

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2019

As Recommended by House Committee on
Judiciary

Brief*

HB 2019 would amend the current procedure for the appointment of Court of Appeals Judges to allow the Governor, with the consent of the Senate, to appoint a qualified person to fill any vacancy of the Kansas Court of Appeals. The bill would require the Clerk of the Supreme Court to give prompt notice of a vacancy to the Governor, who must then make an appointment within 60 days. Otherwise, the Chief Justice of the Supreme Court, with the consent of the Senate, would have the authority to appoint a qualified person for the position.

The bill would require the Senate to vote to consent to the appointment within 60 days of being received, or if the Senate is not in session and will not be in session within the 60-day time limit, within 20 days of the next session. If the Senate fails to vote within the time limit, its consent will be deemed given. If the appointee does not receive a majority vote in the Senate, the Governor would appoint another qualified person within 60 days, and the same consent procedure would be followed.

The bill also would strike language that makes the 14th Court of Appeals position subject to appropriations.

*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>

Background

Prior to a hearing on HB 2019 and related bills and resolutions, the House Committee on Judiciary conducted two days of informational hearings on judicial selection. Proponents of reforming the current selection process who offered testimony included Kris Kobach, Secretary of State; a representative of Americans for Prosperity; and several judges, attorneys, professors, and concerned citizens. Supporters of the current selection process who offered testimony included Lawton R. Nuss, Chief Justice of the Kansas Supreme Court; Thomas E. Malone, Chief Judge of the Kansas Court of Appeals; Anne Burke, Chairperson of the Kansas Supreme Court Nominating Commission, and other current and former members; representatives of the Kansas Bar Association, Wichita Bar Association, the Kansas Association for Justice, Kansas Association of Defense Counsel, Kansas Appleseed Center for Law and Justice, Justice at Stake, League of Women Voters of Kansas, and various chambers of commerce; and two law professors.

At the House Committee hearing on the bill, additional proponents included Derek Schmidt, Kansas Attorney General and former Senator; current members of the Supreme Court Nominating Commission; and a representative of Kansans for Life. Many of the supporters of the current selection process returned and offered testimony in opposition to the bill.

The fiscal note for the bill prepared by the Division of the Budget indicates passage of the bill would have no fiscal effect on the Judicial Branch budget.