

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 25, 2007 in Room 313-S of the Capitol.

All members were present except:
Kevin Yoder- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:
Ian Staples, University of Kansas, Student Legislative Awareness Board
Kyle Smith, Kansas Bureau of Investigation
Lee Woodward, Sedgwick County Law Library
John Pickett, Johnson County Law Library

Ian Staples, University of Kansas, Student Legislative Awareness Board, requested a bill which would amend the Kansas Residential Landlord Tenant Act with regard to the standardization of automatic renewal clauses and eliminating the use of a pre-determined arbitrary set of charges used to determine damages. Representative Davis made the motion to have the request introduced as a committee bill. Representative Kinzer seconded the motion. The motion carried.

Kyle Smith, Kansas Bureau of Investigation, appeared before the committee to request three bill introductions:

- striking the sunset provision relating to arrest powers of federal law enforcement officers
- DNA collection clean-up from last years bill
- revisions to the drug paraphernalia statute

Representative Patton made the motion to have the requests introduced as committee bills. Representative Davis seconded the motion. The motion carried.

Representative Davis requested a bill on behalf of Attorney General Paul Morrison that would allow for funds in the Crime Victims Compensation account to be used for crime scene cleanup. He made the motion to have the request introduced as a committee bill. Representative Ward seconded the motion. The motion carried.

The hearing on **HB 2073 - fee increase authority for Sedgwick & Johnson county law libraries**, was opened.

Lee Woodward, Sedgwick County Law Library, appeared as a proponent to the bill. He explained that the proposed bill would allow for an increase filing fees up to \$4.00 in Sedgwick & Johnson Counties. The library fee has not been increased since 1988. The fee goes to provide resources for lawyers, both in public & private practice, and provides for classroom space for college and high school students. (Attachment 1)

John Pickett, Johnson County Law Library, stated that they draw individuals from surrounding areas who use the library. He pointed out that while the consumer price index has risen almost 44% the library fee for Johnson county has not increased since 1992. (Attachment 2)

The hearing on **HB 2073** was closed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for January 29, 2007.

BOARD OF TRUSTEES:
LEE H. WOODARD, CHAIRMAN
HONORABLE TIMOTHY LAHEY
HONORABLE BEN BURGESS
TERESA MAH
ROGER M. THEIS



KARIN M. KIRK
EXECUTIVE DIRECTOR
JOHN LEWALLEN
LIBRARIAN

Sedgwick County Law Library, Inc.

January 23, 2007

Members of the Judiciary Committee
Kansas State Legislature
Kansas State House
300 S W 10th Avenue
Topeka, KS 66612

Re: House Bill 2073

Dear Committee Member:

The Board of Trustees of the Sedgwick County Law Library ("SCLL") supports adoption of HB 2073. This bill amends K.S.A. 20-3129 (a) to allow the clerks of the district courts in Sedgwick County and Johnson County to tax a law library fee in addition to the current filing fee established by law. The amount of the additional fee, not to exceed \$4.00, will be determined by the trustees of the law library in either Sedgwick or Johnson County, as the case might be. K.S.A. 20-3129 (a) now provides that each filing fee paid to the Clerk of the District Court shall include a county law library component, to be set by its trustees within a range of \$2 to \$10 for Chapter 60 cases and felony criminal cases. The range for all other cases is 50¢ to \$7.

The proposed bill does not increase a county law library's share of the existing filing fees, but instead provides for an increase in the existing filing fees by the amount of \$4.00 and would apply only to cases filed in Sedgwick County and Johnson County. The SCLL last obtained an increase from the legislature in 1988.

The Sedgwick County Law Library is the only major law library west of Topeka. It is not only used by Sedgwick County attorneys and judges but many out-of-county lawyers, particularly from southern and western Kansas, find it a valuable resource. Attorneys using the SCLL include government lawyers, those in private practice, public defenders and legal aid lawyers.

The Trustees believe an important part of the SCLL's mission is to help maintain a high quality of the practice of law in Sedgwick County. Thus, in addition to providing a library, the SCLL also provides space for continuing legal education programs; meeting rooms for bar committees, most of which have the purpose of improving the quality of practice and the efficiency of the judicial process in Sedgwick County; rooms for mediations, arbitrations, and depositions; and space for out-of-town lawyers trying cases in Wichita.

The trustees also believe it is important that the public have access to the law library. Thus it is open to the public; non-lawyers use it regularly, including *pro se* litigants and many college and high school students. Some university instructors actually teach some of their classes in meeting rooms at the law library. Recently, the SCLL agreed to provide a classroom in which Consumer Credit Counseling Services can hold its debt counseling classes.

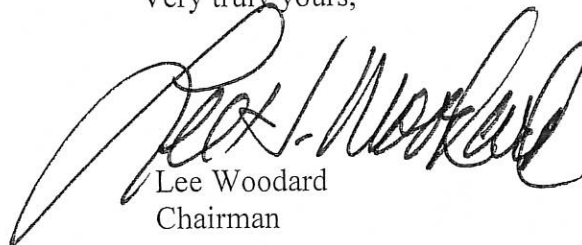
County law libraries are created and exist under K.S.A. 20-3126 *et seq.* Funding under the statutory scheme is set forth in K.S.A. 20-3126 (c) and K.S.A. 20-3129 (a). The latter statute, which HB 2073 would amend, provides for library fees taxed by clerks of the district court while the first statute provides that attorneys in the county where the law library is located shall pay a registration fee to the Clerk of the District Court for the benefit of the county law library. The registration fee is set by the trustees for the Sedgwick County and Johnson County Law Libraries within a range of \$25 to \$125. The range for all other counties is \$10 to \$75. In 1988, the registration fee for Sedgwick County lawyers was \$25. The fee is now \$95, a 280% increase. Public defenders are exempt from this fee.

In 1988, the total operating expense for the SCLL was \$525,100.00. At year-end 2006, the operating expenses were \$700,000.00, a 33.2% increase. This increase would have been far greater had the trustees not taken strong action to cut expenses during the recent past. For example, in 1988 our average monthly book expense was \$12,058.00, while year-end 2006 it was \$14,254.00 and, when added to on-line expense, the total is \$15,160.00. This is a very small increase in light of the almost annual price increases by law book publishers. Indeed, book expense has been cut to the point where the SCLL's collection is bare-bone, impairing the library's effectiveness as a resource. As a consequence, the trustees recognize a need to prudently restore materials and broaden the collection.

If the SCLL is to continue its present collection and pursue its established mission, additional funding is necessary. This can be achieved by a relatively small dollar increase in filing fees paid by those who use the courts or who are brought into the system.

Thus, the SCLL Trustees request that HB 2073 be adopted.

Very truly yours,



Lee Woodard
Chairman

JOHNSON COUNTY LAW LIBRARY

COURTHOUSE – ROOM 101
100 N. KANSAS AVENUE
OLATHE, KANSAS 66061

PHONE (913) 715-4154

FAX (913) 715-4152

To: Representative O'Neil, Chairman
Members of the Kansas House Committee on Judiciary

From: John Pickett, Director-Johnson County Law Library

Date: January 25, 2007

Re: House Bill No. 2073

Thank you for allowing me to testify in support of this bill that would increase county law library docket fee authority for Sedgwick and Johnson Counties. I am submitting testimony on behalf of the Johnson County Law Library (JCLL) established in 1952 and located in the Johnson County Courthouse in downtown Olathe.

In 2000, JCLL began collecting the maximum authorized law library docket fees to maintain and develop its resources and services. County law library fee limits, set out in K.S.A. 20-3129, have not increased since 1992 while price inflation was almost 44% for the period. The Price Index for Legal Publications, 2d, shows that the prices for print legal materials increased 60% for the period 1998-2004.

JCLL provides legal information and services to 30,000 persons each year including attorneys, judges, law clerks, students and the public. Our staff answered approximately 9,000 legal reference and research questions in 2005, and of these, 60% came from the public and 40% from attorneys. We check out 2,000 books a year to attorneys and judges from our library of approximately 23,000 volumes. We have developed local court form packets for the public. Our web page includes form packets and links to Kansas legal resources. Lexis, Internet, word processing, photocopying, telephone rooms and a conference room are all services available to our users.

We help self-represented persons access the court system. They need help finding forms and research materials on family law subjects including divorce, child custody, visitation, and name change. Garnishment, mechanics' liens and evictions are also important subjects for the public. We refer many persons to Kansas Legal Services and Kansas Bar Association. We distribute a variety of Kansas legal information pamphlets.

It is important that JCLL receive additional authority to raise fees to maintain its high quality collection and services. With this additional authority our library trustees can respond to increasing financial needs in a timely and effective manner as they support judicial, attorney and public legal research and practice.

Thank you for your consideration.

House Judiciary
Date 1-25-07
Attachment # 2