

KANSAS CREDIT ATTORNEYS ASSOCIATION
KANSAS COLLECTORS ASSOCIATION

HOUSE COMMITTEE ON APPROPRIATIONS

HOUSE BILL NO. 2117 – Judicial court fees on Technology Fund - Opponent

HOUSE BILL NO. 2377 – Judicial Branch Surcharge - Opponent

HOUSE BILL NO. 2338 – Courts, docket fees - Neutral

FEBRUARY 27, 2013

Chairman Rhoades and Members of the House Committee on Appropriations:

I appreciate this opportunity to submit remarks to you on behalf of the Kansas Credit Attorney Association and Kansas Collectors Association. The Kansas Credit Attorneys Association is a statewide organization of attorneys, representing law firms, whose practice includes considerable collection work, and Kansas Collectors Association, Inc., which is an association of collection agencies in Kansas.

The last few legislative sessions have been very difficult on this Committee and many proposals regarding funding of the Court have been considered.

We know that surcharges and fee increases have had a harmful effect on our clients and the courts. While access to the courts is dependent upon revenue, limited actions cases provide more collected revenue than any other category of case filed with the least amount of taxation upon a judge's docket. However, this is changing and will continue to change as the fees disproportionately increase. Recent increases have brought about fewer case filings and have resulted in Court fee revenues declining significantly.

House Bill No. 2117 would transfer legislative authority to the courts regarding the setting of fees. First, we would like to state that we support the Court's request for a State General Fund appropriation to create the electronic document filing system. All Kansan benefit from an efficient court system and it should be funded accordingly. If funding through an appropriation is not an option, then fees established to fund the project should be set by the Legislature. Through the legislative process the affected parties have a chance to be heard and participate in the process - we can testify and then watch you debate in the open. In most cases, the parties have two opportunities to present their case before either the House and Senate. If you cede your authority to the judiciary the setting of fees will occur in a closed setting with no public view, input or inspection. The Technology Fund fee will impact costs to consumers of the Court's services and they should have a voice in that process. Oppose House Bill No. 2117 and keep the role of imposing fees with the Legislature, where the process can be inclusive.

House Bill No. 2377 would extend the judicial branch surcharge for an additional two-years. We would like to note that the surcharge has negatively impacted revenues from limited actions cases – the bread and butter of revenues for the Court. While, counterintuitive the Courts may benefit by decreasing the surcharges and rejecting other increases thereby increasing the volume of limited action activities and the revenues to the Court. Rather than the continued decline, as a result of the prolonged surcharges and fee increases. Oppose House Bill No. 2377 and the continued extension of this surcharge.

House Bill No. 2338 would eliminate division of the dockets fees to non-judicial agencies and non-judicial functions. Our associations have long support this concept and believe that monies collected from the judicial docket fees should be retained for the use of the judicial branch in the performance of their duties. This bill takes a step in that direction, but diverts the fees to the State General Fund, not to a fund for the direct benefit of the Court's operation.

We respectfully request that you consider our remarks as you work your way through these issues.

Thank you again for your time and consideration.

Doug Smith
For the Kansas Credit Attorney Association and Kansas Collectors Association