

By: Representative Reeves

To: Judiciary A

HOUSE BILL NO. 1325

1 AN ACT TO AMEND SECTION 39-1-1, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE STATE LIBRARY FUND; TO AMEND SECTION 19-7-31,
3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TRANSFER TO THE STATE
4 LIBRARY A PORTION OF FUNDS COLLECTED FOR COUNTY LAW LIBRARIES; TO
5 PERMIT COUNTIES TO CONTRACT WITH THE STATE LIBRARY FOR DELIVERY OF
6 LIBRARY SERVICES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 39-1-1, Mississippi Code of 1972, is
9 amended as follows:

10 39-1-1. (1) There shall be a State Library which shall
11 render law library services to the Supreme Court and other state
12 courts, to state officials and to the general public.

13 (2) The State Library shall be under the supervision and
14 control of the Mississippi Supreme Court and the court shall be
15 empowered to promulgate policies and procedures necessary to the
16 efficient operation of the Library.

17 (3) A State Library Fund shall be created in the State
18 Treasury which shall receive a portion and any remaining funds
19 collected for county law libraries as provided in Section 19-7-31,
20 Mississippi Code of 1972. Such collections shall be expended upon
21 approval by the Supreme Court for the improvement of information
22 resources in the State Library and additional services to county
23 law libraries. The State Library is hereby authorized and
24 empowered to solicit and accept donations, bequests, devises,
25 gifts and grants of money from individuals, organizations and
26 federal, state and local governmental bodies to be deposited in
27 the State Library Fund. The State Library may solicit and accept
28 donations, bequests, devises, gifts and grants of real and
29 personal property. The Supreme Court, in its discretion, may sell



30 the property at public or private sale and shall deposit proceeds
31 derived from the sale into the State Library Fund. It is the
32 intent of the Legislature that any funds collected pursuant to
33 this section shall not supplant or reduce in any way the General
34 Fund appropriation to the State Library. Unexpended amounts
35 remaining in the State Library Fund at the end of a fiscal year
36 shall not lapse into the General Fund and any interest earned on
37 the unexpended amounts in the fund shall be deposited to the
38 credit of the State Library Fund.

39 **SECTION 2.** Section 19-7-31, Mississippi Code of 1972, is
40 amended as follows:

41 19-7-31. The board of supervisors of each county in the
42 state shall have power, by an appropriate order or orders on its
43 minutes, to establish and maintain in the county courthouse or
44 other suitable public building, adjacent or near thereto, a public
45 county law library under such rules, regulations and supervision
46 as it may from time to time ordain and establish, and to that end,
47 the board may accept gifts, grants, donations or bequests of
48 money, furniture, fixtures, books, documents, maps, plats or other
49 property suitable for such purpose.

50 The board of supervisors shall have power to exchange or sell
51 duplicate volumes or sets of any such books or furniture, and in
52 case of sale to invest the proceeds in other suitable books or
53 furniture. The said board may also purchase or lease from time to
54 time additional books, furniture, or equipment therefor.

55 For the purpose of providing suitable quarters for such
56 public law library, the said board of supervisors may, in its
57 discretion, expend such sums as may be deemed necessary or proper
58 for such purpose, and may also employ a suitable person as
59 librarian and pay said law librarian such salary as the board, in
60 its discretion, may determine. The board may employ additional
61 librarians or other employees on either a part-time or full-time
62 basis and may pay these additional employees as the board, in its



63 discretion, may determine. The board of supervisors, in their
64 discretion, may contract with the county or municipal library for
65 any staff or facilities as they deem necessary for the overall
66 management and operation of the county law library.

67 In case such public law library shall be so established, all
68 books, documents, furniture and other property then belonging to
69 the county library, as provided for in Section 19-7-25, shall be
70 transferred to and become part of such public law library, and all
71 books, documents and publications hereafter donated by the state
72 to the county library shall also become a part thereof. And in
73 such case, Sections 19-7-25 and 19-25-65, relating to the county
74 library, shall be superseded in such county so long as such public
75 law library shall be maintained therein.

76 The board of supervisors of any such county is further
77 authorized, in its discretion, to levy, by way of resolution,
78 additional court costs not exceeding Two Dollars and Fifty Cents
79 (\$2.50) per case for each case, both civil and criminal, filed in
80 the chancery, circuit and county courts or any of these in said
81 county, and it is further authorized in its discretion to levy, by
82 way of resolution, additional court costs not exceeding One Dollar
83 and Fifty Cents (\$1.50) per case for each case, both civil and
84 criminal, filed in the justice courts of said county for the
85 support of the library therein authorized. If the additional
86 court costs herein authorized be levied, the clerk or judge of
87 said courts shall collect said costs for all cases thereafter
88 filed in his court and forward same to the chancery clerk who will
89 deposit the same in a special account in a county depository for
90 support and maintenance of said library, and the chancery clerk
91 shall be accountable therefor. However, no such levy shall be
92 made against any cause of action, the purpose of which is to
93 commit any lunatic, alcoholic or narcotic addict to any
94 institution for custodial or medical care, and no such tax shall
95 be collected under this subsection on any cause of action that the



96 proper clerk handling same deems to be in its very nature
97 charitable and in which cause said clerk has not collected his own
98 legal fees.

99 To accomplish the purposes of this section, the board of
100 supervisors is hereby further authorized and empowered to enter
101 into such arrangement or arrangements with the county bar
102 association of any such county as may seem advisable for the care
103 and operation of said law library and said board may receive and
104 consider, from time to time, such recommendations as the bar
105 association may deem appropriate in the premises.

106 The board of supervisors of each county in which there are
107 two (2) judicial districts is authorized and empowered, in its
108 discretion, to maintain a law library in each judicial district;
109 in such counties the board is authorized and empowered, in its
110 discretion, to pay from the county general fund or from the
111 special fund herein authorized all such costs herein authorized,
112 provided that the board shall not spend in each judicial district
113 less than the amount of the special court costs authorized herein
114 and collected in each such district.

115 The governing authorities of any municipality are authorized,
116 in their discretion, by resolution duly adopted and entered on
117 their official minutes, to levy additional court costs not
118 exceeding One Dollar and Fifty Cents (\$1.50) per case for each
119 conviction in the municipal court of the municipality for the
120 support and maintenance of the county law library in the county
121 within which the municipality is located. The additional costs
122 shall be collected by the clerk of the court, forwarded to the
123 chancery clerk of the county for deposit in a special account in
124 the county depository, and expended for support and maintenance of
125 the county law library in the same manner and in accordance with
126 the same procedure as provided for costs similarly collected in
127 the chancery, circuit, county and justice courts of the county.



128 On October 1, 2003, the board of supervisors shall transfer
129 twenty-five percent (25%) of any remaining funds within the county
130 law library account to the State Library Fund in the State
131 Treasury created in Section 39-1-1, Mississippi Code of 1972.
132 Thereafter, the board of supervisors at the end of each county's
133 fiscal year shall transfer into the State Library Fund fifteen
134 percent (15%) of all fees collected under Section 19-7-31,
135 Mississippi Code of 1972.

136 **SECTION 3.** This act shall take effect and be in force from
137 and after July 1, 2003.

