

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2041**

As Agreed to April 6, 2017

Brief*

HB 2041 would amend law related to courts, as follows.

Judicial Surcharge; Collection of Court Debts

The bill would extend the sunset provision for judicial surcharges on a number of docket fees until June 30, 2019. Current law allows the judicial branch to impose an additional charge per docket fee to fund the costs of non-judicial personnel until June 30, 2017.

The bill would also make technical corrections and reconcile amendments related to expungements made in the 2016 Session.

The bill would amend law related to the collection of debts owed to courts. The bill would require the cost of collection of debts owed to courts or restitution be paid by the responsible party as an additional court cost in all cases where the party fails to pay any debts owed to courts or restitution and the court contracts with an agent to collect the debt or restitution. Under current law, the cost of collection is paid by the defendant as an additional court cost only in criminal, traffic, and juvenile offender cases.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Reinstatement Fees

The bill would amend statutes regarding the reinstatement fee for failure to comply with a traffic citation and its distribution. Effective July 1, 2018, the bill would increase the reinstatement fee for each charge from \$59 to \$100.

Effective July 1, 2018, the bill also would increase the percentage the Judicial Branch Nonjudicial Salary Adjustment Fund receives of these fees and lower the percentage distributed to other funds while maintaining the amount distributed. Under current law, the Nonjudicial Salary Adjustment Fund receives 15.30 percent of the fee amount, the Division of Vehicles receives 42.40 percent, the Community Alcohol Fund receives 31.80 percent, and the Juvenile Alternatives to Detention Fund receives 10.59 percent. Under the bill as amended, the Nonjudicial Salary Adjustment Fund would receive the first \$15 of such reinstatement fees. Of the remaining amount, the Nonjudicial Salary Adjustment Fund would receive 41.17 percent, the Division of Vehicles Operating Fund would receive 29.41 percent, the Community Alcoholism and Intoxication Programs Fund would receive 22.06 percent, and the Juvenile Alternatives to Detention Fund would receive 7.36 percent.

The bill would also amend the statute establishing the Nonjudicial Salary Adjustment Fund to remove restrictions related to the Judicial Branch pay plan for nonjudicial personnel approved by the Chief Justice for fiscal year 2015.

Conference Committee Action

The Conference Committee agreed to the provisions of HB 2041 as amended by the Senate Committee on Judiciary regarding the judicial surcharge and collection of debts owed to courts and restitution. The Conference Committee further agreed to add the contents of HB 2279, as amended by the House Committee on Appropriations, regarding reinstatement fees.

Background

HB 2041—Judicial Surcharge Extension

HB 2041 was introduced in the House Committee on Judiciary at the request of the Kansas Judicial Branch. As introduced, the bill contained the surcharge extension, technical corrections, and reconciling amendments.

In the House and Senate Committees on Judiciary hearings, a representative of the Office of Judicial Administration testified in support of the bill. The Kansas District Judges Association and the Kansas Bar Association provided written-only testimony in support of the bill. No neutral or opponent testimony was provided.

The Senate Committee amended the bill to add language modified from HB 2053, as amended by the House Committee, regarding collection of debts owed to courts and restitution. Further background information regarding HB 2053 is provided below.

According to the fiscal note prepared by the Division of the Budget on HB 2041, as introduced, expenditures from Judicial Branch surcharge revenues are reflected in *The FY 2018 Governor's Budget Report* with estimated revenues to the Judicial Branch Docket Fee Fund of \$8.4 million in FY 2018 and \$8.2 million in FY 2019. If the bill is not enacted, the Office of Judicial Administration indicates its budget would be reduced by \$8.4 million in FY 2018 and \$8.2 million in FY 2019. Fiscal note information for HB 2053 is provided below.

HB 2053—Cost of Collections

HB 2053 was introduced in the House Committee on Judiciary. As introduced, the bill would have added domestic cases to the list of case types for which the cost of collection is paid as an additional court cost. In the House Committee

hearing, an attorney who contracts with judicial districts to collect court debts testified in support of the bill. No neutral or opponent testimony was provided.

The House Committee amended the bill to remove the list of case types in which the cost of collection is paid as an additional court cost and to instead apply this requirement to all cases.

In the Senate Committee on Judiciary hearing, a representative of the conferee who testified before the House Committee testified in support of the bill. A Shawnee County District Court judge provided written-only testimony supporting the bill. No neutral or opponent testimony was provided.

Before incorporating the language of HB 2053 into HB 2041, the Senate Committee modified the language per a request by the conferee to clarify who may be ordered to pay the cost of collection.

According to the fiscal note prepared by the Division of the Budget on HB 2053, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases being referred to collections, thereby increasing revenues to the Judicial Branch and local governments from the collection of court costs. However, a precise estimate of revenues that may be collected could not be determined.

HB 2279—Reinstatement Fees

HB 2279 was introduced by the House Committee on Appropriations. As introduced, the bill would have extended the sunset date for the Judicial Branch Nonjudicial Salary Adjustment Fund receiving revenue from driver's license reinstatement fees related to driving under the influence. The Judicial Branch currently receives 33.0 percent of reinstatement fees paid by persons whose driving privileges have been suspended due to alcohol- and drug-related violations.

In the House Committee hearing, a representative from the Judicial Branch provided proponent testimony, stating the agency is scheduled to lose approximately \$953,000 in revenue because of the sunset. A representative from the Kansas Department of Health and Environment (KDHE) provided neutral testimony, stating KDHE had planned to purchase additional equipment for driving-under-the-influence training. A representative from the Kansas Bureau of Investigation provided opponent testimony, stating revenue from driver's license reinstatement fees supported the Forensic Laboratory and Materials Fee Fund and the absence of such revenue would hinder agency operations.

In a subsequent House Committee hearing, the House Committee amended the bill to delete the original contents of the bill and instead change the distribution of fees generated from the failure to comply with traffic citations. Due to the increased fee, the amended percentages would not change the amount received by the Division of Vehicles, the Community Alcohol Fund, and the Juvenile Alternatives to Detention Fund.

No proponent, neutral, or opponent testimony was provided on the replacement contents.

The fiscal note prepared by the Division of the Budget on HB 2279, as introduced, is no longer applicable.

Judicial surcharge; docket fees; debts to courts; restitution; collection costs; reinstatement fees; Judicial Branch Nonjudicial Salary Adjustment Fund; Division of Vehicles Operating Fund; Community Alcoholism and Intoxication Programs Fund; Juvenile Alternatives to Detention Fund

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