

IN THE SUPREME COURT OF THE STATE OF KANSAS

Re: Kansas Judicial Branch Fiscal Year 2010 Surcharge

WHEREAS, approximately \$15.9 million has been cut from the Judicial Branch's FY 2010 maintenance budget; and

WHEREAS, it has been determined that, without restoration of the maintenance budget cut, the Judicial Branch cannot perform its constitutional and statutory duties; and

WHEREAS, the Legislature has authorized assessing a Judicial Branch Surcharge in 2009 Senate Bill 66;

IT IS THEREFORE ORDERED that a Judicial Branch Surcharge shall be assessed in accordance with the attached schedule, effective July 1, 2009.

IT IS FURTHER ORDERED that the following terms and conditions shall apply:

1. The district and appellate courts may waive all or part of the Judicial Branch Surcharge set forth in this order on motion of the party to be charged, and upon a showing that such surcharge will result in undue hardship to the petitioning party;

2. The district and appellate court clerks shall monthly remit surcharge funds to the state treasurer as provided in 2009 Senate Bill 66 and K.S.A. 75-4215. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Judicial Branch Surcharge Fund. All expenditures from such fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Chief Justice of the Kansas Supreme Court or by a person or persons designated by the Chief Justice;

3. Notwithstanding the provisions of Supreme Court Administrative Order No. 41 or local rules pertaining to the order of payment in criminal cases, funds received in criminal cases shall first be credited to the Judicial Branch Surcharge Fund in the amount required, then shall be credited to other funds or entities as Supreme Court Administrative Order No. 41 or local rule direct;

4. In criminal and civil cases where a party is ordered to pay court costs, the Judicial Branch Surcharge shall be considered a portion of such court costs;

5. The Judicial Branch Surcharge is not a service or operations charge and funds will be utilized solely to make up the deficit in the maintenance budget; and

6. This order shall be effective on and after July 1, 2009, and shall continue until June 30, 2010, unless rescinded or amended by the Kansas Supreme Court.

BY ORDER OF THE COURT the 3rd day of June, 2009.



Robert E. Davis
Chief Justice

Attachment