

Judicial Branch

Expenditure	Actual FY 2013	Approved FY 2014	Approved FY 2015
All Funds:			
State Operations	\$ 127,347,029	\$ 131,163,964	\$ 135,952,013
Aid to Local Units	172,010	338,800	338,800
Other Assistance	1,032,570	830,070	830,070
<i>Subtotal - Operating</i>	<u>\$ 128,551,609</u>	<u>\$ 132,332,834</u>	<u>\$ 137,120,883</u>
Capital Improvements	-	-	-
TOTAL	<u><u>\$ 128,551,609</u></u>	<u><u>\$ 132,332,834</u></u>	<u><u>\$ 137,120,883</u></u>
State General Fund:			
State Operations	\$ 106,127,942	\$ 96,573,173	\$ 98,165,941
Aid to Local Units	-	-	-
Other Assistance	-	-	-
<i>Subtotal - Operating</i>	<u>\$ 106,127,942</u>	<u>\$ 96,573,173</u>	<u>\$ 98,165,941</u>
Capital Improvements	-	-	-
TOTAL	<u><u>\$ 106,127,942</u></u>	<u><u>\$ 96,573,173</u></u>	<u><u>\$ 98,165,941</u></u>
Percent Change:			
Operating Expenditures			
All Funds	1.6 %	2.9 %	3.6 %
State General Fund	3.6	(9.0)	1.6
FTE Positions			
FTE Positions	1,855.3	1,859.3	1,859.3
Non-FTE Unclass. Perm. Pos.	-	-	-
TOTAL	<u><u>1,855.3</u></u>	<u><u>1,859.3</u></u>	<u><u>1,859.3</u></u>

The approved budget in FY 2014 of \$132.3 million, including \$96.6 million from the State General Fund, is an all funds increase of \$3.8 million, or 2.9 percent, from the FY 2013 actual expenditures. The approved budget is a State General Fund decrease of \$9.6 million, or 9.0 percent, below the FY 2013 actual budget. The State General Fund reduction is attributable to the shifting of docket fees from state agencies to the Judicial Branch (\$10.5 million in FY 2014 and for FY 2015). The redirection of these fees was made permanent in 2014 HB 2338. The all funds increase is due to the expenditure of funds remaining in no-limit special revenue funds which will no longer be receiving revenue due to the redirection of all docket fees to the docket fee fund. Funds in the list for accelerated depletion include the Technology Fund, the Judicial Branch Salary Fund, and the Access to Justice Fund. Accelerated depletion in FY 2014 results in the funds not being available for expenditure in FY 2015. The Judicial Branch used these funds for Judicial Branch salaries and wages and implementation of e-filing.

The approved budget for FY 2015 of \$137.1 million, including \$98.2 million from the State General Fund, is an all funds decrease of \$4.8 million, or 3.6 percent, from the FY 2014 approved budget. The FY 2015 approved budget is a State General Fund increase of \$1.6 million, or 1.6 percent, above the FY 2014 approved budget. The FY 2015 State General Fund increase is attributable to the Legislature providing State General Funds to offset falling docket fees.

2014 Senate Sub. for HB 2338 also adds \$6.1 million to the Judicial Branch budget by creating statutory filing fees for appeals to the Court of Appeals or the Supreme Court in the amount of \$145 and grants the Supreme Court the authority to impose an additional charge of up to \$10 from July 1, 2014, through July 1, 2015, to fund the cost of non-judicial personnel. (Appellate court filing fees currently are set at \$125 by Supreme Court rule.) A motion for summary judgment filing fee of \$195 is created as well as a garnishment request fee of \$7.50. The Supreme Court is authorized to impose an additional charge of up to \$12.50 for garnishment requests to fund the costs of non-judicial personnel. The summary judgment filing fee does not apply in limited actions cases under Chapter 61, and the State of Kansas and its municipalities are exempt from payment of this fee, as well as the appellate filing fees and garnishment request fees. The bill also increased docket fees for expungements, traffic citations, fish and game violations, tobacco citations, out-of-state probate decrees, and chapter 60 cases. The bill slightly reduced the filing fee on small claims cases. Each of these new fees goes into effect on July 1, 2014, and for each a poverty affidavit is allowed in lieu of the fee.

2014 Senate Sub. for HB 2338, in addition to its appropriations content, also made various changes to Judicial Branch Policy:

Judicial Branch Operating Procedure

The bill enacts new law to allow, for the fiscal year ending June 30, 2016, and each subsequent fiscal year, the chief judge in a judicial district to elect to be responsible for preparing and submitting a budget for the judicial district to the Chief Justice of the Kansas Supreme Court. A chief judge electing this responsibility is required to notify the Chief Justice of this decision by August 1 of the preceding fiscal year, and the chief judge is required to submit, on or before June 30 of each fiscal year, the budget for the ensuing fiscal year based upon the dollar amount allocated to the district by the Chief Justice for such fiscal year.

Subject to appropriations, the Chief Justice shall have the final authority over the annual amount allocated to each judicial district budget. After the Legislature makes Judicial Branch appropriations each year, the Chief Justice will determine the budgeted amount for each judicial district and notify each chief judge of that amount. Once the amount of each judicial district budget is established by the Chief Justice, the chief judge of each district shall have control of the expenditures under the budget, except for salaries mandated by law, and all lawful claims by a chief judge within the limits of the district budget would be approved by the judicial administrator. The chief judge of each district shall determine the compensation of personnel in the district and shall have the authority to hire, promote, suspend, demote, and dismiss personnel as necessary to carry out the functions and duties of the district. If it appears the resources of any Judicial Branch special revenue fund are likely to be insufficient to cover the appropriations made against such fund for the fiscal year, the Chief Justice is responsible for determining any allotment system to assure expenditures will not exceed available resources of any such fund for the fiscal year, and chief judges who have elected the responsibility for the district budget will be required to follow this allotment system.

The bill removes from the Supreme Court's judicial personnel classification system any nonjudicial personnel who will be subject to the authority of a chief judge who has elected responsibility for the district budget, and the bill states that the classification system is not to infringe upon the authority of a chief judge who has elected budget responsibility.

The bill clarifies that a departmental justice does not have the authority to make or change any budget decisions made by the chief judge of a district court.

The bill amends statutes relating to judicial departments, district court rules, district court clerks, district court nonjudicial personnel, court services officers, county budgets for court operations, court reporters, and state employee compensation philosophy to be consistent with the new budget process and authority established by the bill.

Chief Judge Elections

The bill establishes that the district court judges in each judicial district shall elect a district judge to serve as chief judge and shall determine the procedure for such election. Similarly, the judges of the Court of Appeals shall elect a judge of the Court of Appeals to serve as chief judge. The Court of Appeals shall determine the procedure for such election. The bill provides that each chief judge designated by the Supreme Court on July 1, 2014, shall be allowed to serve as chief judge through January 1, 2016.

Judicial Vacancies

The bill amends the law concerning the filling of judicial vacancies. The bill requires the Chief Justice of the Supreme Court to provide notice of a vacancy in the office of district court judge or district magistrate court judge to the chairperson of the district judicial nominating commission in such district not later than 120 days following the date the vacancy occurs or will occur. Once the nominating commission has submitted the required number of nominations to the Governor, the bill increases from 30 to 60 the number of days within which the Governor must make an appointment. Similarly, the bill increases from 30 to 60 the number of days within which the Chief Justice must make an appointment if the Governor fails to make an appointment within the allotted time.

In judicial districts where judges are elected, the bill requires the Clerk of the Supreme Court to provide notice of a vacancy in the office of district court judge to the Governor not later than 120 days following the date the vacancy occurs or will occur. Further, the bill increases from 60 to 90 the number of days within which the Governor must make an appointment following receipt of such notice.

Judicial Branch

	FY 2014			FY 2015		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Agency Estimate/Request	\$ 96,573,173	\$ 132,332,834	1,859.3	\$ 111,877,461	\$ 143,052,841	1,908.3
Governor's Changes:						
1. Delete Enhancement Funding	\$ -	\$ -	-	\$ (7,843,727)	\$ (7,870,948)	(49.0)
Total Governor's Recommendation	<u>\$ 96,573,173</u>	<u>\$ 132,332,834</u>	<u>1,859.3</u>	<u>\$ 104,033,734</u>	<u>\$ 135,181,893</u>	<u>1,859.3</u>
Change from Agency Est./Req.	\$ 0	\$ 0	0.0	\$ (7,843,727)	\$ (7,870,948)	(49.0)
Percent Change from Agency Est./Req.	0.0 %	0.0 %	0.0 %	(7.0)%	(5.5)%	(2.6)%
Legislative Action:						
2. Lower to Approved Budget	\$ -	\$ -	-	\$ (8,249,786)	\$ (8,249,786)	0.0
3. Offset Surcharge Reduction	-	-	-	2,000,000	2,000,000	0.0
4. Assess New Docket Fees	-	-	-	-	6,190,110	0.0
5. 2.0% Cost of Living Adjustment	-	-	-	-	1,484,340	0.0
6. Non-Severability	-	-	-	-	-	0.0
7. Delete Longevity Requirement	-	-	-	-	-	0.0
8. Incorporate Policy Provisions	-	-	-	-	-	0.0
9. \$250 Employee Bonus	-	-	-	381,993	514,326	0.0
TOTAL APPROVED	<u><u>\$ 96,573,173</u></u>	<u><u>\$ 132,332,834</u></u>	<u><u>1,859.3</u></u>	<u><u>\$ 98,165,941</u></u>	<u><u>\$ 137,120,883</u></u>	<u><u>1,859.3</u></u>
Change from Gov. Rec.	\$ 0	\$ 0	0.0	\$ (5,867,793)	\$ 1,938,990	0.0
Percent Change from Gov. Rec.	0.0 %	0.0 %	0.0 %	(5.6)%	1.4 %	0.0 %
Change from Agency Est./Req.	\$ 0	\$ 0	0.0	\$ (13,711,520)	\$ (5,931,958)	(49.0)
Percent Change from Agency Est./Req.	0.0 %	0.0 %	0.0 %	(12.3)%	(4.1)%	(2.6)%

1. The Governor deleted the Judicial Branch enhancement requests of \$7.9 million, including \$7.8 million from the State General Fund and 49.0 FTE positions. Included in the enhancement requests were 30 additional clerks, 11 additional judges and staff, a 5.25 percent non-judicial cost of living adjustment, a 2.0 percent judicial cost of living adjustment, and remodeling of the Judicial Center for FY 2015.
2. The Legislature deleted \$8.2 million, all from the State General Fund, to return the Judicial Branch State General Fund budget to the amount approved by the 2013 Legislature for FY 2015.
3. The Legislature added \$2.0 million, all from the State General Fund, to offset reductions in the Judicial Branch Surcharge Fund and the Judicial Branch Docket Fee Fund for FY 2015.
4. The Legislature added \$6.2 million, all from special revenue funds, for increased docket fees and the assessment of new docket fees for FY 2015.
5. The Legislature added \$1.5 million, all from special revenue funds, for a 2.0 percent Judicial Branch cost of living adjustment for FY 2015. The expenditure is funded by a new assessment approved by 2014 HB 2303 from the DUI Equipment Fund.
6. The Legislature added language making the provisions of 2014 Senate Sub. for HB 2338 non-severable.
7. The Legislature added language deleting the statutory requirement to pay longevity to non-Judicial employees in the Judicial Branch starting for FY 2015.
8. The Legislature added language incorporating the provisions of SB 313, SB 354, SB 355, and SB 377 for FY 2015 into 2014 Senate Sub. for HB 2338.
9. The Legislature added \$514,326, including \$381,993 from the State General Fund, for FY 2015 for employee bonuses of \$250 for all full-time employees except elected officials who were employed on December 6, 2013, and which will be paid on December 6, 2014.