

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 364

As Amended by Senate Committee on Judiciary

Brief*

SB 364, as amended, would enact new law to allow, for the fiscal year ending June 20, 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 would be required to notify the Chief Justice of this decision by August 1 of the preceding fiscal year, and the chief judge would be 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 would 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 would 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 would 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 would determine the compensation of personnel in the district and would have the authority to hire, promote, suspend, demote, and dismiss personnel as necessary to carry out the functions and duties of the district.

*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>

If it appears the resources of any Judicial Branch special revenue fund is likely to be insufficient to cover the appropriations made against such fund for the fiscal year, the Chief Justice would be 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 would be required to follow this allotment system.

Existing law would be amended to remove from the Supreme Court's judicial personnel classification system any nonjudicial personnel who would be subject to the authority of a chief judge who has elected responsibility for the district budget, and the bill would state that the classification system is not to infringe upon the authority of a chief judge who has elected budget responsibility.

The bill would amend a provision related to departmental justices to clarify that a departmental justice would not have the authority to make or change any budget decisions made by the chief judge of a district court.

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

Certain provisions (related to the judicial personnel classification system and compensation, probation and parole officer, and district court employees) tied to specific dates in 1978 and 1979 would be removed, and references to certain agencies and boards would be updated to reflect reorganization.

Background

The bill was introduced by the Senate Committee on Ways and Means.

In the Senate Committee on Judiciary, a district court judge from the Eighteenth Judicial District testified in support of the bill. Written testimony supporting the bill was received from two additional judges of the Eighteenth Judicial District.

The chief judge from the Fifth Judicial District and representatives of the Kansas District Judges Association, Kansas Association of Defense Counsel, and Office of Judicial Administration testified in opposition to the bill. Written testimony opposing the bill was received from Kansas Chief Justice Lawton Nuss and representatives of the Kansas Association for Justice and Kansas Bar Association.

The Senate Committee amended the bill to make the new budget process and authority optional at the election of the chief judge of a judicial district.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) indicates the bill would require 13 judicial districts to establish a court administrator, resulting in \$1,032,174 in increased expenditures from the State General Fund (SGF) in FY 2016 and each subsequent year. OJA estimates an additional \$1,251,774 would be required from the SGF in FY 2016 and each subsequent year to add court program analysts in 18 judicial districts requiring additional assistance. OJA anticipates continued dependence on its office for payroll management and personnel processes, but a precise fiscal effect cannot be provided until the provisions of the bill are in place.