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House Judiciary Committee
Hon. John Barker, Chair

HB 2705 Written Neutral Testimony

Nancy Dixon
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Mr. Chairman and committee members, thank you for the opportunity to provide written testimony regarding HB 2705. The bill would amend, repeal or revive statutes that relate to the determination of docket fees and the entities receiving that money. Therefore, the bill has a great deal to do with the operation of the Judicial Branch.

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.

The Office of Judicial Administration believes such major changes deserve careful study and consideration. It is apparent the measure would make significant changes in the law, but the ramifications of the proposed changes are as yet unknown. I therefore encourage this committee to refer the bill for further study and review.

Thank you again for the opportunity to provide input.