

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 425**

As Recommended by House Committee on  
Appropriations

**Brief\***

House Sub. for SB 425, as recommended, would delay by five years the statutory requirement that the Judicial Branch add the 14th Court of Appeals judge, from January 1, 2013, to January 1, 2018.

**Background**

Kim Fowler, Chief Fiscal Officer with the Judicial Branch, testified favorably to the bill, indicating the money for the positions had been lapsed by the House Appropriations Committee and the bill was necessary in order to avoid an unfunded mandate on the Judicial Branch. Chief Judge Richard Greene of the Kansas Court of Appeals testified in opposition to the bill. The Chief Judge indicated the additional Court of Appeals judge was necessary to handle a projected increase in appellate court filings together with additional and enhanced complexity of issues in criminal appeals. No conferees testified neutrally to the bill.

The original bill would have delayed the addition of the 14th Court of Appeals judge by one year, from January 1, 2013, to January 1, 2014. The House Appropriations Committee amended the bill to delay the additional judge by five more years, until January 1, 2018.

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\*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>

The House Committee amended SB 425 by striking the contents of the Senate bill regarding the authority of the Judicial Branch to impose an access fee to support the development of e-filing. The Appropriations Committee inserted the contents of HB 2746, delaying the 14th Court of Appeals judge, into the bill.

In 2001, the Legislature expanded the Court of Appeals from 10 judges to 14 judges. The expansion was to begin in 2003, and expand each year until reaching 14 members. Position number 11 was appointed in 2003. During the 2003 Session, the Legislature passed a bill to delay position number 12 to 2005, number 13 to 2006 and number 14 to 2007. Position number 12 was appointed in 2005. During the 2005 Session, the Legislature passed a bill to delay position number 13 to 2007 and number 14 to 2008. During the 2006 Session, the Legislature again delayed both positions a year. Position number 13 was appointed in 2008. During the 2008 Session, the Legislature passed a bill to delay position number 14 to 2010. Since then, the Legislature has continued to delay the 14th judge position on the Court of Appeals.

The fiscal note on original HB 2746 indicated the estimated cost of adding the 14th Court of Appeals judge in FY 2013 was \$371,570 for capital improvements and one-half year's worth of salaries, wages and operating expenses for the judge and the judge's staff.