

SENATE BILL No. 53

By Committee on Judiciary

1-21

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. *Such library shall be*
18 *established or maintained* in the county courthouse or other suitable place
19 to be provided and maintained by the county commissioners of such
20 county, including acquiring and maintaining materials and technology that
21 may, at the discretion of the board of trustees, be loaned to library users for
22 use outside the premises of the library. The district judge or district judges
23 of the district court, members of the bar who have registered and paid the
24 fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all
25 other courts in the county and county officials shall have the right to use
26 the library in accordance with the rules and regulations established by the
27 board of trustees. The board of trustees shall develop guidelines to provide
28 members of the public reasonable 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~~ *fewer* than two attorneys who ~~shall be elected for two-~~
4 ~~year terms by a majority of the attorneys residing in the county~~ *reside in*
5 *such 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 *in which* an election has been held to come under the provisions of this act
13 is hereby authorized to appoint, by and with the advice and consent of the
14 board of trustees of the law library of such county, a librarian, ~~who and~~
15 *library assistants as are necessary to perform the duties of administering*
16 *the law library. Such librarian* shall act as custodian of the law library of
17 such county and shall assist in the performance of the clerk's duties as
18 treasurer thereof, ~~and such assistants as are necessary to perform the duties~~
19 ~~of administering the law of the library.~~ The librarian and any assistants so
20 appointed shall be employees of the county under the supervision of the
21 board of county commissioners, or the board's designated official, with the
22 advice and recommendations of the board of trustees of the law library,
23 and shall be subject to the personnel policies and procedures established
24 by the board of county commissioners for all employees of the county. The
25 librarian and any assistants shall receive as compensation such salaries and
26 benefits as established by the law library board of trustees, subject to the
27 approval of the board of county commissioners, ~~which.~~ *Such salaries and*
28 *benefits* shall be payable from the general fund of the county, through the
29 county payroll process, from funds budgeted and made available by the
30 law library board of trustees for that purpose through the collection of fees
31 or other funds authorized by this act.

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

35 (f) (1) Except as provided by subsection (f)(2), the board of trustees
36 of a county law library established pursuant to this section may authorize
37 the chief judge of the judicial district to use fees collected pursuant to
38 K.S.A. 20-3126 *and 20-3129*, and amendments thereto, for the purpose of
39 facilitating and enhancing functions of the district court of the county. No
40 judge shall participate in any decision made by the board of trustees of a
41 county law library pursuant to this paragraph to authorize the chief judge
42 of the judicial district to use fees collected pursuant to K.S.A. 20-3126 *and*
43 *20-3129*, and amendments thereto.

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

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

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