

SENATE COMMITTEE ON JUDICIARY

Hon. Jeff King, Chairman
Hon. Greg Smith, Vice Chairman
Hon. David Haley, R.M. Member

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10:30 am
Room 346-S

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TESTIMONY IN SUPPORT OF SB 15

Thank you, Mr. Chairman and this honorable committee for extending the opportunity to present testimony in support of SB 15. Due to my court schedule I cannot appear in person, but the KDJA is represented today by Chief Judge James Fleetwood and Chief Judge Merlin Wheeler. Both are available to testify in person. I am Daniel D. Creitz, Chief Judge of the Thirty-First Judicial District and a member of the Executive Board of the Kansas District Judges Association (KDJA) serving as the KDJA Legislative Co-Chair with Judge James Fleetwood, Chief Judge of the Eighteenth Judicial District. Judge Merlin Wheeler, Chief Judge of the Fifth Judicial District, is also a member of the KDJA Executive Board. The KDJA supports SB 15, but remains steadfastly concerned about the underlying revenue estimates. The KDJA also continues to advocate for funding from the State General Fund but realizes that goal is currently unrealistic and other funding sources must be utilized.

SB 15 would amend last year's session laws, clarifying the definitions of those motions subject to an additional fee. These would not only include "summary judgment motions." SB 15 would add all types of "dispositive motions" including motions to dismiss, motions for judgment on pleadings, motions for summary judgment partial summary judgment, or motions for a judgment as a matter of law.

Prior to July 1, 2015, the two court docket systems used in Kansas did not track the number of “dispositive” or “summary judgment” motions filed in Kansas. Thus, the KDJA was concerned last session about the reliability of the estimates and after six months of tracking the KDJA remains concerned.

The increased fees established last year were estimated by legislative research to total about \$6.1 million. The summary judgment portion of that estimate was \$2,783,050 or about 45% of the total estimate. The fees were effective July 1, 2014, but August 2014 was the first month to include the new fees. To meet the projection from legislative research, an average of \$253,000 per month needs to be collected from August 2014–December 2014, a total of \$1,265,000. But the actual amount collected from August 2014-January 12, 2015 was \$ 76,831 which is about 6% of the projection. The KDJA was concerned about these estimations last year, and now after some history is very concerned that the “dispositive motion” amount is vastly over estimated.

Passage of SB 15 will help ensure that all revenue possible is collected by the courts for “dispositive motions.” This bill would take effect upon publication in the Kansas register, and the KDJA supports quick passage of SB 15.

Thank you for this opportunity to testify on behalf of the KDJA.

Respectfully submitted,

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Chief Judge, Thirty-First Judicial District
KDJA Executive Board Member and Legislative Co-Chair

James Fleetwood
Chief Judge, Eighteenth Judicial District
KDJA Executive Board Member and Legislative Co-Chair

Merlin Wheeler
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