

SENATE BILL No. 440

By Senator King

2-10

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

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

6
7 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

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

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

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

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

41 Sec. 6. K.S.A. 20-318 is hereby revived and amended to read as
42 follows: 20-318. There is hereby created within the state of Kansas, a
43 judicial department for the supervision of all courts in the state of Kansas.

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

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

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

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

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

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

40 (b) Departmental justices shall have authority within their
41 departments to assign any district judge or district magistrate judge to hear
42 any proceeding or try any cause, within the judge's jurisdiction, in other
43 district courts. Any departmental justice may request the assistance of any

1 district judge or district magistrate judge from another department.

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

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

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

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

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

43 Sec. 10. K.S.A. 20-343 is hereby revived to read as follows: 20-343.

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

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

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

40 (b) All court services officers supervising adults and juveniles placed
41 on probation by the district courts of this state and all court services
42 officers supervising misdemeanants placed on parole by the district courts
43 of this state shall be appointed by the district courts as provided by law.

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

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

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

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

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

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

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

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

39 (2) The chairperson, in consultation with members of the
40 commission, within five days after receipt of such notice, shall set a
41 schedule for accepting nominations and conducting interviews for the
42 purpose of nominating persons for appointment to such office. It shall be
43 the duty of the commission to nominate not less than two nor more than

1 three persons for each office which is vacant, and shall submit the names
2 of the persons so nominated to the governor. Any person nominated shall
3 have the qualifications prescribed by ~~subsection (b)~~ of K.S.A. 20-2903(b),
4 and amendments thereto, and in order to obtain the best qualified persons
5 as nominees, the commission shall not limit its consideration of potential
6 nominees to those persons whose names have been submitted to the
7 commission or who have expressed a willingness to serve. The
8 commission may authorize one or more members of the commission to
9 tender a nomination to any qualified person in order to ascertain the
10 person's willingness to serve if nominated, but any such tender of
11 nomination shall be subject to final action of the commission under the
12 conditions prescribed by ~~subsection (b)~~ of K.S.A. 20-2907(b), and
13 amendments thereto.

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

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

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

1 the nominations are resubmitted.

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

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

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

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

42 Sec. 20. K.S.A. 20-3102 is hereby amended to read as follows: 20-
43 3102. The clerks of the district courts shall do and perform all duties that

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

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

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

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

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

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

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

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

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

41 Sec. 24. K.S.A. 2013 Supp. 75-5541 is hereby revived and amended
42 to read as follows: 75-5541. (a) Except as otherwise provided by this
43 section, each classified employee, excluding any such employee who is on

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

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

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

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

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

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

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

43 (h) The provisions of this section shall not apply to any state officer

1 or employee who is employed or re-employed as a state officer or
2 employee on or after June 15, 2008.

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

12 (b) The compensation philosophy component statements are:

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

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

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

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

42 (5) All aspects of compensation (base salary, benefits, lump sum
43 payments, allowances and other variable elements of compensation) will

1 be considered as a total compensation package for state employees. The
2 state's pay programs will utilize both fixed and variable compensation as
3 well as non-cash reward and recognition programs.

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

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

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

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

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

1 by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911,
2 as revived by section 17 of this act, 20-2911, as amended by section 20 of
3 chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as revived by
4 section 18 of this act, 20-2914, as amended by section 21 of chapter 82 of
5 the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of
6 this act, 20-3011, as amended by section 22 of chapter 82 of the 2014
7 Session Laws of Kansas, 20-3014, 20-3015, 20-3019, 20-3102 25-312a, as
8 revived by section 21 of this act, and 25-312a, as amended by section 25
9 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-
10 5541, as revived by section 24 of this act, 75-5541, as amended by section
11 40 of chapter 82 of the 2014 Session Laws of Kansas, 75-5551, as revived
12 by section 25 of this act, and 75-5551, as amended by section 41 of
13 chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp.
14 20-1a17, 20-310a, 20-384, 20-3301, 75-3120g and 75-3120h are hereby
15 repealed.

16 Sec. 27. This act shall take effect and be in force from and after its
17 publication in the statute book.