

February 7, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2101 by Representative Kinzer, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2101 is respectfully submitted to your committee.

Under current law, any Court of Appeals vacant judge position requires the Supreme Court Nominating Commission to narrow the pool of applicants to three candidates and submit the names of those candidates to the Governor. The Governor then selects one of those candidates to fill the vacant Court of Appeals judge position. HB 2102 would change that procedure by requiring that the vacant Court of Appeals judge position be filled by appointment by the Governor, subject to consent of the Senate. The Senate must vote to consent to any appointment within 30 days of receiving the appointment. If the Senate is not in session and will not be in session within the 30-day time limitation, the President of the Senate would be required to convene the Senate for the sole purpose of voting. Judges appointed and consented to on and after July 1, 2011, would not stand for retention. Judges selected before July 1, 2011, under the previous procedure, will stand for retention.

Enactment of HB 2101 would have no fiscal effect on the Judicial Branch. However, for those appointments occurring when the Legislature is not in session and will not be in session within the 30-day time limitation, the President of the Senate would have to convene the Senate for the sole purpose of voting on the appointment. Convening the Senate for one day would cost an estimated \$13,896. That calculation would be as follows:

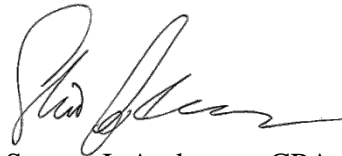
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40 x \$88.66 daily salary	\$ 3,546.40
5 x \$123 taxable subsistence	615.00
Employer costs at 10.33 percent	429.87
35 x \$123 nontaxable subsistence	4,305.00
40 x 250 average mileage @ .50	<u>5,000.00</u>
	\$13,896.27

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Diane Duffy, Board of Regents
Mary Rinehart, Judiciary
Jeff Russell, Legislative Services