

Judicial Branch—FY 2016 and FY 2017 Appropriations, Electronic Filing and Management Fund, Docket Fee Fund, Judicial Branch Surcharge Sunset Extension, Dispositive Motion Filing Fee; HB 2005

HB 2005 appropriates \$131.2 million, including \$101.9 million from the State General Fund in FY 2016, and \$138.5 million, including \$105.7 million from the State General Fund, in FY 2017 all from the State General Fund, for Judicial Branch operations. Additionally, the bill creates or amends law related to docket fees, dispositive motion filing fees, and the Electronic Filing and Management Fund.

The provisions of the bill are non-severable internally and non-severable from the provisions of 2014 Senate Sub. for HB 2338, unless the appropriations to the Judicial Branch for FY 2016 or FY 2017 are reduced below the amounts appropriated in the bill by another act of the 2015 or 2016 regular session of the Legislature.

Appropriations

FY 2016. The bill appropriates \$131.2 million, including \$101.9 million from the State General Fund (an SGF reduction of \$18.0 million, or 12.3 percent, from the FY 2016 Judicial Branch budget request). The bill adds \$5.2 million, all from the State General Fund, to the FY 2016 Governor's recommendation. The bill extends the authority from FY 2015 into FY 2016 for the Chief Justice to transfer funds from the Electronic Filing and Management Fund to the Judicial Branch Docket Fee Fund with notice provided to the Director of Legislative Research.

Major changes include:

- An increase of \$3.5 million, all from the State General Fund, for reduced docket fee and DUI Reinstatement Fee revenue in FY 2016;
- An increase of \$2.5 million, all from the State General Fund, for employer retirement contributions and other fringe benefit costs;
- An increase of \$156,000 for contractual services expenditures for in-state travel, training, and Office of Information Technology Services (OITS) fees; and
- A reduction of \$1.1 million, including \$882,275 from the State General Fund, for implementation of SB 228, which reduces employer contributions for employee retirement.

FY 2017. The bill appropriates \$138.5 million, including \$105.7 million from the State General Fund (an SGF reduction of \$20.9 million, or 13.1 percent, from the FY 2017 Judicial Branch budget request). The bill adds \$9.0 million, all from the State General Fund, to the FY 2017 Governor's recommendation.

Major changes include:

- An increase of \$4.5 million, all from the State General Fund, for reduced docket fee and DUI Reinstatement Fee revenue;
- An increase of \$2.1 million, all from the State General Fund, for employer retirement contributions and other fringe benefit costs;
- An increase of \$4.1 million, all from the State General Fund, for expenditures related to the 27th payroll; and
- A reduction of \$2.1 million, including \$1.8 million from the State General Fund, for implementation of SB 228, which reduces employer contributions for employee retirement.

Statutory Fee and Fund Provisions

The bill extends for two years, until June 30, 2017, the Judicial Branch surcharge the Legislature authorized in 2010 Senate Sub. for HB 2476 to fund non-judicial personnel.

The bill also extends, from 2017 to 2018, a provision directing the first \$3.1 million collected in docket fee revenues to the Electronic Filing and Management Fund, and delays, from 2018 until 2019, a provision reducing this amount to \$1.0 million.

The bill creates a dispositive motion filing fee of \$195 and defines “dispositive motion” to include a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment, or a motion for judgment as a matter of law. The fee will be applied to any motion seeking any of these dispositions, regardless of the title of the motion. The fee will not apply in limited actions under Chapter 61 (Kansas Statutes Annotated), and the State of Kansas and municipalities are exempt from paying the fee. The fee may be taxed as a cost, and a poverty affidavit is allowed in lieu of the fee.

The bill strikes the previously-existing filing fee for motions for summary judgment.

(Note: The bill appears to raise the docket fee for a petition for expungement, but this change is continuing law, enacted by 2014 Senate Sub. for HB 2338 and included in this bill to reconcile different versions of the statutes in which the provision appears.)