

Date of Hearing: June 17, 2015

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Brian Maienschein, Chair
SB 711 (Wolk) – As Introduced February 27, 2015

SENATE VOTE: 38-0

SUBJECT: Law libraries: charges.

SUMMARY: Authorizes a county law library to impose charges for special services, including electronic delivery, other delivery services, educational programs, special events, and the provision of supplies or food services.

EXISTING LAW:

- 1) Mandates, in each county, a board of law library trustees, which governs the law library established for the county.
- 2) Provides for the makeup of the board of law library trustees, as specified, and provides that each board of law library trustees shall meet regularly each month on such day as it shall appoint, or as specified. Allows the president of the board to call a special meeting at any time for the transaction of necessary business.
- 3) Requires all money collected for the law library in each county to be deposited with the treasurer of the county, who shall keep the same separate and apart in a trust fund or trust account, to be disbursed by the board of law library trustees.
- 4) Requires a law library to be free to the judiciary, to state and county officials, to members of the State Bar, and to all residents of the county, for the examination of books and other publications at the library or its branches.
- 5) Allows the board of law library trustees to provide for the levying of finds and charges for violation of the rules, and allows the board to make charges to cover the cost of special services, such as making of photo copies of pages of library books, and messenger service.
- 6) Allows the board of law library trustees to require persons other than members of the judiciary, county officials, and member of the bar resident in the county, to pay such dues as the board may affix for the privilege of removing books and other publications from the library. Allows, with the approval of the Board of Supervisors, the board of law library trustees to charge individual members of the bar resident in the county fees for the removal of books and other publications from the library, and provides that these fees shall not exceed the cost of providing the service.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill authorizes a county law library to impose charges for special services, including electronic delivery, other delivery services, educational programs, special events, and the provision of supplies or food services.

This bill is sponsored by the Council of California County Law Librarians.

- 2) **County Law Libraries.** Current law establishes county law libraries and provides for their governance by a board of trustees. Existing law provides funding for county law libraries through a portion of civil filing fees, with each library receiving a designed amount from such fees. County law libraries are not supported by state or local tax dollars.

While statute requires that access to a county law library be free to the public, many county law libraries charge fees or levy fines to help cover the cost of special services. The fees may be charged for copying materials, having materials faxed or mailed, or for audio or video rentals. The fees help defray the cost of providing these services.

County law libraries provide an array of services beyond those specifically cited in statute in order to address the needs of library users and the broader community. The Council of California County Law Librarians reports that nearly all county law libraries provide access to digital resources and other services not specifically referenced in law.

- 3) **Author's Statement.** According to the author, "SB 711 clarifies that county law libraries are authorized to provide and charge for modern services, such as electronic delivery, other delivery services (such as overnight delivery), educational programs, special events, and provision of supplies or food services.

"County law libraries have greatly expanded the types of services they provide, but Business and Professions Code Section 6360 has not been updated for decades. Modern services are not referenced in the statute nor is there provision for generating revenue by charging for extra services. County law libraries continue to experience diminishing operations revenues. In fact, over the past five years, there has been nearly a 32% decrease in revenue. Authorizing additional charges to be imposed will not solve the funding shortfall county law libraries are currently experiencing, but SB 711 will explicitly state that such services are authorized and enable county law libraries to generate some revenue from the ancillary services they provide."

- 4) **Arguments in Support.** According to the sponsor, the Council of California County Law Librarians, this bill would "modernize and clarify the authorizing statute in order to enhance and protect the access to justice role of County Law Libraries by reflecting the full range of services (e.g., electronic delivery of documents, educational programs and workshops, etc.) and eliminating any undue restrictions on revenue-generating activities (e.g., MCLE classes and special services). Importantly, the basic services we currently provide to the public, including access to the collection in print and digitally, reference assistance, etc., would continue to be provided at no charge whatsoever under SB 711."
- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Council of California County Law Librarians [SPONSOR]
Alameda County Law Library
Butte County Public Law Library
Contra Costa County Public Law Library
Fresno County Public Law Library
Los Angeles County Law Library
Merced County Law Library
Northern California Association of Law Libraries
Orange County Employees Association
Orange County Public Law Library
Sacramento County Public Law Library
San Diego County Law Library
San Diego Volunteer Lawyer Program, Inc.
San Joaquin County Law Library
San Luis Obispo County Law Library
San Mateo County Law Library
Santa Clara County Law Library
Solano County Law Library
Sonoma County Law Library
Stanislaus County Law Library
Tom Homann LGBT Law Association
Tulare County Board of Law Library Trustees
Tulare County Public Law Library
Yolo County Law Library
2 individuals

Opposition

None on file

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