

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 296

As Recommended by Senate Committee on
Ways and Means

Brief*

SB 296 is a bill introduced in 2005 which concerns docket fee increases and salaries of appellate and district court judges. The provisions of the bill are discussed below.

Increase Salaries for All Judges. Statutorily-set base salaries of justices of the Kansas Supreme Court, judges of the Court of Appeals, district court judges, and district magistrate judges would be increased by \$9,000. Salaries that were current in 2005 and proposed salaries are shown below. (Because the law provides that judicial salaries are increased by the same amount as the cost-of-living increases provided to state employees, the current salaries listed below are higher than the base salaries shown in the statute because they have been increased by cost-of-living adjustments over the years.)

<u>Position</u>	<u>2005 Salary</u>	<u>Proposed Salary</u>
Chief Justice of the Supreme Court	\$121,389	\$130,389
Supreme Court Justice	\$118,212	\$127,212
Chief Judge of the Court of Appeals	\$117,134	\$126,134
Court of Appeals Judge	\$114,118	\$123,118
Chief Judge of the District Court	\$104,368	\$113,368
District Court Judge	\$103,232	\$112,232
District Magistrate Judge	\$48,838	\$57,838

Increase District Court Docket Fees. SB 296 would increase docket fees to provide additional revenues to the State General Fund

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

in order to fund the proposed salary increase. The proposed docket fee increases are shown below. (The amount for the current fee does not include the Emergency Surcharge imposed by the Kansas Supreme Court.)

Case Type	Current Fee	Proposed Increase	Total Fee
Civil			
Chapter 60 Actions	\$106	\$39	\$145
Limited Actions Under \$500	\$26	\$2	\$28
Limited Actions Between \$501 and \$5,000	\$46	\$2	\$48
Limited Actions Between \$5,001 and \$10,000	\$76	\$16	\$92
Domestic Relations	\$106	\$39	\$145
Criminal			
Felony	\$147	\$8	\$155
Misdemeanor	\$112	\$8	\$120
Expungements	\$0	\$100	\$100
Traffic	\$55	\$4	\$59
Fish and Game	\$55	\$4	\$59

The bill also would adjust the percentages of docket fees that are remitted to certain state funds so that, if the amount of docket fee revenues were to increase as a result of passage of SB 296, the amount of revenue credited to the various funds would not fluctuate but would remain stable.

Background

In its FY 2006 budget request to the 2005 Legislature, the Judicial Branch requested a 10 percent salary increase for judges of the appellate and district courts, citing information that Kansas ranks

39th among the states in compensation for judges. The budget also contained a \$2,000 increase for each administrative judge of the 31 judicial districts to compensate them for the additional duties they perform. According to the Division of the Budget, the proposed increases would total \$3,167,788 and would be funded from the State General Fund.

Because of concerns about State General Fund revenues, representatives of the Kansas District Judges Association proposed that selected docket fees be increased in order to avoid reducing State General Fund resources. The proposed docket fee increase is expected to generate \$3,197,417, which would offset the increase in salaries. According to information presented to the Senate Ways and Means Committee in 2005 by the Kansas District Judges Association, the proposed docket fee increase would "maintain parity with other costs charged by the federal courts and our sister states."

In a statement issued February 1, 2005, the Kansas Supreme Court made the following comment about the Kansas District Judges Association's proposal: "The Court concludes that it is not opposed to consideration of funding the cost of the salary increase, in whole or in part, through reasonable and appropriate docket fee increases. However, it is important that docket fees not be set at a level that would deny Kansas citizens access to the court system."

The floor amendment added by the Senate changes the proposal from a 10 percent salary increase for all judges to a salary increase of \$9,000 for each judge. In its FY 2007 budget request to the 2006 Legislature, the Judicial Branch once again requests a 10 percent salary increase to be funded from the State General Fund and once again the Kansas District Judges Association proposes that docket fees be increased in order to generate additional revenues to the State General Fund.

(Staff Note: SB 296 is a bill carried over from the 2005 Session which was amended by the Senate Committee of the Whole in 2005. This supplemental note updates the original supplemental note to reflect the Senate's floor amendment. SB 296 is in the House Appropriations Committee and has not been amended during the 2006 Session.)