

HOUSE BILL No. 2429

By Committee on Vision 2020

1-12

9 AN ACT concerning judges of the district court; relating to the reassign-
10 ment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-348,
11 20-354 and 20-2908 and repealing the existing sections; also repealing
12 K.S.A. 20-301b, 20-338 and 20-354a.
13

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

15 Section 1. K.S.A. 20-327 is hereby amended to read as follows: 20-
16 327. All judges of district courts elected under the provisions of this act
17 shall be elected for terms of four years and until their successors are
18 elected and qualified *unless otherwise provided pursuant to K.S.A. 20-*
19 *354, and amendments thereto.*

20 Sec. 2. K.S.A. 20-333 is hereby amended to read as follows: 20-333.
21 Whenever under the provisions of this act provision is made for the abol-
22 ishment of the office of district judge *or district magistrate judge* in any
23 judicial district, and the district judge *or district magistrate judge* holding
24 any such office shall die, resign or retire during the four (4) years next
25 preceding the date fixed for the abolishment of such office, such office
26 shall be and is hereby abolished at the time of such death, resignation or
27 retirement.

28 Sec. 3. K.S.A. 20-336 is hereby amended to read as follows: 20-336.
29 In any judicial district which has not approved the proposition of non-
30 partisan selection of district court judges, election laws applicable to the
31 election of ~~county officers~~ *district judges* shall govern every election of
32 district magistrate judges. Each district magistrate judge shall be elected
33 by the electors of the county *or counties* where the judge's position is
34 located *and assigned by the chief judge of the judicial district.*

35 Sec. 4. K.S.A. 20-354 is hereby amended to read as follows: 20-
36 354. (a) ~~If, upon the death, resignation, retirement or removal of a dis-~~
37 ~~trict magistrate judge of a county in which there are two or more district~~
38 ~~magistrate judge positions or in which there also is at least one district~~
39 ~~judge position,~~ the supreme court determines that the continuation of
40 ~~the vacant~~ a district magistrate judge position is unnecessary, due to the
41 *yearly average caseload of the district magistrate judge being less than*
42 *600 cases and the ability of the remaining judges of the district court in*
43 *the county judicial district to assume the entire judicial workload of the*

1 county, the supreme court shall certify the elimination *and reassignment*
2 of the district magistrate judge position to the secretary of state. Where
3 the position to be eliminated is in a judicial district in which the propo-
4 sition of nonpartisan selection of district court judges has been approved,
5 such certification also shall be made to the chairperson of the district
6 judicial nominating commission of the judicial district. *The terms of office*
7 *of district magistrate judges determined to be unnecessary and reassigned*
8 *for district magistrate judges holding office in January of the year follow-*
9 *ing the determination, shall expire on the last day of the term for which*
10 *the district magistrate judge is currently holding office. The supreme court*
11 *shall designate any district magistrate positions to be abolished no later*
12 *than one year prior to the end of the term for which the current district*
13 *magistrate judge is serving.*

14 (b) *In counties where district magistrate judge positions are elimi-*
15 *nated, the chief judge of such judicial district shall assign a district mag-*
16 *istrate judge from another county in the judicial district to be the district*
17 *magistrate judge for such county. If a district magistrate judge is assigned*
18 *to more than one county in a judicial district in which the proposition of*
19 *nonpartisan selection of district court judges has been approved, the dis-*
20 *trict magistrate judge shall be subject to retention by the electors of the*
21 *counties to which such district magistrate judge has been assigned. If a*
22 *district magistrate judge is assigned to more than one county in a judicial*
23 *district in which the proposition of nonpartisan selection of district court*
24 *judges has not been approved, the district magistrate judge shall be elected*
25 *at the next general election held in November by the electors of the coun-*
26 *ties to which such district magistrate judge has been assigned.*

27 (c) *In counties where district magistrate judge positions are elimi-*
28 *nated or from which district magistrate judge positions are reassigned,*
29 *the county commission may elect to retain the position and pay the salary*
30 *of the current district magistrate judge. Any such district magistrate judge*
31 *shall have the same power and authority as a district magistrate judge*
32 *position established by the supreme court. Such judge shall receive the*
33 *salary and other compensation set by resolution of the board of county*
34 *commissioners which shall be paid from the revenues of the county general*
35 *fund or other fund established for the purpose of financing such position.*
36 *The chief judge of each judicial district with a district magistrate judge*
37 *position being funded by a county shall report to the judicial administra-*
38 *tor of the courts: (1) The dates on which such judge served in such district,*
39 *(2) the compensation paid to such judge, and (3) such other information*
40 *as the judicial administrator may request with regard to the district mag-*
41 *istrate judge position being funded by a county. The reports shall be sub-*
42 *mitted annually on or before January 15 on forms provided by the judicial*
43 *administrator.*

1 (d) *As used in this section, the yearly average caseload shall not in-*
 2 *clude those cases which are traffic infractions or violations and shall in-*
 3 *clude those cases which are filed pursuant to the revised Kansas code for*
 4 *the care of children, article 22 of chapter 38 of the Kansas Statutes An-*
 5 *notated, and amendments thereto; the revised Kansas juvenile justice code,*
 6 *article 23 of chapter 38 of the Kansas Statutes Annotated, and amend-*
 7 *ments thereto; and the probate code, chapter 59 of the Kansas Statutes*
 8 *Annotated, and amendments thereto.*

9 Sec. 5. K.S.A. 20-2908 is hereby amended to read as follows: 20-
 10 2908. Following the approval of nonpartisan selection of judges of the
 11 district court in a judicial district as provided in K.S.A. 20-2901 and
 12 amendments thereto, there shall not be an election or reelection of a
 13 judge of the district court at any succeeding general election, but any
 14 judge of the district court in the judicial district whose term of office
 15 expires on the second Monday in January next following any such suc-
 16 ceeding general election shall be eligible for retention in office as pro-
 17 vided in this section. No later than 12:00 noon on the Monday preceding
 18 the first Tuesday of August preceding the expiration of the judge’s term
 19 of office, the judge may file in the office of the secretary of state a de-
 20 claration of candidacy for retention in office. Such declaration shall be
 21 prescribed by the secretary of state. If a declaration is not so filed, the
 22 position held by the judge shall be vacant upon the expiration of the
 23 judge’s term of office. If a declaration is filed, the judge’s name shall be
 24 submitted at the next general election to the electors of the judicial dis-
 25 trict, if the judge is a district judge, or to the electors of the county *or*
 26 *counties*, if the judge is a district magistrate judge *and assigned to such*
 27 *counties*. The name shall be submitted on a separate judicial ballot, with-
 28 out party designation, reading substantially as follows:

29 “Shall _____

30 (Here insert name of judge.)

31 _____

32 (Here insert the title of the court.)

33 be retained in office?”

34 If a majority of those voting on the question vote against retaining the
 35 person in office, the position or office which the person holds shall be
 36 vacant upon the expiration of the person’s term of office; otherwise, unless
 37 removed for cause, the person shall remain in office for the regular term
 38 of four years from the second Monday in January following the election.
 39 At the expiration of each term, unless by law the person is compelled to
 40 retire, the person shall be eligible for retention in office by election in
 41 the manner prescribed in this section.

42 Wherever a majority of those voting on the question of retaining any
 43 judge in office vote against retention, the secretary of state, following the

1 final canvass of votes on the question, shall certify the results to the chief
2 justice of the supreme court. Any judge who has not been retained in
3 office pursuant to this section shall not be eligible for nomination or
4 appointment to the office of judge of the district court in the judicial
5 district prior to the expiration of four years after the expiration of the
6 judge's term of office.

7 Election laws applicable to the general elections of other state officers
8 shall apply to elections upon the question of retention of judges of the
9 district court pursuant to this section, to the extent that they are consistent
10 with the provisions of this act.

11 Sec. 6. K.S.A. 20-348 is hereby amended to read as follows: 20-348.
12 Except for expenses required by law to be paid by the state, the board of
13 county commissioners of each have an obligation to adequately fund the
14 operation of the district court in the county and shall be responsible for
15 all expenses incurred for the operation of the district court in the county.
16 *Counties from which district magistrate judge positions have been elim-*
17 *inated pursuant to K.S.A. 20-333 or 20-354, and amendments thereto,*
18 *shall remain responsible for all expenses incurred as that county's share*
19 *of the operations of the district court within the judicial district, as de-*
20 *termined by the chief judge of the judicial district.*

21 New Sec. 7. If the supreme court determines that, in order to effec-
22 tively expedite the business of the district court in any judicial district,
23 the district judge position should be eliminated and that an additional
24 position or positions of district magistrate judge should be created in any
25 judicial district, the supreme court shall certify to the secretary of state
26 the elimination of the district judge position and the creation of the ad-
27 ditional position or positions of district magistrate judge. If the position
28 or positions are to be created in a judicial district in which the proposition
29 of nonpartisan selection of district court judges has been approved, cer-
30 tification also shall be made to the chairperson of the district judicial
31 nominating commission of the judicial district. When the certification has
32 been made, the position or division shall be deemed created and the
33 judgeship therefor shall be deemed vacant, to be filled in the manner
34 provided by law for filling vacancies in judgeships in the judicial district.
35 If the position or positions are to be created in a judicial district in which
36 the proposition of nonpartisan selection of district court judges has not
37 been approved, the district magistrate judge shall be selected at the next
38 general election held in November by the electors of the county to which
39 such district magistrate judge has been assigned.

40 Sec. 8. K.S.A. 20-301b, 20-327, 20-333, 20-336, 20-338, 20-348, 20-
41 354, 20-354a and 20-2908 are hereby repealed.

42 Sec. 9. This act shall take effect and be in force from and after its
43 publication in the statute book.