

**Testimony of Kerry Altenbernd, Law Librarian in the Michael J. Malone  
Douglas County Law Library in Lawrence, Kansas, for the March 5, 2015,  
Kansas House Judiciary Committee Hearing on HB 2112**

Representative Barker and the members of the Judiciary Committee:

I am unable to attend the Committee meeting, so I am submitting only written testimony. Although I have concerns about HB 2112, I am going on record as neutral on its passage.

There is concern that changing the county law library statutes could compromise access to justice and establish an unfair burden on attorneys. It could also weaken the financial basis on which county law libraries are organized and operated.

The members of the Board of Trustees of the Michael J. Malone Douglas County Law Library are not eager to see Kansas county law library statutes changed. They point out that more and more Kansans are representing themselves before the court without hiring an attorney. County law libraries provide non-attorneys access to understanding of the laws enacted by their legislature and enable them to apply the statutes to the facts of their own cases. County law libraries provide a means for access to justice for ordinary Kansans.

HB 2112 would amend K.S.A. 20-3127 to allow alternate uses of county law library funds mandated in K.S.A. 20-3126, which are collected from attorneys who are required to pay an annual registration fee to their county law library. Redirecting the fees for use by the courts could, in effect, be unfairly taxing attorneys to support the courts. If allowing such redirection is deemed necessary, a potential mitigation would be to give the attorney trustees on county law library boards the power to make the final decision on allowing alternate use of funds collected from them and the attorneys they represent.

For many years, law libraries have operated efficiently under the county law library statutes currently on the books, so there should be a compelling reason to change the wording in a statute that has been serving the needs of the state so well and so long. Not knowing all the problems that amending K.S.A. 20-3127 is intended to solve, the Board of Trustees is confident that the Committee will determine what is best for the state, but urges the Committee that whatever is done will have a minimum negative impact on county law libraries statewide, and not hinder the ability of those libraries to carry out their mission.

Concerns with HB 2112:

1. It could limit access to justice for the ordinary Kansan.
2. It would revise Kansas statutes already on the books for the organization, operation, and funding of county law libraries statewide to solve problems that may not be statewide.
3. It could establish an unfair tax on attorneys, requiring them, in effect, to finance the courts through fees they are mandated by statute to pay to their county law library.

Thank you.