

By: Representative Mayo

To: Municipalities

HOUSE BILL NO. 1205

1 AN ACT TO AMEND SECTION 25-60-5, MISSISSIPPI CODE OF 1972, TO
2 INCREASE MUNICIPAL CLERK FILING FEES; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** Section 25-60-5, Mississippi Code of 1972, is
5 amended as follows:

6 25-60-5. (1) Except as provided in subsection (2) of this
7 section, any county or municipal official or employee who accepts
8 documents for filing as public records shall, in addition to any
9 other fee provided elsewhere by law, collect a fee of Three
10 Dollars (\$3.00) for each document so filed. In municipalities and
11 counties that collect Three Hundred Dollars (\$300.00) or more per
12 month from the filing fee, the official or employee collecting the
13 fee shall, on or before the last day of each month, deposit the
14 avails of Two Dollars and Fifty Cents (\$2.50) of the fee into the
15 general fund of the county or municipality, as appropriate, and
16 remit the remainder to the State Treasurer who shall deposit it to
17 the credit of a statewide local government records management fund
18 which is hereby created in the State Treasury. In municipalities
19 and counties that collect less than Three Hundred Dollars
20 (\$300.00) per month from the filing fee, the avails of Two Dollars
21 and Fifty Cents (\$2.50) of the fee shall be remitted to the State
22 Treasurer on a quarterly basis for deposit as provided in the
23 previous sentence. Any monies remaining in the fund at the end of
24 a fiscal year shall not lapse into the General Fund of the State
25 Treasury. Counties and municipalities shall expend monies derived
26 from the fee hereinabove imposed solely to support proper
27 management of their official records in accordance with records

28 management standards established by the Department of Archives and
29 History. Monies in the Local Government Records Management Fund
30 shall be expended by the Department of Archives and History,
31 pursuant to legislative appropriation, to support the Local
32 Government Records Office of the department and to support a local
33 records management grant program as funds permit.

34 (2) The fee provided in subsection (1) of this section shall
35 not be collected in any county until the board of supervisors, by
36 resolution spread upon its minutes, determines that it will
37 collect the fee.

38 (3) Each municipality and participating county may collect
39 the filing fee provided for in this section on filings in any
40 court subject to their respective jurisdiction.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2007.