

HOUSE COMMITTEE ON THE JUDICIARY

Hon. John E. Barker, Chair
Hon. Charles Macheers, Vice Chairman
Hon. John Carmichael, R.M. Member

March 5, 2015
3:30 p.m.
Room 112-N

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TESTIMONY SUPPORTING HB 2112

Thank you, Mr. Chairman and this honorable committee for extending the opportunity to present testimony in support of HB 2112. I am Michael F. Powers, Chief Judge of the 8th Judicial District.

During the 2014 legislative session, I supported legislation similar to HB 2112, and while it was not ultimately approved by the legislature, I am pleased to see the opportunity for positive change has been kept alive by HB 2112.

This bill amends K.S.A. 20-3127, which deals with county law libraries. As the committee knows, each county maintains a law library which may be utilized by the public and attorneys of the county for legal research and education. By statute, each law library is managed and controlled by a board of trustees. The membership of the board of trustees includes judges of the district court and attorneys elected by the local bar association.

The county law library is funded by registration fees from attorneys practicing in the county, and by a small assessment from filing fees. From these funds the law library is maintained, providing materials and technology as needed for legal research purposes. To the best of my knowledge most county law libraries operate as little more than break even propositions. However, through the course of time some county law libraries are able to accumulate a positive balance beyond what is needed for day to day operations. As the law currently stands, the trustees are not authorized to use these funds for any purpose other than maintenance of the library. This bill would amend the law library statutes so that the trustees, with the agreement of the chief judge of the district, could use funds not immediately needed for the library, to benefit the courts and people of the county.

With the amendment currently proposed, use of law library funds for anything other than maintenance of the library itself, will require the agreement of the chief judge and a majority of the board of trustees who are not judges. The trustees thus maintain complete control over law library funds. The only way the funds can be used for facilitating and enhancing functions of the district court beyond the law library itself, would be if the non-judge members of the trustees and the chief judge agree upon an alternative use. This allows flexibility and local control of local funds.

If HB 2112 is enacted, each county board of trustees will have the ability to determine whether the funds on hand are needed for the law library, or if there are surplus funds which could be applied to a different purpose. If the local board finds there are funds that are not immediately needed, they will have total control over any alternative use. Devices to assist the hearing impaired in court, technology to assist juries in reviewing evidence, computer terminals located in public areas making it easier for members of the public to access court records, these are just a few ideas of uses that would seem appropriate. Each local board will be empowered to decide how to best use their money.

This bill will not allow judges or anyone else to “raid” law library funds. The local board of trustees maintains control. This bill will simply allow the trustees to use their funds in the way that would best benefit their county.

I support HB 2112 and the suggested amendment requiring approval of the non-judge trustees for alternative use of law library funds. I thank you for the opportunity to appear in support of this bill and will be happy to answer any questions you might have.

Respectfully submitted,

Michael F. Powers
Chief Judge
8th Judicial District