

SENATE BILL No. 422

By Committee on Judiciary

2-10

1 AN ACT concerning courts; relating to judges pro tem; amending K.S.A.
2 20-310a 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. 20-310a is hereby amended to read as follows: 20-

6 310a. (a) Upon the application of the chief judge of a judicial district to the

7 departmental justice of that district, *Subject to the budget limitations of the*

8 *district court, the chief judge of any judicial district may appoint a judge*

9 *pro tem within such judicial district for good cause shown, or in the*

10 *absence, sickness or disability of a district judge or district magistrate*

11 *judge in any judicial district, a judge pro tem may be appointed whenever*

12 *the departmental justice for such judicial district has not assigned a district*

13 *judge from another judicial district, whenever a district judge from*

14 *another judicial district has not been assigned as provided in K.S.A. 20-*

15 *319, and amendments thereto. Subject to the budget limitations of the*

16 *district court, the chief judge of any judicial district may appoint a judge*

17 *pro tem within such judicial district: (1) For good cause shown; or (2) in*

18 *the absence, sickness or disability of a district judge or district*

19 *magistrate judge, whenever a district judge or district magistrate judge*

20 *from another judicial district has not been assigned to replace such*

21 *district judge or district magistrate judge as provided in K.S.A. 20-319,*

22 *and amendments thereto.*

23 (b) Any judge pro tem appointed pursuant to this section shall be a

24 regularly admitted, *active status* member of the bar of this state. The

25 appointment of any such judge pro tem shall be made by the chief judge

26 or, in the absence of the chief judge, by the departmental justice for the

27 judicial district.

28 (c) Any judge pro tem appointed pursuant to this section shall have

29 the full power and authority of a district judge with respect to any actions

30 or proceedings before such judge pro tem, except that any judge pro tem

31 appointed pursuant to subsection (d) or (e) shall have only such power and

32 authority as provided therein. A judge pro tem shall receive such

33 compensation as is prescribed by the district court, subject to the budget

34 limitations of such district court.

35 (d) Subject to the budget limitations of the district court, the chief

36 judge of any judicial district may appoint one or more judges pro tem for

1 the limited purpose of hearing the original trials of actions filed pursuant
2 to the small claims procedures act or other action within the jurisdiction of
3 a district magistrate judge as provided in K.S.A. 20-302b, and
4 amendments thereto. Any such judge pro tem shall have only such judicial
5 power and authority as is necessary to hear such actions. Any party
6 aggrieved by any order of a judge pro tem under this subsection may
7 appeal such order and such appeal shall be heard by a district judge de
8 novo. If the appeal is a small claims action, the appeal shall be under
9 K.S.A. 61-2709, and amendments thereto. If the appeal is an action within
10 the jurisdiction of a district magistrate judge, the appeal shall be under
11 K.S.A. 20-302b, and amendments thereto.

12 (e) Subject to the budget limitations of the district court, the chief
13 judge of any judicial district in which the board of county commissioners
14 is authorized to use the code for the enforcement of county codes and
15 resolutions as provided in subsection (b) of K.S.A. 19-101d, and
16 amendments thereto, may appoint one or more judges pro tem for the
17 limited purpose of hearing such cases. Any such judge pro tem shall have
18 only such power and authority as is necessary to hear such actions, and
19 shall have the power to compel appearances before the court, to hold
20 persons in contempt for failure to appear, and to issue bench warrants for
21 appearances. Such judge pro tem shall receive the salary and other
22 compensation set by resolution of the board of county commissioners
23 which shall be paid from the revenues of the county general fund or other
24 fund established for the purpose of financing code enforcement.

25 (f) The chief judge of each judicial district shall report to the judicial
26 administrator of the courts: (1) The dates on which any judge pro tem
27 served in such district, (2) the compensation paid to any judge pro tem,
28 and (3) such other information as the judicial administrator may request
29 with regard to the appointment of judges pro tem. The reports shall be
30 submitted annually on or before January 15 on forms provided by the
31 judicial administrator.

32 Sec. 2. K.S.A. 20-310a is hereby repealed.

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