

February 27, 2013

Chairman Marc Rhoades
House Appropriations Committee

RE: Written Testimony in Opposition to House Bill 2117

Dear Chairman Rhoades:

Thank you for considering this written testimony in opposition to House Bill 2117 ("HB 2117"). Credit Management Services, Inc. opposes HB 2117, for the following reasons.

The proponent has failed to identify the fee amounts to be charged. The proponent of HB 2117 seeks to let the Supreme Court determine the fees to be charged for electronic case filing, motion filing, record access and document access. The Legislature should determine what fees may be charged by Kansas courts. Through the legislative process, interested persons may provide input on any fees charged and justification therefor. Without legislative process in the determination of fees charged by courts, the Supreme Court has free rein to set fees. Further, without identification of the fee amounts to be charged, justification for the bill is mere speculation that an e-filing system will be financed if fees are added to the costs of filing documents and pleadings. Speculation cannot be the basis for sound laws.

Perpetual fees are unjustified. Over time, the efficiency of an electronic filing and document storage system should reduce the courts' resources required for physical filing and document storage. Consequently, funding and other resources currently dedicated to physical filing and document storage should become available for the operation and maintenance costs of electronic filing and storage.

Because the Legislature should determine what fees may be charged by Kansas courts, and because perpetual electronic filing and storage fees are unjustified, I respectfully request that you not pass HB 2117.

Thank you for considering this written testimony in opposition to HB 2117. Please feel free to contact me if you have any questions: (308) 398-3824.

Respectfully submitted by,

CREDIT MANAGEMENT SERVICES, INC.
/s/Brady W. Keith
Assistant General Counsel