

Senate Amendments to House Bill No. 493

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:

13 **SECTION 1.** Section 19-7-25, Mississippi Code of 1972, is
14 amended as follows:

15 19-7-25. (1) The board of supervisors of each county shall
16 provide and have placed in the courtroom of the courthouse a
17 suitable bookcase, with doors and lock, of sufficient capacity to
18 hold not less than two hundred law books, in which the Mississippi
19 Reports, digests thereof, statutes of the state, and other books
20 belonging or furnished to the county, shall be kept * * *. The
21 board of supervisors shall purchase any volume of * * * the
22 reports, digests and statutes which may be lost or destroyed, and
23 shall have bound all of such books as need to be rebound for
24 preservation, all of which shall be paid for out of the county
25 treasury. Additional bookcases shall be furnished when necessary.

26 (2) In addition to the board of supervisors maintaining
27 printed books or physical books as described under subsection (1)
28 of this section, the board of supervisors may also maintain such
29 books in an electronic format.

30 **SECTION 2.** Section 19-25-65, Mississippi Code of 1972, is
31 amended as follows:

32 19-25-65. (1) (a) The sheriff shall be the custodian of
33 the books other than record books belonging to the county, and he
34 shall keep the Mississippi Department Reports, census reports,
35 statutes of the state, the "Mississippi Reports," digests, and
36 legislative journals assigned to his county in a suitable and safe
37 bookcase in the courtroom of the courthouse. He shall keep them
38 well bound in leather, or stiff boards with leather back and
39 corners, to be paid for out of the county treasury on the order of
40 the board of supervisors, and he shall preserve them in good
41 condition.

42 (b) In addition to the sheriff maintaining printed
43 books or physical books as described under paragraph (a) of this
44 subsection, on the order of the board of supervisors, such books
45 may also be maintained in an electronic format.

46 * * * (2) The sheriff shall be fined Ten Dollars (\$10.00)
47 by the court, either circuit or chancery, as for a contempt, for
48 each volume belonging to the county and which has passed into his
49 custody that shall be out of the courtroom at any term of court.
50 He shall also receive and preserve in the same way all books of
51 every kind, maps, charts, and other like things that may be
52 donated to the county by the state, the United States, from
53 individuals or other sources. He shall not permit any of the books
54 in his keeping to be carried out of the courthouse.

55 (3) The sheriff shall, in case of binding or rebinding of
56 books belonging to the county, cause the statutes of the state to
57 be labeled "Laws of Mississippi," and the year of their enactment
58 shall appear thereon. If the reports and digests or code are
59 rebound, they shall be labeled as they were originally.

60 (4) In his settlement with the clerk of the board of
61 supervisors for the month of December of each calendar year, the
62 sheriff shall file with the * * * clerk a sworn itemized statement
63 of the volumes of the Mississippi Reports on hand in the county
64 library on the last business day of * * * the month, and for all
65 volumes missing since the settlement for the previous December the
66 clerk shall debit the * * * sheriff in his * * * settlement at the
67 rate of Four Dollars (\$4.00) for each of * * * the missing
68 volumes.

69 **SECTION 3.** Section 19-7-31, Mississippi Code of 1972, is
70 amended as follows:

71 19-7-31. (1) (a) The board of supervisors of each county
72 in the state shall have power, by an appropriate order or orders
73 on its minutes, to establish and maintain in the county courthouse
74 or other suitable public building adjacent or near thereto, a
75 public county law library under such rules, regulations and
76 supervision as it may from time to time ordain and establish, and
77 to that end, the board may accept gifts, grants, donations or
78 bequests of money, furniture, fixtures, books, documents, maps,
79 plats or other property suitable for that purpose.

80 **(b)** The board of supervisors shall have power to
81 exchange or sell duplicate volumes or sets of any such books or
82 furniture, and in case of sale, to invest the proceeds in other
83 suitable books or furniture. The board may also purchase or lease
84 from time to time additional books, furniture, or equipment for
85 the public law library.

86 **(c)** The board of supervisors may also maintain the
87 books prescribed under this section in an electronic format.

88 **(2)** For the purpose of providing suitable quarters for the
89 public law library, the board of supervisors may, in its
90 discretion, expend such sums as may be deemed necessary or proper
91 for that purpose, and may also employ a suitable person as
92 librarian and pay the law librarian such salary as the board, in
93 its discretion, may determine. The board may employ additional
94 librarians or other employees on either a part-time or full-time
95 basis and may pay these additional employees as the board, in its
96 discretion, may determine. The board of supervisors, in their
97 discretion, may contract with the county or municipal library for
98 any staff or facilities as they deem necessary for the overall
99 management and operation of the county law library. The board of
100 supervisors may contract with the State Law Library for law
101 library services that may be offered by the State Law Library.

102 ***** (3)** If the public law library is *** established,
103 all books, documents, furniture and other property then belonging
104 to the county library, as provided for in Section 19-7-25, shall
105 be transferred to and become part of the public law library, and

all books, documents and publications donated by the state to the county library shall also become a part of the public law library. In that case, Sections 19-7-25 and 19-25-65, relating to the county library, shall be superseded in that county for as long as the public law library is maintained in the county.

(4) The board of supervisors of any * * * county that establishes a public law library, in its discretion, may 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 the county, and may 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 the county, for the support of the library authorized in the county. If the additional court costs authorized in this section are levied, the clerk or judge of those courts shall collect those costs for all cases filed in his court and forward same to the chancery clerk, who shall deposit the same in a special account in a county depository for support and maintenance of the library, and the chancery clerk shall be accountable for those funds. However, no such levy shall be made against any cause of action the purpose of which is to commit any person with mental illness, or alcoholic or narcotic * * * addiction 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

132 nature charitable and in which cause the clerk has not collected
133 his own legal fees.

134 (5) To accomplish the purposes of this section, the board of
135 supervisors may enter into such arrangement or arrangements with
136 the county bar association of any such county as may seem
137 advisable for the care and operation of the law library, and the
138 board may receive and consider, from time to time, such
139 recommendations as the bar association may deem appropriate
140 regarding the library.

141 (6) The board of supervisors of each county in which there
142 are two (2) judicial districts, in its discretion, may maintain a
143 law library in each judicial district. In those counties the
144 board, in its discretion, may pay from the county general fund or
145 from the special fund authorized in this section all the costs
146 authorized in this section, provided that the board shall not
147 spend in each judicial district less than the amount of the
148 special court costs authorized in this section and collected in
149 each such district.

150 (7) The governing authorities of any municipality, in their
151 discretion, by resolution duly adopted and entered on their
152 official minutes, may levy additional court costs not exceeding
153 One Dollar and Fifty Cents (\$1.50) per case for each conviction in
154 the municipal court of the municipality, for the support and
155 maintenance of the county law library in the county within which
156 the municipality is located. The additional costs shall be
157 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.

SECTION 4. Section 1-1-11, Mississippi Code of 1972, is amended as follows:

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

Fifty-seven (57) sets to the Mississippi House of Representatives and forty (40) sets to the Mississippi Senate for the use of the Legislative Reference Bureau, Legislative Services Offices, staffs and committees thereof.

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

One (1) set to each of the following: the Lieutenant Governor; each member of the Legislature; the Treasurer; each district attorney; each county attorney; each judge of the Court of Appeals and each judge of the Supreme, circuit, chancery, county, * * * justice and municipal courts; each Mississippi Senator and Mississippi Representative in Congress; State Superintendent of Education; Director of the Department of Finance and Administration; * * * the Commissioner of Agriculture and

184 Commerce; each Mississippi Transportation Commissioner; * * * the
185 Insurance Commissioner; the Clerk of the Supreme Court; the State
186 Board of Health; each circuit clerk; each chancery clerk in the
187 state for the use of the chancery clerk and the board of
188 supervisors; each sheriff in the state for the use of his office
189 and the county officers; and each county for the county library
190 (and an additional set shall be given to each circuit clerk,
191 chancery clerk, sheriff and county library in counties having two
192 (2) judicial districts).

193 Six (6) sets to the Performance Evaluation and Expenditure
194 Review (PEER) Committee; three (3) sets to the Director of the
195 Legislative Budget Office; six (6) sets to the Department of
196 Corrections; two (2) sets to the Department of Archives and
197 History; two (2) sets to the State Soil and Water Conservation
198 Commission; sixty-eight (68) sets to the Attorney General's
199 office; six (6) sets to the Public Service Commission; four (4)
200 sets to the Public Utilities Staff; thirty-five (35) sets to the
201 Department of Revenue; one (1) set to the Board of Tax Appeals;
202 two (2) sets to the State Personnel Board; six (6) sets to the
203 State Law Library; one (1) set to the Library of Congress; ten
204 (10) sets to the University of Mississippi Law School; one (1) set
205 each to the Mississippi School for the Deaf and the Mississippi
206 School for the Blind; one (1) set each to the University of
207 Mississippi, Mississippi State University, Mississippi University
208 for Women, University of Southern Mississippi, Delta State
209 University, Alcorn State University, Jackson State University,

210 Mississippi Valley State University, and the Board of Trustees of
211 State Institutions of Higher Learning; and one (1) set to the
212 Supreme Court judges' conference room. In furtherance of the
213 State Library's reciprocal program of code exchange with libraries
214 of the several states, the joint committee shall, at the direction
215 and only upon the written request of the State Librarian,
216 distribute or provide for the distribution of sets of the code to
217 such libraries.

218 One (1) set to each state junior or community college; three
219 (3) sets to the Department of Wildlife, Fisheries and Parks; two
220 (2) sets to the Department of Environmental Quality; two (2) sets
221 to the Department of Marine Resources; two (2) sets to the
222 Mississippi Ethics Commission; six (6) sets to the Mississippi
223 Workers' Compensation Commission; four (4) sets to the State
224 Department of Rehabilitation Services; three (3) sets to the
225 Department of Child Protection Services; and * * * four (4) sets
226 to the Department of Human Services. One (1) set to each of the
227 following: State Textbook Procurement Commission; University
228 Medical Center; State Library Commission; Department of
229 Agriculture and Commerce; Forestry Commission; and seventeen (17)
230 sets to the Department of Public Safety. Also, one (1) set to
231 each of the following: Adjutant General, Mississippi Development
232 Authority, Department of Banking and Consumer Finance, Bureau of
233 Building, Grounds and Real Property Management, the State
234 Educational Finance Commission, the Mississippi Board of

Vocational and Technical Education, Division of Medicaid, State Board of Mental Health, and Department of Youth Services.

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

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

* * *

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

Before the joint committee delivers or provides for delivery of a copy of the Mississippi Code of 1972 to an individual officeholder, the joint committee shall prepare and submit a written agreement to the officeholder. The agreement shall, among other provisions, state that the code is the property of the State of Mississippi, that it shall be transferred to the officeholder's successor in office, that the officeholder has an obligation to make such transfer and that the officeholder shall be responsible for the failure to deliver the code and for any damage or destruction to the code, normal wear and tear excepted. The joint

261 committee shall execute the agreement and forward it to the
262 officeholder for execution. The joint committee shall not deliver
263 or provide for delivery of the code to the officeholder until the
264 executed agreement is received by the committee. The joint
265 committee may include in the agreement such other provisions as it
266 may deem reasonable and necessary. In addition to damages or any
267 other remedy for not transferring a set of the code to his
268 successor, an officeholder who does not transfer his set of the
269 code shall be guilty of a misdemeanor and shall, upon conviction,
270 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
271 the joint committee, the Attorney General shall assist the joint
272 committee in taking such actions as necessary to require an
273 officeholder to transfer the set of code provided under this
274 section to his successor, or to the joint committee if there is no
275 successor, and to recover reimbursement or damages from any
276 officeholder for the loss of or damage or destruction to any
277 volumes of the set of the code provided under this section, other
278 than normal wear and tear.

279 Replacement of missing, damaged or destroyed sets or volumes
280 of the code provided by this chapter may be obtained from the code
281 publisher through the joint committee at the established state
282 cost, the cost to be borne by the recipient.

283 No more than one (1) set of the Mississippi Code of 1972
284 shall be furnished to any one (1) individual, regardless of the
285 office or offices he may hold.

286 (2) * * * The sets of actual bound volumes of the
287 Mississippi Code of 1972 * * * referenced in subsection (1) shall
288 be provided to each elected state official, elected state district
289 official and member of the Legislature * * * upon written request
290 by the official or member of the Legislature * * * to the Joint
291 Committee on Compilation, Revision and Publication of
292 Legislation * * *.

293 **SECTION 5.** This act shall take effect and be in force from
294 and after July 1, 2020.

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

1 AN ACT TO AMEND SECTIONS 19-7-25 AND 19-25-65, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT IN ADDITION TO PRINTED LAW BOOKS
3 BEING MAINTAINED IN THE COURTROOMS OF COURTHOUSES, AS REQUIRED BY
4 THE BOARDS OF SUPERVISORS, SUCH BOOKS MAY ALSO BE MAINTAINED IN AN
5 ELECTRONIC FORMAT; TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF
6 1972, TO PROVIDE THAT IN COUNTY PUBLIC LAW LIBRARIES, LAW BOOKS
7 MAY BE MAINTAINED IN AN ELECTRONIC FORMAT IN ADDITION TO A PRINTED
8 FORMAT; TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO
9 REVISE THE DISTRIBUTION OF SETS OF THE MISSISSIPPI CODE OF 1972 IN
10 ANY FORMAT BY THE JOINT COMMITTEE ON COMPILATION, REVISION AND
11 PUBLICATION OF LEGISLATION; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate