

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2065**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

Senate Sub. for HB 2065 would amend the law concerning the filling of judicial vacancies. The bill would require the Chief Justice of the Supreme Court to provide notice of a vacancy in the office of district court judge or district magistrate court judge to the chairperson of the district judicial nominating commission in such district not later than 120 days following the date the vacancy occurs or will occur. Current law requires such notice be given "promptly." Once the nominating commission has submitted the required number of nominations to the Governor, the bill would increase from 30 to 60 the number of days within which the Governor must make an appointment. Similarly, the bill would increase from 30 to 60 the number of days within which the Chief Justice must make an appointment if the Governor fails to make an appointment within the allotted time.

In judicial districts where judges are elected, the bill would require the Clerk of the Supreme Court to provide notice of a vacancy in the office of district court judge to the Governor not later than 120 days following the date the vacancy occurs or will occur. Further, the bill would increase from 60 to 90 the number of days within which the Governor must make an appointment following receipt of such notice.

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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>

## **Background**

As it passed the 2013 House, HB 2065 would have created the crime of home improvement fraud.

The 2014 Senate Committee on Judiciary recommended a substitute bill be passed containing the contents of SB 377.

### ***Background of SB 377***

SB 377 was introduced by the Senate Committee on Judiciary at the request of the Kansas Supreme Court. In the Senate Committee, Kansas Court of Appeals Judge Karen Arnold-Burger, Chairperson of the Court Budget Advisory Council, testified in support of the bill. There was no neutral or opponent testimony.

The fiscal note prepared by the Division of the Budget indicates passage could reduce Judicial Branch expenditures by allowing a longer period of time to fill judicial vacancies than is allowed under current law. The Court Budget Advisory Council made certain presumptions and found this proposal would be a cost-saving measure. Vacancies are sporadic, however, and an average vacancy rate is not indicative of actual vacancies that might occur in any given year. Additionally, the Office of Judicial Administration indicates counties might incur additional expenses for temporary judges if cases are delayed or cannot be heard by other judges.