

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 419

As Amended by Senate Committee of the Whole

Brief*

SB 419 would address financial disclosure requirements for several members of the judicial branch. The bill would require submission to the Secretary of State of a "statement of substantial interests" by every Supreme Court justice, court of appeals judge, member of the Commission on Judicial Qualifications, member of the Supreme Court Nominating Commission, law clerk assigned to a court of appeals judge or justice of the Supreme Court, and nonjudicial appellate court employee listed officially as a "designee" (*i.e.*, performs significant duties such as contracting, purchasing, or procurement). In the case of the judicial branch individuals, "statement of substantial interests" would be defined as the judicial financial disclosure report required by the Supreme Court.

Background

KSA Chapter 46, Article 2, contains the State Governmental Ethics Law. Among other items, the article requires a number of state officers and employees to file a statement of substantial interests with the Secretary of State. Failure to file the statement is deemed a class B misdemeanor.

The Rules of the Supreme Court now require financial disclosure for all judges. The definition of "judges" includes any judicial officer who performs the functions of a judge in Kansas courts including Kansas Supreme Court justices. It does not include members of the Commission on Judicial Qualifications or the Supreme Court Nominating Commission, law clerks assigned to a court of appeals judge or justice of the Supreme Court, or nonjudicial appellate court employees designated by law as one who performs significant duties. Contained in Canon 4 of the Supreme Court Rules, the requirement directs judges to file their reports with the Clerk of the Appellate Courts. This bill would require that a copy of the report be filed with

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the Secretary of State and be deemed, for the purposes of this act, to be a statement of substantial interests.

Testifying in favor of the bill was Senator Tim Huelskamp. A representative of the Office of Judicial Administration presented information on the financial statements currently required by Supreme Court rule.

The fiscal note indicates passage of the bill would have no fiscal effect on the state budget.

The Senate Committee amended the bill to (a) in the case of the judicial officials and employees included in this bill, define "statement of substantial interests" to mean the judicial financial disclosure report required by the Supreme Court; (b) include law clerks serving Supreme Court justices and Court of Appeals judges in the requirement to submit a statement of substantial interests, and (c) clarify that the named judicial officials are considered "state officers and employees" in the State Governmental Ethics Law for the purposes of this requirement.

The Senate Committee of the Whole adopted a technical amendment.