

HOUSE BILL No. 2164

By Committee on Judiciary

1-29

10 AN ACT concerning ***courts; relating to the judicial council; the com-***
11 ***mission on judicial performance; funding the Kansas criminal***
12 ***code recodification commission; the court of appeals; judges and***
13 ***justices; ~~relating to~~ retirement age; amending K.S.A. ~~20-2608~~ 20-***
14 ***2207, 20-2208, 20-2608 and 20-3207 and K.S.A. 2008 Supp. 20-***
15 ***3002, 20-3202 and 20-3205*** and repealing the existing ~~section~~
16 ***sections.***

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 ***Section 1. K.S.A. 20-2207 is hereby amended to read as follows:***
20 ***20-2207. (a) The judicial council may fix, charge and collect fees***
21 ***for sale and distribution of legal publications in order to recover***
22 ***direct and indirect costs incurred for preparation, publication and***
23 ***distribution of legal publications. The judicial council may request***
24 ***and accept gifts, grants and donations from any person, firm, as-***
25 ***sociation or corporation or from the federal government or any***
26 ***agency thereof for preparation, publication or distribution of legal***
27 ***publications.***

28 ***(b) The publications fee fund of the judicial council which was***
29 ***established in the state treasury pursuant to appropriation acts is***
30 ***hereby continued in existence and shall be administered by the ju-***
31 ***dicial council. Revenue from the following sources shall be depos-***
32 ***ited in the state treasury and credited to such fund:***

33 ***(1) All moneys received by or for the judicial council from fees***
34 ***collected under this section; and***

35 ***(2) all moneys received as gifts, grants or donations for prepa-***
36 ***ration, publication or distribution of legal publications.***

37 ***(c) Moneys deposited in the publications fee fund of the judicial***
38 ***council may be expended for operating expenditures related to***
39 ***preparation, publication and distribution of legal publications of***
40 ***the judicial council and for operating expenses that are not related***
41 ***to publication activities, including expenditures to fund the Kansas***
42 ***criminal code recodification commission on July 1, 2009, through June***
43 ***30, 2010.***

1 *(d) All expenditures from the publications fee fund shall be*
2 *made in accordance with appropriation acts upon warrants of the*
3 *director of accounts and reports issued pursuant to vouchers ap-*
4 *proved by the chairperson of the judicial council or the chairper-*
5 *son's designee.*

6 **Sec. 2.** *K.S.A. 20-2208 is hereby amended to read as follows:*
7 *20-2208. There is hereby established in the state treasury the ju-*
8 *dicial council fund. All expenditures from the judicial council fund*
9 *shall be made in accordance with appropriation acts and upon war-*
10 *rants of the director of accounts and reports issued pursuant to*
11 *expenditures approved by the chairperson of the Kansas judicial*
12 *council or by a person or persons designated by the chairperson of*
13 *the Kansas judicial council. Expenditures from the judicial council fund*
14 *may be made to fund the Kansas criminal code recodification commission*
15 *on July 1, 2009, through June 30, 2010.*

16 ~~Section 1.~~ **Sec. 3.** *K.S.A. 20-2608 is hereby amended to read as fol-*
17 *lows: 20-2608. (a) Any judge may retire upon reaching age 65 or age 62*
18 *with the completion of 10 years of credited service or the first day of the*
19 *month coinciding with or following the date that the total of the number*
20 *of years of credited service and the number of years of attained age of*
21 *the judge is equal to or more than 85 and upon making application for*
22 *retirement to the board. ~~Any judge upon reaching age 75 shall retire,~~*
23 *~~except that any duly elected or appointed justice of the supreme court~~*
24 *~~shall retire upon reaching age 70 when any judge attains the age of 75,~~*
25 *~~such judge may, if such judge desires, finish serving the term during which~~*
26 *~~such judge attains the age of 75.~~ Upon retiring, each such judge as de-*
27 *scribed in this subsection shall receive retirement annuities as provided*
28 *in K.S.A. 20-2610, and amendments thereto, ~~except, that when any justice~~*
29 *~~of the supreme court attains the age of 70, such judge may, if such judge~~*
30 *~~desires, finish serving the term during which such judge attains the age~~*
31 *~~of 70.~~*

32 (b) Notwithstanding the provisions of subsection (a), any judge who
33 is otherwise eligible to retire may retire upon reaching age 60 and, having
34 total years of service of not less than 10 years, and upon making appli-
35 cation to the board. Any such judge who retires on and after July 1, 1993,
36 and prior to attaining the age of 62 shall receive a retirement annuity
37 pursuant to K.S.A. 20-2610, and amendments thereto, based upon the
38 normal retirement age of 62 reduced by an amount equal to the product
39 of (1) such annual retirement annuity payable had the judge retired on
40 the normal retirement date, multiplied by (2) the product of .2% multi-
41 plied by the number of months' difference, to the nearest whole month,
42 between the judge's attained age at the time of retirement and age 62.

43 (c) Notwithstanding the provisions of subsection (a), on or after July

1 1, 1993, any judge who is otherwise eligible to retire may retire upon
2 reaching age 55 with the completion of 10 years of service, and upon
3 making application to the board. Any such judge who retires prior to
4 attaining the age of 62 pursuant to this subsection shall receive a retire-
5 ment annuity pursuant to K.S.A. 20-2610, and amendments thereto,
6 based upon the normal retirement age of 62 reduced by an amount equal
7 to the total of: (1) (A) The product of such annual retirement annuity
8 payable had the judge retired on the normal retirement date, multiplied
9 by (B) the product of .6% multiplied by the number of months' differ-
10 ence, to the nearest whole month, between the member's attained age at
11 the time of retirement and age 60; and

12 (2) for any judge who retired on or after July 1, 1993, the product of
13 such annual retirement annuity payable had the judge retired on the
14 normal retirement date, multiplied by 4.8%.

15 The provisions of this subsection apply to any judge who retires before
16 the age of 62 and has attained age 55 but has not attained age 60, with
17 the completion of 10 years of service.

18 **Sec. 4. K.S.A. 2008 Supp. 20-3002 is hereby amended to read**
19 **as follows: 20-3002. (a) On and after January 1, 2008, through De-**
20 **cember 31, ~~2009~~ 2010, the court of appeals shall consist of 13 judges**
21 **whose positions shall be numbered one to 13. On and after January**
22 **1, ~~2010~~ 2011, the court of appeals shall consist of 14 judges whose**
23 **positions shall be numbered one to 14. Judges of the court of appeals**
24 **shall possess the qualifications prescribed by law for justices of the**
25 **supreme court.**

26 **(b) Judges of the court of appeals shall be selected in the manner**
27 **provided by K.S.A. 20-3003 through 20-3010, and amendments**
28 **thereto. Each judge of the court of appeals shall receive an annual**
29 **salary in the amount prescribed by law. No judge of the court of**
30 **appeals may receive additional compensation for official services**
31 **performed by the judge. Each such judge shall be reimbursed for**
32 **expenses incurred in the performance of such judge's official duties**
33 **in the same manner and to the same extent justices of the supreme**
34 **court are reimbursed for such expenses.**

35 **(c) The supreme court may assign a judge of the court of appeals**
36 **to serve temporarily on the supreme court.**

37 **(d) Any additional court of appeals judge position created by**
38 **this section shall be considered a position created by the supreme**
39 **court and not a civil appointment to a state office pursuant to K.S.A.**
40 **46-234, and amendments thereto.**

41 **Sec. 5. K.S.A. 2008 Supp. 20-3202 is hereby amended to read**
42 **as follows: 20-3202. (a) The commission shall consist of thirteen**
43 **members appointed by the judicial council. The council shall ap-**

1 *point commission members of outstanding competence and repu-*
2 *tation. Six members of the commission shall be non-lawyers and six*
3 *members of the commission shall be lawyers, justices or judges. The*
4 *judicial council shall appoint the chair of the commission, who shall*
5 *be a lawyer, justice or judge. At least one non-lawyer commission*
6 *member and at least one lawyer, justice or judge commission mem-*
7 *ber shall reside in each congressional district. The rules of the com-*
8 *mission shall provide that the terms of the commission members are*
9 *staggered.*

10 *(b) For the purposes of K.S.A. 20-3201 through 20-3207, and*
11 *amendments thereto, the commission shall not be subject to the Kan-*
12 *sas open meetings act as provided in K.S.A. 75-4317 et seq., and*
13 *amendments thereto.*

14 *(c) As used in K.S.A. 20-3201 through 20-3207, and amendments*
15 *thereto:*

16 *(1) “Lawyer” means an attorney registered as active pursuant*
17 *to supreme court rule.*

18 *(2) “Judge” means: a current or retired Kansas judge of the dis-*
19 *trict court; and a current or retired judge of the Kansas court of appeals;*
20 *and a retirant serving as a judge under written agreement with the Kansas*
21 *supreme court pursuant to K.S.A. 20-2622, and amendments thereto.*

22 *(3) “Justice” means a current or retired justice of the Kansas*
23 *supreme court.*

24 *Sec. 6. K.S.A. 2008 Supp. 20-3205 is hereby amended to read*
25 *as follows: 20-3205. (a) The surveys of court users, survey results*
26 *and judicial performance evaluation results are confidential and*
27 *shall not be disclosed except as provided in subsection (d) or in*
28 *accordance with the rules of the commission or the Kansas supreme*
29 *court.*

30 *(b) Any statute or rule that restricts public access to certain*
31 *types of court records or certain types of information contained in*
32 *court records shall not prohibit the commission or agents of the*
33 *commission from having access to the names and addresses of ap-*
34 *propriate persons named in such records and other information nec-*
35 *essary for the discharge of the commission’s duties pursuant to ar-*
36 *ticle 32 of chapter 20 of the Kansas Statutes Annotated, and*
37 *amendments thereto. No confidential information found in such*
38 *court records shall be revealed to any other person by the commis-*
39 *sion or agents of the commission.*

40 *(c) The evaluation of judges subject to political elections shall*
41 *be used solely for self-improvement. A judge subject to political*
42 *elections shall not reveal data from any portion of the survey or the*
43 *results of the survey.*

1 ~~(d) Judicial performance evaluation results of a retirant serving as a~~
2 ~~judge under written agreement with the Kansas supreme court pursuant~~
3 ~~to K.S.A. 20-2622, and amendments thereto, shall be public and shall be~~
4 ~~used by the Kansas supreme court for the determination of a continuing~~
5 ~~agreement pursuant to K.S.A. 20-2622, and amendments thereto.~~

6 ***Sec. 7. K.S.A. 20-3207 is hereby amended to read as follows:***
7 ***20-3207. On and after July 1, 2006, there is hereby established in***
8 ***the state treasury the judicial performance fund. All moneys cred-***
9 ***ited to the fund shall be used for the judicial performance evalua-***
10 ***tion process, except on July 1, 2009, through June 30, 2010, moneys***
11 ***credited to the fund may be used to fund the Kansas criminal code recod-***
12 ***ification commission. All expenditures from the judicial performance***
13 ***fund shall be made in accordance with appropriation acts and upon***
14 ***warrants of the director of accounts and reports issued pursuant to***
15 ***expenditures approved by the chairperson of the Kansas judicial***
16 ***council or by the person or persons designated by the chairperson***
17 ***of the Kansas judicial council.***

18 ~~Sec. 8. K.S.A. 20-2608 is 20-2207, 20-2208, 20-2608 and 20-~~
19 ~~3207 and K.S.A. 2008 Supp. 20-3002, 20-3202 and 20-3205 are~~
20 ~~hereby repealed.~~

21 ~~Sec. 9. This act shall take effect and be in force from and after its~~
22 ~~publication in the statute book ***Kansas register***.~~