

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 51

As Amended by House Committee on Judiciary

Brief*

SB 51, as amended, would extend for two years, through July 1, 2017, the Judicial Branch surcharge the Legislature authorized in 2010 Senate Sub. for HB 2476 to fund non-judicial personnel. This surcharge extension would be effective July 1, 2015.

The bill also would allow the Chief Justice to transfer moneys during FY 2015 from the Electronic Filing and Management Fund to the Judicial Branch Docket Fee Fund. The bill would extend 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 would defer from 2018 until 2019 a provision reducing this amount to \$1.0 million.

(Note: the bill appears to raise the docket fee for a petition for expungement, but this change is current 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.)

The bill would be in effect upon publication in the *Kansas Register*.

Background

The Senate Judiciary Committee introduced SB 51 at the request of the Kansas Judicial Branch.

*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>

In the Senate Judiciary Committee, a representative of the Judicial Branch and a representative of the Kansas District Judges Association testified in support of the bill. The Kansas Bar Association, the Kansas Association for Justice, and the Kansas Association of Defense Counsel submitted written testimony in support of the bill. No neutral or opponent testimony was provided to the Senate Committee.

The Senate Committee amended the bill to remove the sunset provision, making the surcharges a permanent source of funding.

In the House Judiciary Committee, a representative of the Judicial Branch testified in support of the bill. Representatives of the Kansas District Judges Association and the conferees who provided written proponent testimony to the Senate Committee also provided written proponent testimony to the House Committee. There was no neutral or opponent testimony.

The House Committee amended the bill to restore the sunset date and extension (as the bill was introduced) and to add the provisions of SB 44 regarding the Electronic Filing and Management Fund. (Further background information on SB 44 is provided below.)

According to the fiscal note prepared by the Division of the Budget on SB 51, as introduced, the Office of Judicial Administration indicates its budget would be reduced by \$9.5 million each fiscal year if the bill is not enacted.

Expenditures from the Judicial Branch surcharge are reflected in the *The FY 2016 Governor's Budget Report* with estimated revenues to the Judicial Branch Docket Fee Fund of \$9.5 million in both FY 2016 and FY 2017.

Background of SB 44

SB 44 was introduced by the Senate Judiciary Committee at the request of the Kansas Supreme Court. Current law allows the Chief Justice to use moneys in the Electronic Filing and Management Fund only for the creation, implementation, and management of electronic filing and centralized case management systems.

In the Senate Committee, proponents testifying on behalf of the bill included representatives of the Kansas Supreme Court, the Kansas District Judges Association, and the Kansas District Magistrate Judges Association. Written testimony in support of the bill was submitted by representatives of the Kansas Bar Association, the Kansas Association for Justice, and the Kansas Association of Defense Counsel. No opponent or neutral testimony was submitted to the Committee.

The Senate Committee adopted a technical amendment.

In the House Judiciary Committee, a representative of the Kansas Supreme Court testified in support of the bill. Representatives of the Kansas Association for Justice, Kansas Association of Defense Counsel, Kansas Bar Association, and Kansas District Judges Association provided written testimony supporting the bill. There was no opponent or neutral testimony.

The House Committee added the contents of SB 44 to SB 51.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates SB 44 would not increase total expenditures for the Judicial Branch, but would result in more expenditures from the Docket Fee Fund and fewer expenditures from the Electronic Filing and Management Fund. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.