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# 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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# Litigation Tax

## Private Acts of 1965 Chapter 211

**SECTION 1.** That there is hereby created a Law Library Commission of Humboldt, Gibson County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled in the Law Court of Humboldt, Gibson County, Tennessee and maintaining a full time law office within the territorial jurisdiction of said Court; the third member shall be the Clerk of said Court.

The two attorney members of said Commission shall be elected by members of the Gibson County Bar on the 26th day of April, 1965, at 10:00 o'clock A.M., said election to be held in the Courtroom in the City Hall at Humboldt, Tennessee. Notice of the time, date and purpose of said election shall be sent to all attorneys eligible to be members of said Commission at least five (5) [sic] days prior to said election, and they shall elect the attorney members to serve for a period of two (2) years. Thereafter, attorney members of the Commission shall be elected biennially on the fourth Monday in April and the Clerk of said Court shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the Commission shall elect from among its membership a Chairman and a Secretary. The members of this Commission shall receive no compensation for their services as such.

**SECTION 2.** That on and after the effective date of this Act, a litigation tax of \$1.00 shall be taxed as a part of the costs in all cases, both criminal and civil, filed in all Courts operating within the territorial jurisdiction of the Humboldt Law Court.

Said tax shall be collected by the Clerk of each Court and shall be paid into a separate fund which shall be designated as the Humboldt Law Library fund. Said fund shall be maintained by the Clerk of the Humboldt Law Court, and expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the Chairman and Secretary of the Commission upon proper authorization of the Commission.

As amended by:

Private Acts of 1972, Chapter 212

**SECTION 3.** That the Commission shall have the following powers and authority:

- a. To establish and maintain a Law Library for the use of the courts, judges, public officials, attorneys, and the public.
- b. To acquire by gift, purchase, loan, or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- c. To acquire in like manner furniture, equipment and supplies useful for the establishment and operation of the Law Library.
- d. To make such rules and regulations governing the operation and use of the Law Library.
- e. The Commission shall be responsible for the protection and safekeeping of the Law Library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such Library any persons who should cause any damage to the equipment, fixtures or contents thereof, or who refuses to conform with the rules and regulations promulgated by the Commission.
- f. To borrow money and pledge the revenues from the tax hereinabove provided for the payment of the same.

**SECTION 4.** That the Commission shall hold regular meetings and special meetings upon the call of the Chairman. Two (2) persons shall constitute a quorum, and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the Commission. The Secretary shall keep the records of all meetings to reflect the action of the Commission.

**SECTION 5.** That upon the termination of the Commission, or any successor or successors to said Commission, by an Act of the General Assembly or otherwise, the Law Library, its contents, equipment and supplies, and all other property obtained by act of the Commission, shall become the property of Gibson County for the use and benefit of the residents of the Districts of Gibson County composing the territorial jurisdiction of the Humboldt Law Court.

**SECTION 6.** That if any provisions or clause of this Act or application thereof to any person or circumstance be held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect after the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**SECTION 7.** That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3)

vote of the Quarterly Court of Gibson County, Tennessee at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Judge and shall be certified by him to the Secretary of State.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1965.

**COMPILER'S NOTE:** On the same day the legislature passed the foregoing act (Senate Bill No. 933), it also passed an alternate bill, Private Acts of 1965, Chapter 247 (House Bill No. 1056), which would have created a Courtroom and Law Library Commission, but the alternate act did not receive local approval.

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