

As Amended by House Committee

Session of 2011

SENATE BILL No. 83

By Committee on Judiciary

2-3

1 AN ACT concerning judges and justices; relating to the employment of retirants;
2 amending K.S.A. 20-2622 and repealing the existing section.

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

5 Section 1. K.S.A. 20-2622 is hereby amended to read as follows: 20-
6 2622. (a) On and after ~~the effective date of this act~~ July 1, 1995, a retirant
7 who retires as provided in K.S.A. 20-2608, and amendments thereto, may
8 return to temporary judicial duties while receiving service retirement
9 benefits. Upon written agreement with the Kansas supreme court ~~prior to~~
10 ~~retirement~~, such retirant shall be available to perform assigned judicial
11 duties for not more than 104 days or 40% of each year. Notwithstanding
12 the provisions of law in effect on the retirement date of a retirant, such
13 retirant shall receive a stipend, payable monthly, equal to 25% of the
14 current monthly salary of judges or justices serving in the same position as
15 that held by the retirant at the time of retirement. Such agreement shall be
16 for a period of not more than two years. A retirant may enter into
17 subsequent agreements, except that the aggregate of these agreements shall
18 not exceed 12 years. The supreme court is hereby authorized and may pay
19 on behalf of such retirant the amount specified by the Kansas state
20 employees health care commission under K.S.A. 75-6508, and
21 amendments thereto, as if the retirant is serving as a full-time employee of
22 the judicial branch and participating in the state health care benefits
23 program to provide for such participation of the retirant. Any retirant
24 entering into a written agreement with the Kansas supreme court to be
25 available to perform assigned judicial duties for less than 104 days or 40%
26 of each year for a proportionally reduced stipend shall be considered as if
27 the retirant is serving under a part-time appointment as an employee of the
28 judicial branch and participating in the state health care benefits program
29 to provide for such participation of the employee and the supreme court
30 may pay on behalf of the retirant the amount specified by the Kansas state
31 employees health care commission and K.S.A. 75-6508, and amendments
32 thereto. **Any written agreement entered into pursuant to the provisions**
33 **of this subsection shall be signed by the chief justice, or the chief**
34 **justice's designee, with the approval of a majority of justices of the**
35 **Kansas supreme court.**

36 ~~(b) Within five years after retirement, a retirant who did not enter into~~

1 ~~an agreement as provided for in subsection (a) prior to retirement may~~
2 ~~enter into such a written agreement within 30 days prior to any anniversary~~
3 ~~date of retirement. Agreements shall be signed by the chief justice with the~~
4 ~~approval of a majority of the justices of the Kansas supreme court.~~

5 ~~(e)(b)~~ If a written agreement is entered into pursuant to the provisions
6 of subsection (a), and notice is received by the chief justice of the refusal
7 of the retirant to accept a temporary assignment without just cause, the
8 written agreement shall be terminated.

9 ~~(d)(c)~~ Nothing in this act shall be construed to require a retirant of the
10 retirement system for judges to enter into an agreement to perform
11 temporary judicial duties.

12 ~~(e)(d)~~ Nothing in this act shall be construed to limit the supreme
13 court's ability to make judicial assignments pursuant to the provisions of
14 K.S.A. 20-310b and 20-2616, and amendments thereto; and the stipend
15 provided by this act shall not be counted toward the annual limitation on
16 compensation provided in K.S.A. 20-2616, and amendments thereto.

17 ~~(f)(e)~~ Any retirant who has fulfilled the requirements of an agreement
18 entered into pursuant to this act may continue to accept judicial
19 assignments and shall be compensated for such subsequent assignments in
20 accordance with the provisions of K.S.A. 20-310b and 20-2616, and
21 amendments thereto.

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

26 ~~(h)(g)~~ For purposes of this act, "retirant" shall include any justice of
27 the Kansas supreme court, judge of the Kansas court of appeals, and
28 district judge of any district court of Kansas who retired pursuant to the
29 provisions of the retirement system for judges. Retirant shall not include
30 any district magistrate judge.

31 Sec. 2. K.S.A. 20-2622 is hereby repealed.

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

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