

SENATE BILL No. 8

By Senator King

1-9

1 AN ACT concerning judicial appointments; creating the Kansas
2 commission on judicial qualifications; relating to senate confirmation.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

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

8 (1) Two non-lawyer members appointed by the speaker of the house;

9 (2) one non-lawyer member appointed by the minority leader of the
10 house;

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

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

14 (5) one lawyer member appointed by the attorney general; and

15 (6) one retired district judge appointed by the Kansas county and
16 district attorneys association.

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

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

24 (d) A majority of the commission shall constitute a quorum to do
25 business, but no final action shall be taken except upon a vote of the
26 majority of the members of the commission. The commission shall not be
27 subject to the open meetings act, K.S.A. 75-4317 through 75-4320a, and
28 amendments thereto.

29 (e) Whenever the governor or the chief justice of the supreme court
30 makes an appointment to the position of justice of the supreme court or
31 judge of the court of appeals, subject to senate confirmation, the
32 commission shall hold a meeting to interview such appointee within 30
33 days after the appointment is made. The commission shall obtain any
34 information related to the appointee's qualifications for office that the
35 commission deems necessary. The commission shall prepare a written
36 report of its assessment of the appointee's qualifications for office. A

1 majority of the commission shall approve the written report and submit
2 such report to the president of the senate and the chairperson of the
3 judiciary committee of the senate not later than 30 days after the
4 appointment is made.

5 Sec. 2. (a) Notwithstanding any other law to the contrary, all
6 appointments to the position of justice of the supreme court or judge of the
7 court of appeals made by the governor or the chief justice of the supreme
8 court, which are subject to senate confirmation, may be considered and
9 acted upon by the senate in either executive or regular session except that
10 no final action thereon may be taken in executive session.

11 (b) When any appointment described in subsection (a) is received by
12 the senate, such appointment shall be referred to the judiciary committee
13 of the senate by the president of the senate immediately after the written
14 report concerning such appointment is received from the Kansas
15 commission on judicial qualifications or, if no written report is received
16 within the time specified in section 1, and amendments thereto, on the next
17 legislative day following the last day of the period of time specified for
18 submission of such report in section 1, and amendments thereto.

19 (c) Such appointment referred to the judiciary committee shall be
20 returned to the senate within 15 legislative days after the same are referred,
21 together with a report thereon. If the appointment is not returned to the
22 senate within the period of time specified for its return, the appointment
23 shall be considered to be returned to the senate without recommendation
24 on the next legislative day following the last day of the period of time
25 specified for its return.

26 (d) Any such appointment may be considered and acted upon by the
27 senate at any time after the appointment is returned to the senate. No
28 motion to confirm any such appointment shall be in order without the
29 unanimous consent of the senate until the appointment is returned to the
30 senate.

31 Sec. 3. This act shall take effect and be in force from and after
32 approval by the qualified electors of the state of a proposition to amend the
33 constitution of the state of Kansas by revising article 3 thereof and its
34 publication in the statute book.