SENATE BILL NO. 2690

AN ACT TO AMEND SECTION 39-1-1, MISSISSIPPI CODE OF 1972, TO CREATE THE STATE LIBRARY SPECIAL FUND; TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TRANSFER OF A PORTION OF COUNTY LAW LIBRARY FUNDS TO THE SPECIAL FUND SO CREATED; AND FOR RELATED PURPOSES.

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

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

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

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

(3) (a) There is created in the State Treasury a special fund to be known as the State Library Fund, into which shall be deposited the monies specified in Section 19-7-31, and such other monies as the Legislature may provide by appropriation. It is the intent of the Legislature that the assets of the State Library Fund shall not supplant or reduce in any way the General Fund appropriation to the State Library.

(b) The State Library is authorized and empowered to solicit and accept donations, bequests, devises, gifts and grants of money from individuals, organizations, and federal, state and local governmental bodies to be deposited in the State Library Fund.
(c) The State Library may also solicit and accept donations, bequests, devises, gifts and grants of real and personal property. The Supreme Court, in its discretion, may sell the property at public or private sale, whereupon the proceeds derived from the sale shall be deposited into the State Library Fund.

(d) The monies in the fund shall be used for the purpose of making improvements to the information resources of the State Library and for providing additional services to county law libraries.

(e) Money deposited into the fund and unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse at the end of any fiscal year and any interest earned on amounts in the fund shall be deposited to the credit of the fund.

(f) The State Library Fund shall be administered by the Supreme Court, and money from the fund shall be disbursed upon warrants issued by the State Fiscal Officer upon requisitions signed by the Chief Justice of the Supreme Court.

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

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

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

For the purpose of providing suitable quarters for such
public law library, the *** board of supervisors ***, in its
discretion, may expend *** sums *** deemed necessary or proper
for such purpose, and may also employ a suitable person as
librarian and pay the law librarian a salary as the board, in its
discretion, may determine. The board may employ additional
librarians or other employees on either a part-time or full-time
basis and may pay these additional employees as the board, in its
discretion, may determine. The board of supervisors, in their
discretion, may contract with the county or municipal library for
any staff or facilities as they deem necessary for the overall
management and operation of the county law library.

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

The board of supervisors of any such county is further
authorized, in its discretion, to levy, by way of resolution,
additional court costs not exceeding Two Dollars and Fifty Cents
($2.50) per case for each case, both civil and criminal, filed in
the chancery, circuit and county courts or any of these in said
county, and it is further authorized in its discretion to levy, by
way of resolution, additional court costs not exceeding One Dollar
and Fifty Cents ($1.50) per case for each case, both civil and
criminal, filed in the justice courts of said county for the
support of the library therein authorized. If the additional
court costs herein authorized be levied, the clerk or judge of
said courts shall collect said costs for all cases thereinafter
filed in his court and forward same to the chancery clerk who will
deposit the same in a special account in a county depository for
support and maintenance of said library, and the chancery clerk
shall be accountable therefor. However, no such levy shall be
made against any cause of action, the purpose of which is to
commit any lunatic, alcoholic or narcotic addict to any
institution for custodial or medical care, and no such tax shall
be collected under this subsection on any cause of action that the
proper clerk handling same deems to be in its very nature
charitable and in which cause said clerk has not collected his own
legal fees.

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

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

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

On October 1, 2003, the board of supervisors shall transfer
twenty-five percent (25%) of any funds remaining in the county law
library account to the State Library Fund created by Section
39-1-1. Thereafter, at the end of each fiscal year, the board of
supervisors shall transfer fifteen percent (15%) of all fees
collected during the fiscal year under Section 19-7-31 into the
State Library Fund.

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