

HOUSE BILL No. 2813

By Committee on Judiciary

2-11

9 AN ACT concerning retired judges; relating to the retention thereof;
10 amending K.S.A. 2007 Supp. 20-2622 and repealing the existing
11 section.
12

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

14 Section 1. K.S.A. 2007 Supp. 20-2622 is hereby amended to read as
15 follows: 20-2622. (a) (1) On and after the effective date of this act, a
16 retirant who retires as provided in K.S.A. 20-2608 and amendments
17 thereto, may return to temporary judicial duties while receiving service
18 retirement benefits. Upon written agreement with the Kansas supreme
19 court prior to retirement, such retirant shall be available to perform as-
20 signed judicial duties for not more than 104 days or 40% of each year.
21 Notwithstanding the provisions of law in effect on the retirement date of
22 a retirant, such retirant shall receive a stipend, payable monthly, equal to
23 25% of the current monthly salary of judges or justices serving in the
24 same position as that held by the retirant at the time of retirement. Such
25 agreement shall be for a period of not more than two years. A retirant
26 may enter into subsequent agreements, except that the aggregate of these
27 agreements shall not exceed 12 years. The supreme court is hereby au-
28 thorized and may pay on behalf of such retirant the amount specified by
29 the Kansas state employees health care commission under K.S.A. 75-
30 6508, and amendments thereto, as if the retirant is serving as a full-time
31 employee of the judicial branch and participating in the state health care
32 benefits program to provide for such participation of the retirant. Any
33 retirant entering into a written agreement with the Kansas supreme court
34 to be available to perform assigned judicial duties for less than 104 days
35 or 40% of each year for a proportionally reduced stipend shall be consid-
36 ered as if the retirant is serving under a part-time appointment as an
37 employee of the judicial branch and participating in the state health care
38 benefits program to provide for such participation of the employee and
39 the supreme court may pay on behalf of the retirant the amount specified
40 by the Kansas state employees health care commission and K.S.A. 75-
41 6508, and amendments thereto.

42 (2) *If a retired district judge enters into a written agreement pursuant*
43 *to the provisions of paragraph (1) of this subsection and who performs*

1 *any judicial duties pursuant to K.S.A. 20-2616, and amendments thereto,*
2 *then such retired district judge shall be subject to retention election pro-*
3 *cedures in the same manner as a district judge. Such retention election*
4 *shall be placed on the ballot at the next succeeding general election in an*
5 *even numbered year which occurs more than 90 days following the date*
6 *upon which the written agreement was executed. The retention election*
7 *for a retired district court judge shall be held in the judicial district from*
8 *which the retired district court judge retired.*

9 (b) Within five years after retirement, a retirant who did not enter
10 into an agreement as provided for in subsection (a) prior to retirement
11 may enter into such a written agreement within 30 days prior to any
12 anniversary date of retirement. Agreements shall be signed by the chief
13 justice with the approval of a majority of the justices of the Kansas su-
14 preme court.

15 (c) If a written agreement is entered into pursuant to the provisions
16 of subsection (a), and notice is received by the chief justice of the refusal
17 of the retirant to accept a temporary assignment without just cause, the
18 written agreement shall be terminated.

19 (d) Nothing in this act shall be construed to require a retirant of the
20 retirement system for judges to enter into an agreement to perform tem-
21 porary judicial duties.

22 (e) Nothing in this act shall be construed to limit the supreme court's
23 ability to make judicial assignments pursuant to the provisions of K.S.A.
24 20-310b and 20-2616 and amendments thereto; and the stipend provided
25 by this act shall not be counted toward the annual limitation on compen-
26 sation provided in K.S.A. 20-2616 and amendments thereto.

27 (f) Any retirant who has fulfilled the requirements of an agreement
28 entered into pursuant to this act may continue to accept judicial assign-
29 ments and shall be compensated for such subsequent assignments in ac-
30 cordance with the provisions of K.S.A. 20-310b and 20-2616 and amend-
31 ments thereto.

32 (g) If an assignment given to a retirant in accordance with this act
33 will require the retirant to exceed the 104 day limitation provided in
34 subsection (a), the retirant shall be compensated in accordance with the
35 provisions of K.S.A. 20-2616 and amendments thereto.

36 (h) For purposes of this act, "retirant" shall include any justice of the
37 Kansas supreme court, judge of the Kansas court of appeals, and district
38 judge of any district court of Kansas who retired pursuant to the provi-
39 sions of the retirement system for judges. Retirant shall not include any
40 district magistrate judge.

41 Sec. 2. K.S.A. 2007 Supp. 20-2622 is hereby repealed.

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