

{As Amended by House Committee of the Whole}

Session of 2016

House Substitute for SENATE BILL No. 128

By Committee on Judiciary

2-19

1 AN ACT concerning district courts; relating to vacancies in the office of
2 judge of the district court; nominations for successor by district judicial
3 nominating commission; amending K.S.A. 2015 Supp. 20-2909 and
4 repealing the existing section.

5

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

7 Section 1. K.S.A. 2015 Supp. 20-2909 is hereby amended to read as
8 follows: 20-2909. (a) (1) Whenever a vacancy occurs in the office of judge
9 of the district court in any judicial district, or whenever a vacancy will
10 occur in such office on a specified future date, the chief justice of the
11 supreme court shall give notice of such vacancy to the chairperson of the
12 district judicial nominating commission of such judicial district not later
13 than 120 days following the date the vacancy occurs or will occur.

14 (2) The chairperson, in consultation with members of the
15 commission, within five days after receipt of such notice, shall set a
16 schedule for accepting nominations and conducting interviews for the
17 purpose of nominating persons for appointment to such office. {**The
18 chairperson shall make the name of each person whose nomination is
19 accepted available to the public whenever the commission stops
20 accepting nominations for such appointment, but not less than 10 days
21 prior to submitting the names of nominees to the governor.**} It shall be
22 the duty of the commission to nominate not less than ~~two~~ three nor more
23 than ~~three~~ five persons for each office which is vacant, and shall submit the
24 names of the persons so nominated to the governor. Any person nominated
25 shall have the qualifications prescribed by ~~subsection~~ (b) of K.S.A. 20-
26 2903(b), and amendments thereto, and in order to obtain the best qualified
27 persons as nominees, the commission shall not limit its consideration of
28 potential nominees to those persons whose names have been submitted to
29 the commission or who have expressed a willingness to serve. The
30 commission may authorize one or more members of the commission to
31 tender a nomination to any qualified person in order to ascertain the
32 person's willingness to serve if nominated, but any such tender of
33 nomination shall be subject to final action of the commission under the
34 conditions prescribed by ~~subsection~~ (b) of K.S.A. 20-2907(b), and
35 amendments thereto.

36 (3) In order that a vacancy in the office of judge of the district court

1 does not exist for an inordinate length of time, the commission shall
2 conduct the business of selecting nominees for appointment to such office
3 and certifying the same to the governor as promptly and expeditiously as
4 possible, having due regard for the importance of selecting the best
5 possible nominees. In no event shall the commission submit its
6 nominations to the governor more than 45 days after the date the chief
7 justice has notified the nominating commission that a vacancy is to be
8 filled, unless the chief justice permits an extension of such time period.

9 (b) **{(1) All proceedings of the commission relating to accepting
10 nominations, conducting interviews and submitting the names of
11 nominees to the governor shall be open to the public in accordance
12 with and subject to the provisions of the open meetings act, K.S.A. 75-
13 4317 et seq., and amendments thereto.**

14 **(2) Except as provided further, the commission shall not recess
15 for a closed or executive meeting for any purpose. The commission, in
16 accordance with K.S.A. 75-4319, and amendments thereto, may recess
17 for a closed or executive meeting only for the purpose of discussing
18 sensitive financial information contained within the personal financial
19 records or official background check of a candidate for judicial
20 nomination.**

21 **(c)** If there are not at least ~~two~~ three attorneys deemed qualified by
22 the district judicial nominating commission who reside in the judicial
23 district and who are willing to accept the nomination to fill a vacancy in a
24 district judge position, the nominating commission need not limit its
25 consideration of nominees to attorneys residing in the judicial district. In
26 cases where there is one such attorney, such attorney shall be one of the
27 nominees submitted to the governor. If an appointee is not a resident of the
28 judicial district at the time of appointment to a district judge position, the
29 appointee shall establish residency in the judicial district before taking
30 office and shall maintain such residency while holding such office.

31 Sec. 2. K.S.A. 2015 Supp. 20-2909 is hereby repealed.

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