



KANSAS BAR  
ASSOCIATION

TO: The Honorable Marc Rhoades, Chair  
And Members of the House Appropriations Committee

FROM: Joseph N. Molina  
On behalf of the Kansas Bar Association

RE: SB 97 – Extending the Surcharge Fee

DATE: March 29, 2011

Good afternoon Chairman Rhoades and Members of the House Appropriations Committee. I am Joseph Molina and I appear on behalf of the Kansas Bar Association in support of SB 97 as drafted which would extend the current judicial branch surcharge fee till June 30, 2012.

The KBA is acutely aware of the inadequate funding of most governmental agencies and institutions, and it is especially conscious of the continuing struggles facing the Judicial Branch. A properly funded court system ensures a citizen's right to meaningful access to the courts. A properly funded judicial system also allows for the efficient application of the legal process for lawyers and litigants. If the surcharge fee is allowed to sunset on June 30, 2011, the judicial branch could suffer a significant financial hardship and in turn subject Kansans to an inefficient court system.

It is also important to realize that a third increase in the surcharge fee in as many years could have a similar impact as closing courts. The KBA has supported past increases because it would help keep the courts open, however, another increase could force litigants to forgo legal action as the cost would simply be too high. The Judicial Branch is a significant part of Kansas government and funds should be appropriated from the State General Fund. Another increase in the surcharge fee would be another tax on the business community that all Kansans should support through general taxes.

The KBA recognizes and appreciates the steps taken by our Judicial Branch to deal with their fiscal situation. The Judicial branch continues to show sound fiscal discipline by continuing measures designed to weather difficult financial times. The Judicial Branch continues with a hiring freeze from last year, reducing travel and instituted other efficiencies throughout the court system. However, to maintain the level of stability created from past budget saving measures the surcharge fee needs to be maintained.

On behalf of the Kansas Bar Association, I thank you for your time this morning and would be available to respond to questions.

*About the Kansas Bar Association:*

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,200 members, including lawyers, judges, law students, and paralegals. [www.ksbar.org](http://www.ksbar.org)

Appropriations Committee

Date March 29, 2011

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