

Senate Amendments to House Bill No. 719

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:

28 **SECTION 1.** Section 9-1-43, Mississippi Code of 1972, is
29 brought forward as follows:
30 9-1-43. (1) After making deductions for employer
31 contributions paid by the chancery or circuit clerk to the Public
32 Employees' Retirement System under Sections 25-11-106.1 and
33 25-11-123(f) (4), employee salaries and related salary expenses,
34 and expenses allowed as deductions by Schedule C of the Internal
35 Revenue Code, no office of the chancery clerk or circuit clerk of
36 any county in the state shall receive fees as compensation for the
37 chancery clerk's or circuit clerk's services in excess of
38 Ninety-four Thousand Five Hundred Dollars (\$94,500.00). All such
39 fees received by the office of chancery or circuit clerks that are
40 in excess of the salary limitation shall be deposited by such
41 clerk into the county general fund on or before April 15 for the
42 preceding calendar year. If the chancery clerk or circuit clerk
43 serves less than one (1) year, then he shall not receive as
44 compensation any fees in excess of that portion of the salary

45 limitation that can be attributed to his time in office on a pro
46 rata basis. Upon leaving office, income earned by any clerk in
47 his last full year of office but not received until after his last
48 full year of office shall not be included in determining the
49 salary limitation of the successor clerk. There shall be exempted
50 from the provisions of this subsection any monies or commissions
51 from private or governmental sources which: (a) are to be held by
52 the chancery or circuit clerk in a trust or custodial capacity as
53 prescribed in subsections (4) and (5); or (b) are received as
54 compensation for services performed upon order of a court or board
55 of supervisors which are not required of the chancery clerk or
56 circuit clerk by statute.

57 (2) It shall be unlawful for any chancery clerk or circuit
58 clerk to use fees in excess of Ninety-four Thousand Five Hundred
59 Dollars (\$94,500.00), to pay the salaries or actual or necessary
60 expenses of employees who are related to such clerk by blood or
61 marriage within the first degree of kinship according to the civil
62 law method of computing kinship as provided in Sections 1-3-71 and
63 1-3-73. However, the prohibition of this subsection shall not
64 apply to any individual who was an employee of the clerk's office
65 prior to the date his or her relative was elected as chancery or
66 circuit clerk. The spouse and/or any children of the chancery
67 clerk or circuit clerk employed in the office of the chancery
68 clerk may be paid a salary; however, the combined annual salaries
69 of the clerk, spouse and any child of the clerk may not exceed an
70 amount equal to the salary limitation.

71 (3) The chancery clerk and the circuit clerk shall be liable
72 on their official bond for the proper deposit and accounting of
73 all monies received by his office. The State Auditor shall
74 promulgate uniform accounting methods for the accounting of all
75 sources of income by the offices of the chancery and circuit
76 clerk.

77 (4) There is created in the county depository of each county
78 a clearing account to be designated as the "chancery court clerk
79 clearing account," into which shall be deposited: (a) all such
80 monies as the clerk of the chancery court shall receive from any
81 person complying with any writ of garnishment, attachment,
82 execution or other like process authorized by law for the
83 enforcement of child support, spousal support or any other
84 judgment; (b) any portion of any fees required by law to be
85 collected in civil cases which are to pay for the service of
86 process or writs in another county; and (c) any other money as
87 shall be deposited with the court which by its nature is not, at
88 the time of its deposit, public monies, but which is to be held by
89 the court in a trust or custodial capacity in a case or proceeding
90 before the court. The clerk of the chancery court shall account
91 for all monies deposited in and disbursed from such account and
92 shall be authorized and empowered to draw and issue checks on such
93 account at such times, in such amounts and to such persons as
94 shall be proper and in accordance with law.

95 The following monies paid to the chancery clerk shall be
96 subject to the salary limitation prescribed under subsection (1):

97 (a) all fees required by law to be collected for the filing,
98 recording or abstracting of any bill, petition, pleading or decree
99 in any civil case in chancery; (b) all fees collected for land
100 recordings, charters, notary bonds, certification of decrees and
101 copies of any documents; (c) all land redemption and mineral
102 documentary stamp commissions; and (d) any other monies or
103 commissions from private or governmental sources for statutory
104 functions which are not to be held by the court in a trust
105 capacity. Such fees as shall exceed the salary limitations shall
106 be maintained in a bank account in the county depository and
107 accounted for separately from those monies paid into the chancery
108 court clerk clearing account.

109 (5) There is created in the county depository in each county
110 a clearing account to be designated as the "circuit court clerk
111 civil clearing account," into which shall be deposited: (a) all
112 such monies and fees as the clerk of the circuit court shall
113 receive from any person complying with any writ of garnishment,
114 attachment, execution or any other like process authorized by law
115 for the enforcement of a judgment; (b) any portion of any fees
116 required by law or court order to be collected in civil cases;
117 (c) all fees collected for the issuance of marriage licenses; and
118 (d) any other money as shall be deposited with the court which by
119 its nature is not, at the time of its deposit, public monies but
120 which is to be held by the court in a trust or custodial capacity
121 in a case or proceeding before the court.

122 There is created in the county depository in each county a
123 clearing account to be designated as the "circuit court clerk
124 criminal clearing account," into which shall be deposited: (a)
125 all such monies as are received in criminal cases in the circuit
126 court pursuant to any order requiring payment as restitution to
127 the victims of criminal offenses; (b) any portion of any fees and
128 fines required by law or court order to be collected in criminal
129 cases; and (c) all cash bonds as shall be deposited with the
130 court. The clerk of the circuit court shall account for all
131 monies deposited in and disbursed from such account and shall be
132 authorized and empowered to draw and issue checks on such account,
133 at such times, in such amounts and to such persons as shall be
134 proper and in accordance with law; however, such monies as are
135 forfeited in criminal cases shall be paid by the clerk of the
136 circuit court to the clerk of the board of supervisors for deposit
137 in the general fund of the county.

138 The following monies paid to the circuit clerk shall be
139 subject to the salary limitation prescribed under subsection (1):
140 (a) all fees required by law to be collected for the filing,
141 recording or abstracting of any bill, petition, pleading or decree
142 in any civil action in circuit court; (b) copies of any documents;
143 and (c) any other monies or commissions from private or
144 governmental sources for statutory functions which are not to be
145 held by the court in a trust capacity.

146 (6) The chancery clerk and the circuit clerk shall establish
147 and maintain a cash journal for recording cash receipts from

148 private or government sources for furnishing copies of any papers
149 of record or on file, or for rendering services as a notary
150 public, or other fees wherein the total fee for the transaction is
151 Ten Dollars (\$10.00) or less. The cash journal entry shall
152 include the date, amount and type of transaction, and the clerk
153 shall not be required to issue a receipt to the person receiving
154 such services. The State Auditor shall not take exception to the
155 furnishing of copies or the rendering of services as a notary by
156 any clerk free of charge.

157 In any county having two (2) judicial districts, whenever the
158 chancery clerk serves as deputy to the circuit clerk in one (1)
159 judicial district and the circuit clerk serves as deputy to the
160 chancery clerk in the other judicial district, the chancery clerk
161 may maintain a cash journal, separate from the cash journal
162 maintained for chancery clerk receipts, for recording the cash
163 receipts paid to him as deputy circuit clerk, and the circuit
164 clerk may maintain a cash journal, separate from the cash journal
165 maintained for circuit clerk receipts, for recording the cash
166 receipts paid to him as deputy chancery clerk. The cash receipts
167 collected by the chancery clerk in his capacity as deputy circuit
168 clerk and the cash receipts collected by the circuit clerk in his
169 capacity as deputy chancery clerk shall be subject to the salary
170 limitation prescribed under subsection (1).

171 (7) Any clerk who knowingly shall fail to deposit funds or
172 otherwise violate the provisions of this section shall be guilty
173 of a misdemeanor in office and, upon conviction thereof, shall be

174 fined in an amount not to exceed double the amount that he failed
175 to deposit, or imprisoned for not to exceed six (6) months in the
176 county jail, or be punished by both such fine and imprisonment.

177 **SECTION 2.** Section 23-15-225, Mississippi Code of 1972, is
178 brought forward as follows:

179 23-15-225. (1) The registrar shall be entitled to such
180 compensation, payable monthly out of the county treasury, which
181 the board of supervisors of the county shall allow on an annual
182 basis in the following amounts:

183 (a) For counties with a total population of more than
184 two hundred thousand (200,000), an amount not to exceed Thirty-one
185 Thousand Three Hundred Ninety-five Dollars (\$31,395.00), but not
186 less than Nine Thousand Six Hundred Sixty Dollars (\$9,660.00).

187 (b) For counties with a total population of more than
188 one hundred thousand (100,000) and not more than two hundred
189 thousand (200,000), an amount not to exceed Twenty-six Thousand
190 Five Hundred Sixty-five Dollars (\$26,565.00), but not less than
191 Nine Thousand Six Hundred Sixty Dollars (\$9,660.00).

192 (c) For counties with a total population of more than
193 fifty thousand (50,000) and not more than one hundred thousand
194 (100,000), an amount not to exceed Twenty-four Thousand One
195 Hundred Fifty Dollars (\$24,150.00), but not less than Nine
196 Thousand Six Hundred Sixty Dollars (\$9,660.00).

197 (d) For counties with a total population of more than
198 thirty-five thousand (35,000) and not more than fifty thousand
199 (50,000), an amount not to exceed Twenty-one Thousand Seven

200 Hundred Thirty-five Dollars (\$21,735.00), but not less than Nine
201 Thousand Six Hundred Sixty Dollars (\$9,660.00).

202 (e) For counties with a total population of more than
203 twenty-five thousand (25,000) and not more than thirty-five
204 thousand (35,000), an amount not to exceed Nineteen Thousand Three
205 Hundred Twenty Dollars (\$19,320.00), but not less than Nine
206 Thousand Six Hundred Sixty Dollars (\$9,660.00).

207 (f) For counties with a total population of more than
208 fifteen thousand (15,000) and not more than twenty-five thousand
209 (25,000), an amount not to exceed Sixteen Thousand Nine Hundred
210 Five Dollars (\$16,905.00), but not less than Nine Thousand Six
211 Hundred Sixty Dollars (\$9,660.00).

212 (g) For counties with a total population of more than
213 ten thousand (10,000) and not more than fifteen thousand (15,000),
214 an amount not to exceed Fourteen Thousand Four Hundred Ninety
215 Dollars (\$14,490.00), but not less than Eight Thousand Four
216 Hundred Fifty-two Dollars and Fifty Cents (\$8,452.50).

217 (h) For counties with a total population of more than
218 six thousand (6,000) and not more than ten thousand (10,000), an
219 amount not to exceed Twelve Thousand Seventy-five Dollars
220 (\$12,075.00), but not less than Eight Thousand Four Hundred
221 Fifty-two Dollars and Fifty Cents (\$8,452.50).

222 (i) For counties with a total population of not more
223 than six thousand (6,000), an amount not to exceed Nine Thousand
224 Six Hundred Sixty Dollars (\$9,660.00) but not less than Six

225 Thousand Six Hundred Forty-one Dollars and Twenty-five Cents
226 (\$6,641.25).

227 (j) For counties having two (2) judicial districts, the
228 board of supervisors of the county may allow, in addition to the
229 sums prescribed herein, in its discretion, an amount not to exceed
230 Eleven Thousand Five Hundred Dollars (\$11,500.00).

231 (2) In the event of a reregistration within such county, or
232 a redistricting that necessitates the hiring of additional deputy
233 registrars, the board of supervisors, in its discretion, may by
234 contract compensate the county registrar amounts in addition to
235 the sums prescribed herein.

236 (3) As compensation for their services in assisting the
237 county election commissioners in performance of their duties in
238 the revision of the voter roll as electronically maintained by the
239 Statewide Elections Management System and in assisting the
240 election commissioners, executive committees or boards of
241 supervisors in connection with any election, the registrar shall
242 receive the same daily per diem and limitation on meeting days as
243 provided for the board of election commissioners as set out in
244 Sections 23-15-153 and 23-15-227 to be paid from the general fund
245 of the county.

246 (4) In any case where an amount has been allowed by the
247 board of supervisors pursuant to this section, such amount shall
248 not be reduced or terminated during the term for which the
249 registrar was elected.

250 (5) The circuit clerk shall, in addition to any other
251 compensation provided for by law, be entitled to receive as
252 compensation from the board of supervisors the amount of Two
253 Thousand Five Hundred Dollars (\$2,500.00) per year. This payment
254 shall be for the performance of his or her duties in regard to the
255 conduct of elections and the performance of his or her other
256 duties.

257 (6) The municipal clerk shall, in addition to any other
258 compensation for performance of duties, be eligible to receive as
259 compensation from the municipality's governing authorities a
260 reasonable amount of additional compensation for reimbursement of
261 costs and for additional duties associated with mail-in
262 registration of voters.

263 (7) The board of supervisors shall not allow any additional
264 compensation authorized under this section for services as county
265 registrar to any circuit clerk who is receiving fees as
266 compensation for his or her services equal to the limitation on
267 compensation prescribed in Section 9-1-43.

268 **SECTION 3.** Section 25-3-3, Mississippi Code of 1972, is
269 brought forward as follows:

270 25-3-3. (1) The term "total assessed valuation" as used in
271 this section only refers to the ad valorem assessment for the
272 county and, in addition, in counties where oil or gas is produced,
273 the actual value of oil at the point of production, as certified
274 to the counties by the Department of Revenue under the provisions
275 of Sections 27-25-501 through 27-25-525, and the actual value of

276 gas as certified by the Department of Revenue under the provisions
277 of Sections 27-25-701 through 27-25-723.

278 (2) The salary of assessors and collectors of the various
279 counties is fixed as full compensation for their services as
280 county assessors or tax collectors, or both if the office of
281 assessor has been combined with the office of tax collector. The
282 annual salary of each assessor or tax collector, or both if the
283 offices have been combined, shall be based upon the total assessed
284 valuation of his respective county for the preceding taxable year
285 in the following categories and for the following amounts:

286 (a) For counties having a total assessed valuation of
287 Three Billion Dollars (\$3,000,000,000.00) or more, a salary of
288 Seventy Thousand Five Hundred Sixty Dollars (\$70,560.00);

289 (b) For counties having a total assessed valuation of
290 at least Two Billion Dollars (\$2,000,000,000.00) but less than
291 Three Billion Dollars (\$3,000,000,000.00), a salary of Sixty-seven
292 Thousand Two Hundred Dollars (\$67,200.00);

293 (c) For counties having a total assessed valuation of
294 at least One Billion Dollars (\$1,000,000,000.00) but less than Two
295 Billion Dollars (\$2,000,000,000.00), a salary of Sixty-four
296 Thousand Five Hundred Seventy-five Dollars (\$64,575.00);

297 (d) For counties having a total assessed valuation of
298 at least Five Hundred Million Dollars (\$500,000,000.00) but less
299 than One Billion Dollars (\$1,000,000,000.00), a salary of
300 Sixty-one Thousand Four Hundred Twenty-five Dollars (\$61,425.00);

301 (e) For counties having a total assessed valuation of
302 at least Two Hundred Fifty Million Dollars (\$250,000,000.00) but
303 less than Five Hundred Million Dollars (\$500,000,000.00), a salary
304 of Fifty-eight Thousand Eight Hundred Dollars (\$58,800.00);

305 (f) For counties having a total assessed valuation of
306 at least One Hundred Fifty Million Dollars (\$150,000,000.00) but
307 less than Two Hundred Fifty Million Dollars (\$250,000,000.00), a
308 salary of Fifty-six Thousand Seven Hundred Dollars (\$56,700.00);

309 (g) For counties having a total assessed valuation of
310 at least Seventy-five Million Dollars (\$75,000,000.00) but less
311 than One Hundred Fifty Million Dollars (\$150,000,000.00), a salary
312 of Fifty-five Thousand One Hundred Twenty-five Dollars
313 (\$55,125.00);

314 (h) For counties having a total assessed valuation of
315 less than Seventy-five Million Dollars (\$75,000,000.00), a salary
316 of Fifty Thousand Nine Hundred Twenty-nine Dollars (\$50,929.00).

317 (3) In addition to all other compensation paid pursuant to
318 this section, the board of supervisors shall pay to a person
319 serving as both the tax assessor and tax collector in their county
320 an additional Five Thousand Dollars (\$5,000.00) per year.

321 (4) The annual salary established for assessors and tax
322 collectors shall not be reduced as a result of a reduction in
323 total assessed valuation. The salaries shall be increased as a
324 result of an increase in total assessed valuation.

325 (5) In addition to all other compensation paid to assessors
326 and tax collectors in counties having two (2) judicial districts,

327 the board of supervisors shall pay such assessors and tax
328 collectors an additional Three Thousand Five Hundred Dollars
329 (\$3,500.00) per year. In addition to all other compensation paid
330 to assessors or tax collectors, in counties maintaining two (2)
331 full-time offices, the board of supervisors shall pay the assessor
332 or tax collector an additional Three Thousand Five Hundred Dollars
333 (\$3,500.00) per year.

334 (6) In addition to all other compensation paid to assessors
335 and tax collectors, the board of supervisors of a county shall
336 allow for such assessor or tax collector, or both, to be paid
337 additional compensation when there is a contract between the
338 county and one or more municipalities providing that the assessor
339 or tax collector, or both, shall assess or collect taxes, or both,
340 for the municipality or municipalities; and such assessor or tax
341 collector, or both, shall be authorized to receive such additional
342 compensation from the county and/or the municipality or
343 municipalities in any amount allowed by the county and/or the
344 municipality or municipalities for performing those services.

345 (7) When any tax assessor holds a valid certificate of
346 educational recognition from the Mississippi Cooperative Extension
347 Service or is a licensed appraiser under Section 73-34-1 et seq.,
348 he shall receive an additional One Thousand Five Hundred Dollars
349 (\$1,500.00) annually beginning the next fiscal year after
350 completion. When any tax assessor is a licensed state certified
351 Residential Appraiser (RA) or licensed state certified Timberland
352 Appraiser (TA) under Section 73-34-1 et seq., or when any tax

353 assessor holds a valid designation from the International
354 Association of Assessing Officers as a Cadastral Mapping
355 Specialist (CMS) or Personal Property Specialist (PPS) or
356 Residential Evaluation Specialist (RES), he shall receive an
357 additional Six Thousand Five Hundred Dollars (\$6,500.00) annually
358 beginning the next fiscal year after completion. When any tax
359 assessor holds the valid designation of Certified Assessment
360 Evaluator (CAE) from the International Association of Assessing
361 Officers or is a state certified General Real Estate Appraiser
362 (GA) under Section 73-34-1 et seq., he shall receive an additional
363 Eight Thousand Five Hundred Dollars (\$8,500.00) annually beginning
364 the next fiscal year after completion.

365 (8) The salaries provided for in this section shall be the
366 total funds paid to the county assessors and tax collectors and
367 shall be full compensation for their services, with any fees being
368 paid to the county general fund.

369 (9) The salaries provided for in this section shall be
370 payable monthly on the first day of each calendar month by
371 chancery clerk's warrant drawn on the general fund of the county;
372 however, the board of supervisors, by resolution duly adopted and
373 entered on its minutes, may provide that such salaries shall be
374 paid semimonthly on the first and fifteenth day of each month or
375 every two (2) weeks pursuant to Section 25-3-29. If a pay date
376 falls on a weekend or legal holiday, salary payments shall be made
377 on the workday immediately preceding the weekend or legal holiday.

378 **SECTION 4.** Section 25-7-9, Mississippi Code of 1972, is
379 brought forward as follows:

380 25-7-9. (1) The clerks of the chancery courts shall charge
381 the following fees:

382 (a) For the act of certifying copies of filed
383 documents, for each complete document.....\$ 1.00

384 (b) (i) Recording each deed, will, lease, amendment,
385 subordination, lien, release, cancellation, order, decree, oath,
386 etc., per book and page listed where applicable, each deed of
387 trust, or any other document, for the first five (5)
388 pages..... \$ 25.00

389 (ii) Each additional page.....\$ 1.00

390 (c) (i) Recording oil and gas leases, cancellations,
391 etc., including indexing in general indices; for the first five
392 (5) pages.....\$ 25.00

393 (ii) Recording each oil and gas assignment,
394 amendment of assignment, release, etc., first five (5)
395 pages.....\$ 25.00

396 per additional assignee.....\$ 18.00

397 (iii) Each additional page.....\$ 1.00

398 (iv) Sectional index entries per section or
399 subdivision lot.....\$ 1.00

400 (v) Archive fee.....\$ 1.00

401 (vi) Entering marginal notations, if requested on
402 document or by cover letter, pertaining to the recording of any
403 oil and gas document only per book and page.....\$ 4.00

404 (d) (i) Furnishing copies of any papers of record or
405 on file:

406 If performed by the clerk or his employee,
407 per page.....\$.50

408 If performed by any other person,
409 per page.....\$.25

410 (ii) Entering marginal notations on
411 documents of record.....\$ 1.00

412 (e) For each day's attendance on the board of
413 supervisors, for himself and one (1) deputy, each.....\$ 20.00

414 (f) For other services as clerk of the board of
415 supervisors an allowance shall be made to him (payable
416 semiannually at the July and January meetings) out of the county
417 treasury, an annual sum not
418 exceeding.....\$3,000.00

419 (g) For each day's attendance on the chancery court, to
420 be approved by the chancellor:

421 For the first chancellor sitting only, clerk and two (2)
422 deputies, each.....\$ 85.00

423 For the second chancellor sitting, clerk only.....\$ 85.00

424 Provided that the fees herein prescribed shall be the total
425 remuneration for the clerk and his deputies for attending chancery
426 court.

427 (h) On order of the court, clerks and not more than two
428 (2) deputies may be allowed five (5) extra days for each term of
429 court for attendance upon the court to get up records.

430 (i) For public service not otherwise specifically
431 provided for, the chancery court may by order allow the clerk to
432 be paid by the county on the order of the board of supervisors, an
433 annual sum not exceeding.....\$5,000.00

434 (j) For each civil filing, to be deposited into the
435 Civil Legal Assistance Fund.....\$ 5.00

436 The chancery clerk shall itemize on the original document a
437 detailed fee bill of all charges due or paid for filing, recording
438 and abstracting same. No person shall be required to pay such
439 fees until same have been so itemized, but those fees may be
440 demanded before the document is recorded.

441 (2) The following fee shall be a total fee for all services
442 performed by the clerk with respect to any civil case filed that
443 includes, but is not limited to, divorce, alteration of birth or
444 marriage certificate, removal of minority, guardianship or
445 conservatorship, estate of deceased, adoption, land dispute
446 injunction, settlement of small claim, contempt, modification,
447 partition suit, or commitment, which shall be payable upon filing
448 and shall accrue to the chancery clerk at the time of filing. The
449 clerk or his successor in office shall perform all duties set
450 forth without additional compensation or
451 fee.....\$ 85.00

452 (3) For every civil case filed:

453 (a) An additional fee to be deposited to the credit of
454 the Comprehensive Electronic Court Systems Fund established in
455 Section 9-21-14.....\$ 10.00

456 (b) An additional fee to be deposited to the
457 credit of the Judicial System Operation Fund established in
458 Section 9-21-45.....\$ 40.00

459 (4) Cost of process shall be borne by the issuing party.
460 Additionally, should the attorney or person filing the pleadings
461 desire the clerk to pay the cost to the sheriff for serving
462 process on one (1) person or more, or to pay the cost of
463 publication, the clerk shall demand the actual charges therefor,
464 at the time of filing.

465 **SECTION 5.** Section 25-7-13, Mississippi Code of 1972, is
466 brought forward as follows:

467 25-7-13. (1) The clerks of the circuit court shall charge
468 the following fees:

469 (a) Docketing, filing, marking and registering each
470 complaint, petition and indictment.....\$ 85.00

471 The fee set forth in this paragraph shall be the total fee
472 for all services performed by the clerk up to and including entry
473 of judgment with respect to each complaint, petition or
474 indictment, including all answers, claims, orders, continuances
475 and other papers filed therein, issuing each writ, summons,
476 subpoena or other such instruments, swearing witnesses, taking and
477 recording bonds and pleas, and recording judgments, orders, fiats
478 and certificates; the fee shall be payable upon filing and shall
479 accrue to the clerk at the time of collection. The clerk or his
480 successor in office shall perform all duties set forth above
481 without additional compensation or fee.

482 (b) Docketing and filing each motion to renew judgment,
483 notice of renewal of judgment, suggestion for a writ of
484 garnishment, suggestion for a writ of execution and judgment
485 debtor actions and issuing all process, filing and recording
486 orders or other papers and swearing witnesses.....\$ 35.00

487 (c) For every civil case filed, an additional fee to be
488 deposited to the credit of the Comprehensive Electronic Court
489 Systems Fund established in Section 9-21-14.....\$ 10.00

490 (d) For every civil case filed, an additional fee to be
491 deposited to the credit of the Judicial System Operation Fund
492 established in Section 9-21-45.....\$ 40.00

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

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

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

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

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

502 (e) Recording orders, fiats, licenses, certificates,
503 oaths and bonds:
504 First page.....\$ 2.00
505 Each additional page.....\$ 1.00

506 (f) Furnishing copies of any papers of record or on
507 file and entering marginal notations on documents of record:

508 If performed by the clerk or his employee,
509 per page.....\$ 1.00

510 If performed by any other person,
511 per page.....\$.25

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

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

514 (i) For taking and recording application for marriage
515 license, for filing and recording consent of parents when required
516 by law, for filing and recording medical certificate, filing and
517 recording proof of age, recording and issuing license, recording
518 and filing returns.....\$ 35.00

519 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
520 collected for a marriage license in the Victims of Domestic
521 Violence Fund established in Section 93-21-117, on a monthly
522 basis.

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

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

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

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

534 (m) For each day's attendance upon the circuit court
535 term, for himself and necessary deputies allowed by the court,
536 each to be paid by the county.....\$ 75.00

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

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

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

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

547 (4) The clerk's fees in state cases where the state fails in
548 the prosecution, or in cases of felony where the defendant is
549 convicted and the cost cannot be made out of his estate, in an
550 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
551 year, shall be paid out of the county treasury on approval of the
552 circuit court, and the allowance thereof by the board of
553 supervisors of the county. In counties having two (2) judicial
554 districts, such allowance shall be made in each judicial district;
555 however, the maximum thereof shall not exceed Eight Hundred
556 Dollars (\$800.00). Clerks in the circuit court, in cases where
557 appeals are taken in criminal cases and no appeal bond is filed,
558 shall be allowed by the board of supervisors of the county after
559 approval of their accounts by the circuit court, in addition to

560 the above fees, for making such transcript the rate of Two Dollars
561 (\$2.00) per page.

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

566 (6) For making final records required by law, including, but
567 not limited to, circuit and county court minutes, and furnishing
568 transcripts of records, the circuit clerk shall charge Two Dollars
569 (\$2.00) per page. The same fees shall be allowed to all officers
570 for making and certifying copies of records or papers which they
571 are authorized to copy and certify.

572 (7) The circuit clerk shall prepare an itemized statement of
573 fees for services performed, cost incurred, or for furnishing
574 copies of any papers of record or on file, and shall submit the
575 statement to the parties or, if represented, to their attorneys
576 within sixty (60) days. A bill for same shall accompany the
577 statement.

578 **SECTION 6.** Section 25-7-19, Mississippi Code of 1972, is
579 brought forward as follows:

580 25-7-19. (1) The sheriffs of the various counties of the
581 State of Mississippi shall charge the following fees:

582 (a) A uniform total fee in all criminal and civil cases
583 for the service or attempted service of any process, summons,
584 warrant, writ or other notice as may be required by law or the
585 court, each.....\$ 45.00

586 (b) In all cases where there is more than one (1)
587 defendant residing at the same household, service on each
588 additional defendant.....\$ 5.00

589 (c) After final judgment has been enrolled, notice of
590 further proceedings involving levy of execution on judgments, and
591 attachment and garnishment proceedings, shall be deemed a new suit
592 and the sheriff shall be entitled to the
593 following fee\$ 45.00

594 (d) Taking bonds of every kind (for purposes of this
595 fee multiple bonds for criminal charges arising out of a single
596 incident or transaction shall be considered a single
597 bond).....\$ 25.00

598 (e) Attendance in habeas corpus proceeding in vacation,
599 eminent domain court and commitment cases.....\$ 25.00

600 (f) On all money made by virtue of any decree,
601 execution or attachment, or other process, the following
602 commissions, to wit:

603 On the first One Hundred Dollars (\$100.00), five
604 percent (5%),

605 On the second One Hundred Dollars (\$100.00), four
606 percent (4%),

607 On all sums over Two Hundred Dollars (\$200.00),
608 three percent (3%).

609 (g) For all service of all process of every kind and
610 nature issued from without the county wherein it is to be served,
611 a fee of.....\$ 45.00

612 In civil cases, all process sent out of the county, where
613 issued to another county for service, shall be accompanied by a
614 fee of Forty-five Dollars (\$45.00) to pay the sheriff's fee for
615 his execution of such process unless the clerk or justice shall
616 endorse on the process that the party at whose instance it issued
617 had filed an affidavit of inability to pay costs thereof. All
618 fees sent and unearned, and the whole of it, shall be unearned if
619 the writ be not legally and properly executed and returned, and
620 shall be remitted by the sheriff with the writ at his own expense.

621 (2) (a) The sheriff shall keep a complete account of every
622 fee of every nature, commission or charge collected by him, and
623 shall file an itemized statement thereof monthly, under oath, with
624 the clerk of the board of supervisors of his county who shall
625 preserve same as a part of the records of his office, and he shall
626 make a remittance to the clerk of the board of supervisors of his
627 county on or before the fifteenth of each month for deposit into
628 the general fund of the county of all said fees, commissions and
629 charges collected during the preceding month. A fee for attempted
630 service of process is unearned absent two (2) documented actual
631 attempts to serve the process.

632 (b) At least Ten Dollars (\$10.00) from each fee
633 collected and deposited into the county's general fund under the
634 provisions of paragraphs (a), (c) and (g) of subsection (1) of
635 this section shall be used for the sheriffs' salaries authorized
636 in Section 25-3-25, as such Ten Dollar (\$10.00) amount was
637 authorized during the 2007 Regular Session in Chapter 331, Laws of

638 2007, for the purpose of providing additional monies to the
639 counties for sheriffs' salaries.

640 (3) Any sheriff who shall knowingly fail to collect any fee
641 established by law which was in fact collectible by him or having
642 collected the fee shall fail to keep account of such fee or fail
643 to deposit the fee with the clerk of the board of supervisors as
644 provided by subsection (2), or such other person or office
645 entitled thereto, shall be guilty of a misdemeanor in office and,
646 upon conviction therefor, shall be fined in an amount not to
647 exceed double the amount he failed to collect or pay over, or
648 imprisoned for not to exceed six (6) months in the county jail, or
649 be punished by both such fine and imprisonment.

650 This provision shall in no way lessen the sheriff's civil
651 liability on his bond, but shall be an additional penalty for
652 misfeasance or nonfeasance in office.

653 **SECTION 7.** Section 25-7-27, Mississippi Code of 1972, is
654 brought forward as follows:

655 25-7-27. (1) Marshals and constables shall charge the
656 following fees:

657 (a) (i) In all civil and criminal cases, for each
658 service of process, summons, warrant, writ or other
659 notice.....\$ 45.00

660 (ii) In all cases where there is more than one (1)
661 defendant residing at the same household, for service on each
662 additional defendant.....\$ 5.00

663 (iii) For service of each process of every kind
664 and nature issued from outside the county where it is to be
665 served, the fees provided in subparagraphs (i) and (ii) of this
666 paragraph, as applicable, shall be assessed.

667 (iv) When a complaining party has provided
668 erroneous information to the clerk of the court relating to the
669 service of process on the defendant or defendants and process
670 cannot be served after diligent search and inquiry on oath thereof
671 of the marshal or constable, as the case may be, charged with
672 serving such process, the fees provided in subparagraphs (i) and
673 (ii) of this paragraph, as applicable, shall be assessed.

674 (v) When process has been attempted in one (1)
675 county but the defendant is not found, and process must be served
676 on that defendant in another county, the clerk shall notify the
677 complaining party that an additional fee or fees must be paid
678 before the process can be delivered to the other county.

679 (b) After final judgment has been enrolled, further
680 proceedings involving levy of execution on judgments, and
681 attachment and garnishment proceedings shall be a new suit for
682 which the marshal or constable shall be entitled to the following
683 fee.....\$ 45.00

684 (c) For conveying a person charged with a crime to
685 jail, mileage reimbursement in an amount not to exceed the rate
686 established under Section 25-3-41(2).

687 To be paid out of the county treasury on the allowance of the
688 board of supervisors, when the state fails in the prosecution, or
689 the person is convicted but is not able to pay the costs.

690 (d) For other service, the same fees allowed sheriffs
691 for similar services.

692 (e) For service as a bailiff in any court in a civil
693 case, to be paid by the county on allowance of the court on
694 issuance of a warrant therefor, an amount equal to the amount
695 provided under Section 19-25-31 for each day, or part thereof, for
696 which he serves as bailiff when the court is in session.

697 (f) For serving all warrants and other process and
698 attending all trials in state cases in which the state fails in
699 the prosecution, to be paid out of the county treasury on the
700 allowance of the board of supervisors without itemization,
701 subject, however, to the condition that the marshal or constable
702 must not have overcharged in the collection of fees for costs,
703 contrary to the provisions of this section, annually.....\$2,500.00

704 (2) Marshals and constables shall be paid all uncollected
705 fees levied under subsection (1) of this section in full from the
706 first proceeds received by the court from the guilty party or from
707 any other source of payment in connection with the case.

708 (3) In addition to the fees authorized to be paid to a
709 constable under subsection (1) of this section, a constable may
710 receive payments for collecting delinquent criminal fines in
711 justice court pursuant to the provisions of Section 19-3-41(3).

712 **SECTION 8.** Section 41-61-59, Mississippi Code of 1972, is
713 brought forward as follows:

714 41-61-59. (1) A person's death that affects the public
715 interest as specified in subsection (2) of this section shall be
716 promptly reported to the medical examiner by the physician in
717 attendance, any hospital employee, any law enforcement officer
718 having knowledge of the death, the embalmer or other funeral home
719 employee, any emergency medical technician, any relative or any
720 other person present. The appropriate medical examiner shall
721 notify the municipal or state law enforcement agency or sheriff
722 and take charge of the body. When the medical examiner has
723 received notification under Section 41-39-15(6) that the deceased
724 is medically suitable to be an organ and/or tissue donor, the
725 medical examiner's authority over the body shall be subject to the
726 provisions of Section 41-39-15(6). The appropriate medical
727 examiner shall notify the Mississippi Bureau of Narcotics within
728 twenty-four (24) hours of receipt of the body in cases of death as
729 described in subsection (2) (m) or (n) of this section.

730 (2) A death affecting the public interest includes, but is
731 not limited to, any of the following:

732 (a) Violent death, including homicidal, suicidal or
733 accidental death.

734 (b) Death caused by thermal, chemical, electrical or
735 radiation injury.

736 (c) Death caused by criminal abortion, including
737 self-induced abortion, or abortion related to or by sexual abuse.

738 (d) Death related to disease thought to be virulent or
739 contagious that may constitute a public hazard.

740 (e) Death that has occurred unexpectedly or from an
741 unexplained cause.

742 (f) Death of a person confined in a prison, jail or
743 correctional institution.

744 (g) Death of a person where a physician was not in
745 attendance within thirty-six (36) hours preceding death, or in
746 prediagnosed terminal or bedfast cases, within thirty (30) days
747 preceding death.

748 (h) Death of a person where the body is not claimed by
749 a relative or a friend.

750 (i) Death of a person where the identity of the
751 deceased is unknown.

752 (j) Death of a child under the age of two (2) years
753 where death results from an unknown cause or where the
754 circumstances surrounding the death indicate that sudden infant
755 death syndrome may be the cause of death.

756 (k) Where a body is brought into this state for
757 disposal and there is reason to believe either that the death was
758 not investigated properly or that there is not an adequate
759 certificate of death.

760 (l) Where a person is presented to a hospital emergency
761 room unconscious and/or unresponsive, with cardiopulmonary
762 resuscitative measures being performed, and dies within
763 twenty-four (24) hours of admission without regaining

764 consciousness or responsiveness, unless a physician was in
765 attendance within thirty-six (36) hours preceding presentation to
766 the hospital, or in cases in which the decedent had a prediagnosed
767 terminal or bedfast condition, unless a physician was in
768 attendance within thirty (30) days preceding presentation to the
769 hospital.

770 (m) Death that is caused by drug overdose or which is
771 believed to be caused by drug overdose.

772 (n) When a stillborn fetus is delivered and the cause
773 of the demise is medically believed to be from the use by the
774 mother of any controlled substance as defined in Section
775 41-29-105.

776 (3) The State Medical Examiner is empowered to investigate
777 deaths, under the authority hereinafter conferred, in any and all
778 political subdivisions of the state. The county medical examiners
779 and county medical examiner investigators, while appointed for a
780 specific county, may serve other counties on a regular basis with
781 written authorization by the State Medical Examiner, or may serve
782 other counties on an as-needed basis upon the request of the
783 ranking officer of the investigating law enforcement agency. If a
784 death affecting the public interest takes place in a county other
785 than the one where injuries or other substantial causal factors
786 leading to the death have occurred, jurisdiction for investigation
787 of the death may be transferred, by mutual agreement of the
788 respective medical examiners of the counties involved, to the
789 county where the injuries or other substantial causal factors

790 occurred, and the costs of autopsy or other studies necessary to
791 the further investigation of the death shall be borne by the
792 county assuming jurisdiction.

793 (4) The chief county medical examiner or chief county
794 medical examiner investigator may receive from the county in which
795 he serves a salary of One Thousand Two Hundred Fifty Dollars
796 (\$1,250.00) per month, in addition to the fees specified in
797 Sections 41-61-69 and 41-61-75, provided that no county shall pay
798 the chief county medical examiner or chief county medical examiner
799 investigator less than Three Hundred Dollars (\$300.00) per month
800 as a salary, in addition to other compensation provided by law.
801 In any county having one or more deputy medical examiners or
802 deputy medical examiner investigators, each deputy may receive
803 from the county in which he serves, in the discretion of the board
804 of supervisors, a salary of not more than Nine Hundred Dollars
805 (\$900.00) per month, in addition to the fees specified in Sections
806 41-61-69 and 41-61-75; however, no county shall pay the deputy
807 medical examiners or deputy medical examiner investigators less
808 than Three Hundred Dollars (\$300.00) per month as a salary in
809 addition to other compensation provided by law. For this salary
810 the chief shall assure twenty-four-hour daily and readily
811 available death investigators for the county, and shall maintain
812 copies of all medical examiner death investigations for the county
813 for at least the previous five (5) years. He shall coordinate his
814 office and duties and cooperate with the State Medical Examiner,
815 and the State Medical Examiner shall cooperate with him.

816 **SECTION 9.** Section 41-61-75, Mississippi Code of 1972, is
817 brought forward as follows:

818 41-61-75. (1) For each investigation with the preparation
819 and submission of the required reports, the following fees shall
820 be billed to and paid by the county for which the service is
821 provided:

822 (a) A medical examiner or his deputy shall receive One
823 Hundred Seventy-five Dollars (\$175.00) for each completed report
824 of investigation of death, plus the examiner's actual expenses.
825 In addition to that fee, in cases where the cause of death was
826 sudden infant death syndrome (SIDS) and the medical examiner
827 provides a SIDS Death Scene Investigation report, the medical
828 examiner shall receive for completing that report an additional
829 Fifty Dollars (\$50.00), or an additional One Hundred Dollars
830 (\$100.00) if the medical examiner has received advanced training
831 in child death investigations and presents to the county a
832 certificate of completion of that advanced training. The State
833 Medical Examiner shall develop and prescribe a uniform format and
834 list of matters to be contained in SIDS/Child Death Scene
835 Investigation reports, which shall be used by all county medical
836 examiners and county medical examiner investigators in the state.

837 (b) The pathologist performing autopsies as provided in
838 Section 41-61-65 shall receive One Thousand Dollars (\$1,000.00)
839 per completed autopsy, plus mileage expenses to and from the site
840 of the autopsy, and shall be reimbursed for any out-of-pocket

841 expenses for third-party testing, not to exceed One Hundred
842 Dollars (\$100.00) per autopsy.

843 (2) Any medical examiner, physician or pathologist who is
844 subpoenaed for appearance and testimony before a grand jury,
845 courtroom trial or deposition shall be entitled to an expert
846 witness hourly fee to be set by the court and mileage expenses to
847 and from the site of the testimony, and such amount shall be paid
848 by the jurisdiction or party issuing the subpoena.

849 **SECTION 10.** This act shall take effect and be in force from
850 and after July 1, 2022, and shall stand repealed on June 30, 2022.

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

1 AN ACT TO BRING FORWARD SECTION 9-1-43, MISSISSIPPI CODE OF
2 1972, WHICH PERTAINS TO THE COMPENSATION OF CHANCERY CLERKS AND
3 CIRCUIT CLERKS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING
4 FORWARD SECTION 23-15-225, MISSISSIPPI CODE OF 1972, WHICH
5 PERTAINS TO THE COMPENSATION OF COUNTY REGISTRARS OF ELECTION, FOR
6 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 25-3-3,
7 MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO COMPENSATION OF COUNTY
8 TAX ASSESSORS AND COLLECTORS, FOR PURPOSES OF POSSIBLE AMENDMENT;
9 TO BRING FORWARD SECTION 25-7-9, MISSISSIPPI CODE OF 1972, WHICH
10 PERTAINS TO CERTAIN FILING FEES CHARGED BY CHANCERY CLERKS FOR THE
11 RECORDING OF DOCUMENTS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
12 BRING FORWARD SECTION 25-7-13, MISSISSIPPI CODE OF 1972, WHICH
13 PERTAINS TO THE FEES PAID TO THE CIRCUIT CLERK FOR EACH DAY'S
14 ATTENDANCE UPON THE CIRCUIT COURT TERM, FOR PURPOSES OF POSSIBLE
15 AMENDMENT; TO BRING FORWARD SECTION 25-7-19, MISSISSIPPI CODE OF
16 1972, WHICH PERTAINS TO FEES CHARGED BY SHERIFFS, FOR PURPOSES OF
17 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 25-7-27, MISSISSIPPI
18 CODE OF 1972, WHICH PERTAINS TO THE FEES CHARGED BY MARSHALS AND
19 CONSTABLES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
20 SECTION 41-61-59, MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO THE
21 COMPENSATION OF COUNTY MEDICAL EXAMINERS, DEPUTY MEDICAL EXAMINERS
22 AND DEPUTY MEDICAL EXAMINER INVESTIGATORS, FOR PURPOSES OF
23 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 41-61-75, MISSISSIPPI
24 CODE OF 1972, WHICH PERTAINS TO THE FEES PAID BY THE COUNTY TO A
25 MEDICAL EXAMINER OR HIS OR HER DEPUTY FOR FILING CERTAIN
26 INVESTIGATION REPORTS; AND FOR RELATED PURPOSES.

SS08\HB719A.J

Eugene S. Clarke
Secretary of the Senate