

1 SB89
2 115726-1
3 By Senator Benefield
4 RFD: Judiciary
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: Existing law provides for \$5 to be taxed as
9 cost on all civil appeals decided by the Supreme
10 Court of Alabama and the courts of appeals, and for
11 the monies to be transferred to the librarian of
12 the Alabama Supreme Court Law Library for the
13 maintenance of the library.

14 This bill would increase the amount taxed as
15 cost from \$5 for each appeal decided by the Supreme
16 Court of Alabama and the courts of appeals to \$50
17 for each appeal filed with the Supreme Court of
18 Alabama and the courts of appeals.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 12-2-159, Code of Alabama 1975,
25 relating to the Alabama Supreme Court Law Library; to increase
26 the amount taxed as cost from \$5 for each appeal decided by
27 the Supreme Court of Alabama and the courts of appeals to \$50

1 for each appeal filed with the Supreme Court of Alabama and
2 the courts of appeals.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The Legislature finds and declares the
5 following:

6 (1) In 1886, a law was enacted providing that the
7 sum of six dollars (\$6) be taxed as cost on each appeal
8 decided before the Supreme Court of Alabama, and that sum was
9 to be used for the maintenance of the Alabama Supreme Court
10 Law Library. This act was codified as Section 694, Code of
11 Alabama 1886.

12 (2) In 1896, this law was amended, reducing the
13 amount taxed as cost for maintenance for the library to five
14 dollars (\$5) for each appeal decided before the Supreme Court
15 or the courts of appeals. The amended statute was codified as
16 Section 3854, Code of Alabama 1896 and is currently codified
17 as Section 12-2-159, Code of Alabama 1975.

18 (3) At no time during the ensuing 114 years has the
19 amount taxed as cost for each appeal been amended, and the
20 amount currently taxed as cost for an appeal is inadequate to
21 maintain the law library.

22 Section 2. Section 12-2-159, Code of Alabama 1975,
23 is amended to read as follows:

24 "§12-2-159.

25 For the maintenance of the supreme court library
26 there shall be taxed in each civil case ~~decided by~~ filed with
27 the Supreme Court or the courts of appeals on appeal the sum

1 of ~~\$5.00~~ fifty dollars (\$50), which must be taxed and
2 collected as other costs in the case and, when collected, must
3 be paid by the clerk to the ~~marshal~~ and librarian, by whom it
4 must be disbursed on the order of the justices."

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.