

SENATE BILL No. 197

By Committee on Judiciary

2-11

1 AN ACT concerning attorneys; relating to the supreme court nominating
2 commission and judicial district nominating commissions; selection of
3 chairperson and members; applicability of open meetings act; attorney
4 licensure and information; applicability of open records act;
5 ***{appointment of court of appeals judges; public information;}***
6 amending K.S.A. 20-122, 20-123, 20-128, 20-130, 20-132, 20-2904
7 and 20-2907 and K.S.A. 2014 Supp. 7-127 ***{and 20-3020}*** and
8 repealing the existing sections.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2014 Supp. 7-127 is hereby amended to read as
12 follows: 7-127. (a) *Each applicant for admission to practice law in this*
13 *state, in submitting the application, shall provide to the clerk of the*
14 *supreme court the information enumerated in K.S.A. 2014 Supp. 25-*
15 *2309(b)(1) through (5), and amendments thereto. Whenever any person*
16 *whose application for admission to practice law in this state is pending*
17 *shall move from the residential address listed on such person's*
18 *application, or when the name of any such person is changed by marriage*
19 *or otherwise, such person, within 10 days thereafter, shall notify the clerk*
20 *of the supreme court in writing of such person's old and new residential*
21 *address or of such person's former and new name.*

22 (b) *Any person whose application to practice law in Kansas is*
23 *pending as of the effective date of this act, and for whom the information*
24 *enumerated in K.S.A. 2014 Supp. 25-2309(b)(1) through (5), and*
25 *amendments thereto, is not correct on such application as of the effective*
26 *date of this act, shall provide the information enumerated in K.S.A. 2014*
27 *Supp. 25-2309(b)(1) through (5), and amendments thereto, in writing to*
28 *the clerk of the supreme court within 60 days after the effective date of this*
29 *act. The clerk of the supreme court, within 30 days after the effective date*
30 *of this act, shall send notice to all persons whose applications to practice*
31 *law in Kansas are pending as of the effective date of this act, that such*
32 *persons are required by law to provide the information enumerated in*
33 *K.S.A. 2014 Supp. 25-2309(b)(1) through (5), and amendments thereto, in*
34 *writing to the clerk of the supreme court within 60 days after the effective*

1 *date of this act.*

2 (c) The supreme court may require an applicant for admission to
3 practice law in this state to be fingerprinted and submit to a national
4 criminal history record check. The fingerprints shall be used to identify the
5 applicant and to determine whether the applicant has a record of criminal
6 arrests and convictions in this state or other jurisdictions. The supreme
7 court and the state board of law examiners are authorized to submit the
8 fingerprints to the Kansas bureau of investigation and the federal bureau of
9 investigation for a state and national criminal history record check. The
10 state board of law examiners and the supreme court may use the
11 information obtained from fingerprinting and the applicant's criminal
12 history only for purposes of verifying the identification of any applicant
13 and in the official determination of character and fitness of the applicant
14 for admission to practice law in this state.

15 ~~(b)~~ (d) Local and state law enforcement officers and agencies shall
16 assist the supreme court in taking and processing of fingerprints of
17 applicants seeking admission to practice law in this state and shall release
18 all records of an applicant's arrests and convictions to the supreme court
19 and the state board of law examiners.

20 New Sec. 2. (a) The clerk of the supreme court shall maintain in the
21 clerk's office a roster of attorneys licensed to practice law in Kansas. Such
22 roster shall include the information enumerated in K.S.A. 2014 Supp. 25-
23 2309(b)(1) through (5), and amendments thereto, the congressional district
24 of residence and the judicial district of residence for each person licensed
25 to practice law in Kansas. Whenever any person licensed to practice law
26 in Kansas moves from the residential address listed for such person on
27 such roster, or when the name of any such person is changed by marriage
28 or otherwise, such person, within 10 days thereafter, shall notify the clerk
29 of the supreme court in writing of such person's old and new residential
30 address or of such person's former and new name.

31 (b) Each person on the roster of attorneys licensed to practice law in
32 Kansas on the effective date of this act, and for whom the information
33 enumerated in K.S.A. 2014 Supp. 25-2309(b)(1) through (5), and
34 amendments thereto, is not correct on such roster on the effective date of
35 this act, shall provide the information enumerated in K.S.A. 2014 Supp.
36 25-2309(b)(1) through (5), and amendments thereto, in writing to the clerk
37 of the supreme court within 60 days after the effective date of this act. The
38 clerk of the supreme court, within 30 days after the effective date of this
39 act, shall send notice to all persons listed on the roster of attorneys
40 licensed to practice law in Kansas on the effective date of this act, that
41 such persons are required by law to provide the information enumerated in
42 K.S.A. 2014 Supp. 25-2309(b)(1) through (5), and amendments thereto, in
43 writing to the clerk of the supreme court within 60 days of the effective

1 date of this act.

2 (c) Only attorneys licensed to practice law in Kansas and residing in
3 Kansas on or before the 15th day of February preceding the selection of the
4 chairperson of the supreme court nominating commission as provided in
5 K.S.A. 20-119, and amendments thereto, and only attorneys so licensed
6 and residing in the congressional district on or before the 15th day of
7 February preceding the selection of the members of the supreme court
8 nominating commission to be chosen from among the members of the bar
9 of such congressional district as provided in K.S.A. 20-120, and
10 amendments thereto, and, in either event, only attorneys for whom the
11 roster of attorneys licensed to practice law in Kansas contains the
12 information enumerated in K.S.A. 2014 Supp. 25-2309(b)(1) through (5),
13 and amendments thereto, shall be entitled to make nominations or receive
14 and cast ballots in such selections.

15 (d) (1) On or before the 20th day of February preceding the selection
16 of a chairperson of the supreme court nominating commission, the clerk of
17 the supreme court shall transmit a certified copy of the roster of attorneys
18 licensed to practice law in Kansas to the secretary of state. Such certified
19 copy shall include the information enumerated in K.S.A. 2014 Supp. 25-
20 2309(b)(1) through (5), and amendments thereto, for each person listed on
21 the roster and having a residential address within Kansas as of the
22 preceding 15th day of February.

23 (2) On or before the 20th day of February preceding the selection of a
24 member of the supreme court nominating commission to be chosen from
25 among the members of the bar of a congressional district, the clerk of the
26 supreme court shall transmit a certified copy of the roster of attorneys
27 licensed to practice law in Kansas to the secretary of state. Such certified
28 copy shall include the information enumerated in K.S.A. 2014 Supp. 25-
29 2309(b)(1) through (5), and amendments thereto, for each person listed on
30 the roster and having a residential address within the congressional district
31 as of the preceding 15th day of February.

32 (3) The certified copy of the roster shall be transmitted in a format
33 prescribed by the secretary of state. Upon receipt of such certified roster,
34 the secretary of state shall append thereto the unique voter identification
35 number for each person listed on the roster having such a number, as
36 contained in the centralized voter registration database described in K.S.A.
37 2014 Supp. 25-2304, and amendments thereto.

38 (e) Notwithstanding any other provision of law, the names, residential
39 addresses, dates of birth, unique voter identification numbers and dates of
40 licensure to practice law in Kansas of all persons listed on the certified
41 roster of attorneys licensed to practice law in Kansas created pursuant to
42 subsection (d), including the information as appended to the roster
43 pursuant to subsection (d), shall be disclosed upon proper request

1 submitted to the clerk of the supreme court or to the secretary of state
2 pursuant to the open records act, K.S.A. 45-215 et seq., and amendments
3 thereto.

4 Sec. 3. K.S.A. 20-122 is hereby amended to read as follows: 20-122.

5 (a) The clerk of the supreme court ~~may~~ shall use the *certified* roster of
6 attorneys ~~in the clerk's office~~ licensed to practice law in Kansas, as
7 *provided to the secretary of state pursuant to section 2, and amendments*
8 *thereto*, for ascertaining the names and places of residence of those entitled
9 to receive ballots and for ascertaining the qualifications of those
10 nominated for membership on the commission. The clerk shall supply with
11 each ballot distributed a certificate to be signed and returned by the
12 member of the bar voting such ballot, evidencing the qualifications of such
13 member of the bar to vote, *including the name and residential address of*
14 *such member of the bar*; and certifying that the ballot was voted by the
15 certifying voter.

16 (b) ~~To the end~~ *In order to insure* that the vote cast may be secret, *the*
17 *clerk shall provide* a separate envelope ~~shall be provided~~ for the ballot, in
18 which the voted ballot only shall be placed, and the envelope containing
19 the voted ballot shall be ~~returned in an~~ *placed in another* envelope, also to
20 be supplied by the clerk, together with the signed certificate. ~~No~~ A ballot
21 not accompanied by the signed certificate of the voter shall *not* be counted.
22 When the voted ballots are received by the clerk they shall be separated
23 from the certificates by the canvassers, and after the ballots are counted
24 and the results certified ~~both~~, the ballots ~~and the certificates~~ shall be
25 preserved by the clerk for a period of six months and *the certificates shall*
26 *be preserved by the clerk for a period of five years*. No one shall be
27 permitted to inspect ~~them~~ *the ballots received pursuant to this section*
28 *except on order of the supreme court. Unless otherwise ordered by the*
29 *supreme court*, at the end of such ~~six months~~ *six-month* period the clerk,
30 ~~unless otherwise ordered by the supreme court~~, shall destroy ~~them~~ *the*
31 *ballots received pursuant to this section, and at the end of such five-year*
32 *period the clerk shall destroy the certificates received pursuant to this*
33 *section*.

34 (c) *Within 14 days after the results of a selection are certified*
35 *pursuant to this section, the clerk of the supreme court shall: (1) Create a*
36 *list designating the position and year for which the selection was held and*
37 *containing the names and residential addresses of all persons who*
38 *returned a ballot with a signed certificate as described in subsection (b);*
39 *and (2) transmit a certified copy of the list to the secretary of state. The*
40 *list described in this subsection shall be transmitted in a format prescribed*
41 *by the secretary of state. Upon receipt of the list described in this*
42 *subsection, the secretary of state shall append the information contained*
43 *therein to the roster for such selection as described in section 2, and*

1 *amendments thereto.*

2 *(d) Notwithstanding any other provision of law, the certificates*
3 *received for a selection pursuant to this section shall be disclosed upon*
4 *proper request submitted to the clerk of the supreme court pursuant to the*
5 *open records act, K.S.A. 45-215 et seq., and amendments thereto.*

6 *(e) Notwithstanding any other provision of law, the lists described in*
7 *subsection (c) shall be disclosed upon proper request submitted to the*
8 *clerk of the supreme court or to the secretary of state pursuant to the open*
9 *records act, K.S.A. 45-215 et seq., and amendments thereto.*

10 *(f) The provisions of this section shall apply to all selections held*
11 *under K.S.A. 20-119 and 20-120, and amendments thereto, which have not*
12 *been canvassed pursuant to K.S.A. 20-130, and amendments thereto,*
13 *regardless of whether such selections are scheduled, upcoming or pending*
14 *as on the effective date of this act.*

15 Sec. 4. K.S.A. 20-123 is hereby amended to read as follows: 20-123.

16 *(a) When the chairperson and other members of the commission chosen by*
17 *the members of the bar have been elected, and after the names of the*
18 *nonlawyer members appointed by the governor have been certified to the*
19 *clerk of the supreme court as provided in this act, the clerk shall make a*
20 *record thereof in the clerk's office and shall notify the members of the*
21 *commission of their election and appointment. The commission shall meet*
22 *from time to time as may be necessary to discharge the responsibilities of*
23 *the commission. Such meetings shall be held at such place as the clerk of*
24 *the supreme court may arrange. Such meeting shall be held upon the call*
25 *of the chairperson, or in the event of the chairperson's failure to call a*
26 *meeting when a meeting is necessary, upon the call of any four members*
27 *of the commission. The commission shall act only at a meeting, and may*
28 *act only by the concurrence of a majority of its members. The commission*
29 *shall have power to adopt such reasonable and proper rules and regulations*
30 *for the conduct of its proceedings and the discharge of its duties as are*
31 *consistent with this act and the constitution of the state of Kansas.*

32 *(b) ~~(1)~~ The supreme court nominating commission shall be and is*
33 *hereby deemed to be a public body and shall be subject to the open*
34 *meetings act, K.S.A. 75-4317 et seq., and amendments thereto.*

35 *~~(2)~~ Except as provided further, the commission shall not recess for*
36 *a closed or executive meeting for any purpose. The commission, in*
37 *accordance with K.S.A. 75-4319, and amendments thereto, may recess*
38 *for a closed or executive meeting only for the purpose of discussing*
39 *sensitive financial information contained within the personal financial*
40 *records or official background check of a candidate for judicial*
41 *nomination.*

42 *(3) Nothing in this subsection shall be construed to supersede the*
43 *commission's discretion to close a record or portion of a record*

1 *submitted to the commission pursuant to any applicable exception to*
2 *public disclosure under the open records act.}*

3 Sec. 5. K.S.A. 20-128 is hereby amended to read as follows: 20-128.
4 Any vacancy occurring from any cause in the office of chairman of the
5 commission or among the lawyer members from the congressional districts
6 shall be filled by appointment by the ~~chief justice of the supreme court of~~
7 ~~Kansas~~; *governor within 10 days after the governor has been given notice*
8 *of such vacancy. Any appointment made by the governor pursuant to this*
9 *section shall be without regard to political affiliation of the appointee.*

10 ***Such appointee shall be a member of the bar who is a resident of and***
11 ***licensed in Kansas.*** Such appointee ~~to~~ shall hold office until the first day
12 of July following the expiration of four months after such appointment is
13 made. During the four months immediately preceding the termination of
14 such appointive term an election shall be held in the manner by this act
15 provided for other elections of subsequent members of the commission, for
16 the unexpired term, if any, of the member whose vacancy is being filled.
17 Appointments to fill such vacancies shall be certified to the clerk of the
18 supreme court.

19 Sec. 6. K.S.A. 20-130 is hereby amended to read as follows: 20-130.
20 The canvassers at any election held pursuant to this act shall consist of the
21 clerk of the supreme court ~~and two (2) or more persons who are members~~
22 ~~of the bar residing in Kansas, either practicing lawyers, justices or judges,~~
23 ~~designated to act as such by the chief justice, the secretary of state or the~~
24 ***secretary of state's designee and the attorney general or the attorney***
25 ***general's designee.*** The canvassers shall open and canvass the ballots and
26 shall tabulate and sign the results as a record in the office of the clerk.

27 Sec. 7. K.S.A. 20-132 is hereby amended to read as follows: 20-132.
28 When a vacancy occurs in the supreme court, the clerk of such court shall
29 promptly notify the chairman of the commission of such vacancy, *and the*
30 *commission shall make nominations of three persons to fill such vacancy*
31 *and certify the names of the nominees to the governor.* When it is known
32 that a vacancy will occur at a definite future date, but the vacancy has not
33 yet occurred, the clerk shall notify the chairman of the commission
34 thereof, and the commission may, within ~~sixty (60)~~ days prior to the
35 occurrence of such vacancy, make its nominations and submit to the
36 governor the names of three ~~(3)~~ persons nominated for such forthcoming
37 vacancy. To the end that the administration of justice may be facilitated
38 and that no vacancy on the supreme court may be permitted to exist
39 unduly, the commission shall make its nominations for each vacancy and
40 certify them to the governor as promptly as possible, and in any event not
41 later than ~~sixty (60)~~ days from the time such vacancy occurs.

42 New Sec. 8. (a) Only attorneys licensed to practice law in Kansas and
43 residing in the judicial district on or before the 15th day of November

1 preceding the election of a lawyer member of the district judicial
2 nominating commission, and for whom the roster of attorneys licensed to
3 practice law in Kansas contains the information enumerated in K.S.A.
4 2014 Supp. 25-2309(b)(1) through (5), and amendments thereto, shall be
5 entitled to make nominations or receive and cast ballots in such elections.

6 (b) On or before the 20th day of November preceding the election of a
7 lawyer member of the district judicial nominating commission, the clerk of
8 the supreme court shall transmit a certified copy of the roster of attorneys
9 licensed to practice law in Kansas to the secretary of state. Such certified
10 copy shall include the information enumerated in K.S.A. 2014 Supp. 25-
11 2309(b)(1) through (5), and amendments thereto, for each person listed on
12 the roster and having a residential address within the judicial district as of
13 the preceding 15th day of November. The certified copy of the roster shall
14 be transmitted in a format prescribed by the secretary of state. Upon
15 receipt of such certified roster, the secretary of state shall append thereto
16 the unique voter identification number for each person listed on the roster
17 having such a number, as contained in the centralized voter registration
18 database described in K.S.A. 2014 Supp. 25-2304, and amendments
19 thereto.

20 (c) Notwithstanding any other provision of law, the names, residential
21 addresses, dates of birth, unique voter identifications numbers and dates of
22 licensure to practice law in Kansas of all persons listed on the certified
23 roster of attorneys licensed to practice law in Kansas created pursuant to
24 subsection (b), including the information as appended to the roster
25 pursuant to subsection (b), shall be disclosed upon proper request
26 submitted to the clerk of the supreme court or to the secretary of state
27 pursuant to the open records act, K.S.A. 45-215 et seq., and amendments
28 thereto.

29 Sec. 9. K.S.A. 20-2904 is hereby amended to read as follows: 20-
30 2904. (a) ~~Lawyer members of the district judicial nominating commission~~
31 ~~shall be elected by the lawyers who are qualified electors of the judicial~~
32 ~~district and who are registered with the clerk of the supreme court pursuant~~
33 ~~to rule 208 of such court. Each lawyer member of a district judicial~~
34 ~~nominating commission shall be a qualified elector of such judicial district~~
35 ~~pursuant to this section. The clerk of the supreme court shall use the~~
36 ~~certified roster of attorneys licensed to practice law in Kansas, as~~
37 ~~provided to the secretary of state pursuant to section 8, and amendments~~
38 ~~thereto, for ascertaining the names and places of residence of those~~
39 ~~entitled to receive ballots and for ascertaining the qualifications of those~~
40 ~~nominated for membership on the district judicial nominating commission.~~

41 (b) The number of lawyer members to be elected to the district
42 judicial nominating commission of a judicial district shall be as follows:

43 (1) In a judicial district consisting of a single county, the number of

1 members elected shall be equal to the number of nonlawyer members
2 appointed pursuant to subsection (a)(1) of K.S.A. 20-2905, and
3 amendments thereto.

4 (2) In a judicial district consisting of two counties, four members
5 shall be elected.

6 (3) In a judicial district consisting of three or more counties, the
7 number of members elected shall equal the number of counties in such
8 judicial district.

9 ~~(b)~~ (c) (1) Between December 1 and December 15 of the year in
10 which nonpartisan selection of judges of the district court is approved by
11 the electors of the judicial district as provided in K.S.A. 20-2901, and
12 amendments thereto, the clerk of the supreme court shall send to each
13 lawyer by ordinary first class mail a form for nominating one lawyer for
14 election to the commission. Any such nomination shall be received in the
15 office of the clerk of the supreme court on or before January 1 of the
16 following year, together with the written consent of the nominee. After
17 receipt of all nominations which are timely submitted, the clerk shall
18 prepare a ballot containing the names of all lawyers so nominated and
19 shall mail one such ballot and instructions for voting such ballot to each
20 registered lawyer in the judicial district. Ballots shall be prepared in such
21 manner that each lawyer receiving the same shall be instructed to vote for
22 not more than the number of positions to be filled. Each such ballot shall
23 be accompanied by a certificate to be signed and returned by the lawyer
24 voting such ballot, evidencing the qualifications of such lawyer to vote,
25 *including the name and residential address of such lawyer*, and certifying
26 that the ballot was voted by such person. In any judicial district in which
27 the number of nominees does not exceed the number of positions to be
28 filled, the clerk shall declare those nominees to be elected without
29 preparation of a ballot.

30 (2) In order to insure that the election of lawyer members is by secret
31 ballot, the clerk shall provide a separate envelope for the ballot, in which
32 the voted ballot only shall be placed, and the envelope containing the
33 voted ballot shall be placed in another envelope, also to be supplied by the
34 clerk, together with the signed certificate, and received in the office of the
35 clerk of the supreme court on or before February 15 of such year. *A ballot
36 not accompanied by the signed certificate of the voter shall not be
37 counted.* The ballots returned as provided in this section shall be canvassed
38 within ~~five~~ 10 days thereafter. The canvassers shall consist of the clerk of
39 the supreme court ~~and two or more persons who are registered members of~~
40 ~~the bar residing in Kansas, either practicing lawyers, justices or judges,~~
41 ~~designated to act as such by the chief justice, the secretary of state or the~~
42 ***secretary of state's designee and the attorney general or the attorney***
43 ***general's designee.*** The canvassers shall open and canvass the ballots and

1 shall tabulate and sign the results as a record in the office of the clerk.
2 *After the ballots are counted and the results certified, the ballots shall be*
3 *preserved by the clerk for a period of six months, and the certificates shall*
4 *be preserved by the clerk for a period of five years. No one shall be*
5 *permitted to inspect the ballots received pursuant to this section except*
6 *upon order by the supreme court. Unless otherwise ordered by the*
7 *supreme court, at the end of such six-month period the clerk shall destroy*
8 *the ballots received pursuant to this section, and at the end of such five-*
9 *year period the clerk shall destroy the certificates received pursuant to*
10 *this section.*

11 (c) *Within 14 days after the results of an election are certified*
12 *pursuant to this section, the clerk of the supreme court shall: (1) Create a*
13 *list designating the positions and year for which the selection was held*
14 *and containing the names and residential addresses of all persons who*
15 *returned a ballot with a signed certificate as described in subsection (b);*
16 *and (2) transmit a certified copy of the list to the secretary of state. The*
17 *list described in this subsection shall be transmitted in a format prescribed*
18 *by the secretary of state. Upon receipt of the list described in this*
19 *subsection, the secretary of state shall append the information contained*
20 *therein to the roster for such election as described in section 8, and*
21 *amendments thereto.*

22 (d) *Notwithstanding any other provision of law, the certificates*
23 *received for an election pursuant to this section shall be disclosed upon*
24 *proper request submitted to the clerk of the supreme court pursuant to the*
25 *open records act, K.S.A. 45-215 et seq., and amendments thereto.*

26 (e) *Notwithstanding any other provision of law, the lists described in*
27 *subsection (c) shall be disclosed upon proper request submitted to the*
28 *clerk of the supreme court or to the secretary of state pursuant to the open*
29 *records act, K.S.A. 45-215 et seq., and amendments thereto.*

30 (f) After the ballots are counted and tabulated in descending order
31 from the nominee receiving the highest number of votes the canvassers
32 shall declare to be elected those nominees who are equal in number to the
33 number of lawyers to be elected and who have the greatest number of
34 votes. In the event of a tie creating more nominees to be elected than there
35 are positions to be filled, the canvassers shall determine the person or
36 persons to be elected by lot. In the event that less than the required number
37 of lawyers is elected, the positions for which lawyers have not been
38 elected shall be declared vacant and the vacancies filled in the manner
39 prescribed by ~~subsection (e) of K.S.A. 20-2906(e)~~, and amendments
40 thereto.

41 (g) The procedure provided in this section for election of lawyers
42 to serve as members of the first district judicial nominating commission
43 established in a judicial district shall apply to the election of lawyers to

1 succeed lawyer members of the commission whose terms of office expire,
2 except that the form for submitting a nomination shall be sent between
3 December 1 and December 15 of the year preceding the year in which
4 such terms of office expire, and the dates prescribed for submission of
5 nominations and the mailing, returning and canvassing of ballots shall
6 apply in the year in which such terms of office expire.

7 Sec. 10. K.S.A. 20-2907 is hereby amended to read as follows: 20-
8 2907. (a) Prior to taking office, each member of a district judicial
9 nominating commission shall take and subscribe an oath of office as
10 provided by law for public officers, and shall file the same with the clerk
11 of the supreme court. After the members of the first commission
12 established in a judicial district have commenced their terms of office, the
13 chairman shall call a meeting of the commission to be held within the
14 judicial district at a time and place designated by the chairman. At such
15 meeting, the commission shall determine a regular meeting place or
16 places, and the commission shall have the power to adopt such reasonable
17 and proper rules and regulations as are necessary for the conduct of its
18 proceedings and the discharge of its duties, consistent with the provisions
19 of this act and the constitution and laws of this state.

20 (b) The commission shall meet only upon call of the chairman, and
21 the commission shall not take any final action except at such meeting. A
22 majority of the members of the commission shall constitute a quorum to
23 do business, but no final action shall be taken except upon a vote of the
24 majority of the members of the commission.

25 (c) Members of the commission shall receive no compensation, but
26 shall be reimbursed for their actual and necessary expenses incurred in
27 performing their official duties, as provided in ~~subsections (b), (c) and (d)~~
28 ~~of K.S.A. 75-3223 (b), (c) and (d)~~. Such expenses shall be paid from the
29 judicial nominating commission fund as provided in K.S.A. 20-138, ~~as~~
30 ~~amended and amendments thereto~~.

31 (d) The board of county commissioners of each county in a judicial
32 district shall cooperate with the district judicial nominating commission of
33 such judicial district, and shall make available to the commission wherever
34 possible the facilities and services of such county, in order to expedite the
35 business of the commission.

36 (e) **{(1)}** *A district judicial nominating commission shall be and is*
37 *hereby deemed to be a public body and shall be subject to the open*
38 *meetings act, K.S.A. 75-4317 et seq., and amendments thereto.*

39 **{(2)}** *Except as provided further, the commission shall not recess for*
40 *a closed or executive meeting for any purpose. The commission, in*
41 *accordance with K.S.A. 75-4319, and amendments thereto, may recess*
42 *for a closed or executive meeting only for the purpose of discussing*
43 *sensitive financial information contained within the personal financial*

1 *records or official background check of a candidate for judicial*
2 *nomination.*

3 *(3) Nothing in this subsection shall be construed to supersede the*
4 *commission's discretion to close a record or portion of a record*
5 *submitted to the commission pursuant to any applicable exception to*
6 *public disclosure under the open records act.*

7 *Sec. 11. K.S.A. 2014 Supp. 20-3020 is hereby amended to read as*
8 *follows: 20-3020. (a) (1) On and after July 1, 2013, any vacancy*
9 *occurring in the office of any judge of the court of appeals and any*
10 *position to be open on the court of appeals as a result of enlargement of*
11 *such court, or the retirement or failure of an incumbent to file such*
12 *judge's declaration of candidacy to be retained in office as hereinafter*
13 *required, or failure of a judge to be elected to be retained in office, shall*
14 *be filled by appointment by the governor, with the consent of the senate,*
15 *of a person possessing the qualifications of office.*

16 *(2) Whenever a vacancy occurs, will occur or position opens on the*
17 *court of appeals, the clerk of the supreme court shall promptly give*
18 *notice to the governor.*

19 *(3) If the governor is making an appointment to the court of appeals,}*
20 *{the governor shall make each applicant's name and city of residence*
21 *available to the public whenever the governor stops accepting*
22 *applications for such appointment, but not less than 10 days prior to*
23 *making such appointment.*

24 *(4) In event of the failure of the governor to make the appointment*
25 *within 60 days from the date such vacancy occurred or position became*
26 *open, the chief justice of the supreme court, with the consent of the*
27 *senate, shall make the appointment of a person possessing the*
28 *qualifications of office.*

29 *(5) If the chief justice of the supreme court is making an appointment*
30 *to the court of appeals, the chief justice shall make each applicant's name*
31 *and city of residence available to the public whenever the chief justice*
32 *stops accepting applications for such appointment, but not less than 10*
33 *days prior to making such appointment.*

34 ~~*(4)*~~ *(6) Whenever a vacancy in the office of judge of the court of*
35 *appeals exists at the time the appointment to fill such vacancy is made*
36 *pursuant to this section, the appointment shall be effective at the time it*
37 *is made, but where an appointment is made pursuant to this section to*
38 *fill a vacancy which will occur at a future date, such appointment shall*
39 *not take effect until such date.*

40 *(b) No person appointed pursuant to subsection (a) shall assume*
41 *the office of judge of the court of appeals until the senate, by an*
42 *affirmative vote of the majority of all members of the senate then elected*
43 *or appointed and qualified, consents to such appointment. The senate*

1 *shall vote to consent to any such appointment not later than 60 days*
2 *after such appointment is received by the senate. If the senate is not in*
3 *session and will not be in session within the 60-day time limitation, the*
4 *senate shall vote to consent to any such appointment not later than 20*
5 *days after the senate begins its next session. In the event a majority of*
6 *the senate does not vote to consent to the appointment, the governor,*
7 *within 60 days after the senate vote on the previous appointee, shall*
8 *appoint another person possessing the qualifications of office and such*
9 *subsequent appointment shall be considered by the senate in the same*
10 *procedure as provided in this section. The same appointment and*
11 *consent procedure shall be followed until a valid appointment has been*
12 *made. No person who has been previously appointed but did not receive*
13 *the consent of the senate shall be appointed again for the same vacancy.*
14 *If the senate fails to vote on an appointment within the time limitation*
15 *imposed by this subsection, the senate shall be deemed to have given*
16 *consent to such appointment.*

17 *(c) Persons who are appointed as judges of the court of appeals*
18 *pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall*
19 *commence the duties of office upon appointment and consent, and each*
20 *judge shall have all the rights, privileges, powers and duties prescribed*
21 *by law for the office of judge of the court of appeals.*

22 *(d) Judges of the court of appeals shall possess the qualifications*
23 *prescribed by law for justices of the supreme court.}*

24 ~~New Sec. 12.~~ *{12.}* If any provision of this bill or the application
25 thereof to any person or circumstances is held unconstitutional or
26 otherwise invalid, such unconstitutionality or invalidity shall not affect
27 other provisions or applications of the bill which can be given effect
28 without the unconstitutional or invalid portion or application, and, to this
29 end, the provisions of this bill are severable.

30 ~~Sec. 13.~~ *{13.}* K.S.A. 20-122, 20-123, 20-128, 20-130, 20-132, 20-
31 2904 and 20-2907 and K.S.A. 2014 Supp. 7-127 *{and 20-3020}* are hereby
32 repealed.

33 ~~Sec. 14.~~ *{14.}* This act shall take effect and be in force from and after
34 its publication in the Kansas register.