

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2612

As Amended by House Committee of the Whole

Brief*

HB 2612 would amend the law concerning the filling of judicial vacancies on and after July 1, 2014, through June 30, 2017. On and after July 1, 2017, the bill would revert to current law. 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.

*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

In the House Judiciary Committee, Kansas Court of Appeals Judge Honorable Karen Arnold-Burger appeared in support of the bill. No opponents offered testimony.

The House Committee of the Whole amended the bill to include sunset provisions, which would take effect July 1, 2017.

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.