

1 **STATE LAW LIBRARY AMENDMENTS**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lyle W. Hillyard**

5 AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; CHANGING
6 PROVISIONS RELATING TO THE STATE LAW LIBRARY; AMENDING DUTIES OF
7 STATE LAW LIBRARIAN; ELIMINATING LIABILITY OF STATE LAW LIBRARIAN;
8 AMENDING PENALTY FOR UNAUTHORIZED TAKING OR INJURY OF BOOKS
9 CHANGING FUNDING OF THE LIBRARY; AND MAKING TECHNICAL CHANGES.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **9-7-304**, as renumbered and amended by Chapter 241, Laws of Utah 1992

13 **9-7-305**, as renumbered and amended by Chapter 241, Laws of Utah 1992

14 **9-7-307**, as renumbered and amended by Chapter 241, Laws of Utah 1992

15 **9-7-309**, as renumbered and amended by Chapter 241, Laws of Utah 1992

16 **9-7-311**, as renumbered and amended by Chapter 241, Laws of Utah 1992

17 **21-1-4**, as last amended by Chapter 4, Laws of Utah 1993

18 REPEALS:

19 **9-7-310**, as renumbered and amended by Chapter 241, Laws of Utah 1992

20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **9-7-304** is amended to read:

22 **9-7-304. Book register -- Time limit.**

23 (1) The state law librarian shall keep a register of all books issued and returned, showing
24 to whom issued, by whom returned, and the time issued and returned.

25 (2) No book taken from the law library may be detained more than ten days, except by
26 permission of the state law [Library] librarian.

27 Section 2. Section **9-7-305** is amended to read:

1 **9-7-305. Injury to and failure to return books -- Action.**

2 (1) If any person injures any book owned by the state law library or fails to return any
3 book taken from the State Law Library, ~~[he]~~ that person shall pay ~~[to]~~ the state law librarian ~~[for~~
4 ~~the use of the State Law Library]~~ all loss or damage sustained because of the injury or failure to
5 return, including costs and reasonable attorneys' fees~~[, which shall be recovered in an action in the~~
6 ~~name of the state]~~.

7 (2) The state law librarian, in behalf of the state, shall bring action in the name of the state
8 for the collection of all damages sustained and all losses and penalties imposed under this section.

9 Section 3. Section **9-7-307** is amended to read:

10 **9-7-307. Catalogue -- Rules.**

11 The state law librarian shall catalogue all books, pamphlets, maps, charts, globes, papers,
12 apparatus, and valuable specimens in the State Law Library and shall post in some conspicuous
13 place a copy of the rules of the State Law Library. The catalogue shall be ~~[printed and distributed]~~
14 made available, whether electronically or in writing, to the persons entitled to withdraw books
15 from the State Law Library under Section 9-7-303.

16 Section 4. Section **9-7-309** is amended to read:

17 **9-7-309. Sale and exchange of books.**

18 The ~~[board of control of the State Law Library]~~ state law librarian may sell or exchange
19 any surplus or duplicate sets of books in the State Law Library and use the proceeds from the sale
20 to purchase other books for the State Law Library.

21 Section 5. Section **9-7-311** is amended to read:

22 **9-7-311. Wrongful withdrawal of books -- Penalty.**

23 If any person not authorized by ~~[this part]~~ Section 9-7-303 takes a book from the State Law
24 Library, either with or without the consent of the state law librarian, or violates any of the
25 provisions of this part, ~~[he]~~ that person shall be fined ~~[in any sum not less than \$10 nor more than]~~
26 the full cost of replacing the book, plus \$50 for each book so taken.

27 Section 6. Section **21-1-4** is amended to read:

28 **21-1-4. Fees for certificate of admission.**

29 The appellate courts shall receive a \$50 fee for a certificate of admission as attorney and
30 counselor, \$30 of which shall be retained by the state treasurer ~~[as a special fund]~~ for the benefit
31 of the State Law Library, to be expended by the ~~[board of control]~~ Judicial Council.

- 1 Section 7. **Repealer.**
- 2 This act repeals:
- 3 Section **9-7-310, Liability of law librarian.**

Legislative Review Note
as of 1-9-98 8:53 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel