

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 218

As Amended by Senate Committee of the Whole

Brief*

SB 218, as amended, would authorize the current Judicial Branch surcharge for two additional years, through July 1, 2015. The bill also would remove the percentage split mechanism through which portions of docket fees are credited to a number of state funds. The balance instead would be deposited in the Judicial Branch Docket Fee Fund, which the bill would create. Judicial Branch surcharge revenues also would be deposited in this Fund.

These funds would be impacted: 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, Child Exchange Visitation Centers Fund, Judicial Branch Non-Judicial Salary Adjustment Fund, and Judicial Branch Non-Judicial Salary Initiative Fund.

The Judicial Council Fund would be exempted from the provisions of the bill and would continue to receive a distribution of docket fees as established in statute.

The fee currently providing revenue to the Indigents' Defense Services Fund would be eliminated by the bill; and the bill would make a technical correction to remove language authorizing an application fee of \$25 for a written request to have driving privileges restricted, rather than suspended, for

*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>

failure to comply with traffic citations. This provision expired on January 1, 2012.

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

Background

In the Senate Ways and Means Committee, a representative of the Judicial Branch offered written testimony in support of the bill. The Judicial Branch indicated the continuation of the surcharge was important to continued funding of the courts, but expressed some concerns with the language in the bill; specifically, that the bill imposed the same limitations on the Docket Fee Fund as were in current law upon the Judicial Branch Surcharge Fund. A representative of the Kansas Credit Attorney Association offered testimony in opposition to the bill, stating the surcharge negatively impacts limited action cases resulting in a net reduction in total docket fee revenue.

A representative of the Kansas Attorney General's Office offered written testimony neutral to the bill. The Kansas Attorney General's Office expressed concern that the bill would direct docket fees to the Judicial Branch rather than depositing the revenue within the funds within the Attorney General's Office.

Representatives of the Family Crisis Center, Harvey County, Kansas Coalition Against Sexual and Domestic Violence, Kansas Legal Services, and Safehomes testified in opposition to the bill. Each of the non-state agencies listed above indicated the bill jeopardized the funding for the operations of their respective organizations.

The Senate Ways and Means Committee amended the bill to remove restrictions on the Judicial Branch Docket Fee

Fund and allow the agency to expend the funds for purposes other than non-judicial salaries. The amendment also clarified that the Docket Fee Fund would receive the balance of all docket fees remitted by the District Court Clerks.

The Senate Committee of the Whole amended the bill to exempt the Judicial Council Fund from the provisions of the bill. Under the amended bill, the Judicial Council Fund will continue to receive a distribution of docket fees as established in statute.

According to the fiscal note prepared by the Division of the Budget, passage of the bill, as introduced, would have a fiscal effect on revenues for the Judicial Branch and other state agencies. In FY 2012, the Judicial Branch surcharge generated \$10.4 million; in FY 2013, the Judicial Branch estimates it will generate \$10.2 million in receipts. The passage of the bill would continue the surcharge revenue for FY 2014 and FY 2015 and direct it to the Judicial Branch Docket Fee Fund.

The Office of Judicial Administration estimates the docket fee revenue in FY 2014 will be \$18.3 million. Of that total, \$7.8 million would be credited to funds within the Judicial Branch, \$1.7 million would go to other state and local agencies, and \$8.8 million would go to the State General Fund. Passage of the bill would result in the entire amount of revenue going to the Judicial Branch. This would reduce revenues to a number of other agencies in state government, including the Judicial Council, the Office of the Attorney General, and the Kansas Department of Health and Environment, as well as grant funding to local agencies and organizations.