



SUPREME COURT OF KANSAS
KANSAS JUDICIAL CENTER
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HOUSE APPROPRIATIONS COMMITTEE

Honorable Representative Marc Rhoades, Chair

Testimony in Opposition to HB 2338, As Drafted

February 27, 2013

HB 2338 would amend the cost of specific docket fees and the funds to which docket fees are credited. The bill would remove the percentage split mechanism through which the balance of docket fees remitted to the State Treasurer are credited under current law to the various funds listed in K.S.A. 2012 Supp. 20-367. Also, we believe the intent of the bill would be to credit the remaining balance of the docket fees that are remitted to the State Treasurer to the State General Fund, but the bill does not specify that the remaining *balance* is to be credited to SGF. (See Section 2(g) on page two of the bill.)

Because HB 2338 would remove \$7.8 million from the Judicial Branch budget, with no guarantee that the funding would be returned to the Judicial Branch through the appropriations process, the Judicial Branch opposes HB 2338.

The following table shows all funds and estimated revenue that would no longer be deposited, including those funds appropriated to the Judicial Branch, which are discussed in more detail below.

Fund	Current Percentage	Current Estimate
Access to Justice Fund	4.37%	\$800,763
Juvenile Detention Facilities Fund	2.42%	\$443,443
Judicial Branch Education Fund	1.87%	\$342,661
Crime Victims Assistance Fund	0.50%	\$91,620
Protection from Abuse Fund	2.38%	\$436,114
Judiciary Technology Fund	3.78%	\$692,651
Dispute Resolution Fund	0.30%	\$54,972
Kansas Juvenile Delinquency Prevention Trust Fund	1.10%	\$201,565
Permanent Families Account in the Family and Children's Investment Fund	0.19%	\$34,816

turnover had become such a problem that the level of service was declining to an unacceptable level. To fund the new pay plan, docket fees were increased.

The Nonjudicial Salary Adjustment (NJSA) Fund was authorized by the 2008 Legislature and codified in K.S.A. 20-1a15. Since the adoption of the NJSI in 2000, Judicial Branch salaries had fallen below the market rate. To fund the first year of a three-year plan to raise salaries to the market rate, docket fees were increased by \$9. The revenue was deposited into the NJSA Fund.

The Judiciary Technology Fund was established in 1992. K.S.A. 20-1a12 provides that the fund shall be used to:

1. Establish, operate, and maintain a statewide system of electronic remote access, at no cost to users, to court records that are otherwise publicly available;
2. implement technological improvements in the Kansas court system; and
3. fund meetings of the Judicial Council Technology Advisory Committee.

In recent years, the majority of the Judiciary Technology Fund has been used to fund the software maintenance for FullCourt, the state's case management and accounting system and imaging system. Without this system, 103 counties would be left with no electronic case management and accounting system.

The Judicial Branch Education Fund (K.S.A. 20-1a11) was established for the purpose of educating and training Judicial Branch judges and nonjudicial employees and municipal judges and court staff.

The Dispute Resolution Fund funds the dispute resolution activities authorized by the Dispute Resolution Act, K.S.A. 5-501 *et seq.*

The Permanent Families Account in the Family and Children's Investment Fund, established by K.S.A. 38-1808 shall be used to provide technical assistance to district courts or local groups wanting to establish a local Citizen Review Board (CRB) or Court Appointing Special Advocate (CASA) program; grants to CASA programs; and grants to establish, operate, and evaluate local CRBs.

In addition, **the Access to Justice Fund** is a pass-through fund from which grants are made to provide legal services to low-income Kansans statewide.

Thank you for the opportunity to testify on HB 2338. I would be happy to stand for any questions.