



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

May 25, 1982

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ATTORNEY GENERAL OPINION NO. 82- 110

Mr. Benjamin J. Neill
Special Assistant Attorney General
5809 Reeds Road
P. O. Box 1146
Mission, Kansas 66222

Re: Civil Procedure -- Costs -- Filing Fees for Collec-
tion of Delinquent University of Kansas Medical
Center Bills

Synopsis: District court clerks may not require Special
Assistants of the Attorney General filing actions
to collect delinquent debts for the University of
Kansas Medical Center to deposit court costs or
docket fees, as the State of Kansas is exempted
from such filing fees by K.S.A. 60-2005. Cited
herein: K.S.A. 60-2001, 60-2005.

* * *

Dear Mr. Neill:

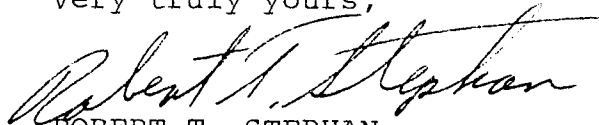
As a Special Assistant Attorney General representing the
University of Kansas Medical Center in the collection of de-
linquent bills, you have requested an opinion of this office
regarding the payment of filing fees to various district court
clerks. You state that some clerks require payment of filing
fees, even though you are filing hospital liens, certified
transcripts in Chapter 61 cases filed as Chapter 60 judgments
and attested copies of journal entries in other counties, as
the representative of a state agency in your official capacity
as Special Assistant Attorney General.

Assuming that, by filing fees, you refer to the docket fees
and court costs authorized by K.S.A. 60-2001, we agree, that
K.S.A. 60-2005 exempts the State of Kansas from otherwise
applicable filing fees. The statute states as follows:

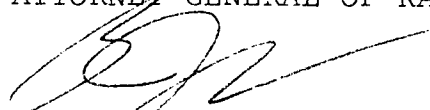
"The state of Kansas and all cities and counties in this state are hereby exempt, in any civil action in which such state, city or county is involved, from depositing court costs or paying docket fees prescribed by any other law of this state, except that if the costs are assessed against the state of Kansas or any city or county in this state in any such action, such costs shall include the amount of the docket fee prescribed by K.S.A. 60-2001 together with any additional court costs accrued in the action."

It is a well established rule of statutory construction in Kansas that specific statutes control over general statutes. See Chelsea Plaza Homes, Inc. v. Moore, 226 Kan. 430 (1979). Therefore, the plain and unambiguous language of K.S.A. 60-2005 exempting the state from depositing the docket fees imposed under K.S.A. 60-2001 is controlling. We find no basis to question that your representation of the University of Kansas Medical Center under special authority of this office occurs in the exercise of the legal rights of the State of Kansas. As such, any civil action filed is an action of the State of Kansas within the meaning of the above-quoted statute. It is thus our opinion that the district court clerks may not require the payment of docket fees for the University of Kansas Medical Center.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Bradley J. Smoot
Deputy Attorney General