

January 15, 2013

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 8 by Senator King

In accordance with KSA 75-3715a, the following fiscal note concerning SB 8 is respectfully submitted to your committee.

SB 8 is a trailer bill to SCR 1601, which proposes to amend the Constitution of the State of Kansas by placing the law concerning the Court of Appeals into the Constitution and doing away with the Supreme Court Nominating Commission. SB 8 would establish the Kansas Commission on Judicial Qualifications, a seven-member commission that would interview persons appointed to be Justice of the Supreme Court or Judge of the Court of Appeals by the Governor or the Chief Justice of the Supreme Court, to determine the appointee's qualifications. Of the four non-lawyer members of the commission, two would be appointed by the Speaker of the House, one by the Minority Leader of the House, and one by the State Treasurer. Two lawyer members would be appointed, one by the Chief Justice of the Supreme Court and one by the Attorney General, and one member would be a retired district judge appointed by the Kansas County and District Attorneys Association. Members would be appointed for terms of two years and would be reimbursed for travel and expenses incurred in the performance of their duties. The Commission would be exempt from the Kansas Open Meetings Act.

The bill would require the Commission to hold a meeting to interview the person appointed by the Governor or Chief Justice of the Supreme Court to the position of Justice of the Supreme Court or Judge of the Court of Appeals within 30 days of the appointment. The Commission would then provide a written report of the meeting to the President of the Senate and Chairperson of the Judiciary Committee of the Senate, also within 30 days of the appointment. The President of the Senate would be required to refer the appointment to the Judiciary Committee of the Senate immediately after receiving the report, or if the Commission did not return a report within 30 days, on the next legislative day after the 30 days had passed. The Judiciary Committee must return the appointment to the Senate within 15 legislative days after its referral, and if it does not, the appointment would be considered to be returned without recommendation. Upon return of the appointment, the Senate could consider and act on the appointment at any time. The bill would prohibit a motion to confirm an appointment without the unanimous consent of the Senate prior to the return of the appointment.

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This act would take effect upon voter approval of the amendment to the Constitution of the State of Kansas contained in SCR 1601.

While it is not possible to estimate specific costs associated with passage of SB 8, it is expected that they would be negligible as they would be for reimbursement of Commission members for travel and per diem expense only. Current law provides for committee review of judicial nominees by the Supreme Court Nominating Commission so this bill merely changes the timing of the committee review. Any fiscal effect associated with SB 8 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Rachel Sciolaro, Secretary of State's Office