

SENATE BILL No. 46

By Committee on Judiciary

1-24

1 AN ACT concerning civil procedure; relating to electronic filing;
2 amending K.S.A. 60-2601 and 60-2601a and repealing the existing
3 sections.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 60-2601 is hereby amended to read as follows: 60-
7 2601. (a) *General powers and duties.* In the performance of their duties
8 all clerks of record shall be under the direction of the court.

9 (b) *Dockets.* Subject to the provisions of K.S.A. 60-2601a, and
10 amendments thereto, the clerk of the court shall keep the following
11 dockets or other records which may be ordered by the court in the
12 following manner:

13 (1) *Appearance docket.* The clerk shall keep one or more appearance
14 dockets and enter each civil action in the docket. Actions within each
15 appearance docket shall be assigned consecutive file numbers. The file
16 number of each action shall be noted on the docket on which the first
17 entry of the action is made. All papers filed with the clerk, all process
18 issued and returns made and; all appearances, orders, verdicts and
19 judgments shall be noted chronologically on the appearance docket.
20 These notations shall be brief but shall show the nature of each paper
21 filed or writ issued and the substance of each order or judgment of the
22 court and of the returns showing execution of process.

23 (2) *General index.* The general index shall be kept in a form in
24 which names are arranged in alphabetical order. Plaintiffs, petitioners,
25 defendants and respondents shall be listed as well as the case file number.

26 (c) *Issuance of writs and orders.* All writs and orders for provisional
27 remedies shall be issued by the clerks of the several courts, upon
28 praecipes filed with the clerk, demanding the writs and orders.

29 (d) *Filing and preservation of papers.* Except as otherwise provided
30 by law, it is the duty of the clerk of each of the courts to file together and
31 carefully preserve in the office of the clerk all papers delivered to the
32 clerk for that purpose, in every action or special proceeding. ~~The clerk
33 shall keep the papers separate in each case, carefully enveloped in a
34 wrapper or folder labeled with the title of the cause. Orders and journal
35 entries requiring the signature of the judge shall have the date and time of
36 day stamped on them by the clerk immediately upon receipt of the signed~~

1 ~~order or journal entry and the clerk or deputy shall initial the stamp. The~~
2 ~~clerk shall stamp on all other filed papers, the date and time of day of~~
3 ~~receiving them and initial the stamp. The date and time of receipt of~~
4 ~~filings received by the clerk shall be recorded.~~

5 Sec. 2. K.S.A. 60-2601a is hereby amended to read as follows: 60-
6 2601a. In any county which has a computer information storage and
7 retrieval system for the use of the clerk of the district court of such
8 county, the records and information required to be maintained in the
9 dockets and journals under the provisions of subsections (b)(1), (2), (3),
10 ~~and (4)~~ of K.S.A. 60-2601, and amendments thereto, may, upon order of
11 ~~the chief judge of such~~ *supreme* court, be maintained in such computer
12 information storage and retrieval system. The clerk of the district court of
13 such county shall be charged with the responsibility of making such
14 records and information maintained in such computer information storage
15 and retrieval system accessible to the public during normal working
16 hours.

17 Sec. 3. K.S.A. 60-2601 and 60-2601a are hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.