

## SENATE BILL No. 583

By Committee on Ways and Means

3-22

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9 AN ACT concerning courts; eliminating printing of reports; establishing  
10 electronic publication; amending K.S.A. 20-202, 20-204, 20-205, 20-  
11 208 and 20-211 and repealing the existing sections; also repealing  
12 K.S.A. 20-208b, 20-209, 20-212 and 20-213.  
13

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

15 Section 1. K.S.A. 20-202 is hereby amended to read as follows: 20-  
16 202. It shall be the duty of the justices of the supreme court to prepare  
17 and deliver to the reporter full notes of all decisions made by them, which  
18 they shall deem of sufficient importance to *electronically* publish, within  
19 ~~sixty~~ 60 days after the close of the term at which the causes are tried, in  
20 which such decisions are made.

21 Sec. 2. K.S.A. 20-204 is hereby amended to read as follows: 20-204.  
22 The reporter shall prepare all such decisions for *electronic* publication.  
23 The report of each case shall contain the title of the case, a syllabus of  
24 the points decided, a statement of so much of the facts of the case as may  
25 be necessary to understand the decision, the names of counsel, and the  
26 opinion of the court: ~~Provided, That~~ A memorandum opinion may be  
27 prepared in any case where no new question of law is decided or which  
28 is otherwise considered as having no value as a precedent. Such a mem-  
29 orandum opinion need not contain a syllabus or statement of facts. ~~Each~~  
30 ~~volume~~ *Electronic publication* shall contain a list of all the cases reported,  
31 alphabetically arranged, and also a complete index.

32 Sec. 3. K.S.A. 20-205 is hereby amended to read as follows: 20-205.  
33 (a) The cases decided by the supreme court of this state which the court  
34 deem of sufficient importance to be *electronically* published and those of  
35 the court of appeals which are to be published pursuant to rule of the  
36 supreme court shall be prepared by the reporter and delivered to the  
37 director of printing, who shall as speedily as possible print and publish  
38 ~~such number of copies of each volume of the reports as shall be specified~~  
39 ~~by the reporter, and deliver the same to the state law librarian~~ *only the*  
40 *minimum number of reports necessary to obtain a copyright, fulfill any*  
41 *legal obligation that requires a printed copy of the reports, and any*  
42 *printed copies that the reporter reasonably believes can be sold in a man-*  
43 *ner that will cover the full costs of printing.* No volume shall contain less

1 than ~~seven hundred and fifty (750)~~ 750 pages, including the index.

2 (b) *As speedily as possible, the reporter shall electronically publish*  
3 *the cases decided by the supreme court of this state which the court deems*  
4 *of sufficient importance to be published and those of the court of appeals*  
5 *which are to be published pursuant to the rules of the supreme court.*

6 Sec. 4. K.S.A. 20-208 is hereby amended to read as follows: 20-208.

7 (a) ~~When the reports of the decisions of the supreme court or court of~~  
8 ~~appeals are delivered, the state law librarian shall use as many thereof as~~  
9 ~~may be necessary to maintain reasonable and equitable exchanges of such~~  
10 ~~reports for law books and other legal publications of the other states,~~  
11 ~~territories, countries, societies and institutions, for use in the supreme~~  
12 ~~court law library. As used herein, "Kansas reports" shall mean the reports~~  
13 ~~of the decisions of the supreme court and court of appeals. The state law~~  
14 ~~librarian shall distribute copies of the Kansas reports without charge, as~~  
15 ~~follows:~~

16 ~~—(1)—The supreme court, the court of appeals and the office of the~~  
17 ~~attorney general shall receive the number of copies necessary to conduct~~  
18 ~~the official business of such office, as certified to the state law librarian~~  
19 ~~by the head or executive officer of the respective agencies;~~

20 ~~—(2)—The office of each elected state official, other than those specifi-~~  
21 ~~cally provided for herein, shall receive one copy;~~

22 ~~—(3)—The law library of the school of law of the university of Kansas~~  
23 ~~shall receive 30 copies to maintain its sets of Kansas reports and for~~  
24 ~~exchange purposes, and the law library of the school of law of Washburn~~  
25 ~~university of Topeka shall receive 30 copies to maintain its sets of Kansas~~  
26 ~~reports and for exchange purposes;~~

27 ~~—(4)—The state library and the libraries of Emporia state university, Fort~~  
28 ~~Hays state university, Pittsburg state university, Kansas state university,~~  
29 ~~and Wichita state university shall receive two copies to maintain its set of~~  
30 ~~Kansas reports;~~

31 ~~—(5)—The United States district court for the district of Kansas shall~~  
32 ~~receive six copies;~~

33 ~~—(6)—The office of each judge of the district court shall each receive~~  
34 ~~one copy;~~

35 ~~—(7)—The Lansing correctional facility and the Hutchinson correctional~~  
36 ~~facility shall each receive one copy for the use of inmates at such insti-~~  
37 ~~tutions and one copy for the use of the legal advisor at such institutions;~~

38 ~~—(8) As used in this section, "Kansas reports" means the reports of the~~  
39 ~~decisions of the supreme court and court of appeals.~~

40 (b) *When the Kansas reports are delivered, the state law librarian*  
41 *shall distribute copies of the Kansas reports without charge, as follows:*

42 (1) The library of congress shall receive two copies in order to com-  
43 plete the copyright of ~~said~~ such reports; and

1     ~~(9)~~ (2) One copy shall be deposited with the appropriate office of the  
2 United States post office in order to obtain a postal permit for mailing  
3 such reports;

4     ~~(10)~~ A personal copy of the reports shall be presented to each justice  
5 of the supreme court, each judge of the court of appeals, the clerk of the  
6 supreme court, the supreme court reporter, and the judicial administrator  
7 of the district courts. Also, a personal copy shall be sent to any retired  
8 supreme court justice, judge of the court of appeals, district judge or  
9 associate district judge, if such retired judge or justice files with the clerk  
10 of the supreme court annually a certificate stating that such judge or  
11 justice is not engaged in the active practice of law and is willing to accept  
12 judicial assignments; and

13     ~~(11)~~ The legislative coordinating council shall receive the number of  
14 copies necessary to conduct the official business of the legislative branch  
15 of government, as certified to the state law librarian by the legislative  
16 coordinating council.

17     ~~(b)~~ Except as otherwise specifically provided in paragraph ~~(10)~~ of  
18 subsection ~~(a)~~;

19     (c) All copies of the Kansas reports distributed pursuant to subsection  
20 ~~(a)~~ (b) or purchased by any governmental agency or subdivision shall  
21 become the property of such office, agency or subdivision, which shall be  
22 accountable therefor, and the state law librarian shall not distribute any  
23 reports to any others or for any other purpose, but shall be responsible  
24 for the remaining volumes of ~~said~~ such reports, which shall be sold at the  
25 per volume price fixed by the supreme court under this section for each  
26 current volume, plus the amount fixed by the supreme court under this  
27 section for the cost of postage and handling, and the per volume price  
28 fixed by the supreme court under this section for each noncurrent volume  
29 which has not been reprinted, plus the amount fixed by the supreme court  
30 under this section for the cost of postage and handling. ~~The supreme~~  
31 ~~court shall have authority to order printed such additional copies of the~~  
32 ~~reports of the supreme court as in its judgment will be necessary to supply~~  
33 ~~the demand upon the state law librarian for the same.~~ The state law  
34 librarian shall sell any noncurrent volume which is reprinted at the per  
35 volume price fixed by the supreme court under this section, plus the  
36 amount fixed by the supreme court under this section for the cost of  
37 postage and handling. All purchases of reports shall be made by payment  
38 in advance. The supreme court shall fix the per volume price for copies  
39 of these Kansas reports sold under this section to recover the costs of  
40 printing and binding such volumes and shall fix the amount to be charged  
41 in connection with the sale of each of such volumes to cover the costs of  
42 postage and handling applicable thereto. The supreme court shall revise  
43 all such prices from time to time as necessary for the purposes of covering

1 or recovering such costs.

2 ~~(c)~~ (d) It shall be the duty of the director of printing, under the di-  
3 rection of the supreme court, to make and preserve for future use proofs,  
4 matrices, plates, computer tapes or impressions of all volumes of the  
5 reports of the supreme court and such other publications as the supreme  
6 court may designate. The director of printing shall not make or permit to  
7 be made any proofs, matrices, plates, computer tapes or impressions of  
8 any book published by the judicial branch of the state government except  
9 for the use of the state, as herein provided, and all proofs, matrices, plates,  
10 computer tapes or impressions so made for any book published by the  
11 judicial branch of the state government shall be the exclusive property of  
12 the state, except that the director of printing may grant a revocable license  
13 to any nonprofit corporation whereby such corporation may utilize the  
14 services of equipment and personnel under the supervision of the director  
15 of printing for the purpose of converting reports of the Kansas supreme  
16 court and the Kansas court of appeals to machine readable form for use  
17 by such corporation in providing computerized legal research services,  
18 subject to protection of the state's copyright as to any purpose unneces-  
19 sary for such computerized legal research.

20 Sec. 5. K.S.A. 20-211 is hereby amended to read as follows: 20-211.  
21 The state law librarian shall have authority to order *electronic* advance  
22 sheets of the reports of the supreme court and court of appeals to be  
23 ~~printed~~ *published electronically* for distribution and temporary use until  
24 the reports themselves are issued. Upon such order it shall be the duty  
25 of the reporter, as soon as possible after they are filed, to prepare *the*  
26 *advanced sheets* for *electronic* publication, ~~and of the director of printing~~  
27 ~~immediately thereafter to print the syllabi and decisions of the court in~~  
28 ~~the same form the permanent report will bear, but upon inexpensive~~  
29 ~~paper and to be bound in paper. The number of copies of each issue shall~~  
30 ~~be specified in the order. When issued they shall be delivered to the state~~  
31 ~~law librarian, to be distributed in the manner provided in K.S.A. 20-208~~  
32 ~~for distributing copies of the Kansas reports, except that no copies of~~  
33 ~~advance sheets shall be delivered to a law library for exchange purposes.~~  
34 ~~The remaining copies shall be sold at the per copy price fixed by the~~  
35 ~~supreme court under this section, plus the amount fixed by the supreme~~  
36 ~~court under this section for the cost of postage and handling. Said librar-~~  
37 ~~ian may sell subscriptions to the current advance sheets and permanent~~  
38 ~~report together for the subscription price fixed by the supreme court~~  
39 ~~under this section, plus the amount fixed by the supreme court under~~  
40 ~~this section for the cost of any postage and handling, the same to be paid~~  
41 ~~in advance and if any one person, firm, association or corporation shall~~  
42 ~~subscribe for two hundred (200) or more copies of any bound volume~~  
43 ~~and the advance sheets thereto, the state law librarian may sell subscrip-~~

1 tions to such persons, firm, associations and corporations to the advance  
2 sheets and permanent report together for a reduced subscription price  
3 fixed by the supreme court under this section, plus the amount fixed by  
4 the supreme court under this section for the cost of postage and handling,  
5 the same to be paid in advance. Upon order of the court any opinion may  
6 be withheld from publication in the advance sheets until such time as it  
7 may designate. The increased prices provided for in this section shall  
8 apply to current reports and advance sheets commencing with volume  
9 224, and subscriptions for earlier volumes and advance sheets, or pur-  
10 chases of advance sheets of earlier volumes, shall be at the rate prescribed  
11 by this section prior to this amendment. All copies of advance sheets  
12 distributed pursuant to this section or purchased by any governmental  
13 agency or subdivision may be removed from the inventory of such office,  
14 agency or subdivision upon publication of the volume of the Kansas re-  
15 ports for which such advance sheets were issued. The supreme court shall  
16 fix the per copy prices, subscription prices, and reduced subscription  
17 prices for advance sheets and permanent reports sold under this section  
18 to recover the costs of printing and binding such advance sheets and  
19 permanent reports and shall fix the amount to be charged in connection  
20 with the sale and distribution of such advance sheets and permanent  
21 reports under this section to cover the costs of postage and handling  
22 applicable thereto. The supreme court shall revise all such prices from  
23 time to time as necessary for the purposes of covering or recovering such  
24 costs.

25 Sec. 6. K.S.A. 20-202, 20-204, 20-205, 20-208, 20-208b, 20-209, 20-  
26 211, 20-212 and 20-213 are hereby repealed.

27 Sec. 7. This act shall take effect and be in force from and after its  
28 publication in the statute book.