

February 15, 2017

The Honorable Blaine Finch, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519-N  
Topeka, Kansas 66612

Dear Representative Finch:

**SUBJECT:** Fiscal Note for HB 2245 by Representative Highberger

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2245 is respectfully submitted to your committee.

HB 2245 would repeal several changes that were implemented during the 2016 Legislative Session to statutes that govern the processes for electing members of the Supreme Court Nominating Commission and district judicial nominating commissions. The changes in this bill include the following:

1. Striking provisions that require applicants for admission to practice law to provide the Clerk of the Supreme Court with information enumerated in statute and update and correct that information within certain timeframes;
2. Eliminating a requirement that the Clerk use a certified roster of attorneys provided by the Secretary of State when determining which attorneys are entitled to ballots in Supreme Court Nominating Commission elections or district judicial nominating commission elections and other associated requirements;
3. Preserving ballots and certificates from Supreme Court Nominating Commission elections for six months instead of five years, and providing that ballots and certificates could not be inspected unless ordered by the Supreme Court;
4. Striking requirements that the Clerk create a list of names and addresses of persons who returned a ballot in a Supreme Court Nominating Commission election or district judicial nominating commission election and send them to the Secretary of State;
5. Eliminating language that prohibits the commissions from recessing for a closed or executive meeting;
6. Changing the canvassers involved in a Supreme Court Nominating Commission election or district judicial nominating commission election from the Clerk, the Secretary of State

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- and the Attorney General to the Clerk and two or more persons who are members of the Kansas bar residing in the state, as designated by the Chief Justice;
7. Providing that lawyer members of the district judicial nominating commission would be elected by lawyers who are qualified electors of the district and are registered with the Clerk;
  8. Changing the timeframe in which ballots returned for district judicial nominating commission elections would have to be canvassed from ten to five days; and
  9. Repealing various applicable statutes related to the changes above, including requirements for maintaining a special roster of attorneys, attorneys providing certain identifying information, the Clerk sending the roster of attorneys to the Secretary of State, disclosure of identifying information about eligible attorney voters under the Kansas Open Records Act, severability provisions, and specifying who may nominate lawyer members of a district judicial nominating commission.

The Office of Judicial Administration indicates various provisions in HB 2245 would reduce costs for the Judicial Branch from staff time spent on Supreme Court Nominating Commission elections and district judicial nominating commission elections, but an estimate of savings was not provided. The Office notes that the Judicial Branch never received any additional funding when the current provisions were enacted in 2016, and it could realize savings in FY 2017 if the bill goes into effect immediately. If the bill is not passed until July 1, 2017, savings would not be realized until FY 2018. Any fiscal effect associated with HB 2245 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Melissa Wangemann, Association of Counties  
Linda Borrer, Office of the Secretary of State