

HOUSE BILL No. 2417

By Committee on Appropriations

1-11

9 AN ACT concerning judges; relating to district judges and district mag-
10 istrate judges; amending K.S.A. 20-353 and 20-355 and repealing the
11 existing sections.
12

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

14 New Section 1. (a) Notwithstanding any other law to the contrary,
15 when a district judge dies, resigns, retires or is removed from office or a
16 new district judge position is created, the position of the office of such
17 district judge shall be eliminated and a district magistrate judge position
18 shall be created if the number of district magistrate judge positions in
19 such judicial district is less than or equal to 20% of the total number of
20 district judge positions and district magistrate judge positions in such
21 judicial district.

22 (b) If such elimination and creation takes place, the supreme court
23 shall certify to the secretary of state the elimination of the district judge
24 position and the creation of an additional position of district magistrate
25 judge. If the position is to be created in a judicial district in which the
26 proposition of nonpartisan selection of district magistrate judges has been
27 approved, as provided in K.S.A. 20-2901, and amendments thereto, the
28 certification also shall be made to the chairperson of the district judicial
29 nominating commission of the judicial district. When the certification has
30 been made, the position shall be deemed created and the judgeship there-
31 for shall be deemed vacant, to be filled in the manner provided by law
32 for filling vacancies in judgeships in the judicial district.

33 (c) In judicial districts which are comprised of more than one county,
34 the supreme court shall determine the county in such judicial district in
35 which the district magistrate judge position shall be placed.

36 Sec. 2. K.S.A. 20-353 is hereby amended to read as follows: 20-353.
37 If, upon the death, resignation, retirement or removal of a district mag-
38 istrate judge in any judicial district, the supreme court determines that,
39 in order to effectively expedite the business of the district court in the
40 judicial district, the district magistrate judge position should be eliminated
41 and that an additional position of district judge or an additional division
42 of the district court of the judicial district should be created, the supreme
43 court shall certify to the secretary of state the elimination of the district

1 magistrate judge position and the creation of an additional position of
2 district judge or division of the district court. If the position or division is
3 to be created in a judicial district in which the proposition of nonpartisan
4 selection of district court judges has been approved, as provided in K.S.A.
5 20-2901, and amendments thereto, the certification also shall be made to
6 the chairperson of the district judicial nominating commission of the ju-
7 dicial district. When the certification has been made, the position or di-
8 vision shall be deemed created and the judgeship therefor shall be
9 deemed vacant, to be filled in the manner provided by law for filling
10 vacancies in judgeships in the judicial district. *The provisions of section*
11 *1, and amendments thereto, shall take precedence over the provisions of*
12 *this section.*

13 Sec. 3. K.S.A. 20-355 is hereby amended to read as follows: 20-355.

14 (a) On or before April 15 of every even-numbered year, the supreme
15 court shall examine the need for more or less divisions or district mag-
16 istrate judge positions of the district court in each judicial district which
17 has not approved the proposition of nonpartisan selection of judges of the
18 district court, as provided in K.S.A. 20-2901, and amendments thereto;
19 ~~except that on or before May 15, 1998, the supreme court shall examine~~
20 ~~the need for more or less divisions or district magistrate judge positions~~
21 ~~of the district court in each judicial district which has not approved the~~
22 ~~proposition of nonpartisan selection of judges of the district court.~~ On or
23 before May 15 of each year, the supreme court shall examine the need
24 for more or less divisions or positions of the district court in judicial
25 districts which have approved such proposition. Whenever the supreme
26 court shall determine that in order to effectively expedite the business of
27 the district court in any judicial district in this state, the need exists for
28 an additional judge of the district court and an additional division or po-
29 sition in such court, the supreme court shall so certify to the secretary of
30 state, and where the need for such additional judge of the district court
31 and division or position is in a judicial district in which such proposition
32 of nonpartisan selection of judges of the district court has been approved,
33 such certification also shall be made to the chairperson of the district
34 judicial nominating commission of such judicial district. Any additional
35 division or position so certified shall be designated as the next numbered
36 division or position of such court.

37 (b) Upon certification of an additional judge of the district court and
38 an additional division or position of the district court in any judicial district
39 which has not approved the proposition of nonpartisan selection of judges
40 of the district court, the first judge of the district court of such new
41 division or position shall be elected at the general election held in No-
42 vember of the year in which the division or position is determined to be
43 necessary and such judge shall take office on the second Monday in Jan-

1 uary of the following year. No judge of any such new division shall be
2 appointed pending the first election to fill such office.

3 (c) Upon certification of an additional judge of the district court and
4 an additional division or position of the district court in any judicial district
5 which has approved the proposition of nonpartisan selection of judges of
6 the district court, the additional division or position shall be created on
7 July 15 of the year in which such certification is made, and the additional
8 district judge shall be selected and take office in the manner prescribed
9 by subsection (b) of K.S.A. 20-2913, and amendments thereto. The ad-
10 ditional position shall be created on July 1 of the year in which the position
11 is approved, and the additional district magistrate judge shall be selected
12 and take office in the manner prescribed by K.S.A. 20-2914, and amend-
13 ments thereto.

14 (d) The supreme court shall determine the county or judicial district
15 in which the newly created division or position shall be placed.

16 (e) Any additional district judge or district magistrate judge position
17 created by this section shall be considered a position created by the su-
18 preme court and not a civil appointment to a state office pursuant to
19 K.S.A. 46-234, and amendments thereto.

20 (f) *The provisions of section 1, and amendments thereto, shall take*
21 *precedence over the provisions of this section.*

22 Sec. 4. K.S.A. 20-353 and 20-355 are hereby repealed.

23 Sec. 5. This act shall take effect and be in force from and after its
24 publication in the statute book.