

February 5, 2013

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

**SUBJECT:** Fiscal Note for HB 2117 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2117 is respectfully submitted to your committee.

HB 2117 would authorize the courts to charge fees to fund the cost of establishing, operating, and maintaining an electronic document filing, storage, and management system for the Kansas court system. The bill provides that these fees may be charged for electronic case filing, motion filing, record access, and document access. The fees would be remitted to the State Treasurer and then deposited in the existing Judiciary Technology Fund. Monies credited to this fund could not be used for compensation of justices or judges of the Supreme Court, but could be used only to establish, operate and maintain a statewide system of electronic remote access to court records that are otherwise publicly unavailable; to implement technological improvements in the Kansas court system; and to fund meetings of the Judicial Council Technology Advisory Committee. The bill would add establishing, operating, and maintaining a statewide system of electronic case filing, record access, and document access to the currently existing statutory purposes for the Judiciary Technology fund. The bill would delete language in current law that prohibits "charging a fee in addition to a county fee, if any, for providing electronic access to district court records."

According to the Kansas Department of Revenue, passage of HB 2117 would have no fiscal effect on the agency budget. According to the Office of Judicial Administration, the Judicial Branch currently has funding to implement e-filing in only three pilot courts. The intention is to implement e-filing statewide and the Judicial Branch is seeking funding from the Legislature to do so. Any potential revenue which would be derived from e-filing is dependent upon implementation of the system.

The Supreme Court has not yet had an opportunity to consider the fee structure and the application of an e-filing fee. Application issues include, but are not limited to: whether e-filing should be mandatory; whether any e-filing fee should be assessed per case filing or per document

The Honorable Lance Kinzer, Chairperson

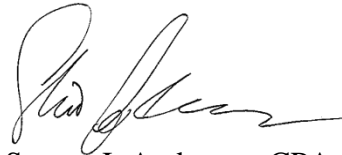
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filed; whether the fee should apply to all case types; and whether the fee should be imposed at case filing or at case completion.

In FY 2013, Leavenworth, Douglas and Sedgwick counties are scheduled to implement e-filing. Phased-in implementation would result in a partial year of e-filing for these counties. Using FY 2012 civil case filings in these counties, 2,508 cases would be possible for an e-filing fee based upon a prorated implementation schedule. This estimate assumes that e-filing would be mandatory for attorneys and that the e-filing fee would be assessed per case filing. A reduction in the number of cases for which an e-filing fee could be assessed, due to *pro se* litigants, poverty affidavits, and others who are exempt from paying a docket fee, is included in the estimate. If the Judicial Branch receives funding to continue statewide implementation of e-filing, using the assumptions above, it is estimated that 24.0 percent of case filings could be possible for an e-filing fee for FY 2014, 46.0 percent in FY 2015, 62.0 percent in FY 2016, and 70.0 in FY 2017 and ensuing years. Any fiscal effect associated with HB 2117 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mary Rinehart, Judiciary