

Court Trustees Operation Fund, Nonjudicial Salary Adjustment Fund Dates, Time Limits for Issuing Opinions; Senate Sub. for HB 2446

Senate Sub. for HB 2446 allows the chief judge of a judicial district where the office of court trustee has ceased to exist to authorize expenditures from the Court Trustee Operations Fund for district court operations.

The bill also revises dates in portions of the law amended early in the 2014 Legislative Session by HB 2303, which increased DUI-related reinstatement fees and allocated a portion of funds generated by those fees to the Judicial Branch's Nonjudicial Salary Adjustment Fund. Specifically, the bill changes the effective date of the provisions enacted in HB 2303 from 2013 to 2014 and a four-year sunset provision from 2017 to 2018. Additionally, the dates in a provision limiting the salaries of nonjudicial personnel based on approved salary adjustments are changed from FY 2009 to FY 2015 and from FY 2010 to FY 2016.

Finally, the bill establishes time limits for decisions by district courts, the Kansas Court of Appeals, and the Kansas Supreme Court. The bill requires a district court to issue a decision on a motion or non-jury trial within 120 days after the matter is submitted for decision. If a decision is not issued within this time, within 130 days of submission for decision, all counsel must file a joint request for the decision to be entered without further delay, with a copy of this request to be sent to the chief judge of the judicial district. Within 30 days of this request, the district court must enter a decision or provide a date by which a decision will be entered, with a copy of the notice of such date sent to the chief judge of the judicial district. If the district court fails to enter a decision or provide a date for decision within 30 days, all counsel must file a joint request with the chief judge to establish an intended decision date, and the chief judge will then establish such a date after consultation with the judge to whom the matter is assigned.

The bill requires the Court of Appeals and the Supreme Court to issue a decision on a motion or an appeal within 180 days after the matter is submitted for decision. If a decision is not issued within this time, within 190 days of submission for decision, all counsel must file a joint request for the decision to be entered without further delay, with a copy of the request to be sent to the chief judge (in Court of Appeals cases) or the chief justice (in Supreme Court cases). The same time line and process for issuing a decision or setting a decision date as established for district court cases will be followed, with the chief judge or chief justice ultimately setting a final intended decision date, if necessary.

Any writing required by the bill will be made available to the public. The bill specifies when a motion, non-jury trial, or appeal is deemed "submitted for decision" for purposes of the time limits.