

By: Representative Moak

To: Appropriations

HOUSE BILL NO. 5

1 AN ACT TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE OFFICE OF THE SUPERINTENDENT OF EACH PUBLIC
3 SCHOOL DISTRICT SHALL BE PROVIDED A SET OF THE MISSISSIPPI CODE;
4 AND FOR RELATED PURPOSES.

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

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

8 1-1-11. (1) Except as provided in subsection (2) of this
9 section, the Joint Committee on Compilation, Revision and
10 Publication of Legislation shall distribute or provide for the
11 distribution of the sets of the compilation of the Mississippi
12 Code of 1972 purchased by the state as follows:

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

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

19 One (1) set to each of the following: the Lieutenant
20 Governor; each member of the Legislature; the Treasurer; each
21 district attorney; each county attorney; each judge of the Court
22 of Appeals and each judge of the Supreme, circuit, chancery,
23 county, family, justice and municipal courts; each Mississippi
24 Senator and Mississippi Representative in Congress; State
25 Superintendent of Education; the office of the superintendent of
26 each public school district; Director of the Department of Finance
27 and Administration; six (6) sets to the Performance Evaluation and
28 Expenditure Review (PEER) Committee, three (3) sets to the

29 Director of the Legislative Budget Office; the Commissioner of
30 Agriculture and Commerce; each Mississippi Transportation
31 Commissioner; six (6) sets to the Department of Corrections; the
32 Insurance Commissioner; the Clerk of the Supreme Court; the State
33 Board of Health; each circuit clerk; each chancery clerk in the
34 state for the use of the chancery clerk and the board of
35 supervisors; each sheriff in the state for the use of his office
36 and the county officers; and each county for the county library
37 (and an additional set shall be given to each circuit clerk,
38 chancery clerk, sheriff and county library in counties having two
39 (2) judicial districts).

40 Two (2) sets to the Department of Archives and History; two
41 (2) sets to the State Soil and Water Conservation Commission;
42 sixty-eight (68) sets to the Attorney General's Office; six (6)
43 sets to the Public Service Commission; four (4) sets to the Public
44 Utilities Staff; thirty-six (36) sets to the State Tax Commission;
45 two (2) sets to the State Personnel Board; six (6) sets to the
46 State Law Library; one (1) set to the Library of Congress; ten
47 (10) sets to the University of Mississippi Law School; one (1) set
48 each to the Mississippi School for the Deaf and the Mississippi
49 School for the Blind; one (1) set each to the University of
50 Mississippi, Mississippi State University, Mississippi University
51 for Women, University of Southern Mississippi, Delta State
52 University, Alcorn State University, Jackson State University,
53 Mississippi Valley State University, and the Board of Trustees of
54 State Institutions of Higher Learning; and one (1) set to the
55 Supreme Court judges' conference room. In furtherance of the
56 State Library's reciprocal program of code exchange with libraries
57 of the several states, the joint committee shall, at the direction
58 and only upon the written request of the State Librarian,
59 distribute or provide for the distribution of sets of the code to
60 such libraries.

61 One (1) set to each state junior or community college; three
62 (3) sets to the Department of Wildlife, Fisheries and Parks; two
63 (2) sets to the Department of Environmental Quality; two (2) sets
64 to the Department of Marine Resources; two (2) sets to the
65 Mississippi Ethics Commission; six (6) sets to the Mississippi
66 Workers' Compensation Commission; four (4) sets to the State
67 Department of Rehabilitation Services; and seven (7) sets to the
68 Department of Human Services. One (1) set to each of the
69 following: State Textbook Procurement Commission; University
70 Medical Center; State Library Commission; Department of
71 Agriculture and Commerce; Forestry Commission; and seventeen (17)
72 sets to the Department of Public Safety. Also, one (1) set to
73 each of the following: Adjutant General, Mississippi Development
74 Authority, Department of Banking and Consumer Finance, Bureau of
75 Building, Grounds and Real Property Management, the State
76 Educational Finance Commission, the Mississippi Board of
77 Vocational and Technical Education, Division of Medicaid, State
78 Board of Mental Health, and Department of Youth Services.

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

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

87 The set of the Mississippi Code of 1972 to be provided to
88 each member of the Legislature shall be provided unless
89 specifically waived by such legislator in writing.

90 An elected or appointed officeholder in the State of
91 Mississippi, except for a member of the Legislature, shall deliver
92 to his successor in office, or to the joint committee if there is

93 no successor, the set of the Mississippi Code of 1972 provided the
94 officeholder under this section.

95 Before the joint committee delivers or provides for delivery
96 of a copy of the Mississippi Code of 1972 to an individual
97 officeholder, the joint committee shall prepare and submit a
98 written agreement to the officeholder. The agreement shall, among
99 other provisions, state that the code is the property of the State
100 of Mississippi, that it shall be transferred to the officeholder's
101 successor in office, that the officeholder has an obligation to
102 make such transfer and that the officeholder shall be responsible
103 for the failure to deliver the code and for any damage or
104 destruction to the code, normal wear and tear excepted. The joint
105 committee shall execute the agreement and forward it to the
106 officeholder for execution. The joint committee shall not deliver
107 or provide for delivery of the code to the officeholder until the
108 executed agreement is received by the committee. The joint
109 committee may include in the agreement such other provisions as it
110 may deem reasonable and necessary. In addition to damages or any
111 other remedy for not transferring a set of the code to his
112 successor, an officeholder who does not transfer his set of the
113 code shall be guilty of a misdemeanor and shall, upon conviction,
114 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
115 the joint committee, the Attorney General shall assist the joint
116 committee in taking such actions as necessary to require an
117 officeholder to transfer the set of code provided under this
118 section to his successor, or to the joint committee if there is no
119 successor, and to recover reimbursement or damages from any
120 officeholder for the loss of or damage or destruction to any
121 volumes of the set of the code provided under this section, other
122 than normal wear and tear.

123 Replacement of missing, damaged or destroyed sets or volumes
124 of the code provided by this chapter may be obtained from the code

125 publisher through the joint committee at the established state
126 cost, the cost to be borne by the recipient.

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

130 (2) The joint committee, in its discretion, may determine
131 whether electronic access to the Mississippi Code of 1972 is
132 available and a sufficient substitute for actual bound volumes of
133 the code and, if so, may omit furnishing any one or more sets
134 otherwise required by this section.

135 **SECTION 2.** This act shall take effect and be in force from
136 and after July 1, 2005.