

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2164**

As Amended by Senate Committee on  
Judiciary

**Brief\***

HB 2164, as amended would:

- Repeal the mandatory retirement age for all judges, including justices of the Kansas Supreme Court. Under current law, judges are required to retire at age 75 except for Supreme Court Justices who are required to retire at age 70;
- Amend current law to authorize the Kansas Judicial Council to use its fee funds to pay for the Kansas Criminal Code Recodification Commission (KCCRC) for another year;
- Eliminate the requirement that the Commission on Judicial Performance evaluate the performance of retired senior judges who are employed on a part-time basis by the Supreme Court;
- Delay the continued expansion of the Court of Appeals until January 1, 2011.

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

The proponents of the bill's provision on mandatory retirement age for judges, as introduced, who presented testimony in the House Committee on Judiciary were Senator Terry Bruce and Representative Mike O'Neal. The same

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\*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>

proponents appeared in support of these provisions in the Senate Committee on Judiciary. There was no opposition to the bill in either the House or Senate Committee.

The proponents of the bill's provisions on the continued funding of the KCCRC and the elimination of the requirement to evaluate retired senior judges, as introduced, who presented testimony in the Senate Committee hearing were Randy Hearrell, Executive Director, Kansas Judicial Council; and Senator John Vratil. There was no testimony in opposition to these provisions in the Senate Committee hearing.

The proponent of the bill's provision delaying the continued expansion of the Court of Appeals was Jerry Sloan, Budget and Fiscal Officer, Office of Judicial Administration. There was no testimony in opposition to this provision in the Senate Committee hearing.

The Senate Committee on Judiciary amended the bill to:

- Repeal the mandatory retirement age of all judges;
- Add the provisions of SB 277 (funding the KCCRC and elimination of the evaluation of retired senior judges), as introduced; and
- Add the provisions of SB 282 (delay the continued expansion of the Court of Appeals), as introduced.

According to the fiscal note on the bill's provision on mandatory retirement for judges, as introduced, would have no fiscal effect.

According to the fiscal note on the bill's provision on the continued funding of the KCCRC and the removal of the requirement to evaluate retired senior judges, as introduced, *The FY 2010 Governor's Budget Report* recommended \$147,000 for the Commission. The Commission's recent estimate is that it will require only \$87,000. The elimination of the requirement for the Commission on Judicial Performance to evaluate retired senior judges would eliminate expenditures of \$20,000 per year from the Council's Judicial Performance Fund.

According to the fiscal note on the bill's provision on delaying the expansion of the Court of Appeals, as introduced, the passage of the bill would save \$155,955 from the State General Fund in FY 2010 by moving the appointment of the 14th Court of Appeals Judge to FY 2011. The cost includes half of a year's salaries and benefits for the judge, research attorney, executive assistant and the associated operating expenses. Any fiscal effect resulting from the passage of this bill is not accounted for in *The FY 2010 Governor's Budget Report*.