



March 4, 2016

Rep. John Barker, Chairman
Kansas House Judiciary Committee
Room 519-N, State Capitol
Topeka, KS 66612

RE: Opposition to HB 2705

Dear Representative Barker:

I am writing this letter in opposition to HB 2705 on behalf of my client and in my capacity as Assistant General Counsel for Credit Management Services, Inc. Credit Management provides asset recovery services on behalf of over 65 clients across the state of Kansas, including hospitals, medical clinics, and banks. As a user of the Kansas Courts, any changes with regard to docket fees and court costs is of importance to my client, as well as being significant to their clients.

This bill proposes to allow the Kansas Supreme Court to determine the need for and the amount of any docket fees to be charged to the users of the Kansas Courts. Additionally, the Supreme Court may prescribe additional fees and costs to be charged, as it deems to be needed. These changes would provide for NO oversight by the Legislature in determining fees. Obviously this is of great concern as this is the main role of our State Legislature and the Legislature is in a much better position to analyze the need for increased fees and to appropriately appropriate the funds.

One of the defining characteristics of the United States is that the government is divided into three branches: legislative, executive, and judicial. This important decision gives specific powers to each branch, allowing each to make sure that no one branch is able to control too much power. This "checks and balances" system is vital in always providing oversight for the actions of each branch. As written, HB 2705 gives the judicial branch absolute autonomy in determining the amount of any costs to be charged by the court system thereby eliminating the power of the legislative branch.

Giving the Supreme Court this authority could be catastrophic. Businesses in the State of Kansas for which my client provides services to would be adversely affected by a substantial increase in costs. Consumers in the State of Kansas would similarly be adversely affected when those increased costs are passed along to them through the course of litigation. These consumers are already struggling to make ends meet and would now be at the mercy of the court system. These adverse effects are not something that will be contemplated by the Supreme Court at the time of increasing fees, as they would be by the Legislature through its normal process.

105 North Wheeler Street • P.O. Box 1512 • Grand Island, Nebraska 68802
Fax 308-384-5617 • 800-658-4447 • 308-382-3000



Again, I have provided this information in opposition to HB 2705. I also ask that this written testimony be included as part of the permanent record, in regard to testimony on HB 2705. Should you have any questions, please feel free to contact me at (308) 382-3000.

Sincerely,

Drew A. Graham
Assistant General Counsel