

## Senate Amendments to House Bill No. 1366

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:

9           **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
10 amended as follows:

11           9-1-36. (1) Each circuit judge and chancellor shall receive  
12 an office operating allowance for the expenses of operating the  
13 office of the judge, including retaining a law clerk, legal  
14 research, stenographic help, stationery, stamps, furniture, office  
15 equipment, telephone, office rent and other items and expenditures  
16 the judge finds to be necessary and incident to maintaining the  
17 office of the judge \* \* \*. This may include expenses to travel  
18 out of state once per state fiscal year for continuing legal  
19 education classes and or seminars if approved by the Chief  
20 Justice. In addition to the once per fiscal year out-of-state  
21 travel for continuing legal education classes and or seminars, the  
22 allowance may be used for out-of-state travel to The Mississippi  
23 Bar Convention if no other funds are available. The allowance  
24 shall be paid only to the extent of actual expenses incurred by  
25 the judge as itemized and certified by the judge to the Supreme

26 Court in the amounts set forth in this subsection; however, the  
27 judge may expend sums in excess thereof from the compensation  
28 otherwise provided for his office.

29 *From and after July 1, 2023,* the office operating allowance  
30 under this subsection shall be Fifteen Thousand Dollars  
31 (\$15,000.00) per annum.

32 (2) In addition to the amounts provided for in subsection  
33 (1), there is created a separate office allowance fund for the  
34 purpose of providing support staff to judges. This fund shall be  
35 managed by the Administrative Office of Courts.

36 (3) Each judge who desires to employ support staff must have  
37 each candidate approved by the Administrative Office of Courts  
38 before the positions may be filled. The Administrative Office of  
39 Courts shall not approve any hire which does not first require the  
40 expenditure of the funds in the support staff fund for  
41 compensation of any of the support staff before expenditure is  
42 authorized of county funds for that purpose. Upon approval by the  
43 Administrative Office of Courts, the judge or judges may appoint  
44 the employees to the position or positions, and each employee so  
45 appointed will work at the will and pleasure of the judge or  
46 judges who appointed him but will be employees of the  
47 Administrative Office of Courts. Upon approval by the  
48 Administrative Office of Courts, the appointment of any support  
49 staff shall be evidenced by the entry of an order on the minutes  
50 of the court. When support staff is appointed jointly by two (2)

or more judges, the order setting forth any appointment shall be entered on the minutes of each participating court.

(4) Support staff shall receive compensation pursuant to personnel policies established by the Administrative Office of Courts. Each judge shall be allotted the amount of One Hundred Thirty Thousand Dollars (\$130,000.00) per fiscal year for all support staff approved by the Administrative Office of Courts.

The Administrative Office of Courts may approve expenditures from the fund for additional equipment for support staff appointed pursuant to this section in any year in which the allocation per judge is sufficient to meet the equipment expense after provision for the compensation of the support staff.

(5) For the purposes of this section, the following terms have the meaning ascribed in this subsection unless the context clearly requires otherwise:

(a) "Judges" means circuit judges and chancellors, or any combination thereof.

(b) "Support staff" means court administrators, law clerks, legal research assistants or secretaries, or any combination thereof, but shall not mean school attendance officers.

(c) "Compensation" means the gross salary plus all amounts paid for benefits or otherwise as a result of employment or as required by employment; however, only salary earned for services rendered shall be reported and credited for Public Employees' Retirement System purposes. Amounts paid for benefits

or otherwise, including reimbursement for travel expenses, shall not be reported or credited for retirement purposes.

(d) "Law clerk" means a clerk hired to assist a judge or judges who has a law degree or who is a full-time law student who is making satisfactory progress at an accredited law school.

(6) Title to all tangible property, excepting stamps, stationery and minor expendable office supplies, procured with funds authorized by this section, shall be and forever remain in the State of Mississippi to be used by the circuit judge or chancellor during the term of his office and thereafter by his successors.

*(7) Any circuit judge or chancellor who did not have a primary office provided by the county on March 1, 1988, shall be allowed an additional Seven Thousand Dollars (\$7,000.00) per annum to defray the actual expenses incurred by the judge or chancellor in maintaining an office; however, any circuit judge or chancellor who had a primary office provided by the county on March 1, 1988, and who vacated the office space after that date for a legitimate reason, as determined by the Department of Finance and Administration, shall be allowed the additional office expense allowance provided under this subsection. The county in which a circuit judge or chancellor sits is authorized to provide funds from any available source to assist in defraying the actual expenses to maintain an office.*

(8) The Supreme Court, through the Administrative Office of Courts, shall submit to the Department of Finance and

103 Administration the itemized and certified expenses for office  
104 operating allowances that are directed to the court pursuant to  
105 this section.

106 (9) The Supreme Court, through the Administrative Office of  
107 Courts, *shall have the power to* adopt rules and regulations  
108 regarding the administration of the office operating allowance  
109 authorized pursuant to this section.

110 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is  
111 brought forward as follows:

112 **[From and after January 1, 2024, and through December 31,**  
113 **2027, this section shall read as follows:]**

114 25-7-9. (1) The clerks of the chancery courts shall charge  
115 the following fees:

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

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

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

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

127 (ii) Recording each oil and gas assignment,  
128 amendment of assignment, release, etc., first five (5)

129 pages.....\$ 25.00  
 130 per additional assignee.....\$ 18.00  
 131 (iii) Each additional page.....\$ 1.00  
 132 (iv) Sectional index entries per section or  
 133 subdivision lot.....\$ 1.00  
 134 (v) Archive fee.....\$ 1.00  
 135 (vi) Entering marginal notations, if requested on  
 136 document or by cover letter, pertaining to the recording of any  
 137 oil and gas document only per book and page.....\$ 4.00  
 138 (d) (i) Furnishing copies of any papers of record or  
 139 on file:  
 140 If performed by the clerk or his employee,  
 141 per page.....\$ .50  
 142 If performed by any other person,  
 143 per page.....\$ .25  
 144 (ii) Entering marginal notations on  
 145 documents of record.....\$ 1.00  
 146 (e) For attending the board of supervisors' meeting, an  
 147 annual sum not exceeding.....\$ 2,500.00  
 148 (f) For other services as clerk of the board of  
 149 supervisors an allowance shall be made to him (payable  
 150 semiannually at the July and January meetings) out of the county  
 151 treasury, an annual sum not exceeding.....\$ 5,500.00  
 152 (g) For each day's attendance on the chancery court, to  
 153 be approved by the chancellor:

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

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

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

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

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

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

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

(2) The following fee shall be a total fee for all services  
performed by the clerk with respect to any civil case filed that  
includes, but is not limited to, divorce, alteration of birth or  
marriage certificate, removal of minority, guardianship or  
conservatorship, estate of deceased, adoption that does not  
involve the Department of Child Protection Services, land dispute

injunction, settlement of small claim, contempt, modification, partition suit, or commitment, which shall be payable upon filing and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee \$ 85.00

(3) For every civil case filed:

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

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

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

(5) For each civil case filed including an adoption involving the Department of Child Protection Services, the filing shall be exempt from any fee under this section.

**[From and after January 1, 2028, this section shall read as follows:]**

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



205           (a) For the act of certifying copies of filed  
 206 documents, for each complete document.....\$       1.00  
 207           (b) (i) Recording each deed, will, lease, amendment,  
 208 subordination, lien, release, cancellation, order, decree, oath,  
 209 etc., per book and page listed where applicable, each deed of  
 210 trust, or any other document, for the first five (5)  
 211 pages.....\$       25.00  
 212                   (ii) Each additional page.....\$       1.00  
 213           (c) (i) Recording oil and gas leases, cancellations,  
 214 etc., including indexing in general indices; for the first five  
 215 (5) pages.....\$       25.00  
 216                   (ii) Recording each oil and gas assignment,  
 217 amendment of assignment, release, etc., first five (5)  
 218 pages.....\$       25.00  
 219 per additional assignee.....\$       18.00  
 220                   (iii) Each additional page.....\$       1.00  
 221                   (iv) Sectional index entries per section or  
 222 subdivision lot.....\$       1.00  
 223                   (v) Archive fee.....\$       1.00  
 224                   (vi) Entering marginal notations, if requested on  
 225 document or by cover letter, pertaining to the recording of any  
 226 oil and gas document only per book and page.....\$       4.00  
 227           (d) (i) Furnishing copies of any papers of record or  
 228 on file:  
 229               If performed by the clerk or his employee,  
 230 per page.....\$       .50

231           If performed by any other person,  
232 per page.....\$           .25  
233                   (ii) Entering marginal notations on  
234 documents of record.....\$       1.00  
235           (e) For attending the board of supervisors' meeting an  
236 annual sum not exceeding.....\$ 5,000.00  
237           (f) For other services as clerk of the board of  
238 supervisors an allowance shall be made to him (payable  
239 semiannually at the July and January meetings) out of the county  
240 treasury, an annual sum not exceeding.....\$10,000.00  
241           (g) For each day's attendance on the chancery court, to  
242 be approved by the chancellor:  
243 For the first chancellor sitting only, clerk and two (2) deputies,  
244 each.....\$       85.00  
245 For the second chancellor sitting, clerk only.....\$       85.00  
246           Provided that the fees herein prescribed shall be the total  
247 remuneration for the clerk and his deputies for attending chancery  
248 court.  
249           (h) On order of the court, clerks and not more than two  
250 (2) deputies may be allowed five (5) extra days for each term of  
251 court for attendance upon the court to get up records.  
252           (i) For public service not otherwise specifically  
253 provided for, the chancery court may by order allow the clerk to  
254 be paid by the county on the order of the board of supervisors, an  
255 annual sum not exceeding.....\$ 5,000.00

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

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

263           (2) The following fee shall be a total fee for all services  
264 performed by the clerk with respect to any civil case filed that  
265 includes, but is not limited to, divorce, alteration of birth or  
266 marriage certificate, removal of minority, guardianship or  
267 conservatorship, estate of deceased, adoption that does not  
268 involve the Department of Child Protection Services, land dispute  
269 injunction, settlement of small claim, contempt, modification,  
270 partition suit, or commitment, which shall be payable upon filing  
271 and shall accrue to the chancery clerk at the time of filing. The  
272 clerk or his successor in office shall perform all duties set  
273 forth without additional compensation or fee.....\$       85.00

274           (3) For every civil case filed:

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

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

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

(5) For each civil case filed including an adoption involving the Department of Child Protection Services, the filing shall be exempt from any fee under this section.

**SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is brought forward as follows:

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

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

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

307           (b) Docketing and filing each motion to renew judgment,  
308 notice of renewal of judgment, suggestion for a writ of  
309 garnishment, suggestion for a writ of execution and judgment  
310 debtor actions and issuing all process, filing and recording  
311 orders or other papers and swearing witnesses.....\$   35.00

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

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

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

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

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

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

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

327           (e) Recording orders, fiats, licenses, certificates,  
328 oaths and bonds:  
329 First page.....\$   2.00  
330 Each additional page.....\$   1.00

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

333           If performed by the clerk or his employee, per page  
 334 .....\$       1.00  
 335           If performed by any other person, per page.....\$       .25  
 336           (g) Judgment roll entry.....\$       5.00  
 337           (h) Taxing cost and certificate.....\$       1.00  
 338           (i) For taking and recording application for marriage  
 339 license, for filing and recording consent of parents when required  
 340 by law, for filing and recording medical certificate, filing and  
 341 recording proof of age, recording and issuing license, recording  
 342 and filing returns.....\$       35.00  
 343           The clerk shall deposit Fourteen Dollars (\$14.00) of each fee  
 344 collected for a marriage license in the Victims of Domestic  
 345 Violence Fund established in Section 93-21-117, on a monthly  
 346 basis.  
 347           (j) For certified copy of marriage license and search  
 348 of record, the same fee charged by the Bureau of Vital Statistics  
 349 of the State Board of Health.  
 350           (k) For public service not particularly provided for,  
 351 the circuit court may allow the clerk, per annum, to be paid by  
 352 the county on presentation of the circuit court's order, the  
 353 following amount.....\$5,000.00  
 354           However, in the counties having two (2) judicial districts,  
 355 such above allowance shall be made for each judicial district.  
 356           (l) For drawing jurors and issuing venire, to be paid  
 357 by the county.....\$       5.00

358           (m) For each day's attendance upon the circuit court  
359 term, for himself and necessary deputies allowed by the court,  
360 each to be paid by the county.....\$ 75.00  
361           (n) Summons, each juror to be paid by the county upon  
362 the allowance of the court.....\$ 1.00  
363           (o) For issuing each grand jury subpoena, to be paid by  
364 the county on allowance by the court, not to exceed Twenty-five  
365 Dollars (\$25.00) in any one (1) term of court.....  
366 .....\$ 1.00  
367           (p) For each civil filing, to be deposited into the  
368 Civil Legal Assistance Fund.....\$ 5.00  
369           (3) On order of the court, clerks and deputies may be  
370 allowed five (5) extra days for attendance upon the court to get  
371 up records.  
372           (4) The clerk's fees in state cases where the state fails in  
373 the prosecution, or in cases of felony where the defendant is  
374 convicted and the cost cannot be made out of his estate, in an  
375 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)  
376 year, shall be paid out of the county treasury on approval of the  
377 circuit court, and the allowance thereof by the board of  
378 supervisors of the county. In counties having two (2) judicial  
379 districts, such allowance shall be made in each judicial district;  
380 however, the maximum thereof shall not exceed Eight Hundred  
381 Dollars (\$800.00). Clerks in the circuit court, in cases where  
382 appeals are taken in criminal cases and no appeal bond is filed,  
383 shall be allowed by the board of supervisors of the county after

384 approval of their accounts by the circuit court, in addition to  
385 the above fees, for making such transcript the rate of Two Dollars  
386 (\$2.00) per page.

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

391 (6) For making final records required by law, including, but  
392 not limited to, circuit and county court minutes, and furnishing  
393 transcripts of records, the circuit clerk shall charge Two Dollars  
394 (\$2.00) per page. The same fees shall be allowed to all officers  
395 for making and certifying copies of records or papers which they  
396 are authorized to copy and certify.

397 (7) The circuit clerk shall prepare an itemized statement of  
398 fees for services performed, cost incurred, or for furnishing  
399 copies of any papers of record or on file, and shall submit the  
400 statement to the parties or, if represented, to their attorneys  
401 within sixty (60) days. A bill for same shall accompany the  
402 statement.

403 **SECTION 4.** This act shall take effect and be in force from  
404 and after July 1, 2025.

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

1 AN ACT TO AMEND SECTION 9-1-36, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE CIRCUIT AND CHANCERY JUDGES TO USE THEIR OFFICE EXPENSE  
3 ALLOWANCES FOR OUT-OF-STATE TRAVEL TO THE MISSISSIPPI BAR  
4 CONVENTION IF NO OTHER FUNDS ARE AVAILABLE; TO BRING FORWARD



5 SECTIONS 25-7-9 AND 25-7-13, MISSISSIPPI CODE OF 1972, WHICH  
6 PROVIDE FOR THE COMPREHENSIVE ELECTRONIC COURT SYSTEMS FUND, FOR  
7 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

SS36\HB1366A.J

Amanda White  
Secretary of the Senate