

HOUSE BILL 1628

By Hazlewood

AN ACT to amend Chapter 109 of the Private Acts of 1967; and any other acts amendatory thereto, relative to the establishment of a county governmental library committee in Hamilton County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 109 of the Private Acts of 1967, and any other acts amendatory thereto, is repealed.

SECTION 2. In each county of the State of Tennessee having a population of not less than two hundred thirty-five thousand (235,000), and not more than two hundred forty thousand (240,000), according to the 1960 or any subsequent federal census, there shall be created a Committee to be known as the County Governmental Library Committee, said name to bear as a prefix the name of the county or counties thus affected. Said Committee shall be composed of as many members as there are existing judges at any time of the Circuit, Criminal, and Chancery Courts having jurisdiction in said county, and to the extent they wish to serve, judges of the Court of Appeals and Supreme Court of Tennessee who reside in each said county. Said judges may serve themselves or may appoint an individual to serve in their place for a term of two (2) years. In either case, Committee members shall serve without salary, and shall themselves elect a Chairman and Secretary from their membership. In the event of vacancy in the office of an appointed Commissioner, by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled for the balance of said term of two (2) years by the Judge or his successor in office, who made the original appointment of said Commissioner.

SECTION 3. The purpose of said Committee shall be to establish, acquire, maintain, and operate a County Governmental Library, which may be physical or electronic, or a combination thereof. Said Committee shall have full power and authority to acquire by purchase, gift, rent, lease, loan, subscription, or otherwise, electronic research services and/or law books, codes, treatises, or other works on subjects, including, but not limited to: law,

government, medicine, literature, or otherwise, as such Committee may deem necessary or beneficial to the Courts, state, county and municipal officials, members of the bar, and the public, for research for use in the preparation, trial, or decisions of any matters that come or may come before the courts of said county and state, or of use by said public officials or the public, on questions of law or government. Said Committee may also acquire in like manner furniture, fixtures, bookcases, supplies, and all other things necessary to establish, maintain, and operate said County Governmental Library, together with the right to employ and discharge librarians, clerks, and other assistants, to fix salaries of said employees, and in their discretion to make all reasonable rules and regulations governing the operation and use of said Library. Said committee may lease, rent, or acquire by any means, other than purchase, space, in which to house said Library until space may be provided in the courthouse or other public building of said county, provided further that the county shall at the earliest possible date provide such space in the courthouse or other suitable public building in the city or town where the county courthouse is located, without cost to the County Governmental Library Committee. All books, furniture, and other equipment so purchased or acquired shall become the property of said county.

SECTION 4. For the purpose of financing said Library, there shall be taxed as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law, or suit in equity of any nature, including probate matters, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit, Criminal, or Chancery Court of said county, including the Chancery Court sitting in probate, the sum of one dollar (\$1.00), and on each case of any nature hereafter filed or arising in the Courts of General Sessions, Justices of the Peace, or other inferior Courts of said counties, except Municipal and Juvenile Courts, there shall be taxed the sum of fifty cents (50¢). The costs taxed in pursuance of this Section shall be collected as other costs in such cases are collected by the Clerks of such Courts, or Justices of the Peace, and the same shall be designated the County Library Tax, and when any part of the costs in any case has been collected, after payment of any state litigation tax accrued thereon, the amount necessary

for the payment of said County Library Tax shall be next applied thereto, before applying any of the amount collected as cost to any other funds or items of costs. On or before the last day of each month the Clerks of the respective Courts and Justices of the Peace shall pay to the County Trustee all amounts collected as County Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated for the County Governmental Library Fund and used only for the purposes set out in this Act. On approval of a majority of the Committee, the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Committee, indicating on such warrant the fund against which they are drawn, and the County Trustee is hereby authorized and directed, upon all warrants signed by said Chairman and Secretary, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this Act.

SECTION 5. Said Committee shall have full power and authority if necessary to provide sufficient operating funds, to assess lawyers and others, except judges, public officials, or county employees or offices, reasonable dues or charges for the use of said Library, and to make charges for the use, damage, or destruction of books or other property, and that any income from said dues or charges shall be paid by the Committee into the office of the County Trustee in a like manner and at like times as monies collected hereunder shall be paid by the clerks of the various courts to said County Trustee.

SECTION 6. Said Committee shall keep written minutes of their meetings, at which meetings a majority of all members of said Committee then serving shall constitute a quorum for the transaction of business, and said Committee shall keep a record of monies received and disbursed, purchases, loss or destruction of books or other property, and a property inventory, with reasonable accuracy. All records of the Committee shall be maintained in the office of the Clerk of the Circuit Court, or in such other office as the Committee shall designate, provided that such records shall be accessible by the public.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamilton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.