

SESSION OF 2008

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2968**

As Recommended by House  
General Government Budget Committee

**Brief\***

HB 2968 would fund the salary plan adjustments for nonjudicial employees of the Judicial Branch by increasing docket fees by \$9 and depositing the money into the Judicial Branch Nonjudiciary Salary Adjustment Fund. The Fund is created by the bill and would be used solely for the compensation of nonjudicial employees, which would include clerk of district court staff, judicial support staff, and court services officers. The bill also would revise the distribution percentages of the 15 existing funds, including the State General Fund, that receive docket fee revenue so that the impact on those funds would be neutral.

**Background**

The Judicial Branch had initially requested through its FY 2009 budget submission that the Legislature approve \$10.5 million, including \$10.1 million from the State General Fund, for a base salary adjustment of 15.75 percent. The Judicial Branch is not included in the Governor's recommended pay adjustments for classified employees. According to testimony provided, the Judicial Branch previously instituted a pay plan in 2000 that eliminated automatic annual step movements and provided for pay raises at certain performance levels. A portion of clerks' docket fees are deposited into the statutorily created Judicial Branch Nonjudicial Salary Initiatives Fund. Currently, 17.85 percent of docket fees (an estimated \$20.9 million in FY 2008 and \$21.3 million in FY 2009) is deposited in the fund to

---

\*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>

be used solely for nonjudicial personnel. Initial data indicated to the Court that the pay plan increased the retention of employees. However, the Judicial Branch contends that over time the cost of living allowances for its employees has fallen short because of inflationary pressures as measured by the Employment Cost Index of the Bureau of Labor Statistics. Vacancy rates have begun to increase again. The House Committee on Appropriations introduced HB 2968 with the assumption that the bill would raise the necessary funds for the first year's installment to increase nonjudicial salaries over a three-year period.

In addition to hearing testimony from the Office of Judicial Administration, the Committee took written testimony in support of the bill from Judge Richard Smith, Chief Judge for the Sixth Judicial District and legislative chairperson for the Kansas District Judges Association, and from Magistrate Judges Mike Freelove and Peggy Alford on the behalf of the Kansas District Magistrate Judges Association. Each proponent discussed the difficulty in recruiting and retaining qualified employees.

Douglas E. Smith, representing the Kansas Credit Attorneys Association and the Kansas Collectors Association, spoke against the bill. Both groups expressed concern that the increase in docket fees would ultimately become a burden for merchants and small business litigants as they would have to calculate the economic cost when seeking legal relief.

The Judicial Branch estimates that the docket fee increase would raise approximately \$3.8 million in FY 2009.