

By: Senator(s) Turner

To: Appropriations

SENATE BILL NO. 2690

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

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

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

9 39-1-1. (1) There shall be a State Library which shall
10 render law library services to the Supreme Court and other state
11 courts, to state officials and to the general public.

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

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

23 (b) The State Library is authorized and empowered to
24 solicit and accept donations, bequests, devises, gifts and grants
25 of money from individuals, organizations, and federal, state and
26 local governmental bodies to be deposited in the State Library
27 Fund.



28 (c) The State Library may also solicit and accept
29 donations, bequests, devises, gifts and grants of real and
30 personal property. The Supreme Court, in its discretion, may sell
31 the property at public or private sale, whereupon the proceeds
32 derived from the sale shall be deposited into the State Library
33 Fund.

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

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

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

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

49 19-7-31. The board of supervisors of each county * * * shall
50 have power, by an appropriate order or orders on its minutes, to
51 establish and maintain in the county courthouse or other suitable
52 public building, adjacent or near thereto, a public county law
53 library under such rules, regulations and supervision as it may
54 from time to time ordain and establish, and to that end, the board
55 may accept gifts, grants, donations or bequests of money,
56 furniture, fixtures, books, documents, maps, plats or other
57 property suitable for such purpose.

58 The board of supervisors shall have power to exchange or sell
59 duplicate volumes or sets of any such books or furniture, and in
60 case of sale to invest the proceeds in other suitable books or



61 furniture. The said board may also purchase or lease from time to
62 time additional books, furniture, or equipment * * *.

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

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

84 The board of supervisors of any such county is further
85 authorized, in its discretion, to levy, by way of resolution,
86 additional court costs not exceeding Two Dollars and Fifty Cents
87 (\$2.50) per case for each case, both civil and criminal, filed in
88 the chancery, circuit and county courts or any of these in said
89 county, and it is further authorized in its discretion to levy, by
90 way of resolution, additional court costs not exceeding One Dollar
91 and Fifty Cents (\$1.50) per case for each case, both civil and
92 criminal, filed in the justice courts of said county for the
93 support of the library therein authorized. If the additional



94 court costs herein authorized be levied, the clerk or judge of
95 said courts shall collect said costs for all cases thereafter
96 filed in his court and forward same to the chancery clerk who will
97 deposit the same in a special account in a county depository for
98 support and maintenance of said library, and the chancery clerk
99 shall be accountable therefor. However, no such levy shall be
100 made against any cause of action, the purpose of which is to
101 commit any lunatic, alcoholic or narcotic addict to any
102 institution for custodial or medical care, and no such tax shall
103 be collected under this subsection on any cause of action that the
104 proper clerk handling same deems to be in its very nature
105 charitable and in which cause said clerk has not collected his own
106 legal fees.

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

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

123 The governing authorities of any municipality are authorized,
124 in their discretion, by resolution duly adopted and entered on
125 their official minutes, to levy additional court costs not
126 exceeding One Dollar and Fifty Cents (\$1.50) per case for each



127 conviction in the municipal court of the municipality for the
128 support and maintenance of the county law library in the county
129 within which the municipality is located. The additional costs
130 shall be collected by the clerk of the court, forwarded to the
131 chancery clerk of the county for deposit in a special account in
132 the county depository, and expended for support and maintenance of
133 the county law library in the same manner and in accordance with
134 the same procedure as provided for costs similarly collected in
135 the chancery, circuit, county and justice courts of the county.

136 On October 1, 2003, the board of supervisors shall transfer
137 twenty-five percent (25%) of any funds remaining in the county law
138 library account to the State Library Fund created by Section
139 39-1-1. Thereafter, at the end of each fiscal year, the board of
140 supervisors shall transfer fifteen percent (15%) of all fees
141 collected during the fiscal year under Section 19-7-31 into the
142 State Library Fund.

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

