

By: Representative Moody

To: Appropriations

HOUSE BILL NO. 1130
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE STATE DEPARTMENT OF REHABILITATION SERVICES SHALL
3 BE PROVIDED WITH FOUR SETS OF THE MISSISSIPPI CODE; TO PROVIDE
4 THAT THE MISSISSIPPI CODE OF 1972 ANNOTATED THAT IS PUBLISHED BY
5 THE COMPANY WITH WHICH THE JOINT LEGISLATIVE COMMITTEE ON
6 COMPILATION, REVISION AND PUBLICATION OF LEGISLATION HAS
7 CONTRACTED IS THE OFFICIAL CODE OF THE PUBLIC STATUTE LAWS OF THE
8 STATE, AND SHALL BE RECOGNIZED AS THE OFFICIAL CODE AND CONSIDERED
9 AS EVIDENCE OF THE PUBLIC STATUTE LAWS OF THE STATE IN ALL STATE
10 COURTS AND BY ALL PUBLIC OFFICERS AND AGENCIES; TO PROHIBIT ANY
11 PUBLISHER OF A CODE OF THE PUBLIC STATUTE LAWS OF THE STATE, OTHER
12 THAN THE PUBLISHER OF THE OFFICIAL CODE, FROM USING CERTAIN WORDS
13 AS THE NAME OR TITLE OF THE CODE THAT IS PUBLISHED; TO REPEAL
14 SECTION 1-1-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
15 PRECEDING PROVISIONS; TO AMEND SECTION 1-1-33, MISSISSIPPI CODE OF
16 1972, IN CONFORMITY TO SECTION 1-1-11, MISSISSIPPI CODE OF 1972;
17 AND FOR RELATED PURPOSES.

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

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

21 1-1-11. (1) Except as provided in subsection (2) of this
22 section, the Joint Committee on Compilation, Revision and
23 Publication of Legislation shall distribute or provide for the
24 distribution of the sets of the compilation of the Mississippi
25 Code of 1972 purchased by the state as follows:

26 Fifty-six (56) sets to the Mississippi House of
27 Representatives and forty (40) sets to the Mississippi Senate for
28 the use of the Legislative Reference Bureau, Legislative Services
29 Offices, staffs and committees thereof.

30 Ten (10) sets to the Governor's Office; nine (9) sets to the
31 Secretary of State; and twenty (20) sets to the Auditor's Office.

32 One (1) set to each of the following: the Lieutenant
33 Governor; each member of the Legislature; the Treasurer; each

34 district attorney; each county attorney; each judge of the Court
35 of Appeals and each judge of the Supreme, circuit, chancery,
36 county, family, justice and municipal courts; each Mississippi
37 Senator and Mississippi Representative in Congress; State
38 Superintendent of Education; Director of the Department of Finance
39 and Administration; six (6) sets to the Performance Evaluation and
40 Expenditure Review (PEER) Committee, two (2) sets to the Director
41 of the Legislative Budget Office; the Commissioner of Agriculture
42 and Commerce; each Mississippi Transportation Commissioner; six
43 (6) sets to the Department of Corrections; the Insurance
44 Commissioner; the Clerk of the Supreme Court; the State Board of
45 Health; each circuit clerk; each chancery clerk in the state for
46 the use of the chancery clerk and the board of supervisors; each
47 sheriff in the state for the use of his office and the county
48 officers; and each county for the county library (an additional
49 set for each of the last three (3) to be given in counties having
50 two (2) judicial districts).

51 Two (2) sets to the Department of Archives and History; two
52 (2) sets to the State Soil and Water Conservation Commission;
53 sixty-eight (68) sets to the Attorney General's Office; six (6)
54 sets to the Public Service Commission; four (4) sets to the Public
55 Utilities Staff; thirty-six (36) sets to the State Tax Commission;
56 two (2) sets to the State Personnel Board; six (6) sets to the
57 State Law Library; one (1) set to the Library of Congress; ten
58 (10) sets to the University of Mississippi Law School; one (1) set
59 each to the Mississippi School for the Deaf and the Mississippi
60 School for the Blind; one (1) set each to the University of
61 Mississippi, Mississippi State University, Mississippi University
62 for Women, University of Southern Mississippi, Delta State
63 University, Alcorn State University, Jackson State University,
64 Mississippi Valley State University, and the Board of Trustees of
65 State Institutions of Higher Learning; and one (1) set to the
66 Supreme Court judges' conference room. In furtherance of the
67 State Library's reciprocal program of code exchange with libraries
68 of the several states, the joint committee shall, at the direction
69 and only upon the written request of the State Librarian,
70 distribute or provide for the distribution of sets of the code to

71 such libraries.

72 One (1) set to each state junior or community college; three
73 (3) sets to the Department of Wildlife, Fisheries and Parks; two
74 (2) sets to the Department of Environmental Quality; two (2) sets
75 to the Department of Marine Resources; four (4) sets to the State
76 Department of Rehabilitation Services; and seven (7) sets to the
77 Department of Human Services. One (1) set to each of the
78 following: State Textbook Procurement Commission; University
79 Medical Center; State Library Commission; Department of
80 Agriculture and Commerce; Forestry Commission; and seventeen (17)
81 sets to the Department of Public Safety. Also, one (1) set to
82 each of the following: Adjutant General, Department of Economic
83 and Community Development, Department of Banking and Consumer
84 Finance, Bureau of Building, Grounds and Real Property Management,
85 the State Educational Finance Commission, the Mississippi Board of
86 Vocational and Technical Education, Division of Medicaid, State
87 Board of Mental Health, and Department of Youth Services.

88 The joint committee is authorized to distribute or provide
89 for the distribution of additional sets of the Mississippi Code,
90 not to exceed three (3) sets, to the office of each district
91 attorney for the use of his assistants.

92 The joint committee shall provide to the Mississippi House of
93 Representatives and the Mississippi Senate the annual supplements
94 to the Mississippi Code of 1972 for each set of the code
95 maintained by the House and Senate.

96 The set of the Mississippi Code of 1972 to be provided to
97 each member of the Legislature shall be provided unless
98 specifically waived by such legislator in writing.

99 An elected or appointed officeholder in the State of
100 Mississippi, except for a member of the Legislature, shall deliver
101 to his successor in office, or to the joint committee if there is
102 no successor, the set of the Mississippi Code of 1972 provided the
103 officeholder under this section.

104 Before the joint committee delivers or provides for delivery
105 of a copy of the Mississippi Code of 1972 to an individual
106 officeholder, the joint committee shall prepare and submit a
107 written agreement to the officeholder. The agreement shall, among
108 other provisions, state that the code is the property of the State
109 of Mississippi, that it shall be transferred to the officeholder's
110 successor in office, that the officeholder has an obligation to
111 make such transfer and that the officeholder shall be responsible
112 for the failure to deliver the code and for any damage or
113 destruction to the code, normal wear and tear excepted. The joint
114 committee shall execute the agreement and forward it to the
115 officeholder for execution. The joint committee shall not deliver
116 or provide for delivery of the code to the officeholder until the
117 executed agreement is received by the committee. The joint
118 committee may include in the agreement such other provisions as it
119 may deem reasonable and necessary. In addition to damages or any
120 other remedy for not transferring a set of the code to his
121 successor, an officeholder who does not transfer his set of the
122 code shall be guilty of a misdemeanor and shall, upon conviction,
123 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
124 the joint committee, the Attorney General shall assist the joint
125 committee in taking such actions as necessary to require an
126 officeholder to transfer the set of code provided under this
127 section to his successor, or to the joint committee if there is no
128 successor, and to recover reimbursement or damages from any
129 officeholder for the loss of or damage or destruction to any
130 volumes of the set of the code provided under this section, other
131 than normal wear and tear.

132 Replacement of missing, damaged or destroyed sets or volumes
133 of the code provided by this chapter may be obtained from the code
134 publisher through the joint committee at the established state
135 cost, the cost to be borne by the recipient.

136 No more than one (1) set of the Mississippi Code of 1972

137 shall be furnished to any one (1) individual, regardless of the
138 office or offices he may hold.

139 (2) The joint committee, in its discretion, may determine
140 whether electronic access to the Mississippi Code of 1972 is
141 available and a sufficient substitute for actual bound volumes of
142 the code and, if so, may omit furnishing any one or more sets
143 otherwise required by this section.

144 SECTION 2. (1) The Mississippi Code of 1972 Annotated, as
145 amended, modified and revised from time to time, that is published
146 by the company with which the Joint Legislative Committee on
147 Compilation, Revision and Publication of Legislation has
148 contracted under Section 1-1-107(a):

149 (a) Is the official code of the public statute laws of
150 the State of Mississippi that are enacted by the Legislature; and

151 (b) Shall be used, received, recognized and referred to
152 as the official code of the public statute laws of the State of
153 Mississippi, and shall be considered as evidence of the public
154 statute laws of the State of Mississippi, in all courts of the
155 state and by all public officers, offices, departments and
156 agencies of the state and its political subdivisions, and in all
157 other places or instances where the public statute laws of the
158 state may come into question. However, if there is any conflict
159 between the language of any statute as it appears in the
160 Mississippi Code of 1972 Annotated and in the General Laws of
161 Mississippi, the language in the General Laws shall control; and
162 if there is any conflict between the language of any statute as it
163 appears in the General Laws of Mississippi and in the original
164 enrolled bills enacted by the Legislature, the language in the
165 enrolled bills shall control.

166 (2) No publisher of a code of the public statute laws of the
167 State of Mississippi, other than the publishing company with which
168 the Joint Legislative Committee on Compilation, Revision and
169 Publication of Legislation has contracted under Section

170 1-1-107(a), shall be authorized to use as the name, title or
171 designation of the code that is published, the words "Mississippi
172 Code of 1972," "Mississippi Code 1972," "Mississippi Code of 1972
173 Annotated," "Mississippi Code 1972 Annotated," "Annotated
174 Mississippi Code of 1972," "Annotated Mississippi Code 1972," or
175 any other combination of words containing "Code of 1972," "Code
176 1972" or "1972 Code." The joint committee may seek injunctive
177 relief, or authorize the publisher of the official code to seek
178 injunctive relief on behalf of the joint committee, against any
179 person or entity to enforce the provisions of this subsection.

180 SECTION 3. Section 1-1-15, Mississippi Code of 1972, which
181 provides that the Mississippi Code shall be recognized as the
182 statute laws of the state, is repealed.

183 SECTION 4. Section 1-1-33, Mississippi Code of 1972, is
184 amended as follows:

185 1-1-33. Where any officer has received a set of the
186 Mississippi Code of 1972 by virtue of his office and is required
187 by law to deliver it to his successor in office, and the officer
188 fails to deliver it to his successor, the successor may make
189 application to the Joint Legislative Committee on Compilation,
190 Revision and Publication of Legislation, in writing, setting forth
191 that fact, and the joint committee, if satisfied of the
192 truthfulness of the application, may issue to the applicant a set
193 of the Mississippi Code of 1972. The joint committee may consider
194 any official application for a set of the Mississippi Code of
195 1972, and if the facts warrant furnishing a code or codes as
196 applied for, it shall be furnished to the applicant.

197 SECTION 5. Section 1 of this act shall take effect and be in
198 force from and after July 1, 1999. Sections 2, 3 and 4 of this
199 act shall take effect and be in force from and after the passage
200 of this act.