

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. SB 422

Bill Sec. 14

Analyst: Wu

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Budget Page No. 202

| Expenditure Summary | Agency Request FY 2023 | Governor Recommendation FY 2023 | Senate Subcommittee Adjustments |
|--------------------------------|------------------------------|---------------------------------------|---------------------------------------|
| Operating Expenditures: | | | |
| State General Fund | \$ 148,296,991 | \$ 148,296,991 | \$ - |
| Federal Funds | 802,694 | 802,694 | - |
| Other Funds | 28,150,471 | 28,150,471 | - |
| <i>Subtotal</i> | \$ 177,250,156 | \$ 177,250,156 | - |
| Capital Improvements: | | | |
| State General Fund | \$ - | \$ - | \$ - |
| Federal Funds | - | - | - |
| Other Funds | 400,000 | 400,000 | - |
| <i>Subtotal</i> | \$ 400,000 | \$ 400,000 | - |
| TOTAL | \$ 177,650,156 | \$ 177,650,156 | \$ - |
| FTE positions | 2,000.0 | 2,000.0 | 0.0 |

Agency Request

The **agency** requests \$177.7 million in expenditures and 2,000.0 FTE positions for FY 2023, including \$148.3 million SGF and \$21.8 million from the Docket Fee Fund. This represents an increase of \$12.2 million, or 7.3 percent, above the agency's revised estimate in FY 2022. The request includes \$5.4 million in enhancement expenditures and an additional 58.0 FTE positions to create new judge and staff positions for FY 2023. Based on the findings of National Center for State Courts (NCSC) weighted workload studies on District Judges and Administrative Assistants, as well as feedback from Chief Judges of District Courts throughout Kansas, the agency determined that an additional 14 District Judges, 9 District Magistrate Judges, 13 Court Reporters, and 22 Administrative Assistants were needed.

The request includes \$325,917 in enhancement expenditures and an additional 4.0 FTE positions to accommodate for efficiencies at the District Court level and the expansion of technology services statewide. These new positions include (1) an IT Security Analyst, which would assist with District Court operations against cybersecurity attacks, (2) an IT Regional Operations Technician, which would address increased demand on regional IT teams from the continued use of remote technology, (3) an Internal Auditor, which would oversee internal financial and operational audits, and (4) a Data Analyst, which would oversee data collection and analysis in support of both public and private inquiries.

The request also includes \$256,761 in enhancement expenditures to convert 3.0 FTE positions from District Magistrate Judge to District Court Judge positions. There are currently three judicial districts that only have one District Court Judge for the entire district, with a District

Magistrate Judge in five of six counties in those districts. The Judicial Branch indicates that is difficult for that sole judge, who also serves as the Chief District Court Judge and has additional administrative duties throughout the district, to provide coverage for specific types of cases that must be heard by a District Judge. Accordingly, the agency requests enhancement funding to convert one District Magistrate Judge position in each of those three districts to a District Judge position.

Governor's Recommendation

The **Governor** concurs with the agency request and recommends \$177.7 million in expenditures for FY 2023. Pursuant to KSA 75-3721f, the Governor is statutorily required to include the Judicial Branch's budget in *The Governor's Budget Report* as submitted by the agency.

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2023 with the following notations:

1. The Subcommittee requests the Senate Committee on Ways and Means review the agency's enhancement requests for FY 2023 prior to finalization of the budget. Those requests are detailed in the *Budget Analysis, Volume 1* on pages 218 to 220 and includes additional funding for **new judge and staff positions** (\$5.4 million, 58.0 FTE positions), **four new internal positions** to account for efficiencies in the court system (\$325,917 SGF, 4.0 FTE positions), and funding to **upgrade three District Magistrate Judges to District Court Judge positions** (\$256,761 SGF).
2. The Subcommittee also requests the Senate Committee on Ways and Means review proposals to eliminate the judicial surcharge, including HB 2541, which was referred to the House Committee on Appropriations on January 25, 2022. HB 2541 would redirect receipt of the Judicial Branch's portion of docket fees, marriage license fees, and drivers' license reinstatement fees to the State General Fund. The agency indicates eliminating the surcharge and replacing those receipts to the Judicial Branch with appropriations from SGF would create a more stable funding structure for the agency and decrease its reliance on fee funding.

Senate Committee Recommendation

The **Committee** concurs with the Subcommittee's recommendation for FY 2023.

Senate Committee of the Whole Recommendation (Sub. for SB 444)

The **Committee of the Whole** concurs with the Committee's recommendation for FY 2023.

House Budget Committee Report

Agency: Judicial Branch

Bill No. HB 2588

Bill Sec. 14

Analyst: Wu

Analysis Page No. Vol. 1, p. 209

Budget Page No. 202

| Expenditure Summary | Agency Request FY 2023 | Governor Recommendation FY 2023 | House Budget Committee Adjustments |
|-------------------------|------------------------------|------------------------------------|---------------------------------------|
| Operating Expenditures: | | | |
| State General Fund | \$ 148,296,991 | \$ 148,296,991 | \$ (9,000,000) |
| Federal Funds | 802,694 | 802,694 | - |
| Other Funds | 28,150,471 | 28,150,471 | 9,000,000 |
| <i>Subtotal</i> | <u>\$ 177,250,156</u> | <u>\$ 177,250,156</u> | <u>\$ -</u> |
| Capital Improvements: | | | |
| State General Fund | \$ - | \$ - | \$ - |
| Federal Funds | - | - | - |
| Other Funds | 400,000 | 400,000 | - |
| <i>Subtotal</i> | <u>\$ 400,000</u> | <u>\$ 400,000</u> | <u>\$ -</u> |
| TOTAL | <u><u>\$ 177,650,156</u></u> | <u><u>\$ 177,650,156</u></u> | <u><u>\$ -</u></u> |
| FTE positions | 2,000.0 | 2,000.0 | 0.0 |

Agency Request

The **agency** requests \$177.7 million in expenditures and 2,000.0 FTE positions for FY 2023, including \$148.3 million SGF and \$21.8 million from the Docket Fee Fund. This represents an increase of \$12.2 million, or 7.3 percent, above the agency's revised estimate in FY 2022. The request includes \$5.4 million in enhancement expenditures and an additional 58.0 FTE positions to create **new judge and staff positions** for FY 2023. Based on the findings of National Center for State Courts (NCSC) weighted workload studies on District Judges and Administrative Assistants, as well as feedback from Chief Judges of District Courts throughout Kansas, the agency determined that an additional 14 District Judges, 9 District Magistrate Judges, 13 Court Reporters, and 22 Administrative Assistants were needed.

The request includes \$325,917 in enhancement expenditures and an additional 4.0 FTE positions for **personnel to accommodate for efficiencies at the District Court level and the expansion of technology services statewide**. These new positions include (1) an IT Security Analyst, which would assist with District Court operations against cybersecurity attacks, (2) an IT Regional Operations Technician, which would address increased demand on regional IT teams from the continued use of remote technology, (3) an Internal Auditor, which would oversee internal financial and operational audits, and (4) a Data Analyst, which would oversee data collection and analysis in support of both public and private inquiries.

The request also includes \$256,761 in enhancement expenditures to **convert 3.0 existing FTE positions from District Magistrate Judge to District Court Judge positions**. There are currently three judicial districts that only have one District Court Judge for the entire district, with a District Magistrate Judge in five of six counties in those districts. The Judicial Branch indicates that is difficult for that sole judge, who also serves as the Chief District Court Judge and has additional administrative duties throughout the district, to provide coverage for specific types of cases that must be heard by a District Judge. Accordingly, the agency requests enhancement funding to convert one District Magistrate Judge position in each of those three districts to a District Judge position.

Governor's Recommendation

The **Governor** concurs with the agency request and recommends \$177.7 million in expenditures for FY 2023. Pursuant to KSA 75-3721f, the Governor is statutorily required to include the Judicial Branch's budget in *The Governor's Budget Report* as submitted by the agency.

House Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation for FY 2023 with the following adjustments:

1. Delete \$9.0 million SGF and add \$9.0 million from the Docket Fee Fund for FY 2023 for expenditures related to the elimination of the Judicial Branch surcharge. The agency request includes \$9.0 million SGF for such expenditures, which is detailed in the *Budget Analysis, Volume 1* on page 220. The Budget Committee notes its support of the agency request but would prefer to make budgetary adjustments pending enactment of legislation that would redirect surcharge deposits to the SGF.

Staff Note: On March 3, 2022, after the Budget Committee made its recommendations, the House Committee on Appropriations passed HB 2541, which would redirect and credit surcharge fees to SGF.

2. The Budget Committee requests the House Committee on Appropriations review funding allocations for Court Appointed Special Advocate (CASA) programs at Omnibus and find a suitable funding source for \$250,000 in distributions to CASA for FY 2023 in the absence of distributions from the Kansas Endowment for Youth (KEY) Fund.
3. The Budget Committee recommends review of statutory restrictions on the number of judges per county (KSA 20-301b) at a later date.

House Committee Recommendation

The **Committee** concurs with the Budget Committee's recommendation for FY 2023.

House Committee of the Whole Recommendation (House Sub. for Sub. for SB 267)

The **Committee of the Whole** concurs with the Committee's recommendation for FY 2023.

Conference Committee Recommendation (House Sub. for Sub. for SB 267)

The **Conference Committee** concurs with the Governor's recommendation for FY 2023.

Omnibus Action (HB 2510)

1. Add \$17.3 million SGF and delete \$17.3 million from special revenue funds for FY 2023 to account for the provisions of HB 2541, which redirects deposit of the judicial surcharge and docket fees to the SGF.
2. Appropriate a no-limit Specialty Court Resources Fund created in Senate Sub. for HB 2361 concerning specialty courts for FY 2023.

State Finance Council

1. Add \$7.0 million, including \$6.9 million SGF, for a 5.0 percent salary adjustment for most state employees for FY 2023. This adjustment excludes statewide elected officials, current beneficiaries of the 24/7 pay plan, with other specific limitations for employees who receive salary adjustments in other portions of the appropriations bill.

| | Governor's Recommendation FY 2023 | Legislative Action | Legislative Approved FY 2023 | Governor's Vetoed FY 2023 | Final Legislative Approved FY 2023 |
|------------------------------|---|-----------------------|------------------------------------|---------------------------------|---|
| All Funds | | | | | |
| State Operations | \$ 176,075,707 | \$ 6,989,420 | \$ 183,065,127 | \$ 0 | \$ 183,065,127 |
| Aid to Local Units | 0 | 0 | 0 | 0 | 0 |
| Other Assistance | 1,174,449 | 0 | 1,174,449 | 0 | 1,174,449 |
| <i>Subtotal - Operations</i> | <i>\$ 177,250,156</i> | <i>\$ 6,989,420</i> | <i>\$ 184,239,576</i> | <i>\$ 0</i> | <i>\$ 184,239,576</i> |
| Capital Improvements | 400,000 | 0 | 400,000 | 0 | 400,000 |
| TOTAL | \$ 177,650,156 | \$ 6,989,420 | \$ 184,639,576 | \$ 0 | \$ 184,639,576 |

State General Fund

| | | | | | |
|-----------------------------|-----------------------|----------------------|-----------------------|-------------|-----------------------|
| State Operations | \$ 148,296,991 | \$ 24,238,478 | \$ 172,535,469 | \$ 0 | \$ 172,535,469 |
| Aid to Local Units | 0 | 0 | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 | 0 | 0 |
| <i>Subtotal - Operating</i> | <i>\$ 148,296,991</i> | <i>\$ 24,238,478</i> | <i>\$ 172,535,469</i> | <i>\$ 0</i> | <i>\$ 172,535,469</i> |
| Capital Improvements | 0 | 0 | 0 | 0 | 0 |
| TOTAL | \$ 148,296,991 | \$ 24,238,478 | \$ 172,535,469 | \$ 0 | \$ 172,535,469 |

| | | | | | |
|---------------|---------|-----|---------|-----|---------|
| FTE Positions | 2,000.0 | 0.0 | 2,000.0 | 0.0 | 2,000.0 |
|---------------|---------|-----|---------|-----|---------|