



SUPREME COURT OF KANSAS

KANSAS JUDICIAL CENTER

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SENATE JUDICIARY COMMITTEE

Honorable Senator Tim Owens, Chair

Testimony in Support of

SB 322 Judicial Branch Surcharge Extension

AMENDMENT REQUESTED

February 16, 2012

Thank you for the opportunity to testify in support of SB 322, which would extend the sunset on the Judicial Branch Surcharge one year from June 30, 2012 to June 30, 2013.

Both the statutes regarding the surcharge and the Supreme Court Order authorizing the surcharge are effective only to the end of the present fiscal year. The Division of the Budget requested that the surcharge be included in the Judicial Branch FY 2013 budget request, although the surcharge is set to expire at the end of FY 2012. We complied with that request. So for FY 2013, \$11 million in anticipated surcharge revenue is included in the Judicial Branch's budget submitted for the Legislature's consideration.

In 2011 SB 97, the Legislature increased the surcharge by 25%. This resulted in surcharges ranging between \$12.50 and \$26.50, and anticipated increased receipts at approximately \$2 million, for a total surcharge revenue of \$11 million. However, court filings for the first half of FY 2012 (July 2011 through December 2011), compared to the same time period in FY 2011, are down approximately 10%. These reduced filings have decreased collections of both the surcharge and docket fees. Approximately \$1 million reduction is attributable to the shortage in the surcharge. Therefore, our fiscal note on this bill is estimated at \$10 million in revenue receipts, rather than the \$11 million as anticipated last year. While the revenue is less than the level anticipated, the extension of the surcharge remains important. The surcharge will continue generating revenue necessary to help fund nonjudicial wages and salaries for the Judicial Branch of government. The surcharge also allows the Legislature to use funds that otherwise would be appropriated to the Judicial Branch for other necessary expenditures,

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while helping to keep the courts open. Even with the surcharge, the Judicial Branch will continue holding authorized positions open throughout FY 2013.

This bill adds a surcharge on hospital liens in Section 19. The Kansas Association of District Court Clerks and Administrators proposed this amendment to reflect the same docket fee and surcharge as other liens identified in Section 6 of the bill. The current docket fee for a hospital lien is \$14. An additional surcharge of \$22 would total \$36.00. We believe the lack of a surcharge on this lien was an oversight when the surcharge language was entered into statute. Making this adjustment will provide consistency in comparison with other lien filings.

We also request an amendment that would add a surcharge of \$22 to wildlife and parks license reinstatement in K.S.A. 32-1049a, similar to that related to drivers' license reinstatements in Section 2 of the bill. A balloon amendment is attached.

We ask that you consider this bill and the amendment favorably. Thank you again for the opportunity to testify in support of SB 322, and I would be happy to answer your questions.

32-1049a. Failure to comply with a wildlife and parks citation; penalties; reinstatement fee for license or permit suspension; waiver; military personnel. (a) Failure to comply with a wildlife and parks citation means failure to:

(1) Appear before any district court in response to a wildlife and parks citation and pay in full any fine, court costs, assessments or fees imposed;

(2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife and parks laws of this state; or

(3) otherwise comply with a wildlife and parks citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife and parks citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term "citation" means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife and parks laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife and parks citation or sentence for a violation of wildlife and parks laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the department of wildlife and parks shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife and parks citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife and parks citation or sentence of the district court for violation of the wildlife and parks laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.

(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife and parks citation or failure to comply with a sentence of the district court imposed on violation of a wildlife and parks law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife and parks citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

History: L. 2008, ch. 10, § 1; July 1.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such lien. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2013, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.