

SESSION OF 2011

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2101**

As Amended by House Committee on Judiciary

**Brief\***

HB 2101 would provide for the selection of Kansas Court of Appeals judges by the Governor, with confirmation by the Senate. When a vacancy occurs, the Clerk of the Kansas Supreme Court would be required to give notice to the Governor. The person selected by the Governor would then have to be approved by a majority vote of all the members of the Senate. The Senate would be required to vote on the appointment within 60 days. Failure to do so, would be deemed consent. If not in session, the Senate President would be required to convene the Senate for the sole purpose of voting on the appointment. If the appointee is not confirmed, the Governor would be required to appoint another within 60 days to be considered by the Senate in the same way.

The bill would require the person appointed to be a person of recognized integrity, character, ability, experience, and judicial temperament to the end that persons selected are the best qualified. Pursuant to the bill, once appointed, Kansas Court of Appeals judges would continue to stand for retention as currently provided in statute.

**Background**

In the House Committee on Judiciary, representatives of the Governor and Americans for Prosperity, in addition to several private citizens, local attorneys, and professors appeared in support of HB 2101. Members and former

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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>

members of the Supreme Court Nominating Commission, Chief Judge Richard Greene of the Kansas Court of Appeals, retired Kansas Supreme Court Justice Fred N. Nix, a Washburn Law School professor, and representatives of the League of Women Voters of Kansas, Kansas Bar Association, Wichita Bar Association, Kansas Association of Defense Counsel, and Kansas Association for Justice appeared in opposition to the bill.

The House Committee amended the bill by restoring retention votes for Kansas Court of Appeals judges, rather than allowing them to serve during good behavior; adding the provision concerning the qualifications of appointees; and raising from 30 to 60 the number of days within which the Senate must hold a confirmation vote and within which the Governor must appoint an alternative appointee when the Senate does not confirm the original.

The fiscal note indicates that passage of HB 2101 as introduced would have no fiscal effect on the Judicial Branch, but it would cost \$13,896 to convene the Senate if necessary.