

February 1, 2013

House Committee on Judiciary Chairman Lance Kinzer
Kansas State Capitol Room 165-W
Topeka, Kansas 66612

RE: Opposition to House Bill No. 2116 (Amending K.S.A. 2012 Supp. 60-303 and 60-2001 and repealing the existing sections)

Dear Chairman Kinzer:

Credit Management's opposition to H.B. 2116 relates to Sec. 1, p. 2, ll. 33-36 of the bill, amending K.S.A. 2012 Supp. 60-303 by adding subsection "(d)(2)(B)".

If the proponent of H.B. 2116 intends to **describe how the clerk must deliver process to a server for electronically filed cases**, then use of the phrase "service of process" is misplaced. See p. 2, l. 35 of the bill. Methods of serving process are already codified in subsections (c), (d), and (f) of K.S.A. § 60-303. I respectfully request that the Committee strike "service of process" from the bill, and replace with "the clerk to deliver process and petition or other document to the server," at p. 2, l. 35.

If the proponent of the bill intends to **vest in the chief judge of each judicial district the authority to determine how the clerk must deliver process to a server for electronically filed cases**, then I request that the Committee provide a framework to which chief judges must adhere when entering into agreements with local enforcement agencies in order to avoid the implementation of inconsistent or varied procedures among the judicial districts.

If the proponent of the bill intends to **vest in the chief judge of each judicial district the authority to determine the procedure for service of process for electronically filed cases**, then I respectfully request that the Committee reject Sec. 1 of the bill as the procedures for (or "methods of") service of process are already codified in subsections (c), (d), and (f) of K.S.A. § 60-303, and no basis for a new and judicially created method of service is apparent.

In sum, the amendment indicated by Sec. 1 of the bill is unclear as drafted, and otherwise complicates the simple procedure by which a clerk delivers process to a server.

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