (h) For each day's attendance on the chancery court, to
 48 be approved by the chancellor:
 49 For the first chancellor sitting only, clerk and two (2)
 50 deputies, each..... \$ 50.00
 51 For the second chancellor sitting, clerk only..... \$ 50.00
 52 Provided that the fees herein prescribed shall be the total
 53 remuneration for the clerk and his deputies for attending chancery
 54 court.
 55 (i) On order of the court, clerks and not more than two
 56 (2) deputies may be allowed five (5) extra days for each term of
 57 court for attendance upon the court to get up records.
 58 (j) For public service not otherwise specifically
 59 provided for, the chancery court may by order allow the clerk to

60 be paid by the county on the order of the board of supervisors, an
61 annual sum not exceeding..... \$5,000.00

62 (k) For each civil filing, to be deposited into the
63 Civil Legal Assistance Fund..... \$ 5.00

64 The chancery clerk shall itemize on the original document a
65 detailed fee bill of all charges due or paid for filing, recording
66 and abstracting same. No person shall be required to pay such
67 fees until same have been so itemized, but said fees may be
68 demanded before the document is recorded.

69 (2) In accordance with Uniform Chancery Court Rule 9.01 as
70 approved by Order of the Mississippi Supreme Court, the following
71 fees shall be a total fee for all services performed by the clerk
72 with respect to a complaint which shall be payable upon filing and
73 shall accrue to the chancery clerk at the time of filing. The
74 clerk or his successor in office shall perform all duties set
75 forth without additional compensation or fee to wit:

76	(a) Divorce to be contested.....	\$75.00
77	(b) Divorce uncontested.....	30.00
78	(c) Alteration of birth or marriage certificate.	25.00
79	(d) Removal of minority.....	25.00
80	(e) Guardianship or conservatorship.....	75.00
81	(f) Estate of deceased, intestate.....	75.00
82	(g) Estate of deceased, testate.....	75.00
83	(h) Adoption.....	75.00
84	(i) Land dispute.....	75.00
85	(j) Injunction.....	75.00
86	(k) Settlement of small claim.....	30.00
87	(l) Contempt in child support.....	75.00
88	(m) Partition suit.....	75.00
89	(n) Any cross-complaint.....	25.00

90 (3) From and after July 1, 2006, for every civil case filed,
91 an additional fee to be deposited to the credit of the

92 Comprehensive Electronic Court Systems Fund established in Section
93 9-21-14..... \$ 10.00

94 (4) Cost of process shall be borne by the issuing party.
95 Additionally, should the attorney or person filing the pleadings
96 desire the clerk to pay the cost to the sheriff for serving
97 process on one person or more, or to pay the cost of publication,
98 the clerk shall demand the actual charges therefor, at the time of
99 filing.

100 **SECTION 2.** Section 25-7-13, Mississippi Code of 1972, as
101 amended by Senate Bill No. 2757, 2006 Regular Session, and Senate
102 Bill No. 2935, 2006 Regular Session, is amended as follows:

103 25-7-13. (1) The clerks of the circuit court shall charge
104 the following fees:

105 (a) Docketing, filing, marking and registering each
106 complaint, petition and indictment..... \$75.00

107 The fee set forth in this paragraph shall be the total fee
108 for all services performed by the clerk up to and including entry
109 of judgment with respect to each complaint, petition or
110 indictment, including all answers, claims, orders, continuances
111 and other papers filed therein, issuing each writ, summons,
112 subpoena or other such instruments, swearing witnesses, taking and
113 recording bonds and pleas, and recording judgments, orders, fiats
114 and certificates; the fee shall be payable upon filing and shall
115 accrue to the clerk at the time of collection. The clerk or his
116 successor in office shall perform all duties set forth above
117 without additional compensation or fee.

118 (b) Docketing and filing each motion to renew judgment,
119 suggestion for a writ of garnishment, suggestion for a writ of
120 execution and judgment debtor actions and issuing all process,
121 filing and recording orders or other papers and swearing
122 witnesses..... \$30.00

123 (c) From and after July 1, 2006, for every civil case
124 filed, an additional fee to be deposited to the credit of the
125 Comprehensive Electronic Court Systems Fund established in Section
126 9-21-14..... \$10.00

127 (2) Except as provided in subsection (1) of this section,
128 the clerks of the circuit court shall charge the following fees:

129 (a) Filing and marking each order or other paper and
130 recording and indexing same..... \$ 2.00

131 (b) Issuing each writ, summons, subpoena, citation,
132 capias and other such instruments..... \$ 1.00

133 (c) Administering an oath and taking bond..... \$ 2.00

134 (d) Certifying copies of filed documents, for each
135 complete document..... \$ 1.00

136 (e) Recording orders, fiats, licenses, certificates,
137 oaths and bonds:
138 First page..... \$ 2.00
139 Each additional page..... \$ 1.00

140 (f) Furnishing copies of any papers of record or on
141 file and entering marginal notations on documents of record:
142 If performed by the clerk or his employee,
143 per page..... \$ 1.00
144 If performed by any other person, per page.. \$.25

145 (g) Judgment roll entry..... \$ 5.00

146 (h) Taxing cost and certificate..... \$ 1.00

147 (i) For taking and recording application for marriage
148 license, for filing and recording consent of parents when required
149 by law, for filing and recording medical certificate, filing and
150 recording proof of age, recording and issuing license, recording
151 and filing returns..... \$20.00

152 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
153 collected for a marriage license in the Victims of Domestic

154 Violence Fund established in Section 93-21-117, on a monthly
155 basis.

156 (j) For certified copy of marriage license and search
157 of record, the same fee charged by the Bureau of Vital Statistics
158 of the State Board of Health.

159 (k) For public service not particularly provided for,
160 the circuit court may allow the clerk, per annum, to be paid by
161 the county on presentation of the circuit court's order, the
162 following amount..... \$5,000.00

163 However, in the counties having two (2) judicial districts,
164 such above allowance shall be made for each judicial district.

165 (l) For drawing jurors and issuing venire, to be paid
166 by the county..... \$ 5.00

167 (m) For each day's attendance upon the circuit court
168 term, for himself and necessary deputies allowed by the court,
169 each to be paid by the county..... \$50.00

170 (n) Summons, each juror to be paid by the county upon
171 the allowance of the court..... \$ 1.00

172 (o) For issuing each grand jury subpoena, to be paid by
173 the county on allowance by the court, not to exceed Twenty-five
174 Dollars (\$25.00) in any one (1) term of court..... \$ 1.00

175 (p) For each civil filing, to be deposited into the
176 Civil Legal Assistance Fund..... \$ 5.00

177 (3) On order of the court, clerks and deputies may be
178 allowed five (5) extra days for attendance upon the court to get
179 up records.

180 (4) The clerk's fees in state cases where the state fails in
181 the prosecution, or in cases of felony where the defendant is
182 convicted and the cost cannot be made out of his estate, in an
183 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
184 year, shall be paid out of the county treasury on approval of the
185 circuit court, and the allowance thereof by the board of

186 supervisors of the county. In counties having two (2) judicial
187 districts, such allowance shall be made in each judicial district;
188 however, the maximum thereof shall not exceed Eight Hundred
189 Dollars (\$800.00). Clerks in the circuit court, in cases where
190 appeals are taken in criminal cases and no appeal bond is filed,
191 shall be allowed by the board of supervisors of the county after
192 approval of their accounts by the circuit court, in addition to
193 the above fees, for making such transcript the rate of Two Dollars
194 (\$2.00) per page.

195 (5) The clerk of the circuit court may retain as his
196 commission on all money coming into his hands, by law or order of
197 the court, a sum to be fixed by the court not exceeding one-half
198 of one percent (1/2 of 1%) on all such sums.

199 (6) For making final records required by law, including, but
200 not limited to, circuit and county court minutes, and furnishing
201 transcripts of records, the circuit clerk shall charge Two Dollars
202 (\$2.00) per page. The same fees shall be allowed to all officers
203 for making and certifying copies of records or papers which they
204 are authorized to copy and certify.

205 (7) The circuit clerk shall prepare an itemized statement of
206 fees for services performed, cost incurred, or for furnishing
207 copies of any papers of record or on file, and shall submit the
208 statement to the parties or, if represented, to their attorneys
209 within sixty (60) days. A bill for same shall accompany the
210 statement.

211 **SECTION 3.** This act shall take effect and be in force from
212 and after July 1, 2006.

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

1 AN ACT TO AMEND SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE A FEE TO BE DEPOSITED INTO THE MISSISSIPPI

3 CIVIL LEGAL ASSISTANCE FUND; TO CONFORM TO THE PROVISIONS OF HOUSE
4 BILL NO. 1363, SENATE BILL NO. 2757 AND SENATE BILL NO. 2935, 2006
5 REGULAR SESSION; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Blackmon

X (SIGNED)
Simpson

X (SIGNED)
Perkins

CONFEREES FOR THE SENATE

X (SIGNED)
Thames

X (SIGNED)
Tollison

X (SIGNED)
Cuevas