

HOUSE COMMITTEE ON JUDICIARY

Hon. John Barker, Chairman
Hon. Charles Macheers, Vice Chairman
Hon. John Carmichael, R.M. Member

March 10, 2015
3:30 pm
Room 112-N

Chief Judge Daniel D. Creitz
Thirty-First Judicial District
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WRITTEN TESTIMONY IN SUPPORT OF SB 44

Thank you, Mr. Chairman and this honorable committee for extending the opportunity to present testimony in support of SB 44. Due to my court schedule I cannot appear in person. I am Daniel D. Creitz, Chief Judge of the Thirty-First Judicial District and a member of the Executive Board of the Kansas District Judges Association (KDJA) serving as the KDJA Legislative Co-Chair with Judge James Fleetwood, Chief Judge of the Eighteenth Judicial District. The KDJA strongly supports SB 44.

SB 44 would amend K.S.A. 20-1a16 passed last session which created the electronic filing management fund. SB 44 would allow the Chief Justice of the Supreme Court to utilize funds in the electronic filing and management fund to cover a portion of the projected Judicial Branch budget shortfall for this fiscal year ending June 30, 2015. Passage of SB 44 would have no affect on the State General Fund and also will not impact the implementation of E-Courts in Kansas.

The provisions of Section 1 of this bill were made law in H. Sub. SB 4 earlier this session (see attachment). However, SB 44 reflects the change in statute. With this change, assuming current judicial branch revenues remain stable at current levels and assuming that no additional cuts are made to the judicial branch budget in FY 2015, then the KDJA is optimistic that court closures will be avoided in FY 2015.

The Senate passed SB 44 unanimously after a technical amendment was added in committee. The House vote on the rescission bill was 88 to 34. We ask that you consider this bill favorably. Thank you for this opportunity to testify on behalf of the KDJA.

Respectfully submitted,

Daniel Dale Creitz
Chief Judge, Thirty-First Judicial District
KDJA Executive Board Member and Legislative Co-Chair

James Fleetwood
Chief Judge, Eighteenth Judicial District
KDJA Executive Board Member and Legislative Co-Chair

from the state treasurer operating fund of the state treasurer to the state general fund.

Sec. 26.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the operating expenditures account of the health care stabilization fund is hereby decreased from \$1,829,215 to \$1,816,392.

Sec. 27.

JUDICIAL COUNCIL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the judicial council fund of the judicial council is hereby decreased from \$182,278 to \$181,411.

Sec. 28.

JUDICIAL BRANCH

(a) On the effective date of this act, of the \$2,000,000 appropriated for the above agency, for the fiscal year ending June 30, 2015, by section 1(a) of chapter 82 of the 2014 Session Laws of Kansas from the state general fund in the judiciary operations account, the sum of \$673,754 is hereby lapsed.

(b) During the fiscal year ending June 30, 2015, the chief justice of the Kansas supreme court may transfer any funds from the electronic filing and management fund to the judicial branch docket fee fund. The chief justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 29.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established for the above agency for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the agency operations account of the expense reserve of the Kansas public employees retirement system is hereby decreased from \$12,088,362 to \$12,017,048.

(b) Notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports: (1) On the effective date of this act, shall transfer \$7,000,000 from the Kansas endowment for youth fund to the state general fund; and (2) on April 20, 2015, or as soon thereafter as moneys are available, shall transfer \$5,000,000 from the Kansas endowment for youth fund to the state general fund.

Sec. 30.

CITIZENS' UTILITY RATEPAYER BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the utility regulatory fee fund of the citizens' utility ratepayer board is hereby decreased from \$919,678 to \$914,807.

Sec. 31.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures..... \$2,498,714

(b) On the effective date of this act, of the \$600,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 112(c) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the public broadcasting council grants account, the sum of \$12,000 is hereby lapsed.

(c) (1) On or before June 30, 2015, the secretary of administration (A) shall determine the amount of moneys appropriated in each account of the state general fund appropriated for fiscal year 2015 for the cabinet agency that are not required to be expended or encumbered for an information technology project for the fiscal year ending June 30, 2015, and (B) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2015, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by the secretary of administration pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*, That, at the same time as the director of the budget transmits each such certification to the direc-

tor of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(2) As used in this subsection, "cabinet agency" means (A) the department of administration, (B) the department of revenue, (C) the department of commerce, (D) the department of labor, (E) the department of health and environment, (F) the Kansas department for aging and disability services, (G) the Kansas department for children and families, (H) the department of corrections, (I) the adjutant general, (J) the Kansas highway patrol, (K) the Kansas department of agriculture, (L) the Kansas department of wildlife, parks and tourism, and (M) the department of transportation.

Sec. 32.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the BOTA filing fee fund of the state board of tax appeals is hereby decreased from \$1,008,421 to \$1,000,762.

Sec. 33.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2015, by the state finance council by section 109(e) of chapter 142 of the 2014 Session Laws of Kansas on the division of vehicles operating fund of the department of revenue is hereby decreased from \$48,116,402 to \$46,766,956.

(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or of any other statute, the director of accounts and reports shall transfer \$1,219,827 from the division of vehicles operating fund of the department of revenue to the state general fund.

(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-5159, and amendments thereto, or of any other statute, the director of accounts and reports shall transfer \$4,000,000 from the division of vehicles modernization fund of the department of revenue to the state general fund.

Sec. 34.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 120(b) of chapter 136 of the 2013 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2015, is hereby increased from \$72,300,000 to \$72,500,000.

Sec. 35.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$9,162,358 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$302,518 is hereby lapsed.

(b) On the effective date of this act, of the \$253,139 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the older Kansans employment program account, the sum of \$118 is hereby lapsed.

(c) On the effective date of this act, of the \$1,831,012 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account, the sum of \$2,599 is hereby lapsed.

(d) On the effective date of this act, of the \$8,100 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the senior community service employment program account, the sum of \$49 is hereby lapsed.

(e) On the effective date of this act, of the \$100,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$233 is hereby lapsed.

(f) On the effective date of this act, of the \$186,205 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the governor's council of economic advisors account, the sum of \$244 is hereby lapsed.

(g) On the effective date of this act, of the \$1,568,648 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(b) of chapter 136 of the 2013 Session Laws of Kansas from the state

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