

By: Representative Straughter

To: State Library

HOUSE BILL NO. 116

1 AN ACT TO AMEND SECTION 39-3-17, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT THE BOARD OF TRUSTEES OF ANY MUNICIPAL OR COUNTY
 3 PUBLIC LIBRARY THAT IS LOCATED IN A RURAL COUNTY MAY REVISE THE
 4 EMPLOYMENT REQUIREMENTS THAT ARE PRESCRIBED BY THE LIBRARY
 5 COMMISSION WHEN HIRING A LIBRARY SYSTEM DIRECTOR IN A COUNTY; TO
 6 PROVIDE A CERTAIN DEFINITION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 39-3-17, Mississippi Code of 1972, is
 9 amended as follows:

10 39-3-17. (1) The trustees of the administrative board
 11 designated pursuant to Section 39-3-13(4), immediately after their
 12 appointment or election, shall meet and organize by the election
 13 of such officers as they deem necessary. They shall (a) adopt
 14 such bylaws, rules and regulations for their own guidance and for
 15 the government of the library as they deem expedient; (b) meet at
 16 least once in each quarter; (c) have the supervision, care and
 17 custody of all property of the library, including the rooms or
 18 buildings constructed, leased or set apart therefor; (d) employ a
 19 library system director, prescribe his/her duties, fix his/her
 20 compensation, and remove him/her for cause; (e) employ, upon the



21 recommendation of the library system director, such other staff as
22 may be necessary and fix their compensation; (f) submit annually
23 to the governing body a budget containing estimates for the
24 ensuing year; (g) have exclusive control of the finances of the
25 library system; (h) accept such gifts of money or property for
26 library purposes as they deem expedient; (i) on recommendation of
27 the library system director, purchase books, periodicals, maps,
28 equipment, insurance and supplies for the library system; (j)
29 dispose of equipment and discarded library materials as provided
30 in Section 19-7-5 * * *; and (k) do all other acts necessary for
31 the orderly and efficient management and control of the library
32 system. But no expenditure made or contracted by the trustees
33 shall be binding on any county or municipality so as to require
34 any payment in excess of funds made available for library purposes
35 under this article.

36 (2) (a) There shall be one (1) library director for each
37 library system. * * * The library system director shall have such
38 educational qualifications as are prescribed by the Mississippi
39 Library Commission. The library system director shall administer
40 and establish procedures according to policies established by the
41 administrative board of trustees. His or her duties shall
42 include: (* * *i) employment of staff with the approval of the
43 board of trustees; (* * *ii) prescription of staff duties;
44 (* * *iii) removal of staff for cause; (* * *iv) preparation of
45 the budget; (* * *v) financial and statistical management;



46 (* * *vi) reporting to board of trustees; and (* * *vii) other
47 acts necessary for the orderly and efficient administration of the
48 library system.

49 (b) In lieu of the educational requirements prescribed
50 by the Library Commission for hiring a library system director,
51 the board of trustees in any rural county may satisfy the
52 educational requirements for such director by equivalent
53 experience and a bachelor's degree in library science. As used in
54 this paragraph, "rural county" means the following:

55 (i) A county that has a population of less than
56 fifty thousand (50,000) individuals;

57 (ii) An area that has less than five hundred (500)
58 individuals per square mile; or

59 (iii) A municipality of less than fifteen thousand
60 (15,000) individuals.

61 (3) In the event that a determination is made by the library
62 system director to remove a staff member for cause, written notice
63 of such decision shall be given to such staff member. A staff
64 member who has received such notice shall be entitled to:

65 (a) Written notice of the reasons for such action,
66 together with a summary of the factual basis therefor, which
67 notice shall be given at least five (5) days prior to any hearing;

68 (b) An opportunity for a hearing before the board of
69 trustees at which to present matters relevant to the reasons given



70 for the decision, including any reasons alleged by the employee to
71 be the reason for such action;

72 (c) Receive a fair and impartial hearing before the
73 board;

74 (d) Be represented by legal counsel, at his own
75 expense.

76 If the staff member does not request a hearing, the decision
77 of the director shall be final.

78 (4) On at least a bi-monthly basis, the board of supervisors
79 of each county and the governing authority of each municipality
80 supporting a public library system shall transmit its warrant or
81 warrants constituting one-sixth (1/6) of the annual appropriation
82 for the support and maintenance thereof to the library director of
83 such system. All such warrants shall be deposited in one or more
84 public depositories previously selected by the board of trustees
85 of the library system. * * * Such board of trustees shall, by
86 appropriate order spread upon its minutes, authorize the library
87 director to expend such funds for lawful purposes only and in
88 accordance with its annual budget previously adopted. All such
89 funds shall be placed in the depository or depositories selected
90 by the administrative library board of trustees in the same manner
91 as provided in Section 27-105-305 for the selection of county
92 depositories, provided that the selection shall be effective on
93 July 1 of each year. Such depository shall place on deposit with



94 the library director the same securities as required in Section
95 27-105-315.

96 **SECTION 2.** This act shall take effect and be in force from
97 and after July 1, 2018.

