

By: Senator(s) Sparks

To: Judiciary, Division A

SENATE BILL NO. 2379

1 AN ACT TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO
 2 CLARIFY THAT IN ORDER TO RECEIVE PHYSICAL, BOUND VOLUMES OF THE
 3 MISSISSIPPI CODE OF 1972, AS AUTHORIZED, REQUIRES THE RECIPIENT TO
 4 ELECT IN WRITING TO THE RECEIPT; TO AMEND SECTION 1-1-33,
 5 MISSISSIPPI CODE OF 1972, TO CLARIFY THE RIGHT OF A SUCCESSOR IN
 6 OFFICE TO OPT-IN TO RECEIVING PHYSICAL, BOUND VOLUMES OF THE CODE
 7 TO INCLUDE SUBSEQUENT PERIODIC UPDATES; TO AMEND SECTION 1-1-59,
 8 MISSISSIPPI CODE OF 1972, TO CLARIFY THE JOINT CODE COMMITTEE'S
 9 AUTHORITY TO CONTRACT WITH A PUBLISHER TO PROVIDE ELECTRONIC
 10 ACCESS TO THE CODE; TO BRING FORWARD SECTION 1-1-57, MISSISSIPPI
 11 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
 12 SECTION 1-1-60, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
 13 AMENDMENT; TO REPEAL SECTION 1-1-58, MISSISSIPPI CODE OF 1972,
 14 WHICH PROVIDES FOR PUBLICATION AND DISTRIBUTION OF THE ADVANCE
 15 SHEETS OF THE GENERAL LAWS ENACTED AT EACH SESSION OF THE
 16 LEGISLATURE; AND FOR RELATED PURPOSES.

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

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

20 1-1-11. (1) Except as provided in subsection (2) of this
 21 section, the Joint Committee on Compilation, Revision and
 22 Publication of Legislation shall distribute or provide for the
 23 distribution of the sets of the compilation of the Mississippi
 24 Code of 1972 purchased by the state as follows:



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

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

31 One (1) set to each of the following: the Lieutenant
32 Governor; each member of the Legislature; the Treasurer; each
33 district attorney; each county attorney; each judge of the Court
34 of Appeals and each judge of the Supreme, circuit, chancery,
35 county, justice and municipal courts; each Mississippi Senator and
36 Mississippi Representative in Congress; State Superintendent of
37 Education; Director of the Department of Finance and
38 Administration; the Commissioner of Agriculture and Commerce; each
39 Mississippi Transportation Commissioner; the Insurance
40 Commissioner; the Clerk of the Supreme Court; the State Board of
41 Health; each circuit clerk; each chancery clerk in the state for
42 the use of the chancery clerk and the board of supervisors; each
43 sheriff in the state for the use of his office and the county
44 officers; and each county for the county library (and an
45 additional set shall be given to each circuit clerk, chancery
46 clerk, sheriff and county library in counties having two (2)
47 judicial districts).

48 Six (6) sets to the Performance Evaluation and Expenditure
49 Review (PEER) Committee; three (3) sets to the Director of the



50 Legislative Budget Office; six (6) sets to the Department of
51 Corrections; two (2) sets to the Department of Archives and
52 History; two (2) sets to the State Soil and Water Conservation
53 Commission; sixty-eight (68) sets to the Attorney General's
54 office; six (6) sets to the Public Service Commission; four (4)
55 sets to the Public Utilities Staff; thirty-five (35) sets to the
56 Department of Revenue; one (1) set to the Board of Tax Appeals;
57 two (2) sets to the State Personnel Board; six (6) sets to the
58 State Law Library; one (1) set to the Library of Congress; ten
59 (10) sets to the University of Mississippi Law School; one (1) set
60 each to the Mississippi School for the Deaf and the Mississippi
61 School for the Blind; one (1) set each to the University of
62 Mississippi, Mississippi State University, Mississippi University
63 for Women, University of Southern Mississippi, Delta State
64 University, Alcorn State University, Jackson State University,
65 Mississippi Valley State University, and the Board of Trustees of
66 State Institutions of Higher Learning; and one (1) set to the
67 Supreme Court judges' conference room. In furtherance of the
68 State Library's reciprocal program of code exchange with libraries
69 of the several states, the joint committee shall, at the direction
70 and only upon the written request of the State Librarian,
71 distribute or provide for the distribution of sets of the code to
72 such libraries.

73 One (1) set to each state junior or community college; three
74 (3) sets to the Department of Wildlife, Fisheries and Parks; two



75 (2) sets to the Department of Environmental Quality; two (2) sets
76 to the Department of Marine Resources; two (2) sets to the
77 Mississippi Ethics Commission; six (6) sets to the Mississippi
78 Workers' Compensation Commission; four (4) sets to the State
79 Department of Rehabilitation Services; three (3) sets to the
80 Department of Child Protection Services; and four (4) sets to the
81 Department of Human Services. One (1) set to each of the
82 following: State Textbook Procurement Commission; University
83 Medical Center; State Library Commission; Department of
84 Agriculture and Commerce; Forestry Commission; and seventeen (17)
85 sets to the Department of Public Safety. Also, one (1) set to
86 each of the following: Adjutant General, Mississippi Development
87 Authority, Department of Banking and Consumer Finance, Bureau of
88 Building, Grounds and Real Property Management, the State
89 Educational Finance Commission, the Mississippi Board of
90 Vocational and Technical Education, Division of Medicaid, State
91 Board of Mental Health, and Department of Youth Services.

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

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



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

105 Before the joint committee delivers or provides for delivery
106 of a copy of the Mississippi Code of 1972 to an individual
107 officeholder, the joint committee shall prepare and submit a
108 written agreement to the officeholder. The agreement shall, among
109 other provisions, state that the code is the property of the State
110 of Mississippi, that it shall be transferred to the officeholder's
111 successor in office, that the officeholder has an obligation to
112 make such transfer and that the officeholder shall be responsible
113 for the failure to deliver the code and for any damage or
114 destruction to the code, normal wear and tear excepted. The joint
115 committee shall execute the agreement and forward it to the
116 officeholder for execution. The joint committee shall not deliver
117 or provide for delivery of the code to the officeholder until the
118 executed agreement is received by the committee. The joint
119 committee may include in the agreement such other provisions as it
120 may deem reasonable and necessary. In addition to damages or any
121 other remedy for not transferring a set of the code to his
122 successor, an officeholder who does not transfer his set of the
123 code shall be guilty of a misdemeanor and shall, upon conviction,
124 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of



125 the joint committee, the Attorney General shall assist the joint
126 committee in taking such actions as necessary to require an
127 officeholder to transfer the set of code provided under this
128 section to his successor, or to the joint committee if there is no
129 successor, and to recover reimbursement or damages from any
130 officeholder for the loss of or damage or destruction to any
131 volumes of the set of the code provided under this section, other
132 than normal wear and tear.

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

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

140 (2) The sets of actual bound volumes of the Mississippi Code
141 of 1972 referenced in subsection (1) shall be provided to
142 each * * * person or entity upon written request by the * * *
143 person or entity to the Joint Committee on Compilation, Revision
144 and Publication of Legislation.

145 **SECTION 2.** Section 1-1-33, Mississippi Code of 1972, is
146 amended as follows:

147 1-1-33. Where any officer has received a set of the
148 Mississippi Code of 1972 by virtue of his office and is required
149 by law to deliver it to his successor in office, and the officer



150 fails to deliver it to his successor, the successor may make
151 application to the Joint Legislative Committee on Compilation,
152 Revision and Publication of Legislation, in writing, setting forth
153 that fact, and the joint committee, if satisfied of the
154 truthfulness of the application, may issue to the applicant a set
155 of the Mississippi Code of 1972 and subsequent periodic updates.
156 The joint committee may consider any official application for a
157 set of the Mississippi Code of 1972, and if the facts warrant
158 furnishing a code or codes and updates as applied for, it shall be
159 furnished to the applicant.

160 **SECTION 3.** Section 1-1-59, Mississippi Code of 1972, is
161 amended as follows:

162 1-1-59. The Joint Committee on Compilation, Revision and
163 Publication of Legislation may contract with a reputable and
164 competent company to perform any services necessary to update
165 any * * * electronic access so that all laws of a general nature
166 passed by the Legislature subsequent to the 1971 session thereof
167 will be incorporated therein in the same format as the pocket part
168 supplements and supplemental material contained in replacement
169 volumes to the Code of 1972. This contract may be made with the
170 same publishing company contracted with under Section 1-1-107(a)
171 and may be included as a provision of that contract with the
172 publishing company instead of being a separate contract.

173 If the same cannot be contracted for, at and for a
174 consideration considered reasonable, the joint committee may



175 request the Mississippi Department of Information Technology
176 Services to perform such services and pay over to the department
177 such sums as may be appropriated for such purposes, and the
178 Mississippi Department of Information Technology Services may
179 expend such sums as paid over for the employment of personnel and
180 the purchase of such services, supplies, materials and equipment
181 as may be required to perform the work.

182 **SECTION 4.** Section 1-1-57, Mississippi Code of 1972, is
183 brought forward as follows:

184 1-1-57. The Joint Committee on Compilation, Revision and
185 Publication of Legislation shall purchase such numbers of sets of
186 the pocket part supplements and the replacement volumes, including
187 index replacement volumes, as may be required to maintain in a
188 current status the sets of the Code of 1972 authorized to be
189 furnished under the provisions of Section 1-1-11, and shall
190 distribute or provide for the distribution of the same to the
191 proper parties. In furtherance of the State Library's reciprocal
192 program of Code exchange with libraries of the several states, the
193 joint committee shall, at the direction and only upon the written
194 request of the State Librarian, distribute or provide for the
195 distribution of those supplements and replacement volumes to such
196 libraries.

197 **SECTION 5.** Section 1-1-60, Mississippi Code of 1972, is
198 brought forward as follows:



199 1-1-60. The dean of the law school of the University of
200 Mississippi may make requisitions to the Joint Committee on
201 Compilation, Revision and Publication of Legislation for the
202 Mississippi Code and supplements thereto to exchange with other
203 states for similar publications and make the same available in the
204 University of Mississippi Law School Library for the purpose of
205 increasing the facilities of the library. The joint committee may
206 furnish or provide for the furnishing of these publications upon
207 requisition from the dean of the law school of the University of
208 Mississippi.

209 **SECTION 6.** Section 1-1-58, Mississippi Code of 1972, which
210 provides that the Joint Committee on Compilation, Revision and
211 Publication of Legislation is to contract with a publishing
212 company for the publication of the advance sheets of the general
213 laws enacted at each session of the Legislature and distribute or
214 provide for the distribution of the advance sheets free of cost to
215 each state government agency, to each respective Legislative
216 Services Office of the House of Representatives and the Senate, to
217 the Legislative Reference Bureau, and to each sheriff, chancery
218 clerk, circuit clerk, superintendent of education, tax assessor,
219 county prosecuting attorney, justice court judge, attorney for
220 each county's board of supervisors, each municipal clerk, district
221 attorney, circuit judge, chancellor, county court judge and
222 Supreme Court judge, and to each member of the Mississippi Bar
223 Association in good standing at a reasonable cost, is repealed.



224 **SECTION 7.** This act shall take effect and be in force from
225 and after its passage.

