

HOUSE BILL No. 2357

By Committee on Judiciary

2-8

1 AN ACT concerning courts; relating to the supreme court; providing
2 qualifications for supreme court justices; requiring a two-thirds
3 majority vote of the senate to be qualified to be a supreme court justice;
4 amending K.S.A. 20-105 and repealing the existing section.
5

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

7 Section 1. K.S.A. 20-105 is hereby amended to read as follows: 20-
8 105. (a) No person shall be qualified to hold the office of justice of the
9 supreme court; unless such person ~~shall have~~ has:

10 (1) Been regularly admitted to practice law in the state of Kansas ~~and~~
11 ~~has~~;

12 (2) engaged in the active and continuous practice of law, as a lawyer,
13 judge of a court of record or any court in this state, full-time teacher of law
14 in an accredited law school or any combination thereof for a period of at
15 least ~~ten (10)~~ years prior to the date of appointment as justice; and

16 (3) *except as provided in subsection (c), been found to be qualified by*
17 *the senate pursuant to subsection (b).*

18 (b) *When the governor makes an appointment of a justice of the*
19 *supreme court, the governor shall notify the senate of such appointment.*
20 *The senate shall vote on the qualifications of such appointee not later than*
21 *the end of the regular session of the legislature. If the senate is not in*
22 *session, the senate shall vote on the qualifications of such appointee not*
23 *later than the end of the next regular session of the legislature. The person*
24 *appointed shall serve as a justice pending the senate consideration. In the*
25 *event a two-thirds majority of all members of the senate then elected or*
26 *appointed and qualified does not vote to consent to the appointee, the*
27 *person shall be deemed not qualified. If the senate fails to vote on such*
28 *appointee within the time limits imposed by this subsection, the person*
29 *shall be deemed not qualified.*

30 (c) (1) *A justice who is serving on July 1, 2023, shall be deemed to be*
31 *qualified by the senate until the end of such justice's current term. Such*
32 *justice shall not be qualified to serve a subsequent term unless qualified by*
33 *the senate pursuant to subsection (b).*

34 (2) *A justice who is serving on July 1, 2023, and is retained for a*
35 *subsequent term pursuant to section 5 of article 3 of the constitution of the*
36 *state of Kansas shall be deemed qualified by the senate until the senate*

1 *votes on such justice's qualifications pursuant to subsection (b) in the next*
2 *regular session of the legislature following such retention.*

3 *(3) A person appointed by the chief justice to serve on the court in a*
4 *pro tempore capacity shall be deemed to be qualified by the senate, but*
5 *such person shall only serve in that capacity for a period not to exceed six*
6 *months.*

7 *(d) A person who has served five full terms as a judge of the court of*
8 *appeals, a justice of the supreme court or any combination thereof, shall*
9 *not be qualified to hold the office of justice of the supreme court.*

10 Sec. 2. K.S.A. 20-105 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.