

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2651

By Committee on Judiciary

2-12

1 AN ACT concerning courts; district court; ~~court trustee operations fund;~~  
2 county law library; amending K.S.A. 20-3127 and K.S.A. 2013 Supp.  
3 20-380 and repealing the existing sections **section**.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. ~~K.S.A. 2013 Supp. 20-380 is hereby amended to read as~~  
7 ~~follows: 20-380. (a) Except as provided further, to defray the expenses of~~  
8 ~~operation of the court trustee's office, the court trustee is authorized to~~  
9 ~~charge an amount: (1) Whether fixed or sliding scale, based upon the~~  
10 ~~scope of services provided or upon economic criteria, not to exceed 5% of~~  
11 ~~the support collected from obligors through such office, as determined~~  
12 ~~necessary by the chief judge as provided by this section; (2) based upon~~  
13 ~~the hourly cost of office operations for the provision of services on an~~  
14 ~~hourly or per service basis, with the written agreement of the obligee; or~~  
15 ~~(3) from restitution collected, not to exceed the fee authorized by the~~  
16 ~~attorney general under any contract entered into pursuant to K.S.A. 75-~~  
17 ~~719, and amendments thereto.~~

18 (b) All such amounts shall be paid to the court trustee operations fund  
19 of the county where collected. There shall be created a court trustee  
20 operations fund in the county treasury of each county or district court of  
21 each county, in each judicial district that establishes the office of court  
22 trustee for the judicial district. The moneys budgeted to fund the operation  
23 of existing court trustee offices and to fund the start-up costs of new court  
24 trustee offices established on or after January 1, 1992, whether as a result  
25 of a rule adopted pursuant to K.S.A. 2013 Supp. 20-377, and amendments  
26 thereto, or because this act has created a court trustee operations fund,  
27 shall be transferred from the county general fund to the court trustee  
28 operations fund. The county commissioners of the county or group of  
29 counties, if the judicial district consists of more than one county, by a  
30 majority vote, shall decide whether the county or counties will have a  
31 court trustee operations fund in the county treasury or the district court of  
32 each county. *Except as provided by subsection (d)*, all expenditures from  
33 the court trustee operations fund shall be made in accordance with the  
34 provisions of K.S.A. 2013 Supp. 20-375 et seq., and amendments thereto,  
35 to enforce duties of support. Authorized expenditures from the court  
36 trustee operations fund may include repayment of start-up costs,

1 expansions and operations of the court trustee's office to the county  
2 general fund. The court trustee shall be paid compensation as determined  
3 by the chief judge. The board of county commissioners of each county to  
4 which this act may apply shall provide suitable quarters for the office of  
5 court trustee, furnish stationery and supplies, and such furniture and  
6 equipment as shall, in the discretion of the chief judge, be necessary for  
7 the use of the court trustee. The chief judge shall fix and determine the  
8 annual budget of the office of the court trustee and shall review and  
9 determine on an annual basis the amount necessary to be charged to defray  
10 the expense of start-up costs, expansions and operations of the office of  
11 court trustee. All payments made by the secretary of social and  
12 rehabilitation services *for children and families* pursuant to K.S.A. 2013-  
13 Supp. 23-3113, and amendments thereto, or any grants or other monies  
14 received which are intended to further child support enforcement goals or  
15 restitution goals shall be deposited in the court trustee operations fund.

16 (e) The court trustee shall not charge or collect a fee for any support  
17 payment that is not paid through the central unit for collection and  
18 disbursements of support payments pursuant to K.S.A. 2013 Supp. 39-  
19 7,135, and amendments thereto.

20 (d) *In a judicial district where the office of court trustee has ceased to*  
21 *exist, the county treasurer shall transfer funds from the court trustee*  
22 *operations fund to the board of trustees of the county law library*  
23 *established pursuant to K.S.A. 20-3127, and amendments thereto, in the*  
24 *county where the office of court trustee has ceased to exist.*

25 **Sec. 2. Section 1.** K.S.A. 20-3127 is hereby amended to read as  
26 follows: 20-3127. (a) Except as provided further, all fees collected  
27 pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to  
28 establish and maintain the county law library. A board of trustees,  
29 appointed as provided in this section, shall have the management and  
30 control of such library and shall use the fees paid for registration, and all  
31 other sums, books, or library materials or equipment donated or provided  
32 by law, for the purpose of establishing and maintaining such library in the  
33 county courthouse or other suitable place to be provided and maintained  
34 by the county commissioners of such county, including acquiring and  
35 maintaining materials and technology that may, at the discretion of the  
36 board of trustees, be loaned to library users for use outside the premises of  
37 the library. The district judge or district judges of the district court,  
38 members of the bar who have registered and paid the fee provided for in  
39 K.S.A. 20-3126, and amendments thereto, judges of all other courts in the  
40 county and county officials shall have the right to use the library in  
41 accordance with the rules and regulations established by the board of  
42 trustees. The board of trustees shall develop guidelines to provide  
43 members of the public reasonable access to the law library.

1 (b) The board of trustees of any law library established or governed  
2 under this act, and amendments thereto, in Johnson and Sedgwick counties  
3 shall consist of five members, two of which shall be judges of the district  
4 court, appointed by a consensus of all judges of the district court in those  
5 counties, and three of which shall be members of the Johnson or Sedgwick  
6 county bar association, appointed by selection of the county bar  
7 association pursuant to the Johnson or Sedgwick county bar association's  
8 bylaws for two-year terms. The board of trustees of the law library in all  
9 other counties shall consist of the district judge or judges of the district  
10 court presiding in such county and not less than two attorneys who shall be  
11 elected for two-year terms by a majority of the attorneys residing in the  
12 county.

13 (c) The clerk of the district court of the county shall be treasurer of  
14 the library and shall safely keep the funds of such library and disburse  
15 them as the trustees shall direct. The clerk shall be liable on an official  
16 bond for any failure, refusal or neglect in performing such duties.

17 (d) The board of county commissioners of any county designated an  
18 urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein  
19 an election has been held to come under the provisions of this act is hereby  
20 authorized to appoint, by and with the advice and consent of the board of  
21 trustees of the law library of such county, a librarian, who shall act as  
22 custodian of the law library of such county and shall assist in the  
23 performance of the clerk's duties as treasurer thereof, and such assistants  
24 as are necessary to perform the duties of administering the law library. The  
25 librarian and any assistants so appointed shall be employees of the county  
26 under the supervision of the board of county commissioners, or the board's  
27 designated official, with the advice and recommendations of the board of  
28 trustees of the law library, and shall be subject to the personnel policies  
29 and procedures established by the board of county commissioners for all  
30 employees of the county. The librarian and any assistants shall receive as  
31 compensation such salaries and benefits as established by the law library  
32 board of trustees, subject to the approval of the board of county  
33 commissioners, which shall be payable from the general fund of the  
34 county, through the county payroll process, from funds budgeted and made  
35 available by the law library board of trustees for that purpose through the  
36 collection of fees or other funds authorized by this act.

37 (e) All attorneys registered under this act shall not be liable to pay  
38 any occupational tax or city license fees levied under the laws of this state  
39 by any municipality.

40 (f) *The board of trustees of a county law library established pursuant*  
41 *to this section may authorize the chief judge of the judicial district to use*  
42 *fees collected pursuant to K.S.A. 20-3126, and amendments thereto, for*  
43 *the purpose of facilitating and enhancing functions of the district court of*

1 *the county.*

2     Sec. ~~3~~ **2**. K.S.A. 20-3127 and K.S.A. 2013 Supp. 20-380 are hereby  
3 repealed.

4     Sec. ~~4~~ **3**. This act shall take effect and be in force from and after its  
5 publication in the statute book.