

SENATE BILL No. 444

By Committee on Judiciary

2-1

1 AN ACT concerning county law libraries; relating to the board of trustees
2 thereof; providing that the attorney members of the board in certain
3 counties shall be appointed by the chief judge of the judicial district;
4 allowing the board to authorize the chief judge to use certain fees for
5 the purpose of facilitating and enhancing functions of the district court
6 of the county; amending K.S.A. 20-3127 and repealing the existing
7 section.
8

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

10 Section 1. K.S.A. 20-3127 is hereby amended to read as follows: 20-
11 3127. (a) Except as provided further, all fees collected pursuant to K.S.A.
12 20-3126, and amendments thereto, shall be used to establish and maintain
13 the county law library. A board of trustees, appointed as provided in this
14 section, shall have the management and control of such library and shall
15 use the fees paid for registration, and all other sums, books, or library
16 materials or equipment donated or provided by law, for the purpose of
17 establishing and maintaining such library in the county courthouse or other
18 suitable place to be provided and maintained by the county commissioners
19 of such county, including acquiring and maintaining materials and
20 technology that may, at the discretion of the board of trustees, be loaned to
21 library users for use outside the premises of the library. The district judge
22 or district judges of the district court, members of the bar who have
23 registered and paid the fee provided for in K.S.A. 20-3126, and
24 amendments thereto, judges of all other courts in the county and county
25 officials shall have the right to use the library in accordance with the rules
26 and regulations established by the board of trustees. The board of trustees
27 shall develop guidelines to provide members of the public reasonable
28 access to the law library.

29 (b) (1) The board of trustees of any law library established or
30 governed under this act in Johnson, Sedgwick and Douglas counties shall
31 consist of the following five members:

32 (A) Two judges of the district court, appointed by a consensus of all
33 judges of the district court in such county; and

34 (B) three members of such county's bar association, appointed by
35 selection of the county bar association pursuant to the county bar
36 association's bylaws for two-year terms.

1 (2) The board of trustees of the law library in all other counties shall
2 consist of the district judge or judges of the district court presiding in such
3 county and not less than two attorneys who ~~shall be elected for two-year~~
4 ~~terms by a majority of the attorneys residing in the county~~ *reside in such*
5 *county, appointed by the chief judge of the judicial district.*

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

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

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

33 (f) (1) Except as provided by subsection (f)(2), the board of trustees
34 of a county law library established pursuant to this section may authorize
35 the chief judge of the judicial district to use fees collected pursuant to
36 K.S.A. 20-3126 *and 20-3129*, and amendments thereto, for the purpose of
37 facilitating and enhancing functions of the district court of the county. No
38 judge shall participate in any decision made by the board of trustees of a
39 county law library pursuant to this paragraph to authorize the chief judge
40 of the judicial district to use fees collected pursuant to K.S.A. 20-3126 *and*
41 *20-3129*, and amendments thereto.

42 (2) The provisions of subsection (f)(1) shall not apply to the board of
43 trustees of any law library established in Johnson and Sedgwick counties.

1 Sec. 2. K.S.A. 20-3127 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.