HOUSE BILL No. 2652

AN ACT concerning courts; requiring the clerk of the appellate courts to publish monthly a list of cases of the supreme court and court of appeals in which a decision has not been entered and filed within six months of submission and a list of cases in which a petition for review has not been granted or denied within six months of submission; amending K.S.A. 20-3301 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 20-3301 is hereby amended to read as follows: 20-3301. (a) (1) ~~A district court shall enter and file its decision on motions and non-jury trials within 120 days after the matter is submitted for decision~~*The clerk of the appellate courts shall publish monthly a list of cases of the supreme court and court of appeals in which a decision has not been entered and filed within six months of the date that the case was submitted for decision*.

(2) ~~If the district court does not enter and file its decision on a submitted matter within 120 days of submission, all counsel shall, within 130 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the judicial district and made available to the public~~*The monthly list of cases published by the clerk shall include the case name, case number, the date that the case was submitted for decision and, if before the court of appeals, the panel of judges who heard the case. The monthly list shall be publicly available on the supreme court's internet website. This posting shall remain publicly viewable until the case is decided*.

(3) ~~Within 30 days after the filing of a joint request, the district court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the judicial district and made available to the public~~*The clerk shall also transmit each monthly list of cases to the standing judiciary committees of the house of representatives and the senate, the speaker of the house, the president of the senate, the attorney general and the governor.*

~~(4) In the event the district court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (a)(3), all counsel shall then file a joint request with the chief judge of the judicial district to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.~~

~~(5) Upon receipt of a request under subsection (a)(4), the chief judge of the judicial district shall, after consultation with the judge to whom the matter is assigned, establish a firm intended decision date by which the district court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.~~

~~(b) (1) The court of appeals shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.~~

~~(2) If the court of appeals does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the court of appeals and made available to the public.~~

~~(3) Within 30 days after the filing of a joint request, the court of appeals shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the court of appeals and made available to the public.~~

~~(4) In the event the court of appeals fails to enter its decision or to advise the parties of an intended decision date as required by subsection (b)(3), all counsel shall then file a joint request with the chief judge of the court of appeals to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.~~

~~(5) Upon receipt of a request under subsection (b)(4), the chief judge of the court of appeals shall, after consultation with the judge or~~

~~judges to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.~~

~~(c) (1) The supreme court shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.~~

~~(2) If the supreme court does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief justice and made available to the public.~~

~~(3) Within 30 days after the filing of a joint request, the supreme court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief justice and made available to the public.~~

~~(4) In the event the supreme court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (c)(3), all counsel shall then file a joint request with the chief justice to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.~~

~~(5) Upon receipt of a request under subsection (c)(4), the chief justice shall, after consultation with the justice or justices to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.~~

~~(d) For the purposes of this section:~~

~~(1) A motion shall be deemed submitted for decision on the date the: (A) Court announces on the record in open court, at the conclusion of the hearing thereon, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed. If no oral argument is conducted on the motion, a motion shall be deemed submitted for decision as of the date the last memorandum or other document is permitted to be filed.~~

~~(2) A non-jury trial shall be deemed submitted for decision on the date the: (A) District court announces on the record in open court, at the conclusion of the trial, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed.~~

~~(3)~~*(A)* An appeal shall be deemed submitted for decision on *the earlier of* the date *that* the:

~~(A)~~*(i)* Court announces on the record in open court, at the conclusion of oral argument, that the matter is submitted for decision; or

~~(B)~~*(ii)* last memorandum or other document is permitted to be filed.

(B) If no oral argument is conducted, an appeal shall be deemed submitted for decision as of the date *that* the case is considered on a non-argued calendar.

(b) (1) The clerk of the appellate courts shall publish monthly a list of cases in which a petition for review has not been granted or denied within six months of the date that the petition was submitted for a decision.

(2) The monthly list of pending petitions published by the clerk shall include the case name, case number and the date that the petition was submitted for a decision. The monthly list shall be publicly available on the supreme court's internet website. This posting shall remain publicly viewable until the petition is granted or denied.

(3) The clerk shall also transmit each monthly list of pending petitions to the standing judiciary committees of the house of representatives and the senate, the speaker of the house, the president of the senate, the attorney general and the governor.

(4) A petition for review shall be deemed submitted for decision on the earlier of the date that:

(A) Any responsive pleading to the petition is filed; or

(B) the time for filing any responsive pleading to the petition expires.

Sec. 2. K.S.A. 20-3301 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the House, and passed that body

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HOUSE concurred in
SENATE amendments _____

_____
Speaker of the House.

_____
Chief Clerk of the House.

Passed the SENATE
as amended _____

_____
President of the Senate.

_____
Secretary of the Senate.

APPROVED _____

_____
Governor.