

JUDICIAL COUNCIL

FY 2022 – FY 2024 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2022 – FY 2024

	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Operating Expenditures:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	589,600	645,673	645,673	694,098	694,098
<i>Subtotal</i>	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
Capital Improvements:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>				
TOTAL	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
Percentage Change:					
State General Fund	-- %	-- %	-- %	-- %	-- %
All Funds	6.9 %	9.5 %	9.5 %	7.5 %	7.5 %
FTE Positions	5.0	5.0	5.0	5.0	5.0

For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Judicial Council was created by the 1927 Legislature to survey and study the Judicial Branch of the state government and to recommend improvements in the administration of justice for consideration by the Legislature and the Kansas Supreme Court.

The ten-member Council is composed of one justice of the Kansas Supreme Court, one judge of the Court of Appeals, two district court judges, two legislators, and four attorneys.

The Council has 13 advisory committees and 2 *ad hoc* committees made up of legislators, judges, attorneys, and persons from various backgrounds who bring their expertise to the committees. Committees established within the past few years include the following:

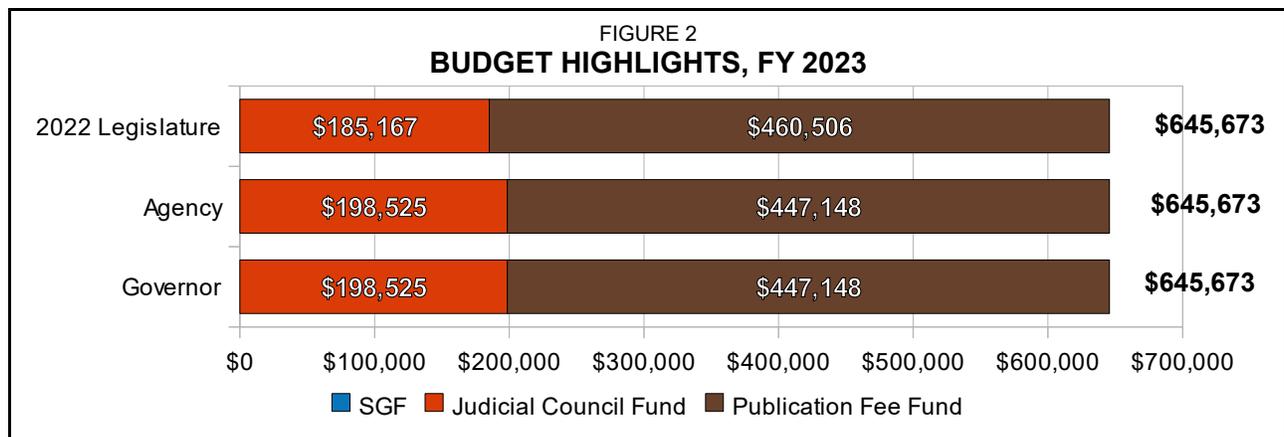
- The **Civil Asset Forfeiture Advisory Committee** was formed in 2017 in response to a legislative request to study and make recommendations regarding the Kansas Standard Asset Seizure and Forfeiture Act, KSA 60-4141 *et seq.* The Committee's recommendations were introduced in 2018 and passed by the Legislature in HB 2459. Unlike other *ad hoc* committees that are dissolved when the study is complete, this Committee remains intact to reassess asset forfeiture after the new legislation has been in place for a few years.
- The **Advisory Committee on Sex Offenses and Registration** was formed in 2018 in response to a legislative request to study and consider amendments to Kansas' sex offense statutes and related registration requirements for both adults and juveniles.
- The **DUI Advisory Committee** was formed in 2018 in response to a legislative request to study DUI-related bills, 2017 SB 123 and 2018 SB 374, and provide in-depth consideration of the issues raised by the legislation.

- The **Virtual Court Advisory Committee** was formed in 2021 in response to a request from the Chief Justice of the Kansas Supreme Court to study the future role of two-way electronic audio-visual communication in Kansas courts, including statutory or rule changes to facilitate use of such technology; and
- The **Vital Statistics Act Advisory Committee** was formed in 2021 in response to a request from the Kansas Department of Health and Environment to review a draft of the new Uniform Vital Statistics Act, KSA 65-2401 *et seq.*, which relates to the administration of data relating, but not limited, to birth, adoption, death, marriage, and more.
- The **Advisory Committee on Adult Care Home Involuntary Discharge Appeals** is conducting a study regarding the right to appeal an involuntary discharge or transfer from an adult residential care facility and the issues raised by 2021 HB 2004.

The Judicial Council also receives and considers suggestions related to the administration of justice in Kansas from the Legislature, the Kansas Supreme Court, other courts, the bar, and the public. The Council identifies areas of needed improvement, assigns projects to advisory committees, receives and reviews the work product of the advisory committees, and takes appropriate action. The Judicial Council also authors and distributes five publications, covering a variety of judicial topics.

EXECUTIVE SUMMARY

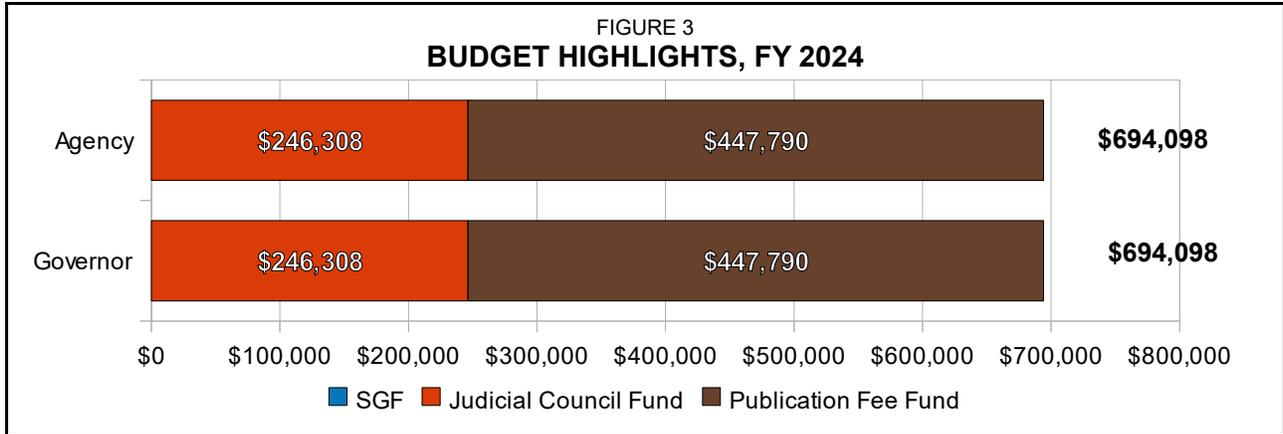
The 2022 Legislature approved a budget of \$645,673, all from special revenue funds, and 5.0 FTE positions for the Judicial Council for FY 2023. No adjustments have been made subsequently to that amount.



The **agency** submits a revised estimate of \$645,673, all from special revenue funds, and 5.0 FTE positions in FY 2023. This is the same as the amount approved by the 2022 Legislature.

Approximately 82.7 percent of the agency's budget is for personnel expenditures, which includes compensation for Council members, members of various advisory committees, and agency staff. Other expenditures include \$35,136 to reimburse mileage expenses for members attending Judicial Council and advisory committee meetings, \$29,271 for preparation, publication, and mailing of supplements to the Council's publications, and \$2,044 for computer and software upgrades.

The **Governor** concurs with the agency's revised estimate in FY 2023. As the agency is part of the Judicial Branch, the Governor is statutorily required to include the Judicial Council's budget in *The Governor's Budget Report* as submitted by the agency, pursuant to KSA 75-3721(f).



694,098694,098

The **agency** requests \$694,098, all from special revenue funds, and 5.0 FTE positions for FY 2024. This is an increase of \$48,425, or 7.5 percent, above the FY 2023 revised estimate. The increase is primarily due to changes in salaries and wages to fund a vacant full-time administrative assistant position. Previously, this position had been a part-time position, which the agency notes does not provide sufficient administrative support (\$31,032).

The **Governor** concurs with the agency request for FY 2024. As the agency is part of the Judicial Branch, the Governor is statutorily required to include the Judicial Council's budget in *The Governor's Budget Report* as submitted by the agency, pursuant to KSA 75-3721(f).

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2022 – FY 2024

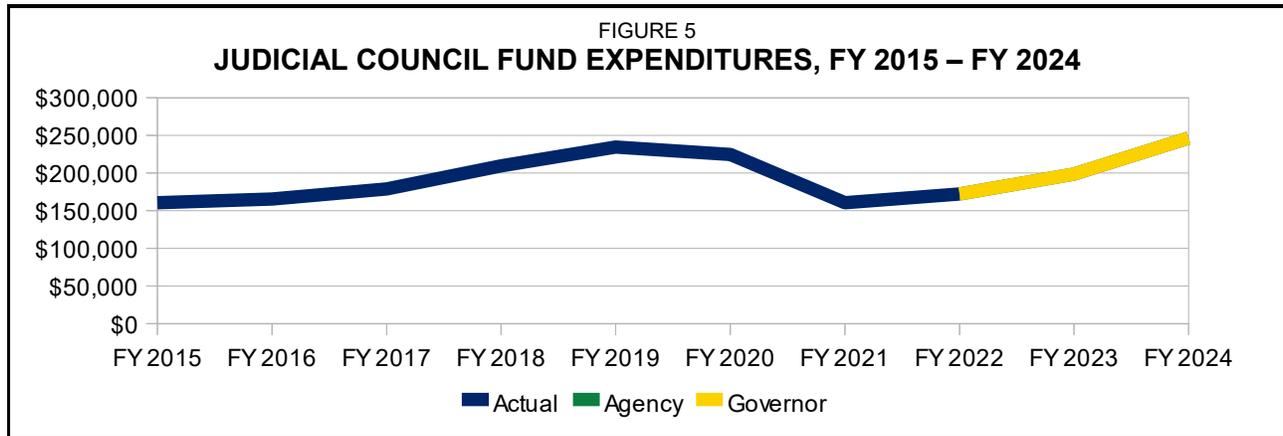
	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Category of Expenditure:					
Salaries and Wages	\$ 471,061	\$ 533,821	\$ 533,821	\$ 578,615	\$ 578,615
Contractual Services	99,343	104,261	104,261	109,722	109,722
Commodities	8,263	5,547	5,547	3,656	3,656
Capital Outlay	10,933	2,044	2,044	2,105	2,105
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
Aid to Local Units	-	-	-	-	-
Other Assistance	-	-	-	-	-
<i>Subtotal—Operating</i>	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
Capital Improvements	-	-	-	-	-
Debt Service Principal	-	-	-	-	-
TOTAL	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
Financing:					
State General Fund	\$ -	\$ -	\$ -	\$ -	-
Judicial Council Fund	172,338	198,525	198,525	246,308	246,308
Publication Fee Fund	417,262	447,148	447,148	447,790	447,790
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
TOTAL	<u>\$ 589,600</u>	<u>\$ 645,673</u>	<u>\$ 645,673</u>	<u>\$ 694,098</u>	<u>\$ 694,098</u>
FTE Positions	5.0	5.0	5.0	5.0	5.0

The ending balances in both the Publications Fee Fund and the Judicial Council Fund are projected to decline in both FY 2023 and FY 2024. According to the agency, hard copy sales of agency publications have been declining over the last two decades as the legal field followed the trend of moving toward digital libraries. This results in a declining balance to fund agency operations.

The agency has introduced 2023 HB 2184, which redirects certain Judicial Branch fee funds to the SGF, thereby reducing the agency's reliance on fees, and appropriated funds from SGF for agency operations.

For FY 2024, the agency estimates that \$540,406 would be redirected to the SGF. Of that amount, \$184,735 is from the Judicial Council Fund and \$355,671 is from the Publications Fee Fund. Additionally, the agency intends to transfer the carry-over balances from its fee funds at the end of FY 2023 to the SGF (\$182,759). The agency requests FY 2024 expenditures of \$694,098, which is \$29,067 below revenues to the SGF from the special revenue funds above.

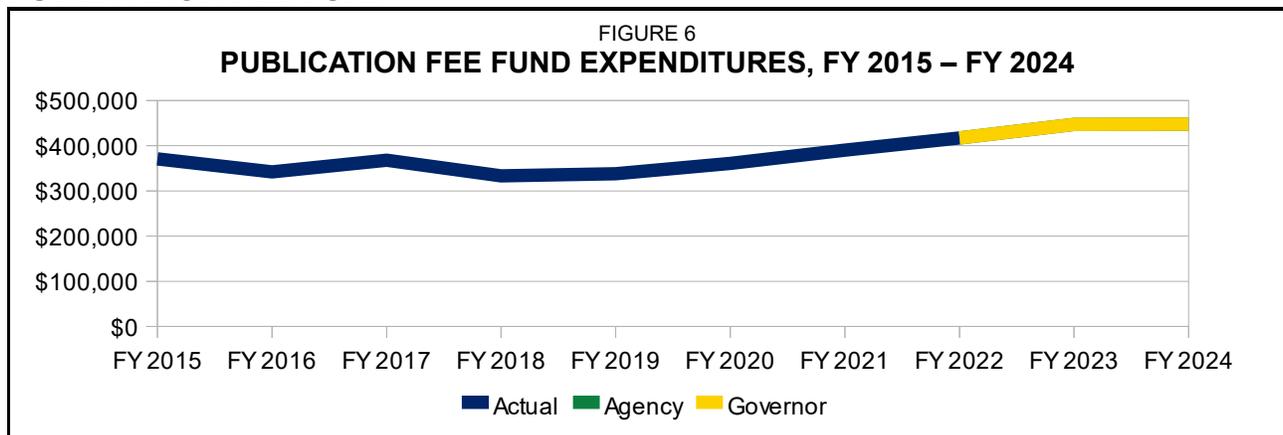
JUDICIAL COUNCIL FUND



The Judicial Council Fund was created in 2003 to support agency operations. Since FY 2013, pursuant to KSA 20-362(e), the Fund receives 0.99 percent of docket fees.

Additionally, the 2014 Legislature reduced operational expenditures of the agency by \$15,000 and directed the agency to reduce the number of Council meetings. Passage of 2023 HB 2184 does not impact the receipts for this fund.

PUBLICATION FEE FUND



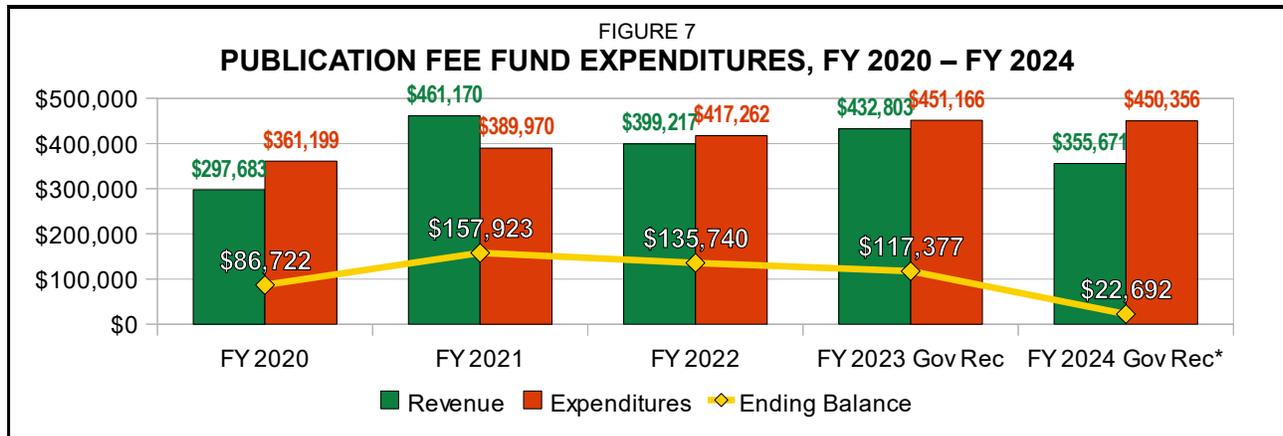
The Publication Fee Fund was created in 1992 and generates revenue from the sale of five legal publications:

- The **Kansas Appellate Practice Handbook 6th Edition** contains information, guidance, and practice notes on every aspect of appellate practice in Kansas. Also included is a comprehensive set of forms for appellate court pleadings.
- The **Kansas Municipal Court Manual** addresses the municipal court and its operation and explains the various procedures followed by municipal judges in performance of their judicial functions.
- The **Pattern Instructions for Kansas (PIK)–Criminal 4th** contains pattern criminal jury instructions for Kansas felonies, instructions for selected misdemeanors, and comments on use. PIK–Criminal 4th serves as an introductory resource for research in criminal law, and use of the instructions has been strongly recommended by the Kansas Supreme Court.

- The **PIK–Civil 4th** contains pattern civil jury instructions, comments, and notes on use. PIK–Civil 4th serves as an introductory resource for research in civil law, and use of the instructions has been strongly recommended by the Kansas Supreme Court.
- The **Kansas Judicial Council Probate Forms 3d** contains forms relating to both judicial and nonjudicial procedures in decedents’ estates, care and treatment forms, and guardianship and conservatorship forms.

The publishing cycle is dependent upon the number and extent of changes through the year and the level of revenues available to finance publications. The agency indicates that revenue may, at times, have an inverse relationship to printing costs because the agency prints its literature as soon after the end of the Legislative Session as possible, while revenue from the sale of those materials may not be received until the following fiscal year. Additionally, the agency also indicates that not all printing costs can be tied directly to a published product, particularly with capital outlay expenditures for computer equipment, which are included as expenditures from the fund.

PUBLICATION FEE FUND



* For FY 2024, the lowest month ending balance for the Publication Fee Fund will occur in August, with a balance of \$15,682.

FIGURE 8
PROJECTED REVENUE FROM THE SALE OF PUBLICATIONS, FY 2021 - 2024

	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
KS Appellate Practice Manual	\$ -	\$ 625	\$ 4,025	\$ 125
KS Municipal Court Manual	6,105	5,970	5,640	5,640
PIK–Civil 4th	61,110	1,990	68,760	1,690
PIK–Criminal 4th	125,865	85,460	85,375	85,375
KS Probate Forms 3d	1,325	42,915	490	490
Royalties	15,000	6,000	15,000	10,000
Online Subscriptions	247,008	252,119	250,495	249,785
Sales Tax (Non-expense Item)	4,757	4,138	4,018	2,566
TOTAL	\$ 461,170	\$ 399,217	\$ 433,803	\$ 355,671

FY 2023 ANALYSIS

FIGURE 9
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2022 Legislature	\$ -	\$ 645,673	\$ 645,673	5.0
1. No Changes	-	-	-	--
<i>Subtotal—Legislative Approved</i>	<i>\$ -</i>	<i>\$ 645,673</i>	<i>\$ 645,673</i>	<i>5.0</i>
Agency Revised Estimate:				
2. No Changes	\$ -	\$ -	\$ -	--
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ -</i>	<i>\$ 645,673</i>	<i>\$ 645,673</i>	<i>5.0</i>
Governor's Recommendation:				
3. No Changes	-	-	-	--
TOTAL	\$ -	\$ 645,673	\$ 645,673	5.0

LEGISLATIVE APPROVED

The 2022 Legislature approved \$645,673 in expenditures and 5.0 FTE positions for the for FY 2023.

Approximately 82.7 percent of the agency's budget is for personnel expenditures, which includes compensation for Council members, members of various advisory committees, and agency staff. Other expenditures include \$35,136 to reimburse mileage expenses for members attending Judicial Council and advisory committee meetings; \$29,271 for preparation, publication, and mailing of supplements to the Council's publications; and \$2,044 for computer and software upgrades.

1. **NO CHANGES.** Subsequent to the 2022 Session, no changes were made to the \$645,673 appropriated to the Judicial Council for FY 2023.

AGENCY ESTIMATE

The **agency** submits a revised estimate of \$645,673, all from special revenue funds, and 5.0 FTE positions in FY 2023. This is the same as the amount approved by the 2022 Legislature.

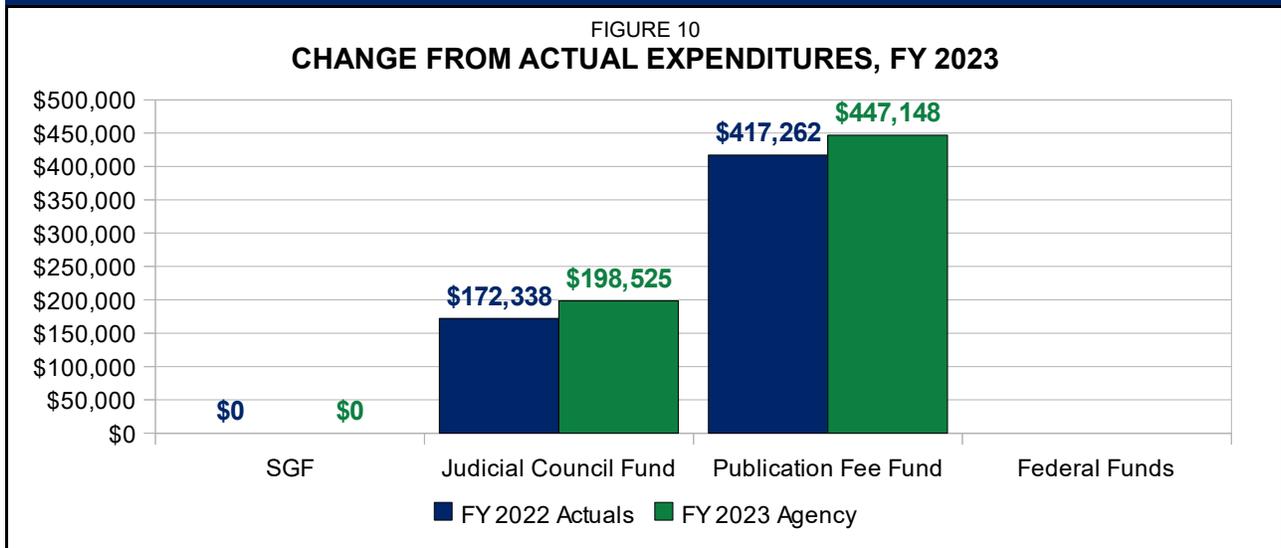
2. **NO CHANGES.** The agency requested no changes to the amount appropriated by the 2022 Legislature.

GOVERNOR'S RECOMMENDATION

The **Governor** concurs with the agency's revised estimate and recommends \$645,673 in expenditures, all from special revenue funds, and 5.0 FTE positions in FY 2023.

3. **NO CHANGES.** As the agency is part of the Judicial Branch, the Governor is statutorily required to include the Judicial Council's budget in *The Governor's Budget Report* as submitted by the agency, pursuant to KSA 75-3721(f).

FY 2023 CHANGE FROM ACTUAL EXPENDITURES



The **agency** estimates revised expenditures of \$645,673, all from special revenue funds, and 5.0 FTE positions in FY 2023. This is an increase of \$56,073, or 9.5 percent, above FY 2022 actual expenditures. When determining its budget, the Judicial Council accounts for advisory committee member *per diem* and subsistence payments, pursuant to KSA 20-2206. The increase is primarily due to salaries and wages adjustments totaling \$62,760, including the 5.0 percent statewide salary increase (\$20,314). The increase is partially offset by reductions in capital outlay for new computer equipment (\$8,889) and in commodities for paper (\$2,140).

FY 2024 ANALYSIS

FIGURE 11
SUMMARY OF BUDGET REQUEST, FY 2024

	SGF		Special Revenue Funds	All Funds	FTE
Agency Revised Estimate, FY 2023	\$	-	\$ 645,673	\$ 645,673	5.0
Agency Request:					
1. Expenditure Adjustments		-	48,425	48,425	--
<i>Subtotal—Agency Estimate</i>	\$	-	\$ 694,098	\$ 694,098	5.0
Governor’s Recommendation:					
2. No Changes		-	-	-	--
TOTAL	\$	-	\$ 694,098	\$ 694,098	5.0

AGENCY REQUEST

The **agency** requests \$694,098, all from special revenue funds, in expenditures and 5.0 FTE positions in FY 2024. This is an increase of \$48,425, or 7.5 percent, above the FY 2023 revised estimate.

The **agency** request includes the following adjustments:

1. **EXPENDITURE ADJUSTMENTS.** The increase is primarily due to changes in salaries and wages to fund a vacant full-time administrative assistant position. Previously, this position has been a part-time position, which the agency notes does not provide sufficient administrative support (\$31,032).

GOVERNOR’S RECOMMENDATION

The **Governor** concurs with the agency request and recommends \$625,359 in expenditures, all from the Judicial Council Fund, and 5.0 FTE positions in FY 2023.

2. **NO CHANGES.** As the agency is part of the Judicial Branch, the Governor is statutorily required to include the Judicial Council's budget in *The Governor's Budget Report* as submitted by the agency, pursuant to KSA 75-3721(f).

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

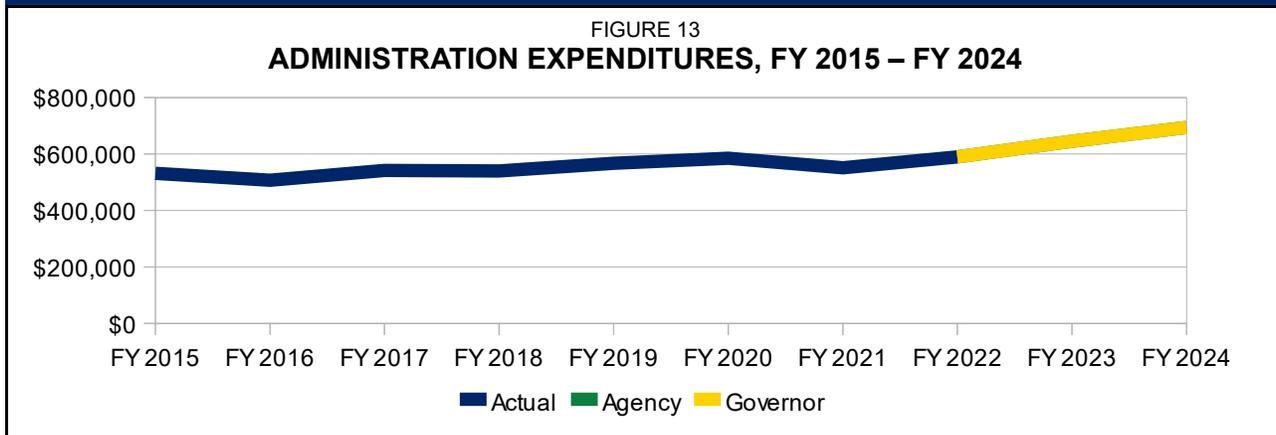
FIGURE 12
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2022 – FY 2024

Programs	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Expenditures:					
Administration	\$ 589,600	\$ 645,673	\$ 645,673	\$ 694,098	\$ 694,098
FTE Positions:					
Administration	5.0	5.0	5.0	5.0	5.0

PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

ADMINISTRATION



STATUTORY BASIS: • KSA 20-2201 *et seq.*

PROGRAM GOALS:

- Monitor major areas of law and corresponding statutory codes to identify needed updates or improvements.
- Publish and distribute legal materials for use in the Kansas court system.
- Create and post legal forms for use in the Kansas court system.

The Judicial Council exists to improve the administration of justice in Kansas by continuously studying the judicial system and related areas of law, by recommending changes when they are deemed appropriate, and by preparing publications that improve upon the administration of justice. Its mission is supported by the following three objectives.

STUDY AND IMPROVE JUDICIAL BRANCH OPERATIONS

The Judicial Council works to study the Judicial Branch, examine the substantive and procedural codes that are used, identify problem areas or areas of potential improvement, and take appropriate action when necessary. In doing so, the Judicial Council fields requests for studies on various judicial topics, which it then distributes to a number of standing advisory committees. The Judicial Council anticipates requiring 60 meetings in FY 2023 and 55 meetings for FY 2024.

DISTRIBUTE LEGAL PUBLICATIONS

The Judicial Council produces several publications to further the administration of justice and the practice of law in the state of

Kansas. The agency currently authors and distributes five publications: the Pattern Instructions for Kansas (PIK)–Criminal, PIK–Civil, Kansas Judicial Council Probate Forms, Kansas Municipal Court Manual, and the Kansas Appellate Practice Handbook. In FY 2023, the agency will print and distribute the Kansas Appellate Practice Manual 2022 Supplement, the Kansas Municipal Court Manual 2022 Supplement, the PIK–Criminal 4th 2022 Supplement, and the PIK–Civil 4th 2022 Supplement. For FY 2024, the agency will print and distribute the Kansas Municipal Court Manual 2023 Supplement and the PIK–Criminal 4th 2023.

PROVIDE AND PROMULGATE LEGAL FORMS

The Judicial Council provides more than 500 legal forms to the public, attorneys, and courts on its website. These include forms that the agency is statutorily required to provide, forms the agency is required to provide under the Kansas Supreme Court Rules, and forms the agency has developed in the process of fulfilling its mission to improve the administration of justice.

FIGURE 14
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
Outcome Measure:					
1. Number of Committee Meetings Held*	67	66	66	60	55
2. Number of Publications Authored*	3	3	3	4	2
3. Number of Website Visitors*	164,078	183,840	166,971	198,500	214,300
Output Measure:					
4. Number of Reports*	6	8	8	6	7
5. Number of Publications Sold	2,179	1,486	1,534	1,797	1,031
6. Number of Legal Forms Posted*	566	550	561	550	550
7. Number of Requests for Studies Assigned to Committees	5	8	6.3	6	7
Financing	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ -	\$ -		\$ -	\$ -
Judicial Council Fund	160,480	172,338		198,525	246,308
Publication Fee Fund	385,213	417,262		447,148	447,790
Federal Funds	5,800	-		-	-
All Other Funds	-	-		-	-
TOTAL	\$ 551,493	\$ 589,600		\$ 645,673	\$ 694,098
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	(5.7) %	6.9 %		9.5 %	7.5 %
FTE Positions	5.0	5.0		5.0	5.0

* The Governor's Office does not utilize this measure for evaluation purposes.

FIGURE 15
NUMBER OF FULL MEETINGS HELD AND ANTICIPATED

Committee	FY 2022	FY 2023 Est.	FY 2024 Est.
Administrative Procedure	0	0	0
Adoption Law	3	3	2
Adult Care Home (HB 2004)	1	6	0
Appellate Practice	0	2	0
Chapter 61 Forms	0	2	5
Civil Code	1	2	1
Criminal Law	3	5	4
Family Law	10	9	10
Guardianship and Conservatorship	11	10	8
Judicial Council	4	3	2
Juvenile Offender/Child in Need of Care	4	4	4
Municipal Court Manual	2	1	1
Pattern Instructions for Kansas–Civil	5	0	5
Pattern Instructions for Kansas–Criminal	6	5	5
Probate Law	6	7	7
Tribal-State Judicial Forum	0	1	1
Virtual Court	5	0	0
Vital Statistics	5	0	0
TOTAL	66	60	55