

FY 2015 - FY 2017 Judicial Branch Changes from the Governor's Recommendation

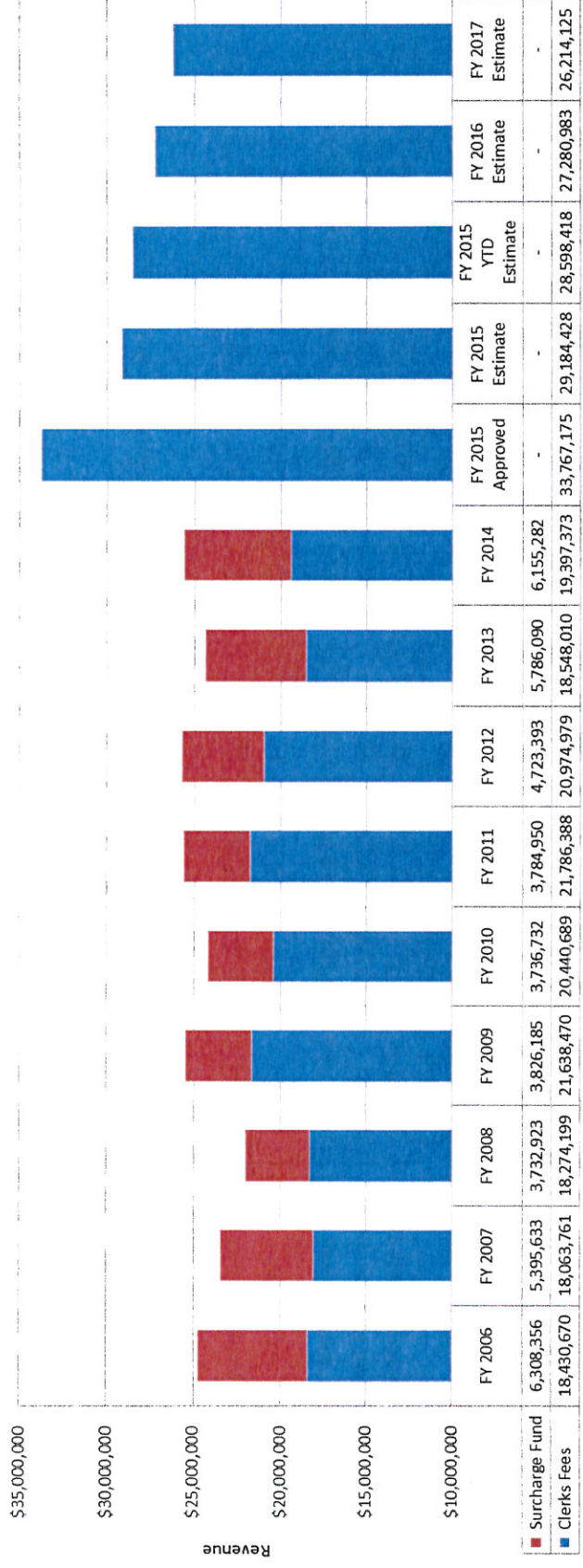
FY 2015 Gov Rec from Agency	\$ (4,275,352)	FY 2017 Gov Rec from Agency	\$ (29,902,941)
DUI Reinstatements Shortfall	648,204	DUI Reinstatements Shortfall	648,204
Docket Fee Shortfall	3,000,000	Docket Fee Shortfall	4,453,050
Governor KPERS Reduction	673,754	27'th Payroll (SGF ONLY)	4,123,600
	\$ 4,321,958	Step Movement	1,152,063
		80 - 120 Vacant Positions	3,346,485
		KPERS Fringe Increases	1,423,701
FY 2016 Gov Rec from Agency	\$ (23,262,340)	Health Insurance	307,670
DUI Reinstatements Shortfall	648,204	Other Fringe Increases	371,528
Docket Fee Shortfall	3,386,192	Shrinkage Reduction	642,641
Step Movement	545,538	FY 2015 Merit Increases	360,000
80 - 120 Vacant Positions	3,309,619	E - Judicial Salary Increase	3,653,770
KPERS Fringe Increases	1,306,148	E - Non-Judicial Salary Increase	6,973,074
Judicial Retirement	861,364	E - 9 Judges and Staff	971,449
Other Fringe Increases	313,367	E - 20 Clerks	837,366
Other Contractual Services	156,000	Bonus Reduction	(381,993)
Shrinkage Reduction	1,101,863	Governor's Health Insurance Reduction	1,077,136
FY 2015 Merit Increases	360,000		\$ 29,959,744
E - Judicial Salary Increase	1,785,907	SWAM Review at Omnibus	8,627,002
E - Non-Judicial Salary Increase	6,683,063		
E - 9 Judges and Staff	939,628		
E - 20 Clerks	747,745		
E - Appellate Court Remodel	402,778		
Bonus Reduction	(381,993)		
Governor's Health Insurance Reduction	1,094,918		
	\$ 23,260,341		
SWAM Review at Omnibus	4,304,935		

Note: Totals do not account for \$3.1 million in restricted spending authority due to E-Filing Management Fund.

1. Add language allowing the agency to transfer funds from the Electronic Filing Management Fund to the Docket Fee Fund for FY 2016.

2. Docket Fee Shortfall reduced to \$2.3 million in FY 2016 and \$3.2 million in FY 2017 from additional revenue of \$574,000 from Senate Bill 15 which imposes a new docket fee on dispositive motions. The estimate for lower revenue assumes a reduction rate of 3.0 percent from FY 2015 to FY 2016 rather than 6.5 percent in the original Judicial Branch estimate.

FY 2006 - FY 2017 Estimated Docket and Surcharge Revenue



NOTES: Excludes Appellate Court Docket Fees (Approximately \$53,000 per year); the Judicial Branch Surcharge increased by 25% in FY 2012. The 2011 Legislature transferred \$778,518 into the Judicial Branch Surcharge fund from the Judicial Performance Program; docket fees include revenue of \$3.1 million which is deposited in the E-Filing Mgt. Fund starting in FY 2015; starting in FY 2015 the Judicial Branch Surcharge is deposited in the Docket Fee Fund.

The Legislature estimated the Docket Fee fund would generate \$33.8 million for FY 2015. The Judicial Branch budget estimates that total docket fee revenue for FY 2015 will be \$29.2 million, a reduction of \$4.6 million. The Judicial Branch estimate is an increase of approximately \$3.6 million from the FY 2014 actual receipts.

Through January of FY 2015, docket fee receipts are currently estimated to total approximately \$28.6 million) a reduction of \$5.2 million from the FY 2015 approved budget (includes the transfer of the carryover balance from the Surcharge Fund).

After FY 2015, the Judicial Branch is estimating declining revenue of approximately 5.0 percent per year.

Summary Judgment Motions. The fee for summary judgments was set at \$195 starting in FY 2015, the amount of the adjusted docket fee for a Chapter 60 filing plus the surcharge. This increase was projected to produce \$2.8 million on estimated filings of 14,272. Due to a 30 day lag period between filing and collection, no collections on summary judgments were executed in July. In August through January, summary judgment motions have averaged 67 per month. If this rate is sustained the Judicial Branch can anticipate charging the revised fee on 804 filings, substantially lower than the projected 14,272 filings. Under this assumption the Motions for Summary Judgment will generate approximately \$165,000 in Docket Fee revenue during FY 2015.

The institution of a fee on summary judgment motions has clearly resulted in a change in behavior by the civil litigants. In FY 2013, there were 529 cases resulting in termination from summary judgment motions in Chapter 60 cases. The total number of motions filed was presumably quite a bit higher due to unsuccessful motions. Litigants are clearly seeking alternative means to terminate cases. This has a positive impact on Judicial proceedings as it eliminates the “case with a case” proceeding required to hear a summary judgment motion.

Traffic Citations. The Legislature increased the court costs in traffic cases by \$12.00. There is also a \$22.0 surcharge for a total court cost on traffic fines of \$108. The increase was projected to net \$1.9 million in increased revenue. Over the last five years, traffic violations by the Kansas Highway Patrol alone have ranged from 15,793 in CY 2011 to 16,984 in CY 2012. This is a range of 1,191 citations. Kansas averages about 170,000 moving violations per year; however the degree of fluctuation is significant from year to year, similar to the Highway Patrol.

Additionally, there can be a significant time lag between the issuance of a citation and the collection of the court fee which may be impacting collections.

Orders for Garnishment. The 2014 Legislature imposed a new \$7.50 fee on Orders for Garnishment. Through January garnishment orders have generated \$69,749.50. The Judicial Branch estimates that Garnishment orders will generate \$119,570 in FY 2015. Garnishment orders were originally estimated to generate \$518,985 starting in FY 2015.

DUI Reinstatement Fees. DUI Reinstatement fees were increased by the Legislature and deposited in the Judicial Branch to fund a 2.0 percent across the board salary increase for non-Judicial personnel. The revenue projection from the Department of Revenue projected revenue of \$1.4 million from increased fees for DUI reinstatement. The Judicial Branch is currently projecting revenue of \$836,136, a reduction of over 40.0 percent from projected receipts.

The Department of Revenue processed 3,301 reinstatements in calendar year 2012, 2,744 in calendar year 2013, and 3,049 in calendar year 2014. The increased reinstatement fees have not had a substantial impact on the number of reinstatements processed; however, the Department of Revenue has not realized the full additional revenue from doubling the fees. During the first six month of FY 2015, fees from DUI reinstatements have increased by approximately 25.0 percent.