

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.