

REVISED
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SUPPLEMENTAL NOTE ON SENATE BILL NO. 128

As Amended by House Committee of the Whole

Brief*

SB 128 would amend the process for filling district court judge vacancies. Specifically, when the district judicial nominating commission (commission) stops accepting nominations, the bill would require the chairperson to make the name of each person whose nomination is accepted available to the public no less than ten days prior to submitting the nominees' names to the Governor. Further, the bill would provide that all proceedings of the commission relating to accepting nominations, conducting interviews, and submitting the names of nominees to the Governor would be open to the public in accordance with the Kansas Open Records Act (KORA). The commission would be prohibited from recessing for a closed or executive meeting for any purposes, except in accordance with KORA for the purposes of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

Additionally, the bill would change the number of nominees a commission would be required to nominate for each vacancy from two or three to three, four, or five. The bill also would amend the section governing what occurs if there are not at least two qualified attorneys who reside in the judicial district willing to accept a nomination, to change two to three.

*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

As introduced, SB 128 contained provisions concerning exceptions to the Kansas Open Records Act. The 2015 Legislature enacted these provisions in HB 2256.

The House Committee on Judiciary recommended a substitute bill replacing the original provisions of SB 128 with the language of HB 2652, regarding district judge vacancies. Further background regarding HB 2652 is provided below.

The House Committee of the Whole adopted an amendment requiring the commission to disclose the names of all persons whose nominations are accepted and providing that commission proceedings would be open to the public and could recess only for a closed or executive session in accordance with KORA.

HB 2652 Background

HB 2652 was introduced in the House Committee on Judiciary at the request of Representative Macheers. At the House Committee hearing, a representative of Kansans for Life appeared in support of the bill. No opponent or neutral testimony was offered.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration is unable to provide an estimate of savings or expenditures that may occur with the enactment of HB 2652.