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MEMORANDUM

To: Chairman Masterson and members of the Senate Ways and Means
Committee

From: Jill Wolters, First Assistant Revisor

Date: February 27, 2013

Subject: SB 218, docket fees and the judicial branch docket fee fund

Senate bill 218 was introduced as part of the subcommittee report on the Judicial Branch. The report adopts the finding of the Blue Ribbon Commission, with minor changes, that stated "The Supreme Court should promote legislation to require all docket fees without exception to go to the Judicial Branch."

SB218 creates the judicial branch docket fee fund (administered by the Chief Justice of the Kansas Supreme Court), and docket fees and the surcharge would be deposited into this fund. The bill abolishes the judicial branch surcharge fund. The bill repeals K.S.A. 20-367 which currently distributes a portion of the docket fees to the following funds (administering agency):

- (1) 4.37% to the access to justice fund; (Judicial Branch)
- (2) 2.42% to the juvenile detention facilities fund; (JJA)
- (3) 1.87% to the judicial branch education fund; (Judicial Branch)
- (4) .50% to the crime victims assistance fund; (AG)
- (5) 2.38% to the protection from abuse fund; (AG)
- (6) 3.78% to the judiciary technology fund; (Judicial Branch)
- (7) .30% to the dispute resolution fund; (Judicial Branch)
- (8) 1.10% to the Kansas juvenile delinquency prevention trust fund; (JJA)
- (9) .19% to the permanent families account in the family and children investment fund; (OJA)
- (10) 1.31% to the trauma fund; (KDHE)
- (11) .99% to the judicial council fund; (Judicial Branch)
- (12) .60% to the child exchange and visitation centers fund; (AG)
- (13) 16.03% to the judicial branch nonjudicial salary adjustment fund; (Judicial Branch)
- (14) 15.85% to the judicial branch nonjudicial salary initiative fund. (Judicial Branch)

All such funds would no longer receive moneys from the docket fees pursuant to this bill. All moneys which previously went to these funds would go to the judicial branch docket fee fund.

Currently, K.S.A. 20-362 deposits certain amounts in the following funds from docket fees: \$5 or \$10 in the county general fund based on the case filed; \$.50 to \$10, depending on the county, in the county law library fund based on the case filed (Johnson and Sedgwick county may charge an additional \$4 maximum); \$1 or \$2 in the prosecuting attorneys' training fund in each county based on the case filed; \$.50 to the indigents' defense services fund; and \$15 to the law enforcement training center fund. Pursuant to this bill, all funds except the indigents' defense services fund would retain their portion of the docket fees. The indigents' defense services fund portion would go to the judicial branch docket fee fund.

The bill also extends the judicial branch surcharge for two years. This fee is in addition to the docket fee, driving privilege's reinstatement fee, wildlife, parks and tourism reinstatement fee, lien statement filing and is imposed on marriage licenses.

If enacted, these amendments will take effect on and after July 1, 2013.