

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 85

As Recommended by Senate Committee on
Judiciary

Brief*

SB 85 would authorize the Judicial Council to enter into a written agreement with a retired justice of the Supreme Court or a retired judge of the Court of Appeals or the District Court to perform services for the Commission on Judicial Performance. The bill would:

- Limit the agreement for a two-year period;
- Require the justice or judge to perform assigned duties for not more than 104 days or 40.0 percent of the year;
- Provide that the justice or judge would receive a monthly stipend equal to 25.0 percent of the monthly salary of the individual at his or her retirement;
- Provide that the justice or judge also would receive service retirement benefits through the retirement system for judges;
- Provide that the monthly stipend would not be counted toward the annual limitation on compensation; and
- Provide that a retired justice or judge who had fulfilled the requirements of an agreement with the Commission could be allowed to accept judicial assignments and be compensated.

Background

The proponent of the bill included Randy Hearrell, Kansas Judicial Council. He advised the Committee that in 2006 SB 337, the Legislature created the Kansas Commission on Judicial Performance as an independent committee of the Judicial Council. Three full-time employee positions were approved when the Commission was created. One position remains unfilled. The Commission believes a retired justice or judge could be of great assistance in areas of courtroom observation, discussion of judicial performance evaluations with judges, and working with judges on self-improvement plans.

*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 opponent of the bill included Bill McKean, citizen. After considering the proponent's testimony, Mr. McKean realized he was mistaken about the subject matter of the bill.

The fiscal note from the Division of Budget states that the Commission on Judicial Performance is funded by the Judicial Performance Fee Fund. The bill would have no fiscal effect on the receipts of the fund and would have a limited effect on expenditures. The bill could be implemented within the current authorized staffing and expenditures.