

HOUSE APPROPRIATIONS COMMITTEE

Hon. Ron Ryckman, Jr., Chairman
Hon. Sharon Schwartz, Vice Chairman
Hon. Jerry Henry, R.M. Member

March 16, 2015
9:00 am
Room 112-N

Chief Judge Daniel D. Creitz
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TESTIMONY IN SUPPORT OF HB 2365/ HB 2370

Thank you, Mr. Chairman and this honorable committee for extending the opportunity to present testimony in support of the Judicial Branch budget. I am Daniel D. Creitz, Chief Judge of the Thirty-First Judicial District and a member of the Executive Board of the Kansas District Judges Association (KDJA) serving as the KDJA Legislative Co-Chair.

By way of background, I have been a judge for almost 14 years. I was asked to assist with the Judicial Branch budget several years ago, and I have remained actively involved since that time. I understand both the budget and the process. With this background, I stress that the cuts in the FY 2016 and 2017 Governor's recommendations are deep. I greatly appreciate the work of the subcommittee and the full committee to add funding to our FY 2016 and FY 2017 budget, as noted in the attachment.

As was stated in General Government budget testimony, if \$11.4 million is not added to the Judicial Branch budget in FY 2016 and \$16.2 million is not added to the budget in FY 2017, there may be devastating effects to public safety. As noted in earlier subcommittee testimony, approximately 88% of Judicial Branch funding is spent in districts across Kansas to fund the court system locally. We greatly appreciate the action last week of the House Appropriations Committee to add \$6.67 million in State General Fund for FY 2016 and \$11 million in State General Fund that moved us closer to these totals (see Attachment A). We would ask that the committee place these recommendations in HB 2370, the mega budget bill.

The seven Justices across the street will know the effects, but the Supreme Court will not feel them to the extent that each one of you and I will feel them. The impact upon our constituents could be life-changing. The impact on the 1,500 nonjudicial employees could be devastating. Those in the district courts and communities in this state are the ones who will be affected the most by court closures.

During closures there will be no restraining orders. No divorces. No adoptions. No marriage licenses. No cases protecting our children will be filed. If the closure period is extensive, criminal cases may have to be dismissed due to violations of the constitutional right to speedy trial. Traffic tickets will not be filed. Each day the courts are closed, this state will lose about \$600,000 in collections for crime victims, businesses, state agencies, and for the County and State General Funds. The tremendous pain will be felt from Hugoton to Leavenworth, Olathe to Colby. Every community could be impacted (see Attachment B).

The arithmetic is simple. About \$250,000 is saved each day the courts are closed. However, again, \$600,000 in collections for crime victims, businesses, state agencies, and for the County and State General Funds is lost. Even with the appropriations approved by this committee, assuming all projections come to fruition, we still anticipate taking a number of furlough days: approximately \$4.73 million divided by \$250,000 = 19 working days, or 4 weeks. \$5.2 million divided by \$250,000 = 21 working days, or 4 weeks.

The 31 chief judges of this state recommended unanimously to the Supreme Court that “the courts should stay open until we run out of money and then all Kansas courts should be closed for whatever number of days are necessary.” Now, the Supreme Court did not tell the chief judges what they will do. But all 31 chief judges were unanimous in our recommendation. The chief judges, fully understand the potential ramifications. I sincerely hope that you keep these thoughts in mind when you consider our budget.

Closing

Thank you very much for the opportunity to be here today, and I also thank you for your service. I absolutely LOVE serving this great state as a judge. I’ve embraced and learned a lot from my work with all of you. We may not always agree, but we must continue to communicate. I leave you with this thought: The cuts are deep. Without additional appropriations in FY 2016

March 16, 2015

Page 3

and 2017, there will be consequences and potentially major consequences to the public safety of this State. We greatly appreciate the action last week of the House Appropriations Committee to add \$6.67 million in State General Fund for FY 2016 and \$11 million in State General Fund that moved us closer to these totals. We would ask that the committee place these recommendations in HB 2370, the mega budget bill.

Thank you.

HOUSE APPROPRIATIONS RECOMMENDATIONS 3/11/2015 - ATTACHMENT A

FY 2015 - FY 2017 Judicial Branch Changes from the Governor's Recommendation

FY 2015 Gov Rec from Agency	\$	(4,275,352)	FY 2017 Gov Rec from Agency	\$	(29,902,941)
DUI Reinstatements Shortfall		648,204	DUI Reinstatements Shortfall		648,204
Docket Fee Shortfall		3,000,000	Docket Fee Shortfall		4,453,050
Governor KPERS Reduction		673,754	27'th Payroll (SGF ONLY)		4,123,600
	\$	4,321,958	Step Movement		1,152,063
No adjustments were made for FY 2015			80 - 120 Vacant Positions		3,346,485
FY 2016 Gov Rec from Agency	\$	(23,262,340)	KPERS Fringe Increases		1,423,701
DUI Reinstatements Shortfall		648,204	Health Insurance		307,670
Docket Fee Shortfall		3,386,192	Other Fringe Increases		371,528
Step Movement		545,538	Shrinkage Reduction		642,641
80 - 120 Vacant Positions		3,309,619	FY 2015 Merit Increases		360,000
KPERS Fringe Increases		1,306,148	E - Judicial Salary Increase		3,653,770
Judicial Retirement		861,364	E - Non Judicial Salary Increase		6,973,074
Other Fringe Increases		313,367	E - 9 Judges and Staff		971,449
Other Contractual Services		156,000	E - 20 Clerks		837,366
Shrinkage Reduction		1,101,863	Bonus Reduction		(381,993)
FY 2015 Merit Increases		360,000	Governor's Health Insurance Reduction		1,077,136
E - Judicial Salary Increase		1,785,907		\$	29,959,744
E - Non Judicial Salary Increase		6,683,063			\$11,020,083
E - 9 Judges and Staff		939,628	House Appropriations Recommendations - March 11, 2015 House Gen. Gov. Budget Recs - March 4, 2015 1) — A statement recommending legislation striking the one judge per county rule, in order to give flexibility to the Judicial Branch. 2) — In the case that furloughs occur, target furloughs to areas of less need and low filing volume as identified in the WCL study. 3) For FY 16 & FY 17, collect revenue data for dispositive motions (including Motions for Summary Judgment).		
E - 20 Clerks		747,745			
E - Appellate Court Remodel		402,778			
Bonus Reduction		(381,993)			
Governor's Health Insurance Reduction		1,094,918			
	\$	23,260,341			
		\$6,671,275			

Note: Totals do not account for \$3.1 million in restricted spending authority due to E-Filing Management Fund.

no e-courts fill - restriction stays

The Kansas Judicial Branch is an independent co-equal branch of government under the administrative control of the Kansas Supreme Court per Article 3 of the Kansas Constitution.

The Kansas Judicial Branch:

- Employs approximately **1,500 non-judicial employees and 250 judges and justices** who pay mortgages and taxes and who purchase goods and services in Kansas.
- Has 31 Judicial Districts.

The Kansas Judicial Branch provides **equal access to justice for all Kansans** in all 105 counties and **COSTS LESS THAN 1% OF THE STATE GENERAL FUND.**

On the average, every YEAR, the Kansas Judicial Branch:

- Decides **400,000 cases**. In a state with a population of 2.8 million, with at least two parties in each case, Kansas courts affect a significant portion of the population.
- Decides **9,212 probate cases, 104,848 contract and 7,991 property** disputes.
- Protects **12,290 people** by issuing restraining orders.
- Protects **6,176 children** who are in need of care.
- Grants **1,776 adoptions and 12,618 divorces**.
- Disposes **19,540 felony cases and 15,384 misdemeanor cases**.
- Court services officers supervise nearly **17,000 criminal defendants** on probation.

The Kansas Judicial Branch is **ranked 5th most business friendly court system in the country** by the U.S. Chamber Institute for Legal Reform.

Every DAY, the Kansas Judicial Branch:

- Collects approximately **\$600,000** for crime victims, people and companies that are parties to litigation, state agencies, and County and State General Funds.
- Operates with an annual average shortage of at least **80 employees** for the last 5 years.

The base BUDGET for the Kansas Judicial Branch is 96% salaries. The courts' operating costs are paid by Kansas counties.

- The base budget has **NOT** been fully funded **since Fiscal Year 2009**.
- Because the base budget is 96% salary, any cuts directly impact staff in your county.
- Kansas judges have served **without** a salary increase **since 2008**.
- Non-judicial employees served without a pay increase since 2008 until they received a 2% under market increase in 2014; that was offset by an additional 1% retirement cost increase in 2014 and 2015.

(Prepared and distributed by the Kansas District Judges Association, utilizing the 2013 Annual Report of the Kansas Courts, 2014 filing information, FY 2015 Governor's Comparison Report, and the daily collection data is from the Kansas Association of District Court Clerks and Administrators.)