

FY 2013, FY 2014, and FY 2015

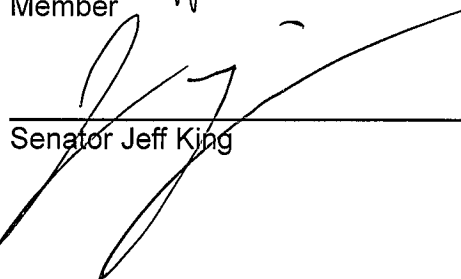
Senate Ways and Means Subcommittee

Judicial Branch  
Judicial Council

  
\_\_\_\_\_  
Senator Steve Fitzgerald, Chair

  
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Senator Michael O'Donnell, Vice-Chair

  
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Senator David Haley, Ranking Minority  
Member

  
\_\_\_\_\_  
Senator Jeff King

Senate Ways and Means Committee  
Date: 02-13-2013  
Attachment #: 2

## Senate Subcommittee Report

**Agency:** Judicial Council

**Bill No.** SB 76

**Bill Sec.** --

**Analyst:** Dear

**Analysis Pg. No.** 341

**Budget Page No.** 160

Expenditure Summary	Agency Estimate FY 2013	Governor Recommendation FY 2013	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	566,986	566,986	0
Subtotal	\$ 566,986	\$ 566,986	\$ 0
<b>Capital Improvements:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ 566,986</b>	<b>\$ 566,986</b>	<b>\$ 0</b>
FTE positions	5.0	5.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>0.0</b>

### Agency Estimate

The **agency** estimates FY 2013 operating expenditures of \$566,986, all from special revenue funds. The estimate is a decrease of \$39,278, or 6.5 percent, below the amount approved by the 2012 Legislature. The 2012 Legislature approved an additional \$84,777 in expenditures for FY 2013 and 1.0 FTE position to hire a staff attorney to assist with work previously completed by Judicial Performance Staff. The funds also provide for additional Judicial Council meetings to complete increasing workload. The Legislature approved a total of 5.0 FTE positions.

### Governor's Recommendation

The **Governor** concurs with the FY 2013 agency estimate.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Judicial Council

**Bill No.** SB 110

**Bill Sec.** 43

**Analyst:** Dear

**Analysis Pg. No.** 341

**Budget Page No.** 160

Expenditure Summary	Agency Request FY 2014	Governor Recommendation FY 2014	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	592,611	592,172	0
Subtotal	\$ 592,611	\$ 592,172	\$ 0
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ 592,611</b>	<b>\$ 592,172</b>	<b>\$ 0</b>
FTE positions	5.0	5.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>0.0</b>

### Agency Request

The **agency** requests FY 2014 operating expenditures of \$592,611, all from special revenue funds. The request is an increase of \$25,625, or 4.5 percent, above the revised FY 2013 estimate. The request includes funding for 5.0 FTE positions.

### Governor's Recommendation

The **Governor** recommends a FY 2014 operating budget of \$592,172 all from special revenue funds, a decrease of \$439, or 0.1 percent, below the FY 2014 agency request. The reduction is attributable to a decrease of \$439 to reflect the Governor's recommendation to reduce the Kansas Public Employees Retirement System (KPERs) death and disability employer contribution rate from the statutory 1.0 percent to 0.85 percent for FY 2014.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Judicial Council

**Bill No.** SB 110

**Bill Sec.** 44

**Analyst:** Dear

**Analysis Pg. No.** 341

**Budget Page No.** 160

Expenditure Summary	Agency Request FY 2015	Governor Recommendation FY 2015	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ --	\$ 0	\$ 0
Other Funds	--	595,181	0
Subtotal	\$ --	\$ 595,181	\$ 0
Capital Improvements:			
State General Fund	\$ --	\$ 0	\$ 0
Other Funds	--	0	0
Subtotal	\$ --	\$ 0	\$ 0
TOTAL	\$ --	\$ 595,181	\$ 0
FTE positions	--	5.0	0.0
Non FTE Uncl. Perm. Pos.	--	0.0	0.0
TOTAL	--	5.0	0.0

### Agency Request

There were no **agency** budget requests made for FY 2015 by any state agencies other than those agencies designated in statute as biennial budget agencies. The Governor's budget recommendations to the 2013 Legislature do, however, include funding recommendations for each state agency for FY 2015.

### Governor's Recommendation

The **Governor** recommends a FY 2015 operating budget of \$595,181 all from special revenue funds, an increase of \$3,009, or 0.5 percent, above the FY 2014 Governor's recommendation. The increase is attributable to employer contributions to the Kansas Public Employee Retirement System. The recommendation includes the continued reduction in the KPERS Death and Disability employer contribution rate from 1.0 to 0.85 percent.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Judicial Branch

**Bill No.** SB 76

**Bill Sec.** 17

**Analyst:** Dear

**Analysis Pg. No.** 319

**Budget Page No.** 152

Expenditure Summary	Agency Estimate FY 2013	Governor Recommendation FY 2013	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 106,179,769	\$ 106,179,769	\$ 0
Other Funds	25,619,670	25,619,670	0
Subtotal	<u>\$ 131,799,439</u>	<u>\$ 131,799,439</u>	<u>\$ 0</u>
<b>Capital Improvements:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 131,799,439</u></u>	<u><u>\$ 131,799,439</u></u>	<u><u>\$ 0</u></u>
FTE positions	1,855.3	1,855.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,855.3</u></u>	<u><u>1,855.3</u></u>	<u><u>0.0</u></u>

### Agency Estimate

The **Judicial Branch** requests revised FY 2013 operating expenditures of \$131.8 million, an increase of \$615,512, or 0.5 percent, above the amount approved by the 2012 Legislature. The revised estimate increase in the State General Fund is due to a supplemental request of \$199,499. The supplemental request corrects a technical error in the FY 2013 approved budget. The Judicial Branch is currently operating with 58 vacant, funded FTE positions for 1,855.3 total FTE.

The revised estimate includes special revenue fund expenditures of \$25.6 million, an increase of \$417,013, or 1.7 percent, above the approved amount.

### Governor's Recommendation

The **Governor** concurs with the FY 2013 Judiciary estimate. The Governor is statutorily required to submit the Judicial Branch Budget to the Legislature as received.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Judicial Branch

**Bill No.** SB 110

**Bill Sec.** 47

**Analyst:** Dear

**Analysis Pg. No.** 319

**Budget Page No.** 152

Expenditure Summary	Agency Request FY 2014	Governor Recommendation FY 2014	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 136,476,702	\$ 123,076,268	\$ (17,146,936)
Other Funds	11,549,410	11,513,513	22,183,359
Subtotal	<u>\$ 148,026,112</u>	<u>\$ 134,589,781</u>	<u>\$ 5,036,423</u>
<b>Capital Improvements:</b>			
State General Fund	\$ 605,712	\$ 261,734	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 605,712</u>	<u>\$ 261,734</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 148,631,824</u></u>	<u><u>\$ 134,851,515</u></u>	<u><u>\$ 5,036,423</u></u>
FTE positions	1,858.3	1,858.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,858.3</u></u>	<u><u>1,858.3</u></u>	<u><u>0.0</u></u>

### Agency Request

The **Judicial Branch** requests a FY 2014 operating budget of \$148.0 million, an all funds increase of \$16.2 million, or 12.3 percent, above the revised FY 2013 agency estimate. The request includes State General Fund expenditures of \$136.5 million, an increase of \$30.3 million, or 28.5 percent, above the revised FY 2013 estimate. The State General Fund increase is attributable to enhancement requests of \$13.6 million, \$11.1 million to offset the expiring Judicial Branch Surcharge Fund, \$2.5 million to fund Non-Judicial personnel, \$1.6 million to offset reduced docket fee revenue and salaries previously funded from the Department for Children and Families (DCF), \$420,000 for the 14th Court of Appeal Judge and Staff, \$630,000 for increased KPERS employers contributions. The request would finance 1,858.3 FTE positions, an increase of 3.0 FTE positions above the revised FY 2013 estimate. The FTE increase is attributable to the hiring of the 14th Court of Appeals Judge and staff.

### Governor's Recommendation

The **Governor** recommends a FY 2014 operating budget of \$134.6 million, including \$123.1 million from the State General Fund. The recommendation is a State General Fund total reduction of \$13.4 million, or 9.8 percent, below the FY 2014 agency request. The State General Fund reduction is attributable to recommendations not to fund the Judiciary enhancement requests totaling \$13.7 million. The Governor's recommendation includes a decrease of \$112,209, including \$105,127 from the State General Fund to reflect the Governor's

recommendation to reduce the Kansas Public Employees Retirement System (KPERS) death and disability employer contribution rate from the statutory 1.0 percent to 0.85 percent for FY 2014.

### **Senate Subcommittee Recommendation**

The **Subcommittee** concurs with the Governor's recommendation with the following adjustments:

1. Delete all statutory transfers processed by the State Treasurer of receipts from the clerks of the District Courts pursuant to KSA 20-367 and KSA 20-362 paragraphs (D), (F) and (G), and deposit all revenue in the newly created Judicial Branch Docket Fee Fund, for FY 2014. This change adopts the Blue Ribbon Commission recommendation that all docket fees should be used to fund the Judicial Branch. The Subcommittee notes that programs outside the Judicial Branch are likely worthy of funding but should be considered in the normal legislative process rather than by a demand transfer of docket fees. Funds impacted include:

- Access to Justice Fund;
- Juvenile Detention Facilities Fund;
- Judicial Branch Education Fund;
- Crime Victims Assistance Fund;
- Protection from Abuse Fund;
- Judiciary Technology Fund;
- Dispute Resolution Fund;
- Kansas Juvenile Delinquency Prevention Trust Fund;
- Permanent Families Account in the Family and Children Investment Fund;
- Trauma Fund;
- Judicial Council Fund;
- Child Exchange and Visitation Centers Fund;
- Judicial Branch Nonjudicial Salary Adjustment Fund;
- Judicial Branch Nonjudicial Salary Initiative Fund;
- Indigents' Defense Services Fund;
- Judicial Branch Surcharge Fund; and

- State General Fund.
2. Appropriate the Judicial Branch Docket Fee Fund for the receipt of Docket Fees for the operational costs of the Judicial Branch for FY 2014.
  3. Add \$22,183,359, all to the Judicial Branch Docket Fee Fund, for the operational costs of the Judicial Branch for FY 2014. This is the amount of Docket Fees which are not currently deposited in funds administered by the Judiciary.
  4. Delete \$11,103,359, all from the Judicial Branch Operations account of the State General Fund, for FY 2014. This offsets the additional expenditure authority granted to the Judicial Branch from Docket Fees deposited into the Judicial Branch Docket Fee Fund.
  5. Delete \$11,080,000, all from the State General Fund, for FY 2014. This amount is the amount of State General Fund added to offset the sunseting Judicial Branch Surcharge.
  6. Add \$1,096,929, all from the State General Fund, to grant the agency enhancement request to implement e-filing for FY 2014.
  7. Add \$3,939,494, all from the State General fund, to grant the agency enhancement request to fund a 5.25 percent undermarket adjustment for non-judicial staff.
  8. Recommend legislation be introduced to extend the Judicial Branch Surcharge at its current level through FY 2015 and remove the statutory transfers from Docket Fees to the special revenue fund accounts listed above.



## Senate Subcommittee Report

**Agency:** Judicial Branch

**Bill No.** SB 110

**Bill Sec.** 48

**Analyst:** Dear

**Analysis Pg. No.** 319

**Budget Page No.** 152

Expenditure Summary	Agency Request FY 2015	Governor Recommendation FY 2015	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ --	\$ 123,713,222	\$ (22,183,359)
Other Funds	--	11,556,502	22,183,359
Subtotal	\$ --	\$ 135,269,724	\$ 0
Capital Improvements:			
State General Fund	\$ --	\$ 0	\$ 0
Other Funds	--	0	0
Subtotal	\$ --	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ --</b>	<b>\$ 135,269,724</b>	<b>\$ 0</b>
FTE positions	--	1,858.3	0.0
Non FTE Uncl. Perm. Pos.	--	0.0	0.0
<b>TOTAL</b>	<b>--</b>	<b>1,858.3</b>	<b>0.0</b>

### Agency Request

There were no **agency** budget requests made for FY 2015 by any state agencies other than those agencies designated in statute as biennial budget agencies. The Governor's budget recommendations to the 2013 Legislature do, however, include funding recommendations for each state agency for FY 2015.

### Governor's Recommendation

The **Governor** recommends a FY 2015 operating budget of \$135.3 million, including \$123.7 million from the State General Fund. The recommendation is an increase of \$679,943, or 0.5 percent, and State General Fund increase of \$636,954, or 0.5 percent, above the FY 2014 Governor's recommendation. The increase is attributable to higher employer contributions to the Kansas Public Employee Retirement System. The Governor continues to recommend a reduced employe contribution rate for death and disability insurance.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation with the following adjustments:

1. Delete all statutory transfers processed by the State Treasurer of receipts from the clerks of the District Courts pursuant to KSA 20-367 and KSA 20-362 paragraphs (D), (F) and (G), and deposit all revenue in the newly created Judicial Branch Docket Fee Fund, for FY 2015. This change adopts the Blue Ribbon Commission recommendation that all docket fees should be used to fund the Judicial Branch. The Subcommittee notes that programs outside the Judicial Branch are likely worthy of funding but should be considered in the normal legislative process rather than by a demand transfer of docket fees. Funds impacted include:
  - Access to Justice Fund;
  - Juvenile Detention Facilities Fund;
  - Judicial Branch Education Fund;
  - Crime Victims Assistance Fund;
  - Protection from Abuse Fund;
  - Judiciary Technology Fund;
  - Dispute Resolution Fund;
  - Kansas Juvenile Delinquency Prevention Trust Fund;
  - Permanent Families Account in the Family and Children Investment Fund;
  - Trauma Fund;
  - Judicial Council Fund;
  - Child Exchange and Visitation Centers Fund;
  - Judicial Branch Nonjudicial Salary Adjustment Fund;
  - Judicial Branch Nonjudicial Salary Initiative Fund;
  - Indigents' Defense Services Fund;
  - Judicial Branch Surcharge Fund; and
  - State General Fund.
2. Appropriate the Judicial Branch Docket Fee Fund for the receipt of Docket Fees for the operational costs of the Judicial Branch for FY 2015.
3. Add \$22,183,359, all to the Judicial Branch Docket Fee Fund, for the operational costs of the Judicial Branch for FY 2014. This is the amount of Docket Fees which are not currently deposited in funds administered by the Judiciary.

4. Delete \$11,103,359, all from the Judicial Branch Operations account of the State General Fund, for FY 2014. This offsets the additional expenditure authority granted to the Judicial Branch from Docket Fees deposited into the Judicial Branch Docket Fee Fund.
5. Delete \$11,080,000, all from the State General Fund, for FY 2014. This amount is the amount of State General Fund added to offset the sunsetting Judicial Branch Surcharge.