

HOUSE COMMITTEE ON JUDICIARY

Hon. John Barker, Chairman
Hon. Charles Macheers, Vice Chairman
Hon. John Carmichael, R.M. Member

March 8, 2016
3:30 p.m.
Room 112-N

Chief Judge Daniel D. Creitz, Thirty-first Judicial District, dancreizt@acdc.kscoxmail.com

NEUTRAL TESTIMONY REGARDING HB 2705

Thank you, Mr. Chairman and this honorable committee for extending the opportunity to present neutral testimony on HB 2705. I am KDJA Legislative Co-Chair, Chief Judge Dan Creitz of the Thirty-first Judicial District.

In 2002, the Judicial Branch was inadequately funded for the entire year. So, Chief Justice McFarland ordered an emergency surcharge to produce the needed revenue. The Legislature responded, indicating that only the Legislature has the power to levy a tax, and further implemented a statutory surcharge. The language from 2009 to present has been very clear that the Legislature sets the upper limits of such surcharge and the Legislature limits the use of the funding to pay for nonjudicial personnel. Further, statutory language has been very clear that the surcharge shall only be established by an act of the Legislature and no other authority is established by law or otherwise to collect a fee. HB 2705 seems to propose a philosophy that is the exact opposite of the Legislature's stated position on the issue.

While the intent of this bill may be positive, more time is needed to examine whether implementation of this bill would have unforeseen consequences. The legislation includes many changes. We would suggest further study of the proposal before moving forward.

Respectfully submitted,

Daniel Dale Creitz
Chief Judge, Thirty-first Judicial District
KDJA Executive Board Member and Legislative Co-Chair