

February 7, 2014

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 313 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 313 is respectfully submitted to your committee.

SB 313 would create the Electronic Filing and Management Fee Fund in the state treasury, which would be used to create, implement and manage the Judicial Branch electronic filing and management system (e-filing). Vouchers submitted for payment through this fund would require approval by the Chief Justice or his designee. During FY 2015, FY 2016, and FY 2017, the first \$3.1 million in revenues from docket fees would be credited to this fund; and beginning in FY 2018, and each subsequent year, the fund would receive the first \$1.0 million. The remaining amount would be distributed to various funds based on certain percentages as reflected in current statute.

Under SB 313, docket fees for expungement petitions would increase from \$100 to \$176. The bill would extend the ability of the Supreme Court to impose a surcharge on juvenile expungement petitions of no more than \$19 per case from July 1, 2013 through July 1, 2015. Beginning July 1, 2014, docket fees for a prosecuting witness or defendant who is adjudged to pay the costs of an action involving violations of laws regulating traffic on highways; moving traffic violations; cigarette or tobacco infractions; and any act made a crime under Chapter 32 or Chapter 82a, Article 8 of the *Kansas Statutes Annotated* would increase from \$74 to \$86. With the enactment of SB 313, the following rules related to docket fees for appeals filed with the Court of Appeals or the Supreme Court would apply:

1. Beginning July 1, 2014, the docket fee to file an appeal would increase from \$125 to \$145, though a poverty affidavit may be filed in lieu of the fee;
2. From July 1, 2014 through July 1, 2015, the Supreme Court may impose an additional charge of no more than \$10 to fund the cost of nonjudicial personnel; and

3. The Clerk of the Supreme Court would remit the fees to the State Treasurer for disbursement.

Other provisions found in SB 313 which would affect docket fees are reflected below:

1. The docket fee for decrees in probate from another state would increase from \$108.50 to \$173;
2. The docket fee for civil cases would increase from \$156 to \$173, and a surcharge of no more than \$22 per fee from July 1, 2013 through July 1, 2015 would be retained;
3. A fee of \$195 would be imposed for filing a summary judgment motion in both civil and limited action cases;
4. A fee of \$7.50 would be imposed on any party requesting an order of garnishment, in addition to a surcharge of no more than \$12.50, from July 1, 2014 through July 1, 2015, to fund the cost of nonjudicial personnel; and
5. The docket fee for filing a small claim authorized by legislative enactment would decrease from \$37 to \$35 if the claim does not exceed \$500; and from \$57 to \$55 if the claim does exceed \$500.

Finally, the bill would make a number of technical corrections to replace references to the Department of Social and Rehabilitation Services with the Department for Aging and Disability Services.

Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	\$5,900,000
Expenditure	--	--	--	\$4,896,603
FTE Pos.	--	--	--	1.00

The Office of Judicial Administration (OJA) estimates that the provisions in SB 313 which increase certain docket fees and impose new fees would increase Judicial Branch revenues by \$5.9 million in FY 2015. Of the amount, the first \$3.1 million would be credited to the Judiciary's Electronic Filing and Management Fee Fund. The remaining \$2.8 million would be distributed based on a proviso currently in effect through FY 2015 that removes a percentage split mechanism through which docket fees are disbursed to a number of state agencies, and credits all revenues from docket fees to the Judicial Branch. Under this proviso, the Judicial

Branch would receive the following distributions: \$2,772,280 or 99.01 percent to the Judicial Branch Docket Fee Fund, and \$27,720 or 0.99 percent to the Judicial Council Fund.

In FY 2016 and FY 2017, the first \$3.1 million would be credited to the Judiciary's Electronic Filing and Management Fee Fund and the remaining \$2.8 million would be distributed as follows:

<u>Fund</u>	<u>Percentage</u>	<u>Estimate</u>
Access to Justice Fund	4.37	122,360
Juvenile Detention Facilities Fund	2.42	67,760
Judicial Branch Education Fund	1.87	52,360
Crime Victims Assistance Fund	0.50	14,000
Protection from Abuse Fund	2.38	66,640
Judiciary Technology Fund	3.78	105,840
Dispute Resolution Fund	0.30	8,400
Kansas Juvenile Delinquency Prevention Fund	1.10	30,800
Permanent Families Account in the Family and Children's Investment Fund	0.19	5,320
Trauma Fund	1.31	36,680
Judicial Council Fund	0.99	27,720
Child Exchange & Visitation Centers Fund	0.60	16,800
Judicial Branch Nonjudicial Salary Adjustment Fund	16.03	448,840
Judicial Branch Nonjudicial Salary Initiative Fund	15.85	443,800
State General Fund	<u>48.31</u>	<u>1,352,680</u>
Total	100.00	2,800,000

Beginning in FY 2018, the first \$1.0 million would be credited to the Judiciary Electronic Filing and Management Fee Fund and the remaining \$2.8 million would be distributed to various state agencies based on the percentages listed above.

The Department of Revenue estimates that SB 313 would increase expenditures by approximately \$4.9 million in FY 2015. Included in the Department's estimate is \$20,000 in additional costs to the agency for as many as 1,000 garnishment actions which would be subject to the \$7.50 and \$12.50 fees created in in the bill. The Department also estimates that the additional work associated with new garnishment fees would require \$53,685 to hire 1.00 Revenue Customer Representative FTE position. In addition, the Department estimates the increases in docket fees for civil cases could increase costs with regard to tax warrants by approximately \$4.8 million. The Department estimates that fees associated with filing motions for summary judgment would increase costs by \$68,250; and the increased fees to file an appeal with the Court of Appeals would increase its cost by \$1,933.

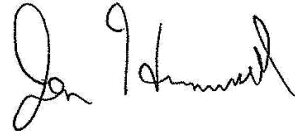
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The Attorney General indicates that enactment of SB 313 could be challenged in court thereby increasing its expenses under the Kansas Tort Claim Act, but those costs cannot be determined. Any fiscal effect associated with SB 313 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,  
Interim Director of the Budget

cc: Mary Rinehart, Judiciary  
Melissa Wangemann, KAC  
Pat Scalia, BIDS  
Jeremy Barclay, KDOC  
Willie Prescott, Attorney General's Office  
Janelle Williams, Judicial Council  
Dawn Palmberg, Labor  
Aaron Dunkel, KDHE