

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2642**

As Agreed to April 4, 2008

**Brief\***

HB 2642 would amend the law regarding the Commission on Judicial Performance to grant immunity in any civil action to the Kansas Supreme Court, the Commission on Judicial Performance, the Judicial Council, and the staff of these entities for any act, error or omission within the scope of their official duties.

The bill also would expand the term "judge," regarding those judges who could be members of the Commission on Judicial Performance, to include a retired judge under a written agreement with the Kansas Supreme Court.

Confidentiality provisions would allow the Commission or agents of the Commission to have access to names, addresses, and other necessary information of appropriate persons in the discharge of the Commission duties. No confidential information in court could be revealed to any other person by the Commission or agents of the Commission.

Another provision would exempt the Commission from the application of the campaign finance law when the Commission is performing its statutory duties.

Additionally, the bill would require surveys to be taken of persons the Commission determines appropriate who have had sufficient experience with a judge or justice to form an opinion about the performance of the judge or justice, such as attorneys, litigants, jurors, witnesses, court staff and others.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

Further, the bill would delay the appointment of the fourteenth Court of Appeals Judge until 2010.

Agents under contract with the Commission would be indemnified and held harmless in any cause of action arising out of the agent's use of information provided by the State within the scope of their contractual duties. An agent would not be indemnified or held harmless for an agent's intentional or negligent acts.

The effective date would be publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee has reached an agreement on the bill to include a delay regarding the fourteenth Court of Appeals Judge to 2010.

### **Background**

The House Committee amended the bill to do the following:

- Restrict access of the Commission to include only the names and addresses of appropriate individuals in court records;
- Allow for the conduct of surveys of persons who have sufficient experience with a judge or justice to form an opinion of the judge or justice, such as attorneys, litigants, jurors, witnesses, court staff, and others;
- Add the indemnification provision for agents; and
- Add the Judicial Council as an entity that can have immunity.

The House Committee of the Whole amended the bill by inserting the language that would expand the term judge. Other amendments were technical in nature.

The Senate Committee amended the bill to clarify the Commission or Commission agents would have access to other necessary information in the discharge of the Commission's duties. The amendment was at the request of Randy Hearrell, Judicial Council.

The fiscal note on the bill as introduced indicates no fiscal effect.

Commission on Judicial Performance; judge; fourteenth Court of Appeals Judge