

SENATE BILL No. 8

By Senator King

1-9

SB8-Balloon-Kinzer  
Prepared By: Jason Thompson,  
Office of Revisor of Statutes  
February 15, 2013

1 AN ACT concerning judicial appointments; creating the Kansas  
2 commission on judicial qualifications nominations, relating to senate  
3 confirmation, amending K.S.A. 2012 Supp. 75-4319 and repealing the  
4 existing section.

appointments

5 Be it enacted by the Legislature of the State of Kansas:

appointments

6 New Section 1. (a) There is hereby created the Kansas commission on  
7 judicial qualifications nominations. The commission shall be composed of  
8 seven members, appointed as follows:

, one member from each  
congressional district,

Four

9 (1) Two non-lawyer members appointed by the speaker of the house;  
10 (2) one non-lawyer member appointed by the minority leader of the  
11 house;

from the first congressional district

12 (3) one non-lawyer member appointed by the state treasurer;

from the fourth congressional district

13 (4) one lawyer member appointed by the chief justice of the supreme  
14 court;

from the third congressional district

15 (5) one lawyer member appointed by the attorney general; and  
16 (6) one retired district judge appointed by the Kansas county and  
17 district attorneys association.

from the second congressional district

18 (b) Members shall be appointed for terms of two years. All members  
19 may be reappointed. Members shall serve without salary, but may be  
20 reimbursed for travel and other expenses actually and necessarily incurred  
21 in the performance of their duties.

who shall serve as chairperson  
of the commission

22 (c) ~~The commission shall elect from its membership a chairperson  
23 who shall serve in such capacity for two years and until their successor has  
24 been elected.~~

Strike, redesignate subsections

25 (d) A majority of the commission shall constitute a quorum to do  
26 business, but no final action shall be taken except upon a vote of the  
27 majority of the members of the commission. The commission shall not be  
28 subject to the open meetings act, K.S.A. 75-4317 through 75-4320a, and  
29 amendments thereto. The commission, in accordance with K.S.A. 75-  
30 4319, and amendments thereto, may recess for a closed or executive  
31 meeting when it is considering confidential information related to the  
32 appointee's qualifications for office. Any confidential documents or  
33 other confidential information obtained by the commission shall be  
34

1 *privileged and confidential, shall not be a public record and shall not be*  
2 *subject to discovery or subpoena in a civil or criminal action.*

3 (e) Whenever the governor or the chief justice of the supreme court  
4 makes an appointment to the position of justice of the supreme court or  
5 judge of the court of appeals, subject to senate confirmation, the  
6 commission shall hold a meeting to interview such appointee within 30  
7 days after the appointment is made. The commission shall obtain any  
8 information related to the appointee's qualifications for office that the  
9 commission deems necessary. The commission shall prepare a written  
10 report of its assessment of the appointee's qualifications for office. A  
11 majority of the commission shall approve the written report and submit  
12 such report to the president of the senate and the chairperson of the  
13 judiciary committee of the senate not later than 30 days after the  
14 appointment is made.

15 *New Sec. 2. (a) Notwithstanding any other law to the contrary, all*  
16 *appointments to the position of justice of the supreme court or judge of the*  
17 *court of appeals made by the governor or the chief justice of the supreme*  
18 *court, which are subject to senate confirmation, may ~~shall~~ be considered*  
19 *and acted upon by the senate ~~in either executive or regular session except~~*  
20 *~~that no final action thereon may be taken in executive-only in open~~*  
21 *session.*

22 (b) When any appointment described in subsection (a) is received by  
23 the senate, such appointment shall be referred to the judiciary committee  
24 of the senate by the president of the senate immediately after the written  
25 report concerning such appointment is received from the Kansas  
26 commission on judicial qualifications or, if no written report is received  
27 within the time specified in section 1, and amendments thereto, on the next  
28 legislative day following the last day of the period of time specified for  
29 submission of such report in section 1, and amendments thereto.

30 (c) Such appointment referred to the judiciary committee shall be  
31 returned to the senate within 15 legislative days after the same are referred,  
32 together with a report thereon. If the appointment is not returned to the  
33 senate within the period of time specified for its return, the appointment  
34 shall be considered to be returned to the senate without recommendation  
35 on the next legislative day following the last day of the period of time  
36 specified for its return.

37 (d) Any such appointment may be considered and acted upon by the  
38 senate at any time after the appointment is returned to the senate. No  
39 motion to confirm any such appointment shall be in order without the  
40 unanimous consent of the senate until the appointment is returned to the  
41 senate.

42 *Sec. 3. K.S.A. 2012 Supp. 75-4319 is hereby amended to read as*  
43 *follows: 75-4319. (a) Upon formal motion made, seconded and carried,*

appointments