

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2446**

As Recommended by Senate Committee on
Judiciary

Brief*

Senate Sub. for HB 2446 would allow the chief judge of a judicial district where the office of court trustee has ceased to exist to authorize expenditures from the Court Trustee Operations Fund for district court operations.

The bill also would revise dates in portions of the law amended by HB 2303, changing the effective date from 2013 to 2014 and a four-year sunset provision from 2017 to 2018. Additionally, the dates in a provision limiting the salaries of nonjudicial personnel based on approved salary adjustments would be changed from fiscal year (FY) 2009 to FY 2015 and from FY 2010 to FY 2016.

Background

In the House Judiciary Committee, Representative Carlson and the Wabaunsee County Attorney appeared in support of HB 2446 and explained the bill was requested to access balances remaining in the Court Trustee Operations Fund in Wabaunsee and Pottawatomie Counties, where there is no longer a court trustee. The Wabaunsee County Attorney explained the Wabaunsee County fund has had a balance of \$2,118.87 since 1999, and the Pottawatomie County fund has a balance of \$36,099.68 with only interest adding to the balance and no expenditures since 1999.

*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 Committee on Judiciary, Representative Carlson submitted written testimony in support of the bill. No opponents offered testimony.

The Senate Committee amended HB 2446 by inserting the contents of SB 399 and recommended a substitute bill be passed. In the Senate Judiciary Committee hearing on SB 399, representatives of the Kansas District Judges Association and the Kansas Supreme Court offered testimony in support of the bill. The representative of the Kansas Supreme Court explained this bill was requested to correct date issues in HB 2303, which was enacted early in the 2014 Legislative Session, increasing DUI-related reinstatement fees and allocating a portion of funds generated by those fees to the Judicial Branch's Nonjudicial Salary Adjustment Fund. The amendments in SB 399 would include a change in the provision limiting the salaries of nonjudicial personnel based on approved salary adjustments from fiscal year 2009, the date of the last undermarket increase, to fiscal year 2015. No opponents offered testimony.

The fiscal note prepared by the Division of the Budget states that, according to the Office of Judicial Administration (OJA), the HB 2446, as introduced, could increase revenues for district courts as access to monies in the Court Trustee Operations Fund would offset or supplement expenditures. OJA anticipates the amount would be negligible.

The fiscal note prepared by the Division of the Budget for SB 399 indicates that because the effective date of HB 2303 has already passed, the Department of Revenue would have to take funds that have already been transferred to the Department for Aging and Disability Services, the Department for Corrections, and the Kansas Bureau of Investigation and redistribute those funds based on the revised percentages in HB 2303. Passage of SB 399 would allow those funds to remain with the agencies, and distributions would be made based on the new percentages beginning in FY 2015.