

January 22, 2013

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2020 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2020 is respectfully submitted to your committee.

Under existing law, vacancies in the Court of Appeals are filled by appointment of the Governor from a panel of three nominees who have been determined to be qualified to serve as judges of the Court of Appeals by the Supreme Court Nominating Commission. Passage of HB 2020 would require any vacancies on the Court of Appeals to be filled by election at the next general election following publication of the law in the statute book. The election would be partisan and from the state as a whole, and existing election laws that apply to other state officers would also apply to the nomination and election of these judges. Newly elected judges would hold office for a term of four years beginning the second Monday in January following the general election and could seek reelection at the end of each term. Judges who had been retained before July 1, 2013 would hold office for the term retained. Judges who had been appointed would hold office for the term appointed and until a successor could be elected and qualified. At the end of any judge's term or upon the retirement, resignation or removal of a judge, the office would be considered open.

In addition, the bill would remove language in current law that makes appointment of the 14th judge of the Court of Appeals on or after January 1, 2013 subject to appropriation.

According to the Judicial Branch, passage of HB 2020 could result in negligible savings in years in which there was a vacancy on the Court of Appeals by eliminating the costs of staff time and activities association with the Nominating Commission. Election of judges would occur in the same election cycle as in current law, so the bill would not result in any additional

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expense to conduct an election. Any fiscal effect associated with HB 2020 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