

Substitute for SENATE BILL No. 440

By Committee on Judiciary

2-19

1 AN ACT concerning the judicial branch; relating to the supreme court,
2 general administrative authority; ~~grounds for impeachment of justices~~
3 ~~of the supreme court and certain judges of the district court;~~ amending
4 K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and
5 K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing
6 sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-
7 349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-
8 346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A.
9 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections;
10 also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110, 20-
11 111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161,
12 K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014
13 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-
14 204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-
15 211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section
16 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived
17 by section 7 of this act, 20-319, as amended by section 10 of chapter 82
18 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323,
19 20-329, as revived by section 8 of this act, 20-329, as amended by
20 section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342,
21 as revived by section 9 of this act, 20-342, as amended by section 12 of
22 chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by
23 section 10 of this act, 20-343, as amended by section 13 of chapter 82
24 of the 2014 Session Laws of Kansas, 20-345, as revived by section 11
25 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014
26 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter
27 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section
28 14 of this act, 20-349, as amended by section 16 of chapter 82 of the
29 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section
30 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917,
31 20-2909, as amended by section 19 of chapter 82 of the 2014 Session
32 Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of
33 the 2014 Session Laws of Kansas, 20-2914, as amended by section 21
34 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived
35 by section 19 of this act, 20-3011, as amended by section 22 of chapter
36 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019

1 and 25-312a, as amended by section 25 of chapter 82 of the 2014
2 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by
3 section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-
4 5551, as amended by section 41 of chapter 82 of the 2014 Session
5 Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-
6 329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 20-101 is hereby amended to read as follows: 20-
10 101. The supreme court shall be a court of record, ~~and~~. In addition to the
11 original jurisdiction conferred by the constitution, *the supreme court* shall
12 have such appellate jurisdiction as may be provided by law~~s~~, and during
13 the pendency of any appeal, on such terms as may be just, may make an
14 order suspending further proceedings in any court below, until the decision
15 of the supreme court. As provided by section 1 of article 3 of the
16 *constitution of the state of Kansas* ~~constitution~~, the supreme court shall
17 have general administrative authority over all courts in this state, ~~and the~~
18 ~~supreme court and each justice thereof shall have such specific powers and~~
19 ~~duties in exercising said administrative authority as may be prescribed by~~
20 ~~law~~. The chief justice shall be the ~~spokesman~~ *spokesperson* for the
21 supreme court and shall exercise the court's general administrative
22 authority over all courts ~~of~~ *in* this state. The chief justice shall have the
23 responsibility for executing and implementing the administrative rules and
24 policies of the supreme court, including supervision of the personnel and
25 financial affairs of the court system, and delegate such of this
26 responsibility and authority to personnel in the state judicial department as
27 may be necessary for the effective and efficient administration of the court
28 system.

29 Sec. 2. K.S.A. 20-115 is hereby amended to read as follows: 20-115.
30 ~~All fees accruing after the passage of this act shall be the property of the~~
31 ~~state of Kansas, and when collected shall be turned over to the general-~~
32 ~~revenue fund of the state, the same as above provided~~ *All fees and charges*
33 *collected by the court system shall be remitted as provided by law.*

34 Sec. 3. K.S.A. 20-156 is hereby amended to read as follows: 20-156.
35 ~~The state law librarian shall be responsible for the operation and~~
36 ~~management of the supreme court law library and shall have custody of all~~
37 ~~books, pamphlets and documents belonging thereto. He shall cause each~~
38 ~~book, pamphlet or document received by such library to be stamped with~~
39 ~~the words "Kansas supreme court law library" and to be classified and~~
40 ~~catalogued in accordance with approved library methods. The state law~~
41 ~~librarian shall provide for the procurement of the acts, journals and other~~
42 ~~publications of a legal nature of the congress and the legislatures of the~~
43 ~~several states and territories, together with the judicial decisions of the~~

1 courts of the United States and of the several states and territories. For
2 such purpose, the state law librarian may exchange the laws, judicial
3 decisions and books, documents and publications of a legal nature of the
4 state of Kansas and agencies thereof. The law librarian may exchange, sell
5 or loan indefinitely. ~~If the state law librarian exchanges, sells or loans~~
6 ~~indefinitely~~, duplicate books, sets of works or other duplicate or temporary
7 material, and the proceeds from any such sales shall be remitted by the
8 state law librarian to the state treasurer in accordance with the provisions
9 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
10 remittance, the state treasurer shall deposit the entire amount in the state
11 treasury to the credit of the "duplicate law book fund," which fund is
12 hereby created. All expenditures from such fund shall be for miscellaneous
13 law library purposes and shall be made in accordance with appropriation
14 acts upon warrants of the director of accounts and reports issued pursuant
15 to vouchers approved by the state law librarian or by a person or persons
16 designated by him. Any exchange, sale or loan made hereunder shall be
17 exempt from the provisions of K.S.A. 75-3739 ~~to~~ through 75-3744, and
18 amendments thereto.

19 Sec. 4. K.S.A. 20-159 is hereby amended to read as follows: 20-159.
20 The supreme court may provide for and authorize any chief judge of a
21 judicial district, to photograph, microphotograph or otherwise reproduce or
22 to have photographed, microphotographed or otherwise reproduced any of
23 the court records, papers or documents which are by law placed in the
24 courts of that judicial district and to acquire necessary facilities and
25 equipment and to acquire, maintain and use all such appropriate
26 containers, files and other methods as shall be necessary to accommodate
27 and preserve the photographs, microphotographs, films or as otherwise
28 reproduced. The photographing, microphotographing, filming or otherwise
29 reproducing may be so authorized for the reproducing of court records,
30 where to do so will promote efficiency in the office, or as a method of
31 preserving old or worn records, papers or documents. The photographic
32 films and prints or reproductions therefrom, shall comply with federal
33 standard no. 125a, dated April 24, 1958, or the latest revision thereof,
34 issued pursuant to the federal property and administrative services act of
35 1949, and amendments thereto. The device used to reproduce such records
36 on for any type of storage shall be one which accurately reproduces the
37 original thereof in all details. The court may use reproduction methods
38 which include the *appropriate minimum standards for preservation,*
39 *reproduction*, digital storage and retrieval of official court records.

40 Sec. 5. K.S.A. 20-162 is hereby revived and amended to read as
41 follows: 20-162. (a) ~~The supreme court shall establish by rule a judicial~~
42 ~~personnel classification system for all nonjudicial personnel in the state~~
43 ~~court system and for judicial personnel whose compensation is not~~

1 otherwise prescribed by law. Said personnel classification system shall
2 take effect on July 1, 1979, and shall prescribe the compensation for all
3 such personnel. No county may supplement the compensation of district
4 court personnel included in ~~the any~~ judicial personnel ~~compensation~~
5 ~~classification~~ system ~~adopted by the supreme court~~. Such compensation
6 shall be established so as to be commensurate with the duties and
7 responsibilities of each type and class of personnel. In establishing the
8 compensation for each type and class of personnel, the supreme court shall
9 take into consideration: (1) The compensation of such personnel prior to
10 January 1, 1979; (2) the compensation of personnel in the executive
11 branch of state government who have comparable duties and
12 responsibilities; and (3) the compensation of similar personnel in the court
13 systems of other states having comparable size, population and
14 characteristics.

15 (b) The following personnel shall not be included in ~~the any~~ judicial
16 personnel classification system ~~adopted by the supreme court~~:

- 17 (1) County auditors;;
- 18 (2) coroners;;
- 19 (3) court trustees and personnel in each trustee's office; and
- 20 (4) personnel performing services in adult or juvenile facilities used
21 as a place of detention or for correctional purposes.

22 The compensation for the above personnel shall be paid by the county
23 as prescribed by law.

24 (e) ~~The judicial personnel classification system also shall prescribe~~
25 ~~the powers, duties and functions for each type and class of personnel,~~
26 ~~which shall be subject to and not inconsistent with any provisions of law~~
27 ~~prescribing powers, duties and functions of such personnel.~~

28 (d) ~~In conjunction with the judicial personnel classification system,~~
29 ~~the supreme court shall prescribe a procedure whereby personnel subject~~
30 ~~to said classification system who are removed from office by their~~
31 ~~appointing authority will have an opportunity to seek reinstatement.~~

32 (e) ~~On or before December 1, 1978, the supreme court shall submit to~~
33 ~~the legislative coordinating council a detailed personnel classification and~~
34 ~~pay plan for district court employees that are to be included in the judicial~~
35 ~~personnel classification system. The plan shall detail each individual~~
36 ~~position by classification, pay grade and pay step as compared to the~~
37 ~~employee's present salary. In assignment of positions to particular steps~~
38 ~~within the assigned pay grade, the plan shall place each employee at the~~
39 ~~step which is the next highest over the employee's current salary. If an~~
40 ~~employee is earning more than the highest step on a given grade, his or her~~
41 ~~salary shall remain at the current level.~~

42 Sec. 6. K.S.A. 20-318 is hereby revived and amended to read as
43 follows: 20-318. There is hereby created within the state of Kansas, a

1 judicial department for the supervision of all courts in the state of Kansas.
2 The supreme court shall divide the state into separate sections, not to
3 exceed six (6) in number, to be known as judicial departments, each of
4 which shall be assigned a designation to distinguish it from the other
5 departments. A justice of the supreme court shall be assigned as
6 departmental justice for each judicial department.

7 There is created hereby the position of judicial administrator of the
8 courts, who shall be appointed by the chief justice of the supreme court to
9 serve at the will of the chief justice. The judicial administrator shall have a
10 broad knowledge of judicial administration and substantial prior
11 experience in an administrative capacity. No person appointed as judicial
12 administrator shall engage in the practice of law while serving in such
13 capacity. Compensation of the judicial administrator shall be determined
14 by the justices, but shall not exceed the salary authorized by law for the
15 judge of the district court. The judicial administrator shall be responsible
16 to the chief justice of the supreme court of the state of Kansas, and shall
17 implement the policies of the court with respect to the operation and
18 administration of the courts, under the supervision of the chief justice. Said
19 administrator shall perform such other duties as are provided by law or
20 assigned him or her by the supreme court or the chief justice. Expenditures
21 from appropriations for district court operations to be paid by the state
22 shall be made on vouchers approved by the judicial administrator *chief*
23 *justice or the chief justice's designee*. All claims for salaries, wages or
24 other compensation for district court operations to be paid by the state
25 shall be certified as provided in K.S.A. 75-3731, *and amendments thereto*,
26 by the judicial administrator *chief justice or the chief justice's designee*.

27 Sec. 7. K.S.A. 20-319 is hereby revived to read as follows: 20-319.

28 (a) A justice assigned to each department shall:

29 (1) With the help and assistance of the judicial administrator, make a
30 survey of the conditions of the dockets and business of the district courts
31 in the justice's department and make a report and recommendations on the
32 conditions and business to the chief justice.

33 (2) Assemble the judges of the district courts within the justice's
34 department, at least annually, to discuss such recommendations and other
35 business as will benefit the judiciary of the state. When so summoned, the
36 judges of the district courts in the various departments shall attend such
37 conferences at the expense of the state. Such judges shall be entitled to
38 their actual and necessary expenses while attending such conferences and
39 shall be required to attend the conferences unless excused by the
40 departmental justice for good cause.

41 (b) Departmental justices shall have authority within their
42 departments to assign any district judge or district magistrate judge to hear
43 any proceeding or try any cause, within the judge's jurisdiction, in other

1 district courts. Any departmental justice may request the assistance of any
2 district judge or district magistrate judge from another department.

3 (c) The departmental justices shall supervise all administrative
4 matters relating to the district courts within their departments and require
5 reports periodically, covering such matters and in such form as the
6 supreme court may determine, on any such matter which will aid in
7 promoting the efficiency or the speedy determination of causes now
8 pending. Departmental justices shall have the power to examine the
9 dockets, records and proceedings of any courts under their supervision. All
10 judges and clerks of the several courts of the state shall promptly make
11 such reports and furnish the information requested by any departmental
12 justice or the judicial administrator, in the manner and form prescribed by
13 the supreme court.

14 In order to properly advise the three branches of government on the
15 operation of the juvenile justice system, each district court shall furnish the
16 judicial administrator such information regarding juveniles coming to the
17 attention of the court pursuant to the revised Kansas code for care of
18 children as is determined necessary by the secretary of social and
19 rehabilitation services and the director of the statistical analysis center of
20 the Kansas bureau of investigation, on forms approved by the judicial
21 administrator. Such information shall be confidential and shall not be
22 disseminated or publicly disclosed in a manner which enables
23 identification of any individual who is a subject of the information.

24 The departmental justice shall assign to each chief judge in the justice's
25 department such duties as are necessary to carry out the intent of just,
26 speedy and inexpensive litigation for the litigants of the state.

27 Sec. 8. K.S.A. 20-329 is hereby revived to read as follows: 20-329. In
28 every judicial district, the supreme court shall designate a district judge as
29 chief judge who shall have general control over the assignment of cases
30 within the district, subject to supervision by the supreme court. Within
31 guidelines established by statute, rule of the supreme court or the district
32 court, the chief judge of each district court shall be responsible for and
33 have general supervisory authority over the clerical and administrative
34 functions of such court.

35 Sec. 9. K.S.A. 20-342 is hereby revived to read as follows: 20-342.
36 After consultation with the district magistrate judges of such court, each
37 district court, by action of a majority of the district judges thereof, may
38 promulgate such rules as may be necessary to provide for the
39 administrative operations of such court and to facilitate the regulation and
40 supervision of the nonjudicial personnel thereof. Any rules so adopted
41 shall be consistent with applicable statutes and rules of the supreme court.
42 Such rules shall be in addition to the rules adopted under authority of
43 K.S.A. 60-267 and amendments thereto.

1 Sec. 10. K.S.A. 20-343 is hereby revived to read as follows: 20-343.
2 The chief judge of each judicial district, shall appoint a clerk of the district
3 court in each county within such judicial district. The chief judge shall
4 designate one of such clerks as the chief clerk of the district court of such
5 judicial district, except that a chief clerk is not required to be designated in
6 a judicial district which is authorized to have a court administrator
7 pursuant to the personnel plan of the supreme court. The clerks of the
8 district court and deputies, assistants and other clerical personnel shall
9 have such qualifications as are prescribed for the offices by statute, rule of
10 the district court and rule of the supreme court. Such clerks, deputies,
11 assistants and other personnel shall have such powers, duties and functions
12 as are prescribed by law, prescribed by rules of the supreme court or
13 assigned by the chief judge.

14 Sec. 11. K.S.A. 20-345 is hereby revived to read as follows: 20-345.
15 Within staffing limits prescribed by the supreme court and appropriations
16 therefor, the chief judge of each judicial district shall appoint such bailiffs,
17 court reporters, secretaries, court services officers and other clerical and
18 nonjudicial personnel as necessary to perform the judicial and
19 administrative functions of the district court. Persons appointed pursuant
20 to this section shall have qualifications prescribed by law or rule of the
21 supreme court. Except as otherwise provided by law, such persons shall
22 receive compensation prescribed by the judicial personnel classification
23 system. Such persons shall perform the duties and functions prescribed by
24 law, designated in the personnel classification system or assigned by the
25 chief judge, subject to rule of the supreme court. Personnel whose salary is
26 payable by counties shall receive compensation in the amounts provided in
27 the district court budget approved by the board of county commissioners.
28 Whenever any person is employed or assigned to work under direct
29 supervision of any judge or in a division of court in which a judge
30 presides, the employment or assignment of the person shall be subject to
31 the approval of that judge.

32 Sec. 12. K.S.A. 20-346a is hereby revived and amended to read as
33 follows: 20-346a. (a) The department of corrections shall have the
34 functions and duties provided by law with regard to providing parole
35 officers for felons placed on parole by the ~~Kansas adult authority~~ *prisoner*
36 *review board*, but shall not provide parole officers for the supervision of
37 misdemeanants placed on parole by the district courts of this state. The
38 department of corrections shall provide the visitation, supervision and
39 other services regarding probationers and parolees which are required
40 under the uniform act for out-of-state parolee supervision.

41 (b) All court services officers supervising adults and juveniles placed
42 on probation by the district courts of this state and all court services
43 officers supervising misdemeanants placed on parole by the district courts

1 of this state shall be appointed by the district courts as provided by law.
2 The supreme court shall prescribe the qualifications required of persons
3 appointed as court services officers of the district courts. The
4 compensation of court services officers of the district courts shall be paid
5 by the state either in accordance with a compensation plan adopted by the
6 supreme court or as may be otherwise specifically provided by law.

7 ~~(e) Any probation and parole officers of the department of corrections
8 who were terminated from service as officers and employees of that
9 department because of the transfer of functions and duties from that
10 department to the district courts under this section and who were appointed
11 as court services officers of the district courts pursuant to this subsection
12 as it existed prior to amendment by this act shall retain all retirement
13 benefits and, to the extent feasible and compatible with the provisions of
14 the judicial personnel system relating to nonjudicial employees of the
15 district courts, these appointments shall be deemed to be transfers with all
16 rights of civil service which had accrued to those officers and employees
17 prior to July 1, 1979, and the service of each officer and employee so
18 appointed and transferred shall be deemed to have been continuous.~~

19 Sec. 13. K.S.A. 20-347 is hereby amended to read as follows: 20-347.
20 The chief judge in each judicial district, with the approval of the supreme
21 court, ~~justice or the chief justice's designee~~ may provide for holding court
22 in locations within ~~such a~~ judicial district, other than in the courthouses of
23 the several counties within such district, whenever suitable facilities are
24 available for such purpose.

25 Sec. 14. K.S.A. 20-349 is hereby revived to read as follows: 20-349.
26 The chief judge in each judicial district shall be responsible for the
27 preparation of the budget to be submitted to the board of county
28 commissioners of each county. The board of county commissioners shall
29 then have final authority to determine and approve the budget for district
30 court operations payable by their county. The judicial administrator of the
31 courts shall prescribe the form upon which such budgets shall be
32 submitted. The budget shall include all expenditures payable by the county
33 for operations of the district court in such county. A separate budget shall
34 be prepared for each county within the district and the judges of the district
35 court shall approve the budget for the county in which such judges are
36 regularly assigned prior to submission of such budget to the board of
37 county commissioners. The compensation to be paid to district court
38 personnel excluded from the judicial personnel classification system
39 pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto,
40 shall be listed in the budget as a separate item for each job position. After
41 the amount of such district court budget is established, the expenditures
42 under such budget, other than expenditures for job positions contained in
43 the budget, shall be under the control and supervision of the chief judge,

1 subject to supreme court rules relating thereto, and the board of county
2 commissioners shall approve all claims submitted by the chief judge
3 within the limits of such district court budget. The financial affairs of the
4 district court in each county including, but not limited to, nonexpendable
5 trust funds, law library funds and court trustee operations shall be subject
6 to audit pursuant to the provisions of K.S.A. 75-1122, and amendments
7 thereto, as part of the annual county audit. Reports of fiscal or managerial
8 discrepancies or noncompliance with applicable law shall be made to the
9 judicial administrator of the courts as well as the board of county
10 commissioners.

11 Sec. 15. K.S.A. 20-361 is hereby revived and amended to read as
12 follows: 20-361. (a) The state shall pay the salaries of all nonjudicial
13 personnel of the district courts of this state, except for personnel
14 enumerated in ~~subsection (b) of K.S.A. 20-162(b)~~, and amendments
15 thereto, and no county may supplement the compensation of district court
16 personnel paid by the state. ~~For employees of the district court who were~~
17 ~~employees of such court on December 31, 1978, a full month's proportion~~
18 ~~of the employee's annual pay shall be paid for the state payroll period~~
19 ~~ending on January 17, 1979, notwithstanding that such period is shorter~~
20 ~~than the normal state payroll period.~~ With regard to judicial and
21 nonjudicial personnel of the district courts whose salary is payable by the
22 state, the state shall provide for unemployment security coverage,
23 employer contributions for retirement, workmen's compensation coverage,
24 health insurance coverage and surety bond coverage.

25 ~~(b) The supreme court shall establish a formal pay plan for court~~
26 ~~reporters serving district judges. Within the limits of legislative~~
27 ~~appropriations therefor, compensation of such court reporters shall be paid~~
28 ~~by the state in an amount prescribed by the pay plan established by the~~
29 ~~supreme court and~~ No county may supplement the compensation of ~~such~~
30 ~~court reporters. The plan shall detail each reporters position by~~
31 ~~classification, pay grade and pay step~~ *any court reporter.*

32 Sec. 16. K.S.A. 20-2909 is hereby revived and amended to read as
33 follows: 20-2909. (a) (1) Whenever a vacancy occurs in the office of judge
34 of the district court in any judicial district, or whenever a vacancy will
35 occur in such office on a specified future date, the chief justice of the
36 supreme court ~~promptly~~ shall give notice of such vacancy to the
37 chairperson of the district judicial nominating commission of such judicial
38 district *not later than 120 days following the date the vacancy occurs or*
39 *will occur.*

40 (2) The chairperson, in consultation with members of the
41 commission, within five days after receipt of such notice, shall set a
42 schedule for accepting nominations and conducting interviews for the
43 purpose of nominating persons for appointment to such office. It shall be

1 the duty of the commission to nominate not less than two nor more than
2 three persons for each office which is vacant, and shall submit the names
3 of the persons so nominated to the governor. Any person nominated shall
4 have the qualifications prescribed by ~~subsection (b) of K.S.A. 20-2903(b)~~,
5 and amendments thereto, and in order to obtain the best qualified persons
6 as nominees, the commission shall not limit its consideration of potential
7 nominees to those persons whose names have been submitted to the
8 commission or who have expressed a willingness to serve. The
9 commission may authorize one or more members of the commission to
10 tender a nomination to any qualified person in order to ascertain the
11 person's willingness to serve if nominated, but any such tender of
12 nomination shall be subject to final action of the commission under the
13 conditions prescribed by ~~subsection (b) of K.S.A. 20-2907(b)~~, and
14 amendments thereto.

15 (3) In order that a vacancy in the office of judge of the district court
16 does not exist for an inordinate length of time, the commission shall
17 conduct the business of selecting nominees for appointment to such office
18 and certifying the same to the governor as promptly and expeditiously as
19 possible, having due regard for the importance of selecting the best
20 possible nominees. In no event shall the commission submit its
21 nominations to the governor more than 45 days after the date the chief
22 justice has notified the nominating commission that a vacancy is to be
23 filled, unless the chief justice permits an extension of such time period.

24 (b) If there are not at least two attorneys deemed qualified by the
25 district judicial nominating commission who reside in the judicial district
26 and who are willing to accept the nomination to fill a vacancy in a district
27 judge position, the nominating commission need not limit its consideration
28 of nominees to attorneys residing in the judicial district. In cases where
29 there is one such attorney, such attorney shall be one of the nominees
30 submitted to the governor. If an appointee is not a resident of the judicial
31 district at the time of appointment to a district judge position, the
32 appointee shall establish residency in the judicial district before taking
33 office and shall maintain such residency while holding such office.

34 Sec. 17. K.S.A. 20-2911 is hereby revived and amended to read as
35 follows: 20-2911. (a) Whenever a district judicial nominating commission
36 has submitted to the governor the required number of nominations for
37 appointment to fill a vacancy in the office of judge of the district court, it
38 shall be the duty of the governor to make such appointment within ~~thirty~~
39 ~~(30)~~ 60 days after such nominations are submitted or resubmitted to ~~him or~~
40 ~~her~~ the governor. If the governor fails to make the appointment within said
41 ~~thirty (30)~~ 60 days, the chief justice of the supreme court shall make the
42 appointment from among such nominees; ~~but, except~~ whenever any
43 change in the nominations is made pursuant to K.S.A. 20-2910, ~~said thirty-~~

1 ~~day and amendments thereto, such 60-day~~ period commences on the day
2 the nominations are resubmitted.

3 (b) Whenever a vacancy in the office of judge of the district court
4 exists at the time the appointment to fill such vacancy is made pursuant to
5 this section, the appointment shall be effective at the time it is made, but
6 where an appointment is made pursuant to this section to fill a vacancy
7 which will occur at a future date, such appointment shall not take effect
8 until ~~said~~ *such future date*.

9 Sec. 18. K.S.A. 20-2914 is hereby revived and amended to read as
10 follows: 20-2914. (a) Whenever a vacancy shall occur in the office of
11 district magistrate judge in any judicial district which has approved the
12 proposition of nonpartisan selection of district court judges, or whenever a
13 vacancy will occur in such office on a specified future date, the chief
14 justice of the supreme court ~~promptly~~ shall give notice of such vacancy to
15 the chairperson of the district judicial nominating commission of such
16 judicial district *not later than 120 days following the date the vacancy*
17 *occurs or will occur*. The chairperson, in consultation with members of the
18 commission, within five days after receipt of such notice, shall set a
19 schedule for accepting nominations and ~~and conducting~~ *conducting* interviews
20 for the purpose of selecting a person to fill such vacancy. Any person so
21 selected shall have the qualifications prescribed by ~~subsection (e) of~~
22 *K.S.A. 20-334(c), and amendments thereto*, and in order to obtain the best
23 qualified person as a district magistrate judge, the commission shall not
24 limit its consideration of potential appointees to those persons whose
25 names have been submitted to the commission or who have expressed a
26 willingness to serve. The commission may authorize one or more members
27 of the commission to tender an appointment to any qualified person in
28 order to ascertain such person's willingness to serve if appointed. Any such
29 tender of appointment shall be subject to final action of the commission
30 under the conditions prescribed by ~~subsection (b) of~~ *K.S.A. 20-2907(b)*,
31 and amendments thereto.

32 (b) Any appointment made pursuant to subsection (a) shall be
33 contingent upon the acceptance of such appointment by the person so
34 appointed and, if such person is not regularly admitted to practice law in
35 Kansas, the appointment shall be made on a temporary basis until such
36 person has been certified by the supreme court as qualified to hold such
37 office, in the manner provided by K.S.A. 20-337, and amendments thereto.

38 Sec. 19. K.S.A. 20-3011 is hereby revived to read as follows: 20-
39 3011. The supreme court shall designate a judge of the court of appeals to
40 serve as chief judge of such court at the pleasure of the supreme court. The
41 chief judge shall exercise such administrative powers as may be prescribed
42 by law or by rule of the supreme court.

43 Sec. 20. K.S.A. 20-3102 is hereby amended to read as follows: 20-

1 3102. The clerks of the district courts shall do and perform all duties that
2 may be required of them by ~~law or the rules and practice of the courts~~ *the*
3 *supreme court*, and shall safely keep and preserve all papers, process,
4 pleadings and awards that may be filed, or by law placed in their
5 respective offices.

6 Sec. 21. K.S.A. 25-312a is hereby revived and amended to read as
7 follows: 25-312a. Except as otherwise provided in K.S.A. 20-2903 through
8 20-2913, and amendments thereto, whenever a vacancy occurs in the
9 office of judge of the district court, it shall be filled by appointment by the
10 governor *following receipt of notice from the clerk of the supreme court,*
11 *which shall be given not later than 120 days following the date the*
12 *vacancy occurs or will occur.* If the vacancy occurs on or after May 1 of
13 the second year of the term, the person so appointed shall serve for the
14 remainder of the unexpired term and until a successor is elected and
15 qualified. If the vacancy occurs before May 1 of the second year of the
16 term, the person appointed to fill the vacancy shall serve until a successor
17 is elected and qualified at the next general election to serve the remainder
18 of the unexpired term. Any appointment made by the governor as required
19 by this section shall be made ~~within 60 days after the vacancy occurs~~ *90*
20 *days following receipt of notice from the clerk of the supreme court.*

21 Sec. 22. K.S.A. 2015 Supp. 75-3120g is hereby amended to read as
22 follows: 75-3120g. (a) The annual salary of district judges shall be ~~paid in~~
23 ~~equal installments each payroll period in accordance with this section.~~

24 ~~(b) Except as otherwise provided in K.S.A. 75-3120l, and~~
25 ~~amendments thereto, the annual salary of district judges, other than district~~
26 ~~judges designated as chief judges, shall be \$114,813.~~

27 ~~(c) Except as otherwise provided in K.S.A. 75-3120l, and~~
28 ~~amendments thereto, the annual salary of district judges designated as~~
29 ~~chief judges shall be \$115,977 determined by the supreme court.~~

30 ~~(d)–(b)~~ No county may supplement the salary of, or pay any
31 compensation to, any district judge.

32 Sec. 23. K.S.A. 2015 Supp. 75-3120h is hereby amended to read as
33 follows: 75-3120h. ~~(a) The annual salary of the chief judge of the court of~~
34 ~~appeals and each of the other judges of the court of appeals shall be paid in~~
35 ~~equal installments each payroll period in accordance with this section.~~

36 ~~(b) Except as otherwise provided in K.S.A. 75-3120l, and~~
37 ~~amendments thereto, the annual salary of the chief judge of the court of~~
38 ~~appeals shall be \$122,062.~~

39 ~~(c) Except as otherwise provided in K.S.A. 75-3120l, and~~
40 ~~amendments thereto, the annual salary of the other judges of the court of~~
41 ~~appeals shall be \$118,971 determined by the supreme court.~~

42 Sec. 24. K.S.A. 2013 Supp. 75-5541 is hereby revived and amended
43 to read as follows: 75-5541. (a) Except as otherwise provided by this

1 section, each classified employee, excluding any such employee who is on
2 temporary appointment, ~~and each nonjudicial employee in the unclassified~~
3 ~~service under the Kansas civil service act in a state agency in the judicial~~
4 ~~branch of state government,~~ shall receive a bonus as provided by this
5 section, which shall be referred to as a longevity bonus, under the terms
6 and conditions and subject to the limitations prescribed by this section.

7 (b) After June 30, 1989, any such officer or employee who has been
8 employed by any agency, board or department within any branch of state
9 government, whether or not the entire period of service is continuous with
10 the same agency, board or department, shall be eligible to receive a
11 longevity bonus upon completion of 120 months of state service. Length
12 of service and service anniversary dates shall be determined pursuant to
13 rules and regulations adopted by the secretary of administration.

14 (c) The amount of each longevity bonus payment shall be computed
15 by multiplying \$40 by the number of full years of state service, not to
16 exceed 25 years, rendered by such officer or employee as of the service
17 anniversary date within such fiscal year.

18 (d) Each longevity bonus payment shall be included in the employee's
19 regular pay warrant. The amount of the bonus shall be displayed separately
20 on the warrant stub or advice.

21 (e) Longevity bonus payments shall be compensation, within the
22 meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all
23 purposes under the Kansas public employees retirement system and shall
24 be subject to applicable deductions for employee contributions
25 notwithstanding the fact that payments are made annually. Longevity
26 bonus payments shall be in addition to the regular earnings to which an
27 officer or employee may become entitled or for which such employee may
28 become eligible.

29 (f) The purpose of longevity pay is to recognize permanent
30 employees who have provided experience and faithful long-term service to
31 the state of Kansas in order to encourage officers and employees to remain
32 in the service of the state. The provisions of this section shall apply to
33 fiscal years commencing after June 30, 1989. The amendatory language of
34 this section shall be construed to confirm that longevity pay is intended,
35 and has been intended since its enactment, to be a bonus as defined in 29
36 C.F.R. § 778.208.

37 (g) In accordance with the provisions of K.S.A. 75-3706, and
38 amendments thereto, the secretary of administration shall adopt rules and
39 regulations to implement the provisions of this section with respect to
40 officers and employees in the executive branch of state government. ~~The~~
41 ~~supreme court may adopt policies to implement the provisions of this~~
42 ~~section with respect to officers and employees who are nonjudicial~~
43 ~~personnel of state agencies in the judicial branch of state government.~~

1 (h) The provisions of this section shall not apply to any state officer
2 or employee who is employed or re-employed as a state officer or
3 employee on or after June 15, 2008.

4 Sec. 25. K.S.A. 2013 Supp. 75-5551 is hereby revived and amended
5 to read as follows: 75-5551. (a) The compensation program—(
6 compensation and benefits opportunity and delivery), for state employees
7 will be designed to support the mission of the various branches of
8 government and the agencies and departments within those branches. The
9 foundation of the compensation program is to attract and retain quality
10 employees with competitive compensation based on relevant labor
11 markets. The programs will be based upon principles of fairness and equity
12 and will be administered with sound fiscal discipline.

13 (b) The compensation philosophy component statements are:

14 (1) The legislature will be accountable for the adoption of the
15 compensation philosophy and framework. The executive branch through
16 delegated authority from the governor to the department of administration
17 will be accountable for the consistent administration of the program for
18 classified employees. Agency heads will be accountable for proper
19 administration of the program within their agencies. The chief justice,
20 ~~through delegated authority to the office of judicial administration~~ will be
21 accountable for the consistent administration of the program for judicial
22 branch employees. The state board of regents, through delegated authority
23 to the chief executive officer of each campus, will be accountable for the
24 consistent administration of the program for higher education faculty and
25 non-classified employees. The respective appointing authorities will have
26 accountability for the consistent administration of compensation for non-
27 classified employees.

28 (2) The compensation program will be based on consistent principles
29 of fairness throughout the state, yet will be flexible to meet changing
30 needs. This will allow for multiple pay plans to fit different needs and
31 market variables for the different branches of government and within those
32 branches.

33 (3) Establishing the value of compensation will be primarily based on
34 establishing the appropriate market value of the job. For positions for
35 which a market value cannot be readily identified, the value of
36 compensation for those positions will be based on a fair, defensible and
37 understandable method.

38 (4) While recognizing that service and tenure yields valued
39 experience, pay delivery mechanisms will be based on a combination of
40 achievement of performance objectives, recognition of differences in job
41 content, acquisition and application of further skill and education and pay
42 for the achievement of team/unit or department goals.

43 (5) All aspects of compensation (base salary, benefits, lump sum

1 payments, allowances and other variable elements of compensation) will
2 be considered as a total compensation package for state employees. The
3 state's pay programs will utilize both fixed and variable compensation as
4 well as non-cash reward and recognition programs.

5 (6) Total compensation, as defined above, will be targeted at a
6 competitive level when compared to the appropriate labor markets to allow
7 the state to attract and retain the quality and quantity of employees needed
8 to fulfill service commitments to its citizens.

9 (7) The state is committed to ensuring that its salary structures are up
10 to date through the conduct of market surveys at regular intervals. There
11 will be a planned approach to ensure that the classification structure and
12 classification of employees is kept current.

13 (8) The compensation programs will reinforce a work culture and
14 climate where employees are recognized and rewarded for their
15 contribution. Any changes to compensation must be reasonable and take
16 into consideration the needs of the state as an employer, the work culture
17 afforded to the employees as public service providers and the citizens
18 receiving services from the state.

19 (9) It is the intent of the legislature that longevity bonus payments
20 shall not be considered as part of base pay.

21 ~~New Sec. 26. For the purposes of sections 27 and 28 of article 2 and~~
22 ~~section 15 of article 3 of the constitution of the state of Kansas, in an~~
23 ~~impeachment proceeding against a justice of the supreme court or in a~~
24 ~~proceeding for discipline, suspension or removal for cause against an~~
25 ~~appointed judge of the district court, the grounds for such impeachment or~~
26 ~~for such discipline, suspension or removal for cause shall include, but not~~
27 ~~be limited to, any one or more of the following:~~

28 ~~(a) Commission of treason;~~

29 ~~(b) commission of bribery;~~

30 ~~(c) commission of other indictable criminal offenses;~~

31 ~~(d) commission of a breach of the public trust;~~

32 ~~(e) commission of a breach of judicial ethics;~~

33 ~~(f) failure to perform adequately the duties of office;~~

34 ~~(g) attempting to subvert fundamental laws and introduce arbitrary~~
35 ~~power;~~

36 ~~(h) attempting to usurp the power of the legislative or executive~~
37 ~~branch of government;~~

38 ~~(i) exhibiting discourteous conduct toward litigants, jurors, witnesses,~~
39 ~~lawyers or others with whom the justice or judge deals in an official~~
40 ~~capacity;~~

41 ~~(j) exhibiting wanton or reckless judicial conduct;~~

42 ~~(k) exhibiting personal misbehavior or misconduct;~~

43 ~~(l) failure to properly supervise, administer or discipline judicial~~

1 personnel; or

2 ~~(m) such other actions which in accordance with section 28 of article~~
3 ~~2 of the constitution of the state of Kansas may constitute grounds for~~
4 ~~impeachment or which in accordance with section 15 of article 3 of the~~
5 ~~constitution of the state of Kansas may constitute grounds for discipline,~~
6 ~~suspension or removal for cause.~~

7 Sec. ~~27.~~ **{26.}** K.S.A. 19-4809, 19-4811, 20-101, 20-104, 20-109, 20-
8 110, 20-111, 20-112, 20-115, 20-116, 20-139, 20-152, 20-153, 20-154, 20-
9 156, 20-157, 20-159, 20-161, 20-162, as revived by section 5 of this act,
10 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws
11 of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-
12 206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213,
13 20-310b, 20-311, 20-318, as revived by section 6 of this act, 20-318, as
14 amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas,
15 20-319, as revived by section 7 of this act, 20-319, as amended by section
16 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-
17 322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as
18 amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas,
19 20-342, as revived by section 9 of this act, 20-342, as amended by section
20 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived
21 by section 10 of this act, 20-343, as amended by section 13 of chapter 82
22 of the 2014 Session Laws of Kansas, 20-345, as revived by section 11 of
23 this act, 20-345, as amended by section 14 of chapter 82 of the 2014
24 Session Laws of Kansas, 20-346a, as revived by section 12 of this act, 20-
25 346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of
26 Kansas, 20-347, 20-349, as revived by section 14 of this act, 20-349, as
27 amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas,
28 20-357, 20-361, as revived by section 15 of this act, 20-361, as amended
29 by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438,
30 20-917, 20-2909, as revived by section 16 of this act, 20-2909, as amended
31 by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911,
32 as revived by section 17 of this act, 20-2911, as amended by section 20 of
33 chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as revived by
34 section 18 of this act, 20-2914, as amended by section 21 of chapter 82 of
35 the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of
36 this act, 20-3011, as amended by section 22 of chapter 82 of the 2014
37 Session Laws of Kansas, 20-3014, 20-3015, 20-3019, 20-3102 25-312a, as
38 revived by section 21 of this act, and 25-312a, as amended by section 25
39 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-
40 5541, as revived by section 24 of this act, 75-5541, as amended by section
41 40 of chapter 82 of the 2014 Session Laws of Kansas, 75-5551, as revived
42 by section 25 of this act, and 75-5551, as amended by section 41 of
43 chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp.

1 20-1a17, 20-310a, 20-384, 20-3301, 75-3120g and 75-3120h are hereby
2 repealed.

3 Sec.~~28.~~ {27.} This act shall take effect and be in force from and after
4 its publication in the statute book.