

SENATE BILL No. 418

By Committee on Judiciary

1-29

1 AN ACT concerning courts; requiring the clerk of the appellate courts to
2 publish monthly a list of cases of the supreme court and court of
3 appeals in which a decision has not been entered and filed within six
4 months of submission and a list of cases in which a petition for review
5 has not been granted or denied within six months of submission;
6 amending K.S.A. 20-3301 and repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 20-3301 is hereby amended to read as follows: 20-
10 3301. (a) (1) ~~A district court shall enter and file its decision on motions and~~
11 ~~non-jury trials within 120 days after the matter is submitted for~~
12 ~~decision.~~*The clerk of the appellate courts shall publish monthly a list of*
13 *cases of the supreme court and court of appeals in which a decision has*
14 *not been entered and filed within six months of the date that the case was*
15 *submitted for decision.*

16 (2) ~~If the district court does not enter and file its decision on a~~
17 ~~submitted matter within 120 days of submission, all counsel shall, within~~
18 ~~130 days after the matter is submitted for decision, file with the court a~~
19 ~~joint request that such decision be entered without further delay. A copy of~~
20 ~~such request shall be sent to the chief judge of the judicial district and~~
21 ~~made available to the public.~~*The monthly list of cases published by the*
22 *clerk shall include the case name, case number, the date that the case was*
23 *submitted for decision and, if before the court of appeals, the panel of*
24 *judges who heard the case. The monthly list shall be publicly available on*
25 *the supreme court's internet website. This posting shall remain publicly*
26 *viewable until the case is decided.*

27 (3) ~~Within 30 days after the filing of a joint request, the district court~~
28 ~~shall enter its decision or advise the parties in writing of the date by which~~
29 ~~the decision will be entered. A copy of such written advice shall be filed in~~
30 ~~the case, sent to the chief judge of the judicial district and made available~~
31 ~~to the public.~~*The clerk shall also transmit each monthly list of cases to the*
32 *standing judiciary committees of the house of representatives and the*
33 *senate, the speaker of the house, the president of the senate, the attorney*
34 *general and the governor.*

35 (4) ~~In the event the district court fails to enter its decision or to advise~~
36 ~~the parties of an intended decision date as required by subsection (a)(3), all~~

1 counsel shall then file a joint request with the chief judge of the judicial
2 district to establish an intended decision date. A copy of such request shall
3 be filed in the case and made available to the public.

4 ~~(5) Upon receipt of a request under subsection (a)(4), the chief judge~~
5 ~~of the judicial district shall, after consultation with the judge to whom the~~
6 ~~matter is assigned, establish a firm intended decision date by which the~~
7 ~~district court's decision shall be made. Such setting of a final intended~~
8 ~~decision date shall be in writing, filed in the case, served on the parties and~~
9 ~~made available to the public.~~

10 ~~(b) (1) The court of appeals shall render and file its decision on~~
11 ~~motions and appeals within 180 days after the matter is submitted for~~
12 ~~decision.~~

13 ~~(2) If the court of appeals does not enter and file its decision on a~~
14 ~~submitted matter within 180 days of submission, all counsel shall, within~~
15 ~~190 days after the matter is submitted for decision, file with the court a~~
16 ~~joint request that such decision be entered without further delay. A copy of~~
17 ~~such request shall be sent to the chief judge of the court of appeals and~~
18 ~~made available to the public.~~

19 ~~(3) Within 30 days after the filing of a joint request, the court of~~
20 ~~appeals shall enter its decision or advise the parties in writing of the date~~
21 ~~by which the decision will be entered. A copy of such written advice shall~~
22 ~~be filed in the case, sent to the chief judge of the court of appeals and~~
23 ~~made available to the public.~~

24 ~~(4) In the event the court of appeals fails to enter its decision or to~~
25 ~~advise the parties of an intended decision date as required by subsection~~
26 ~~(b)(3), all counsel shall then file a joint request with the chief judge of the~~
27 ~~court of appeals to establish an intended decision date. A copy of such~~
28 ~~request shall be filed in the case and made available to the public.~~

29 ~~(5) Upon receipt of a request under subsection (b)(4), the chief judge~~
30 ~~of the court of appeals shall, after consultation with the judge or judges to~~
31 ~~whom the matter is assigned, establish a firm intended decision date by~~
32 ~~which the court's decision shall be made. Such setting of a final intended~~
33 ~~decision date shall be in writing, filed in the case, served on the parties and~~
34 ~~made available to the public.~~

35 ~~(c) (1) The supreme court shall render and file its decision on motions~~
36 ~~and appeals within 180 days after the matter is submitted for decision.~~

37 ~~(2) If the supreme court does not enter and file its decision on a~~
38 ~~submitted matter within 180 days of submission, all counsel shall, within~~
39 ~~190 days after the matter is submitted for decision, file with the court a~~
40 ~~joint request that such decision be entered without further delay. A copy of~~
41 ~~such request shall be sent to the chief justice and made available to the~~
42 ~~public.~~

43 ~~(3) Within 30 days after the filing of a joint request, the supreme-~~

1 court shall enter its decision or advise the parties in writing of the date by
 2 which the decision will be entered. A copy of such written advice shall be
 3 filed in the case, sent to the chief justice and made available to the public.

4 ~~(4) In the event the supreme court fails to enter its decision or to~~
 5 ~~advise the parties of an intended decision date as required by subsection~~
 6 ~~(e)(3), all counsel shall then file a joint request with the chief justice to~~
 7 ~~establish an intended decision date. A copy of such request shall be filed in~~
 8 ~~the case and made available to the public.~~

9 ~~(5) Upon receipt of a request under subsection (e)(4), the chief justice~~
 10 ~~shall, after consultation with the justice or justices to whom the matter is~~
 11 ~~assigned, establish a firm intended decision date by which the court's~~
 12 ~~decision shall be made. Such setting of a final intended decision date shall~~
 13 ~~be in writing, filed in the case, served on the parties and made available to~~
 14 ~~the public.~~

15 ~~(d) For the purposes of this section:~~

16 ~~(1) A motion shall be deemed submitted for decision on the date the:~~
 17 ~~(A) Court announces on the record in open court, at the conclusion of the~~
 18 ~~hearing thereon, that the matter is submitted for decision; or (B) last~~
 19 ~~memorandum or other document is permitted to be filed. If no oral~~
 20 ~~argument is conducted on the motion, a motion shall be deemed submitted~~
 21 ~~for decision as of the date the last memorandum or other document is~~
 22 ~~permitted to be filed.~~

23 ~~(2) A non-jury trial shall be deemed submitted for decision on the~~
 24 ~~date the: (A) District court announces on the record in open court, at the~~
 25 ~~conclusion of the trial, that the matter is submitted for decision; or (B) last~~
 26 ~~memorandum or other document is permitted to be filed.~~

27 ~~(3)(A) An appeal shall be deemed submitted for decision on the~~
 28 ~~earlier of the date that the:~~

29 ~~(A)(i) Court announces on the record in open court, at the conclusion of~~
 30 ~~oral argument, that the matter is submitted for decision; or~~

31 ~~(B)(ii) last memorandum or other document is permitted to be filed.~~

32 ~~(B) If no oral argument is conducted, an appeal shall be deemed~~
 33 ~~submitted for decision as of the date that the case is considered on a non-~~
 34 ~~argued calendar.~~

35 ~~(b) (1) The clerk of the appellate courts shall publish monthly a list of~~
 36 ~~cases in which a petition for review has not been granted or denied within~~
 37 ~~six months of the date that the petition was submitted for a decision.~~

38 ~~(2) The monthly list of pending petitions published by the clerk shall~~
 39 ~~include the case name, case number and the date that the petition was~~
 40 ~~submitted for a decision. The monthly list shall be publicly available on~~
 41 ~~the supreme court's internet website. This posting shall remain publicly~~
 42 ~~viewable until the petition is granted or denied.~~

43 ~~(3) The clerk shall also transmit each monthly list of pending~~

1 *petitions to the standing judiciary committees of the house of*
2 *representatives and the senate, the speaker of the house, the president of*
3 *the senate, the attorney general and the governor:*

4 *(4) A petition for review shall be deemed submitted for decision on*
5 *the earlier of the date that:*

6 *(A) Any responsive pleading to the petition is filed; or*

7 *(B) the time for filing any responsive pleading to the petition expires.*

8 Sec. 2. K.S.A. 20-3301 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.