

SESSION OF 2007

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2360**

As Agreed to April 27, 2007

Brief*

HB 2360 would amend the law regarding the library fee clerks of the district courts are authorized to collect for the benefit and account of the law library in each county. The bill would allow the clerks of the district courts in Sedgwick County and Johnson County to impose an additional library fee, as determined by the trustees of the law library, not to exceed \$4.00 in all cases. The additional library fee would be a fee added on to the docket fees already established in law.

The bill would clarify that all county law library boards of trustees may acquire and maintain materials and technology that may be loaned to library users for use outside the library facility.

Conference Committee Action

The first Conference Committee adopted the House position with the following change:

- Authorized only the clerks of the district courts in Sedgwick County and Johnson County to tax the additional fee.

The first Conference Committee report was adopted by the Senate, but the House nonconcurred.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The second Conference Committee adopted the first Conference Committee report with the following addition:

- Authorized all county law library boards of trustees to acquire and maintain technology that may be loaned to library users for use outside the library facility.

Background

The docket fee is a uniform fee paid to the court by a party for the cost of services in the litigation. The law provides that certain state and local entities will receive a specified portion of the docket fees and that the balance will be credited to the State Treasury. The county law library fund is a fund that receives revenues from the initial distribution of the district court docket fee.

The proponent of the bill included John Pickett, Director of the Johnson County Law Library. Lee Woodward, Chairman of the Board of Trustees of the Sedgwick County Law Library, provided written testimony in support of the bill. Mr. Woodward notified the Committee that the Sedgwick County Law Library, Inc. also supports HB 2073 which provides for additional law library funding with an add-on fee of not more than \$4.00 to the existing docket fee. The other difference between SB 56 and HB 2073 is that SB 56, as introduced, has statewide application while HB 2073, as introduced, applies only to Sedgwick and Johnson counties.

There was no testimony in opposition to the bill.

The bill, as introduced, would have increased the amount deducted from docket fees for the benefit of law libraries and would have resulted in a corresponding decrease in revenues to funds administered by the Judiciary, including the State General Fund. The Committee amended the bill to provide for additional law library funding with an add-on fee of not more than \$4.00 to the existing docket fee.

The Conference Committee agreed to amend the original provisions of HB 2360 into SB 166. Subsequently, the provisions of SB 56, dealing with library fees, were amended into HB 2360.

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- Authorized all county law library boards of trustees to acquire and maintain technology that may be loaned to library users for use outside the library facility.

The fiscal note on SB 56, as introduced, from the Division of Budget states that, according to the Office of Judicial Administration, passage of the bill would increase the amount deducted from docket fees for the benefit of law libraries and would result in a corresponding decrease in revenues to funds administered by the Judiciary, including the State General Fund. The Judicial Administrator estimates that Johnson and Sedgwick counties would take full advantage of the ability to increase revenues to their respective law libraries, which would result in a decrease of \$306,143 to fee funds. If all counties retained the maximum fee allowed for the law libraries, including Johnson and Sedgwick counties, there would be a decrease of \$1,128,006 to fee funds. Any fiscal effect associated with the passage of SB 56 is not reflected in *The FY 2008 Governor's Budget Report*.

law library fees