

SENATE BILL No. 277

By Committee on Ways and Means

2-17

9 AN ACT concerning the judicial council; relating to the commission on
10 judicial performance; funding the Kansas criminal code recodification
11 commission; amending K.S.A. 20-2207, 20-2208 and 20-3207 and
12 K.S.A. 2008 Supp. 20-3202 and 20-3205 and repealing the existing
13 sections.
14

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

16 Section 1. K.S.A. 20-2207 is hereby amended to read as follows: 20-
17 2207. (a) The judicial council may fix, charge and collect fees for sale and
18 distribution of legal publications in order to recover direct and indirect
19 costs incurred for preparation, publication and distribution of legal
20 publications. The judicial council may request and accept gifts, grants and
21 donations from any person, firm, association or corporation or from the
22 federal government or any agency thereof for preparation, publication or
23 distribution of legal publications.

24 (b) The publications fee fund of the judicial council which was estab-
25 lished in the state treasury pursuant to appropriation acts is hereby con-
26 tinued in existence and shall be administered by the judicial council. Rev-
27 enue from the following sources shall be deposited in the state treasury
28 and credited to such fund:

29 (1) All moneys received by or for the judicial council from fees col-
30 lected under this section; and

31 (2) all moneys received as gifts, grants or donations for preparation,
32 publication or distribution of legal publications.

33 (c) Moneys deposited in the publications fee fund of the judicial
34 council may be expended for operating expenditures related to prepara-
35 tion, publication and distribution of legal publications of the judicial coun-
36 cil and for operating expenses that are not related to publication activities,
37 *including expenditures to fund the Kansas criminal code recodification*
38 *commission on July 1, 2009, through June 30, 2010.*

39 (d) All expenditures from the publications fee fund shall be made in
40 accordance with appropriation acts upon warrants of the director of ac-
41 counts and reports issued pursuant to vouchers approved by the chair-
42 person of the judicial council or the chairperson's designee.

43 Sec. 2. K.S.A. 20-2208 is hereby amended to read as follows: 20-

1 2208. There is hereby established in the state treasury the judicial council
2 fund. All expenditures from the judicial council fund shall be made in
3 accordance with appropriation acts and upon warrants of the director of
4 accounts and reports issued pursuant to expenditures approved by the
5 chairperson of the Kansas judicial council or by a person or persons des-
6 ignated by the chairperson of the Kansas judicial council. *Expenditures*
7 *from the judicial council fund may be made to fund the Kansas criminal*
8 *code recodification commission on July 1, 2009, through June 30, 2010.*

9 Sec. 3. K.S.A. 2008 Supp. 20-3202 is hereby amended to read as
10 follows: 20-3202. (a) The commission shall consist of thirteen members
11 appointed by the judicial council. The council shall appoint commission
12 members of outstanding competence and reputation. Six members of the
13 commission shall be non-lawyers and six members of the commission shall
14 be lawyers, justices or judges. The judicial council shall appoint the chair
15 of the commission, who shall be a lawyer, justice or judge. At least one
16 non-lawyer commission member and at least one lawyer, justice or judge
17 commission member shall reside in each congressional district. The rules
18 of the commission shall provide that the terms of the commission mem-
19 bers are staggered.

20 (b) For the purposes of K.S.A. 20-3201 through 20-3207, and amend-
21 ments thereto, the commission shall not be subject to the Kansas open
22 meetings act as provided in K.S.A. 75-4317 et seq., and amendments
23 thereto.

24 (c) As used in K.S.A. 20-3201 through 20-3207, and amendments
25 thereto:

26 (1) "Lawyer" means an attorney registered as active pursuant to su-
27 preme court rule.

28 (2) "Judge" means: a current or retired Kansas judge of the district
29 court; *and* a current or retired judge of the Kansas court of appeals; ~~and~~
30 ~~a retirant serving as a judge under written agreement with the Kansas~~
31 ~~supreme court pursuant to K.S.A. 20-2622, and amendments thereto.~~

32 (3) "Justice" means a current or retired justice of the Kansas supreme
33 court.

34 Sec. 4. K.S.A. 2008 Supp. 20-3205 is hereby amended to read as
35 follows: 20-3205. (a) The surveys of court users, survey results and judicial
36 performance evaluation results are confidential and shall not be disclosed
37 except as provided in subsection (d) or in accordance with the rules of
38 the commission or the Kansas supreme court.

39 (b) Any statute or rule that restricts public access to certain types of
40 court records or certain types of information contained in court records
41 shall not prohibit the commission or agents of the commission from hav-
42 ing access to the names and addresses of appropriate persons named in
43 such records and other information necessary for the discharge of the

1 commission's duties pursuant to article 32 of chapter 20 of the Kansas
2 Statutes Annotated, and amendments thereto. No confidential informa-
3 tion found in such court records shall be revealed to any other person by
4 the commission or agents of the commission.

5 (c) The evaluation of judges subject to political elections shall be used
6 solely for self-improvement. A judge subject to political elections shall
7 not reveal data from any portion of the survey or the results of the survey.

8 ~~(d) Judicial performance evaluation results of a retirant serving as a~~
9 ~~judge under written agreement with the Kansas supreme court pursuant~~
10 ~~to K.S.A. 20-2622, and amendments thereto, shall be public and shall be~~
11 ~~used by the Kansas supreme court for the determination of a continuing~~
12 ~~agreement pursuant to K.S.A. 20-2622, and amendments thereto.~~

13 Sec. 5. K.S.A. 20-3207 is hereby amended to read as follows: 20-
14 3207. On and after July 1, 2006, there is hereby established in the state
15 treasury the judicial performance fund. All moneys credited to the fund
16 shall be used for the judicial performance evaluation process, *except on*
17 *July 1, 2009, through June 30, 2010, moneys credited to the fund may be*
18 *used to fund the Kansas criminal code recodification commission.* All ex-
19 penditures from the judicial performance fund shall be made in accord-
20 ance with appropriation acts and upon warrants of the director of accounts
21 and reports issued pursuant to expenditures approved by the chairperson
22 of the Kansas judicial council or by the person or persons designated by
23 the chairperson of the Kansas judicial council.

24 Sec. 6. K.S.A. 20-2207, 20-2208 and 20-3207 and K.S.A. 2008 Supp.
25 20-3202 and 20-3205 are hereby repealed.

26 Sec. 7. This act shall take effect and be in force from and after its
27 publication in the Kansas register.