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# Law Library Litigation Tax

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Law Library Litigation Tax

## Private Acts of 1971 Chapter 150

**SECTION 1.** There shall be created a Committee to be known as the McMinn County Law Library Committee. The Committee shall be composed of the Circuit Court Clerk, the Clerk and Master, the County Manager, the County Attorney, two (2) members as elected by the McMinn County Bar Association, and one (1) member as appointed by the Chairman of the McMinn County Council. The Chairman of the Committee shall be elected annually by the Committee. The Circuit Court Clerk, the Clerk and Master, the County Manager, the County Attorney shall serve during their tenure of office or until a successor is elected or appointed and those members elected by the McMinn County Bar Association and the member appointed by the McMinn County Council shall serve for a period of two (2) years. In the event of a vacancy on the Committee such vacancy shall be filled for the balance of the term by the body making the original appointment. The Committee shall serve without compensation during the members tenure of office.

**SECTION 2.** The purpose of said Committee shall be to establish, acquire, maintain, and operate a County Law Library in McMinn County. The Committee shall have the full power and authority to acquire by purchase, gift, rent, lease, loan, or otherwise, law books, codes, treatises or other works of law, government, medicine, literature, or otherwise that they deem necessary or beneficial to the courts, state, county and municipal officials, members of the Bar, and the public, for research or use in preparation for trial or decisions of any matters that come or may come before the courts of the county or state, for the use of said public officials or the public, on questions of law or government, also to acquire in like manner furniture, fixtures, bookcases, supplies and all things necessary to establish, maintain, and operate said County Law Library, together with the right to employ and discharge librarians, clerks and other assistants, to fix salaries of said employees, and within their discretion to make all reasonable rules governing the use of said Law Library. The county shall at the earliest opportunity furnish quarters for said Law Library in the courthouse without cost to said Committee and all books, furniture and other equipment so purchased or acquired shall become the property of the said county.

**SECTION 3.** For the purpose of financing said Law 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, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit, criminal or chancery court and to any domestic relation suit brought in the court of general sessions of said county, the sum of one dollar twenty-five cents (\$1.25), and on each case of any nature hereinafter arising in the courts of general sessions, domestic relations excepted, or other inferior courts of said county except municipal and juvenile courts, there shall be taxed the sum of twenty-five cents (\$0.25). The costs taxed in pursuance of this section shall be designated McMinn County Law Library Tax and shall be collected by the clerks of such courts, excepting those costs paid by the county of the state of Tennessee upon the return of nulla bonas which are hereby expressly exempt for the purpose of this act, and after payment of State Litigation Tax accrued thereon the amount necessary for the payment of said McMinn County Law Library Tax shall be next applied thereto, before applying any of the amount collected as costs to any other fund or item of costs. On or before the last day of each month, the clerks of the respective courts shall pay the County Trustee, as provided by law, all amounts collected as McMinn County Law Library Tax in the preceding calendar month. The sums paid to the County Trustee shall be designated McMinn County Law Library Fund and used only for the purposes set out in this act. On approval of a majority of said Committee, the County Director of Finance and the County Manager shall draw warrants on the County Trustee for expenditures of the Committee, indicating on such warrant the fund against which they shall be drawn, and the County Trustee is hereby authorized and directed upon all warrants signed by said County Director of Finance and County Manager, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this act. In all cases said Committee is limited to the expenditures of anticipated revenues for the fiscal year.

**SECTION 4.** The Committee shall have the power and authority to make charges for the use, damage or destruction of books or other property and that any income from said charges shall be paid by the Committee into the office of the County Trustee in a like manner and at all times as monies collected hereunder shall be paid by the clerks of the various courts to said County Trustee.

**SECTION 5.** The 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, losses or destruction of books or other property, and a property inventory, with reasonable accuracy. That an annual report of all of the above shall be made to the McMinn County Council of said county at its April Session each year.

**SECTION 6.** All laws, or parts of law in conflict with the provisions of this Act are repealed.

**SECTION 7.** This Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the McMinn County Council within six months from and after its approval by the Chief Executive of this state. Its approval or non-approval shall be proclaimed by the presiding officer of the McMinn County Council and shall be certified by him to the Secretary of State.

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

Passed: May 12, 1971.

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