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2003 JUN 17 A 9:06

IN THE SUPREME COURT OF THE STATE OF KANSAS

CAROL G. GREEN

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Re: Kansas Judicial Branch Fiscal Year 2004 Emergency Surcharge

WHEREAS, the Judicial Branch's FY 2003 maintenance budget was cut by approximately \$3.5 million; and

WHEREAS, it was determined that, without restoration of the maintenance budget cut, the Judicial Branch could not perform its constitutional and statutory duties; and

WHEREAS, in response to this funding crisis, the Supreme Court established the Kansas Judicial Branch Fiscal Year 2003 Emergency Surcharge, as set forth in 2002 SC 13; and

WHEREAS, despite repeated requests throughout the 2003 legislative session to fully fund the Judicial Branch's maintenance budget, the \$3.5 million shortfall was continued into the Judicial Branch's FY 2004 budget; and

WHEREAS, the Judicial Branch was urged by many legislators to extend the emergency surcharge through FY 2004 because of the state's worsening fiscal situation;

IT IS THEREFORE ORDERED that the Judicial Branch FY 2003 Emergency Surcharge be extended through FY 2004 in accordance with the attached schedule as amended, effective July 1, 2003.

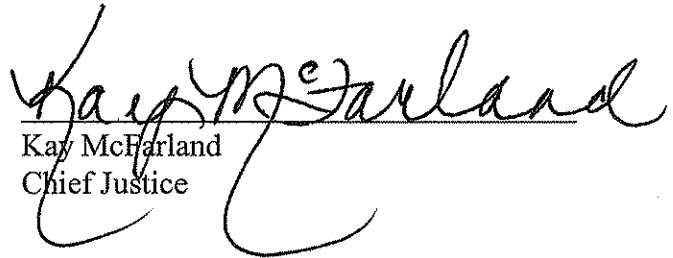
IT IS FURTHER ORDERED that the following terms and conditions shall apply:

1. The district and appellate courts may waive all or part of the Emergency Surcharge set forth by 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. Upon receipt of such remittance the state treasurer shall deposit the entire amount thereof in the special fund known as the Judicial Branch Emergency Surcharge Fund, which is hereby established by this Order, and which shall not be a part of the state treasury. This fund shall be used only for Judicial Branch expenditures. All expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Chief Justice of the Supreme Court or her designee;
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 Emergency 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 requires;

4. In criminal and civil cases where a party is ordered to pay court costs, the Judicial Branch Emergency Surcharge shall be considered a portion of such court costs;
5. The Emergency Surcharge is not a service or operational charge and funds will be utilized solely to make up the deficit in the maintenance budget; and
6. This order shall be effective July 1, 2003, and shall continue until June 30, 2004, unless rescinded, amended, or extended by the Kansas Supreme Court.

BY ORDER OF THE COURT this 9th day of June, 2003.


Kay McFarland
Chief Justice

Attachment