

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. It shall be
18 the duty of the commission to nominate not less than ~~two~~ *three* nor more
19 than ~~three~~ *five* persons for each office which is vacant, and shall submit the
20 names of the persons so nominated to the governor. Any person nominated
21 shall have the qualifications prescribed by ~~subsection (b)~~ of K.S.A. 20-
22 2903(b), and amendments thereto, and in order to obtain the best qualified
23 persons as nominees, the commission shall not limit its consideration of
24 potential nominees to those persons whose names have been submitted to
25 the commission or who have expressed a willingness to serve. The
26 commission may authorize one or more members of the commission to
27 tender a nomination to any qualified person in order to ascertain the
28 person's willingness to serve if nominated, but any such tender of
29 nomination shall be subject to final action of the commission under the
30 conditions prescribed by ~~subsection (b)~~ of K.S.A. 20-2907(b), and
31 amendments thereto.

32 (3) In order that a vacancy in the office of judge of the district court
33 does not exist for an inordinate length of time, the commission shall
34 conduct the business of selecting nominees for appointment to such office
35 and certifying the same to the governor as promptly and expeditiously as
36 possible, having due regard for the importance of selecting the best

1 possible nominees. In no event shall the commission submit its
2 nominations to the governor more than 45 days after the date the chief
3 justice has notified the nominating commission that a vacancy is to be
4 filled, unless the chief justice permits an extension of such time period.

5 (b) If there are not at least ~~two~~ *three* attorneys deemed qualified by
6 the district judicial nominating commission who reside in the judicial
7 district and who are willing to accept the nomination to fill a vacancy in a
8 district judge position, the nominating commission need not limit its
9 consideration of nominees to attorneys residing in the judicial district. In
10 cases where there is one such attorney, such attorney shall be one of the
11 nominees submitted to the governor. If an appointee is not a resident of the
12 judicial district at the time of appointment to a district judge position, the
13 appointee shall establish residency in the judicial district before taking
14 office and shall maintain such residency while holding such office.

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

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