

By: Representative Denton

To: Apportionment and
Elections; Business and
Commerce

HOUSE BILL NO. 404

1 AN ACT TO AMEND SECTIONS 9-11-7, 9-3-13, 25-34-41, 25-1-12,
2 27-1-1, 25-1-13, 19-4-9, 19-25-5, 19-19-3, 9-7-123, 19-27-1,
3 9-5-131, 9-7-121, 9-11-29, 19-3-5, 21-9-21, 21-15-23, 7-7-205,
4 7-9-7, 7-3-1, 7-1-19, 7-9-5, 7-1-401, 21-3-5, 21-21-1, MISSISSIPPI
5 CODE OF 1972, TO INCREASE THE BOND AMOUNT FOR VARIOUS ELECTED
6 OFFICIALS WHO HANDLE PUBLIC FUNDS BY VIRTUE OF THEIR OFFICE; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 9-11-7, Mississippi Code of 1972, is
10 amended as follows:

11 9-11-7. Every person elected a justice court judge shall,
12 before he enters on the duties of the office, take the oath of
13 office prescribed by Section 155 of the Constitution, and give
14 bond, with sufficient surety, to be payable, conditioned and
15 approved as provided by law and in the same manner as other county
16 officers, in a penalty not less than * * * One Hundred Thousand
17 Dollars (\$100,000.00); and any party interested may proceed on
18 such bond in a summary way, by motion in any court having
19 jurisdiction of the same, against the principal and surety, upon
20 giving five (5) days' previous notice.



21 **SECTION 2.** Section 9-3-13, Mississippi Code of 1972, is
22 amended as follows:

23 9-3-13. The clerk of the Supreme Court, before he enters on
24 the discharge of the duties of his office, shall take the oath
25 prescribed in the Constitution, and enter into bond with at least
26 two (2) sufficient sureties, to be approved by the court, or in
27 vacation by two (2) of the judges, payable to the state in the
28 penalty of * * * Sixty Thousand Dollars (\$60,000.00), conditioned
29 for the faithful performance of the duties of his office. The
30 bond shall be recorded in the minutes of the court, and,
31 immediately thereafter deposited and filed in the Office of the
32 Secretary of State.

33 **SECTION 3.** Section 25-34-41, Mississippi Code of 1972, is
34 amended as follows:

35 25-34-41. (1) An individual qualified under subsection (2)
36 may apply to the Secretary of State for a commission as a notary
37 public. The applicant must comply with and provide the
38 information required by rules established by the Secretary of
39 State and pay any application fee.

40 (2) An applicant for a commission as a notary public must:
41 (a) Be at least eighteen (18) years of age;
42 (b) Be a citizen or permanent legal resident of the
43 United States;



(c) Be a resident of Mississippi for not less than thirty (30) days immediately preceding the date of the application;

(d) Be able to read and write English;

(e) Not be disqualified to receive a commission under Section 25-34-43; and

(f) Meet such other requirements as the Secretary of State may establish by rule.

(3) Before issuance of a commission as a notary public, an applicant for the commission must execute the oath of office prescribed by Section 268 of the Constitution and submit it to the Secretary of State.

(4) Before issuance of a commission as a notary public, the applicant for a commission must submit to the Secretary of State an assurance in the form of a surety bond or its functional equivalent in the amount of * * * Sixty Thousand Dollars (\$60,000.00) pursuant to the rules set forth by the Secretary of State. The assurance must be issued by a surety or other entity licensed by the Mississippi Department of Insurance. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the Secretary of State. If a notary public violates a law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity must give thirty (30) days' notice to the Secretary of



69 State before canceling the assurance. The surety or issuing
70 entity must notify the Secretary of State not later than thirty
71 (30) days after making a payment to a claimant under the
72 assurance. A notary public may perform notarial acts in this
73 state only during the period that a valid assurance is on file
74 with the Secretary of State.

75 (5) On compliance with this section, the Secretary of State
76 shall issue a commission as a notary public to an applicant for a
77 term of four (4) years.

78 (6) A commission to act as a notary public authorizes the
79 notary public to perform notarial acts. The commission does not
80 provide the notary public any immunity or benefit conferred by the
81 laws of this state on public officials or employees.

82 **SECTION 4.** Section 25-1-12, Mississippi Code of 1972, is
83 amended as follows:

84 25-1-12. (1) Notwithstanding any other provision of law to
85 the contrary, any public officer or employee handling or having
86 the custody of public funds, by virtue of his or her office or
87 employment, shall give an individual bond or be covered by a
88 blanket bond. The amount of such bonds shall not be less
89 than * * * Seventy-five Thousand Dollars (\$75,000.00) for each
90 public officer or employee, unless a specific amount is otherwise
91 required by law. The provisions of this section shall not apply
92 to any public officer or employee whose activity of handling or
93 having custody of public funds is incidental to his or her



employment or job duties, as defined by the regulations of the State Auditor's office.

(2) All individual bonds and blanket bonds as required by this section shall follow the form and content as provided in Section 25-1-15.

SECTION 5. Section 27-1-1, Mississippi Code of 1972, is amended as follows:

27-1-1. The assessor of each county, except in those counties wherein the office of assessor and the office of tax collector are combined as provided in Section 27-1-7, shall take and file the oath of office required by the Constitution and give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to * * * One Hundred Thousand Dollars (\$100,000.00).

SECTION 6. Section 25-1-13, Mississippi Code of 1972, is amended as follows:

25-1-13. The state officials hereinafter named shall give bond in the penalty specified for each, with surety by one or more guaranty or surety companies authorized to do business in the state. Said bonds shall be approved by the Governor and Commissioner of Insurance and, when so approved, shall be filed and recorded in the Office of the Secretary of State.

The bond of the Auditor of Public Accounts shall be for * * * Eighty Thousand Dollars (\$80,000.00); the State Treasurer, * * * One Hundred Fifty Thousand Dollars (\$150,000.00); the Land



Commissioner, * * * Sixty-five Thousand Dollars (\$65,000.00); each
of the public service commissioners, * * * Sixty Thousand Dollars
(\$60,000.00); director of the feed and fertilizer division,
Department of Agriculture and Commerce, * * * Sixty Thousand
Dollars (\$60,000.00); assistant Secretary of State, * * *
Fifty-five Thousand Dollars (\$55,000.00); State Forester, * * *
Fifty-five Thousand Dollars (\$55,000.00); sergeant of the guard of
the Penitentiary, * * * Fifty-one Thousand Dollars (\$51,000.00);
dispatch sergeant of the State Penitentiary, * * * Fifty-one
Thousand Dollars (\$51,000.00).

The official bonds of all other state officers shall continue
and remain as to amounts thereof as now fixed elsewhere by law,
but said bonds shall be subject to the provisions stated herein
for sureties, approval, filing, and premium payment unless
otherwise specifically provided.

Premiums paid on all bonds under the provisions of this
section shall be paid out of the State Treasury upon warrant of
the Auditor, which shall be issued upon the approval of the bonds
as herein provided; provided, however, that the said premiums
shall be at the lowest rate obtainable. If from any cause such
guaranty or surety bond or bonds cannot be obtained, in whole or
in part, because of refusal of said guaranty or surety companies,
at a reasonable rate in the judgment of the Insurance Commissioner
or for other cause, to make such bond or bonds, upon certificate
of the Commissioner of Insurance to that effect, the officer or



officers having thus been unable to make a bond or bonds may make such bond with personal or individual surety in the required penalty, to be approved by the Governor and filed and recorded as directed herein, together with the certificate of the Commissioner of Insurance attached to the bond.

SECTION 7. Section 19-4-9, Mississippi Code of 1972, is amended as follows:

19-4-9. The county administrator shall take the official oath of office and shall give bond to the board of supervisors, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to three percent (3%) of the sum of all the state and county taxes shown by the assessment rolls and the levies to have been collectible in the county for the year immediately preceding the commencement of the term of office for such administrator; however, such bond shall not exceed the amount of * * * One Hundred Fifty Thousand Dollars (\$150,000.00). The bond premiums shall be paid from the county general fund or other available funds of the county.

SECTION 8. Section 19-25-5, Mississippi Code of 1972, is amended as follows:

19-25-5. The sheriffs of the several counties shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law and in the same manner as other county officials, in a penalty equal to * * * One Hundred Fifty Thousand



Dollars (\$150,000.00), the premium for which shall be paid by the county.

SECTION 9. Section 19-19-3, Mississippi Code of 1972, is amended as follows:

19-19-3. Constables shall take the oath of office prescribed by the Constitution and give bond, with sufficient surety, to be payable, conditioned and approved as provided by law and in the same manner as other county officials, in a penalty not less than * * * One Hundred Thousand Dollars (\$100,000.00). The bond premium for each constable shall be paid from the general county fund of the respective counties. The board of supervisors of the county may at any time require such additional sum as it deems necessary.

SECTION 10. Section 9-7-123, Mississippi Code of 1972, is amended as follows:

9-7-123. (1) The clerk of the circuit court shall have power, with the approbation of the court, or of the judge in vacation, to appoint one or more deputies, who shall take the oath of office and may give bond, and who thereupon shall have power to do and perform all the acts and duties which their principal may lawfully do; such approval, when given by the judge in vacation, shall be in writing, and shall be entered on the minutes of the court at the next term.

(2) Each deputy clerk of the circuit court, before he enters upon the duties of the appointment, shall take the oath of office,



and shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to three percent (3%) of the sum of all the state and county taxes shown by the assessment rolls and the levies to have been collectible in the county for the year immediately preceding the commencement of the term of office for the circuit clerk. However, the amount of such bond shall not be less than * * * One Hundred Thousand Dollars (\$100,000.00) nor more than * * * One Hundred Fifty Thousand Dollars (\$150,000.00). The bond shall cover all monies coming into the hands of the deputy clerk by law or order of the court. The board of supervisors, in its discretion, may pay the bond on behalf of the deputy clerk.

SECTION 11. Section 19-27-1, Mississippi Code of 1972, is amended as follows:

19-27-1. There shall be elected for each county a surveyor who shall take and subscribe the oath of office prescribed by the Constitution and give bond, with sufficient surety, to be payable, conditioned and approved as provided by law and in the same manner as other county officials, in a penalty not less than * * * One Hundred Thousand Dollars (\$100,000.00).

From and after January 1, 1984, such surveyor shall be a registered land surveyor as provided for in Sections 73-13-71 through 73-13-99. However, this requirement shall not apply to any person who was holding the office of county surveyor by either election or appointment on December 31, 1983.



218 **SECTION 12.** Section 9-5-131, Mississippi Code of 1972, is
219 amended as follows:

220 9-5-131. The clerk of the chancery court, before he enters
221 upon the duties of the office, shall take the oath of office and
222 give bond, with sufficient surety, to be payable, conditioned and
223 approved as provided by law, in a penalty equal to five percent
224 (5%) of the sum of all the state and county taxes shown by the
225 assessment rolls and the levies to have been collectible in the
226 county for the year immediately preceding the commencement of the
227 term of office for such clerk; however, such bond shall not exceed
228 the amount of * * * One Hundred Fifty Thousand Dollars
229 (\$150,000.00). Such clerk may be required by the court, or the
230 chancellor in vacation, to give additional bond in any particular
231 case, which shall be a cumulative security, and shall not in any
232 manner affect the liability on his official bond for any matter
233 covered by it. His official bond shall be held to cover all his
234 official acts, and all moneys which may come into his hands
235 according to law or by order of the court or chancellor.

236 **SECTION 13.** Section 9-7-121, Mississippi Code of 1972, is
237 amended as follows:

238 9-7-121. The clerk of the circuit court, before he enters
239 upon the duties of the office, shall take the oath of office, and
240 give bond, with sufficient surety, to be payable, conditioned and
241 approved as provided by law, in a penalty equal to three percent
242 (3%) of the sum of all the state and county taxes shown by the



assessment rolls and the levies to have been collectible in the county for the year immediately preceding the commencement of the term of office for such clerk. However, such bond shall not exceed the amount of * * * One Hundred Fifty Thousand Dollars (\$150,000.00). And he may be required to give additional bond from time to time, for the faithful application of all moneys coming into his hands by law or order of the court; but such additional bonds shall be cumulative security, and the original bond shall likewise cover all moneys coming into the hands of the clerk by law or order of the court.

SECTION 14. Section 9-11-29, Mississippi Code of 1972, is amended as follows:

9-11-29. (1) Within ninety (90) days after appointment, every person appointed as clerk of the justice court under the provisions of Section 9-11-27, or a deputy clerk designated to receive training under Section 9-11-27, shall file annually in the office of the circuit clerk a certificate of completion of a course of training and education conducted by the Mississippi Judicial College of the University of Mississippi Law Center. The training course shall be known as the "Justice Court Clerks Training Course" and shall consist of at least twelve (12) hours of instruction. The contents of the courses and when and where the courses are to be conducted shall be determined by the judicial college. The judicial college shall issue a certificate



of completion to the clerks and deputy clerks who complete a course.

(2) Every person appointed as clerk and deputy clerk of the justice court shall, before entering into the duties of the position, give bond, with sufficient surety, to be payable, conditioned and approved as provided by law and in the same manner as other county officers, in a penalty equal to * * * One Hundred Thousand Dollars (\$100,000.00); and any party interested may proceed on such bond in a summary way, by motion in any court having jurisdiction of the same, against the principal and sureties, upon giving five (5) days' previous notice. The cost of the bond shall be paid by the county.

(3) Upon the failure of any person appointed as clerk of the justice court to file the certificates of completion as provided in subsection (1) of this section, that person shall not be allowed to carry out any of the duties of the office of clerk of the justice court, and shall not be entitled to compensation for the period of time during which the required certificates remain unfiled.

SECTION 15. Section 19-3-5, Mississippi Code of 1972, is amended as follows:

19-3-5. Each member of the board of supervisors, before entering upon the duties of his office, shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in a penalty equal to five percent (5%) of the



sum of all the state and county taxes shown by the assessment rolls and the levies to have been collectible in the county for the year immediately preceding the commencement of the term of office of said member; however, such bond shall not exceed the amount of * * * One Hundred Fifty Thousand Dollars (\$150,000.00). Furthermore, any taxpayer of the county may sue on such bond for the use of the county, and such taxpayer shall be liable for all costs in case his suit shall fail. No member of the board shall be surety for any other member.

SECTION 16. Section 21-9-21, Mississippi Code of 1972, is amended as follows:

21-9-21. In a city in which the council-manager plan of government is in effect under the provisions of this chapter, no city official or employee shall be elected by the voters except members of the council and the mayor. All other officials and employees shall be appointed as hereinafter provided.

The city council shall require all officers and employees handling or having the custody of any of the public funds of such municipality to give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in an amount to be determined by the council (which shall not be less than * * * One Hundred Thousand Dollars (\$100,000.00)), the premium on which bonds shall be paid by the city.

SECTION 17. Section 21-15-23, Mississippi Code of 1972, is amended as follows:



317 21-15-23. Every city in the State of Mississippi, whether
318 operating under a code charter, a special charter, or commission
319 form of government, acting through its governing authorities, is
320 hereby authorized and empowered, by resolution or ordinance duly
321 adopted, to appoint one or more deputy city clerks, each of whom
322 shall have all of the power and authority that is vested in the
323 city clerk of such city. Such governing authorities shall have
324 the right to pay such salary to such deputy city clerk, or clerks,
325 as may be fixed in the resolution or ordinance appointing such
326 deputy city clerk, but not exceeding the salary paid to the city
327 clerk.

328 Every deputy city clerk so appointed shall serve at the will
329 and pleasure of said governing authorities and may be removed at
330 any time at the pleasure of such municipal governing authorities,
331 and upon such removal all salaries or fees of such deputy city
332 clerk shall thereupon cease.

333 Every deputy city clerk, before entering upon the duties of
334 his office, shall take and subscribe the same oath required of the
335 city clerk. The appointment of said deputy city clerk, with the
336 certificate of the oath, shall be filed and preserved in the
337 office of the clerk of the governing authorities of such city.
338 Such deputy city clerk shall give bond, with sufficient surety, to
339 be payable, conditioned and approved as provided by law, in an
340 amount to be determined by the governing authority (which shall be
341 not less than * * * One Hundred Thousand Dollars (\$100,000.00)).



342 **SECTION 18.** Section 7-7-205, Mississippi Code of 1972, is
343 amended as follows:

344 7-7-205. The director, the assistant director, and all
345 accountants and auditors of the department shall be required to
346 execute surety bonds in such amounts as the State Auditor may deem
347 sufficient to ensure faithful performance of duties and financial
348 accountability, provided the amount of such bond of the director
349 shall not be less than * * * Seventy-five Thousand Dollars
350 (\$75,000.00). The costs of such bonds shall be paid out of the
351 Department of Audit fund in the same manner as other expenses are
352 paid.

353 **SECTION 19.** Section 7-9-7, Mississippi Code of 1972, is
354 amended as follows:

355 7-9-7. It shall be the duty of the bond clerk to keep a
356 record of all bonds or other securities coming into the possession
357 of the State Treasury and to do and perform any other duties
358 required of him by the Treasurer. Said clerk shall, before
359 entering upon the duties of his office, execute a good and
360 sufficient bond payable to the State Treasurer, in some surety
361 company authorized to do business in Mississippi, in the sum
362 of * * * One Hundred Thousand Dollars (\$100,000.00), said bond to
363 be conditioned for the faithful discharge of the duties of such
364 clerk and shall be liable for any misfeasance, malfeasance,
365 mistakes, or misappropriations of said clerk, the premium on said
366 bond to be paid as the premium on the State Treasurer's bond is



367 paid. The provisions of this section and the bond required shall
368 in no way alter or change the duties, responsibilities, and
369 liabilities of the State Treasurer.

370 **SECTION 20.** Section 7-3-1, Mississippi Code of 1972, is
371 amended as follows:

372 7-3-1. The Secretary of State shall give bond to the state
373 in the penalty of * * * One Hundred Thousand Dollars
374 (\$100,000.00), with two (2) or more sufficient sureties to be
375 approved by the Governor, conditioned according to law. When
376 approved, said bond shall be filed and preserved in the Office of
377 the Clerk of the Supreme Court.

378 **SECTION 21.** Section 7-1-19, Mississippi Code of 1972, is
379 amended as follows:

380 7-1-19. For the purpose of seeing that the laws are
381 faithfully executed and for the purpose of suppressing crimes of
382 violence and acts of intimidation and terror, the Governor is
383 hereby authorized to employ such investigators and other qualified
384 personnel as he or she may deem necessary to make investigation of
385 crimes of violence and acts of terrorism or intimidation, and to
386 aid in the arrest and prosecution of persons charged with such
387 crimes of violence, acts of terrorism or intimidation, or threats
388 of violence. Such investigators and other personnel so employed
389 by the Governor shall have full power to investigate, apprehend,
390 and arrest persons committing acts of violence, intimidation, or
391 terrorism anywhere in the state, and shall be vested with the



power of police officers in the performance of such duties as set out herein. Such investigators and other personnel shall perform their duties under the direction of the Governor. Each such regularly employed investigator shall enter into an official bond in the sum of * * * Fifty-two Thousand Five Hundred Dollars (\$52,500.00) for the faithful performance of his or her duties, the bond premiums to be paid by the Governor out of the appropriations made for the enforcement of the provisions of Sections 7-1-19 through 7-1-23. Said bonds shall be kept by the Governor without a public record of same being required.

The Governor shall also be authorized to employ, upon a temporary basis from time to time, such additional investigators and other personnel as he or she may deem necessary to carry out the purposes of the cited sections, who may not be required to give bond.

The Governor shall be authorized to offer and pay suitable rewards to other persons for aiding in such investigation and in the apprehension and conviction of persons charged with acts of violence, or threats of violence, or intimidation, or acts of terrorism.

SECTION 22. Section 7-9-5, Mississippi Code of 1972, is amended as follows:

7-9-5. The State Treasurer shall be entitled to a bookkeeper, a chief clerk, a bond clerk, and a stenographer to assist him in the discharge of the duties of his office; and he



may appoint a deputy who shall possess all the powers and may perform any of the duties of the treasurer. If a deputy treasurer be appointed, he shall also perform all the duties of the chief clerk and shall receive the salary of such clerk, and thereafter no chief clerk shall be employed. The bond of the said deputy shall be * * * One Hundred Fifty Thousand Dollars (\$150,000.00), and the premium thereon shall be paid as other premiums of state officers.

SECTION 23. Section 7-1-401, Mississippi Code of 1972, is amended as follows:

7-1-401. There is hereby created within the Bureau of Budget and Fiscal Management of the State Fiscal Management Board a division to be known as the "State Bond Advisory Division." The State Fiscal Management Board shall appoint a director, who shall have knowledge in the field of state governmental operation and of the state's fiscal and economic affairs and shall employ such other technical, professional and clerical help as he deems necessary. The director shall, before entering upon the duties of his appointment, execute a good and sufficient bond payable to the state in some surety company qualified and doing business in the State of Mississippi in the penal sum of * * * One Hundred Thousand Dollars (\$100,000.00), conditioned upon the faithful performance of his duties as required by law. The premium on said bond shall be paid as the premium on the Governor's bond.



441 **SECTION 24.** Section 21-3-5, Mississippi Code of 1972, is
442 amended as follows:

443 21-3-5. From and after the expiration of the terms of office
444 of present municipal officers, the mayor and board of aldermen of
445 all municipalities operating under this chapter shall have the
446 power and authority to appoint a street commissioner, and such
447 other officers and employees as may be necessary, and to prescribe
448 the duties and fix the compensation of all such officers and
449 employees. All officers and employees so appointed shall hold
450 office at the pleasure of the governing authorities and may be
451 discharged by such governing authorities at any time, either with
452 or without cause. The governing authorities of municipalities
453 shall have the power and authority, in their discretion, to
454 appoint the same person to any two (2) or more of the appointive
455 offices, and in a municipality having a population of less than
456 fifteen thousand (15,000), according to the latest * * * federal
457 decennial census, a member of the board of aldermen may be
458 appointed to the office of street commissioner. In municipalities
459 not having depositories, the clerk shall serve as ex officio
460 treasurer. The municipal governing authorities shall require all
461 officers and employees handling or having the custody of any
462 public funds of such city to give bond, with sufficient surety, to
463 be payable, conditioned and approved as provided by law, in an
464 amount to be determined by the governing authority (which shall be
465 not less than * * * One Hundred Thousand Dollars (\$100,000.00)),



the premium on same to be paid from the municipal treasury. The terms of office or employment of all officers and employees so appointed shall expire at the expiration of the term of office of the governing authorities making the appointment, unless such officers or employees shall have been sooner discharged as herein provided. All officers and employees so appointed are authorized to serve until the appointment and qualification of their successors not exceeding the limitation period provided in Section 21-15-41.

SECTION 25. Section 21-21-1, Mississippi Code of 1972, is amended as follows:

21-21-1. The marshal or chief of police shall be the chief law enforcement officer of the municipality and shall have control and supervision of all police officers employed by said municipality. The marshal or chief of police shall be an ex officio constable within the boundaries of the municipality, and he shall perform such other duties as shall be required of him by proper ordinance. Before performing any of the duties of his office, the marshal or chief of police shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in an amount to be determined by the municipal governing authority (which shall be not less than * * * One Hundred Thousand Dollars (\$100,000.00)). The premium upon said bond shall be paid from the municipal treasury. If any marshal or chief of police shall fail to perform any of the duties of his



491 office, it shall be the duty of the district attorney or county
492 attorney upon receiving notice thereof to immediately file quo
493 warranto proceedings against such official.

494 The provisions of this section shall be applicable to all
495 municipalities of this state, whether operating under a code
496 charter, special charter, or the commission form of government,
497 except in cases of conflict between the provisions of this section
498 and the provisions of the special charter of a municipality, or
499 the law governing the commission form of government, in which case
500 of conflict the provisions of the special charter or the statutes
501 relative to the commission form of government shall control.

502 **SECTION 26.** This act shall take effect and be in force from
503 and after July 1, 2025.

