

As Amended by Senate Committee

Session of 2014

SENATE BILL No. 364

By Committee on Ways and Means

2-10

1 AN ACT concerning the judicial branch; ~~allocating~~ **allowing the**
2 **allocation of** a budget for each judicial district court ~~operation~~
3 **administration**; authority and power of the chief judge of each judicial
4 district; amending K.S.A. 20-162, 20-318, 20-319, 20-342, 20-343, 20-
5 345, 20-346a, 20-349 and 20-361 and repealing the existing sections.

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

8 New Section 1. (a) ~~On and after July 1, 2015,~~ **For the fiscal year**
9 **ending June 30, 2016, and for each fiscal year thereafter,** the chief judge
10 in each judicial district ~~shall~~ **may elect to** be responsible for the budget of
11 such judicial district pursuant to the provisions of this section.

12 (b) For the fiscal year ending June 30, 2016, and each fiscal year
13 thereafter, the chief judge in each judicial district ~~shall~~ **who elects to** be
14 responsible for the preparation of the budget ~~to be submitted~~ **shall prepare**
15 **such budget and submit it** to the chief justice of the supreme court
16 pursuant to K.S.A. 20-158, and amendments thereto. **On or before August**
17 **1, 2014, and each August 1 thereafter, the chief judge shall notify the**
18 **chief justice if such chief judge is electing to be responsible for the**
19 **district court budget for the ensuing fiscal year.**

20 (c) Subject to appropriations therefor, the chief justice shall have the
21 final authority to determine and approve the annual amount allocated to
22 the budget for each judicial district court ~~operation~~ **administration in**
23 **which the chief judge has elected to be responsible for such budget.**
24 Annually, as soon as possible following legislation passed by the
25 legislature and enacted into law appropriating moneys for the judicial
26 branch, the chief justice shall determine such budgeted amount for each
27 **such** judicial district court ~~operation~~ **administration** and notify the chief
28 judge of each **such** judicial district. **On or before June 30 of each fiscal**
29 **year, the chief judge of each judicial district who elects to be responsible**
30 **for the budget shall submit to the chief justice such district court's**
31 **budget for the ensuing fiscal year based upon the dollar amount**
32 **allocated to such district court by the chief justice for such fiscal year.**

33 (d) After the amount of such district court budget is established by
34 the chief justice, the expenditures under such budget, other than
35 expenditures for salaries mandated by law, shall be under the control and
36 supervision of the chief judge of such judicial district. The judicial

1 administrator of the courts, pursuant to K.S.A. 20-318, and amendments
2 thereto, shall approve all lawful claims submitted by the chief judge within
3 the limits of such judicial district court budget.

4 (e) The compensation to be paid to district court personnel in such
5 judicial district shall be determined by the chief judge of such judicial
6 district.

7 (f) The chief judge of ~~each~~ **such** judicial district **who elects to be**
8 **responsible for the budget** shall have the authority and power to hire,
9 promote, suspend, demote and dismiss all personnel as necessary to carry
10 out the functions and duties of such judicial district.

11 (g) **Whenever for any fiscal year it appears that the resources of**
12 **any special revenue fund of the judicial branch are likely to be**
13 **insufficient to cover the appropriations made against such special**
14 **revenue funds, the chief justice shall be responsible for determining any**
15 **allotment system so as to assure that expenditures for any particular**
16 **fiscal year will not exceed the available resources of any special revenue**
17 **fund of the judicial branch for that fiscal year. All chief judges who are**
18 **responsible for the district court budget shall follow any allotment**
19 **system determined by the chief justice for such fiscal year.**

20 Sec. 2. K.S.A. 20-162 is hereby amended to read as follows: 20-162.

21 (a) The supreme court shall establish by rule a judicial personnel
22 classification system for all nonjudicial personnel in the state court system
23 *who are not subject to the authority and power of the chief judge of each*
24 *judicial district pursuant to section 1, and amendments thereto*, and for
25 judicial personnel whose compensation is not otherwise prescribed by law.
26 ~~Said~~ *Such* personnel classification system shall ~~take effect on July 1, 1979,~~
27 ~~and shall~~ prescribe the compensation for all such personnel *who are not*
28 *subject to the authority and power of the chief judge of each judicial*
29 *district pursuant to section 1, and amendments thereto*. No county may
30 supplement the compensation of district court personnel ~~included in the~~
31 ~~judicial personnel compensation system~~. Such compensation shall be
32 established so as to be commensurate with the duties and responsibilities
33 of each type and class of personnel. ~~In establishing the compensation for~~
34 ~~each type and class of personnel, the supreme court shall take into~~
35 ~~consideration: (1) The compensation of such personnel prior to January 1,~~
36 ~~1979; (2) the compensation of personnel in the executive branch of state~~
37 ~~government who have comparable duties and responsibilities; and (3) the~~
38 ~~compensation of similar personnel in the court systems of other states~~
39 ~~having comparable size, population and characteristics. In establishing~~
40 ~~the compensation for each type and class of personnel, the supreme~~
41 ~~court shall take into consideration: (1) The compensation of personnel~~
42 ~~in the executive branch of state government who have comparable duties~~
43 ~~and responsibilities; and (2) the compensation of similar personnel in~~

1 *the court systems of other states having comparable size, population and*
2 *characteristics.*

3 (b) The following personnel shall not be included in the judicial
4 personnel classification system:

5 (1) County auditors;

6 (2) coroners;

7 (3) court trustees and personnel in each trustee's office; and

8 (4) personnel performing services in adult or juvenile facilities used
9 as a place of detention or for correctional purposes.

10 The compensation for the above personnel shall be paid by the county
11 as prescribed by law.

12 (c) The judicial personnel classification system ~~also:~~

13 (1) Shall prescribe the powers, duties and functions for each type and
14 class of personnel, which shall be subject to and not inconsistent with any
15 provisions of law prescribing powers, duties and functions of such
16 personnel; and

17 (2) *shall not infringe upon the authority of the chief judge of each a*
18 *judicial district to expend funds in such judicial district's budget for court*
19 *operations administration pursuant to section 1, and amendments*
20 *thereto.*

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

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

35 Sec. 3. K.S.A. 20-318 is hereby amended to read as follows: 20-318.

36 (a) There is hereby created within the state of Kansas, a judicial
37 department for the supervision of all courts in the state of Kansas. The
38 supreme court shall divide the state into separate sections, not to exceed
39 six ~~(6)~~ in number, to be known as judicial departments, each of which shall
40 be assigned a designation to distinguish it from the other departments. A
41 justice of the supreme court shall be assigned as departmental justice for
42 each judicial department.

43 (b) There is created hereby the position of judicial administrator of

1 the courts, who shall be appointed by the chief justice of the supreme court
2 to serve at the will of the chief justice. The judicial administrator shall
3 have a broad knowledge of judicial administration and substantial prior
4 experience in an administrative capacity. No person appointed as judicial
5 administrator shall engage in the practice of law while serving in such
6 capacity. Compensation of the judicial administrator shall be determined
7 by the justices, but shall not exceed the salary authorized by law for the
8 judge of the district court. The judicial administrator shall be responsible
9 to the chief justice of the supreme court of the state of Kansas, and shall
10 implement the policies of the court with respect to the operation and
11 administration of the courts, *subject to the provisions of section 1, and*
12 *amendments thereto*, under the supervision of the chief justice. ~~Said~~ The
13 administrator shall perform such other duties as are provided by law or
14 assigned ~~him or her~~ by the supreme court or the chief justice.

15 (c) Expenditures from appropriations for district court operations to
16 be paid by the state shall be made on vouchers approved by the judicial
17 administrator. All claims for salaries, wages or other compensation for
18 district court operations to be paid by the state shall be certified as
19 provided in K.S.A. 75-3731, *and amendments thereto*, by the judicial
20 administrator.

21 Sec. 4. K.S.A. 20-319 is hereby amended to read as follows: 20-319.
22 (a) A justice assigned to each department shall:

23 (1) With the help and assistance of the judicial administrator, make a
24 survey of the conditions of the dockets and business of the district courts
25 in the justice's department and make a report and recommendations on the
26 conditions and business to the chief justice.

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

35 (b) Departmental justices shall have authority within their
36 departments to assign any district judge or district magistrate judge to hear
37 any proceeding or try any cause, within the judge's jurisdiction, in other
38 district courts. Any departmental justice may request the assistance of any
39 district judge or district magistrate judge from another department.

40 (c) *Subject to the provisions of section 1, and amendments thereto*,
41 the departmental justices shall supervise all administrative matters relating
42 to the district courts within their departments and require reports
43 periodically, covering such matters and in such form as the supreme court

1 may determine, on any such matter which will aid in promoting the
2 efficiency or the speedy determination of causes now pending. *Nothing in*
3 *this section shall grant the departmental justice the authority to make or*
4 *change any budget decisions made by the chief judge of the district court*
5 ***pursuant to section 1, and amendments thereto.*** Departmental justices
6 shall have the power to examine the dockets, records and proceedings of
7 any courts under their supervision. All judges and clerks of the several
8 courts of the state shall promptly make such reports and furnish the
9 information requested by any departmental justice or the judicial
10 administrator, in the manner and form prescribed by the supreme court.

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

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

25 Sec. 5. K.S.A. 20-342 is hereby amended to read as follows: 20-342.
26 After consultation with the district magistrate judges of such court, each
27 district court, by action of a majority of the district judges thereof, may
28 promulgate such rules as may be necessary to provide for the
29 administrative operations of such court and to facilitate the regulation and
30 supervision of the nonjudicial personnel thereof *subject to the provisions*
31 *of section 1, and amendments thereto.* Any rules so adopted shall be
32 consistent with applicable statutes ~~and rules of the supreme court~~ ***and,***
33 ***subject to the provisions of section 1, and amendments thereto, rules of***
34 ***the supreme court.*** Such rules shall be in addition to the rules adopted
35 under authority of K.S.A. 60-267, and amendments thereto.

36 Sec. 6. K.S.A. 20-343 is hereby amended to read as follows: 20-343.
37 The chief judge of each judicial district, shall appoint a clerk of the district
38 court in each county within such judicial district. The chief judge shall
39 designate one of such clerks as the chief clerk of the district court of such
40 judicial district, except that a chief clerk is not required to be designated in
41 a judicial district which ~~is authorized to have~~ *has* a court administrator
42 ~~pursuant to the personnel plan of the supreme court~~ ***pursuant to the***
43 ***personnel plan of the supreme court or subject to the provisions of***

1 **section 1, and amendments thereto.** The clerks of the district court and
2 deputies, assistants and other clerical personnel shall have such
3 qualifications as are prescribed for the offices by statute, rule of the district
4 court and rule of the supreme court. Such clerks, deputies, assistants and
5 other personnel shall have such powers, duties and functions as are
6 prescribed by law, prescribed by rules of the supreme court or assigned by
7 the chief judge.

8 Sec. 7. K.S.A. 20-345 is hereby amended to read as follows: 20-345.
9 Within ~~staffing limits prescribed by the supreme court and appropriations~~
10 ~~therefor~~ **staffing limits prescribed by the supreme court and**
11 **appropriations therefor or the annual budget allocated pursuant to**
12 **section 1, and amendments thereto,** the chief judge of each judicial district
13 shall appoint such bailiffs, court reporters, secretaries, court services
14 officers and other clerical and nonjudicial personnel as necessary to
15 perform the judicial and administrative functions of the district court.
16 Persons appointed pursuant to this section shall have qualifications
17 prescribed by law or rule of the supreme court. ~~Except as otherwise~~
18 ~~provided~~ **Unless specifically established** by law, such persons shall receive
19 compensation prescribed by the ~~judicial personnel classification system~~
20 **judicial personnel classification system or the chief judge, whichever is**
21 **applicable.** Such persons shall perform the duties and functions prescribed
22 by law, designated in the personnel classification system ~~or~~ and assigned
23 by the chief judge, ~~subject to rule of the supreme court.~~ Personnel whose
24 salary is payable by counties shall receive compensation in the amounts
25 provided in the district court budget approved by the board of county
26 commissioners. Whenever any person is employed or assigned to work
27 under direct supervision of any judge or in a division of court in which a
28 judge presides, the employment or assignment of the person shall be
29 subject to the approval of that judge.

30 Sec. 8. K.S.A. 20-346a is hereby amended to read as follows: 20-
31 346a. (a) The department of corrections shall have the functions and duties
32 provided by law with regard to providing parole officers for felons placed
33 on parole by the ~~Kansas adult authority~~ **prisoner review board** but shall not
34 provide parole officers for the supervision of misdemeanants placed on
35 parole by the district courts of this state. The department of corrections
36 shall provide the visitation, supervision and other services regarding
37 probationers and parolees which are required under the uniform act for
38 out-of-state parolee supervision.

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

1 appointed as court services officers of the district courts. The
2 compensation of court services officers of the district courts shall be paid
3 by the state ~~either~~ *either* in accordance with ~~a the compensation plan~~
4 ~~adopted by the supreme court or as may be otherwise specifically provided~~
5 ~~by law~~ *plan adopted by the supreme court or approved by the chief judge*
6 *of the district court where such officer is appointed, whichever is*
7 *applicable.*

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

20 Sec. 9. K.S.A. 20-349 is hereby amended to read as follows: 20-349.
21 The chief judge in each judicial district shall be responsible for the
22 preparation of the budget to be submitted to the board of county
23 commissioners of each county. The board of county commissioners shall
24 then have final authority to determine and approve the budget for district
25 court operations payable by their county. The judicial administrator of the
26 courts shall prescribe the form upon which such budgets shall be
27 submitted. The budget shall include all expenditures payable by the county
28 for operations of the district court in such county. A separate budget shall
29 be prepared for each county within the district and the judges of the district
30 court shall approve the budget for the county in which such judges are
31 regularly assigned prior to submission of such budget to the board of
32 county commissioners. The compensation to be paid to district court
33 personnel excluded from the judicial personnel classification system
34 pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto,
35 shall be listed in the budget as a separate item for each job position. After
36 the amount of such district court budget is established, the expenditures
37 under such budget, other than expenditures for job positions contained in
38 the budget, shall be under the control and supervision of the chief judge,
39 ~~subject to supreme court rules relating thereto,~~ and the board of county
40 commissioners shall approve all claims submitted by the chief judge
41 within the limits of such district court budget. The financial affairs of the
42 district court in each county including, but not limited to, nonexpendable
43 trust funds, law library funds and court trustee operations shall be subject

1 to audit pursuant to the provisions of K.S.A. 75-1122, and amendments
2 thereto, as part of the annual county audit. Reports of fiscal or managerial
3 discrepancies or noncompliance with applicable law shall be made to the
4 judicial administrator of the courts as well as the board of county
5 commissioners. ***Chief judges who have not elected to be responsible for
6 the district court budget pursuant to section 1, and amendments thereto,
7 shall be subject to the supreme court rules relating to the district court
8 operations payable by the county.***

9 Sec. 10. K.S.A. 20-361 is hereby amended to read as follows: 20-361.

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

23 (b) ~~The supreme court shall establish a formal pay plan for court
24 reporters serving district judges. Within the limits of legislative
25 appropriations therefor *annual budget allocated pursuant to section 1, and
26 amendments thereto*, compensation of such court reporters shall be paid by
27 the state in an amount prescribed by the pay plan established by the
28 supreme court *chief judge of the district court where such court reporter
29 serves* and no county may supplement the compensation of such court
30 reporters. The plan shall detail each reporters position by classification,
31 pay grade and pay step. ***Except as provided further, the supreme court
32 shall establish a formal pay plan for court reporters serving district
33 judges. Within the limits of legislative appropriations therefor,
34 compensation of court reporters shall be paid by the state in an amount
35 prescribed by the pay plan established by the supreme court. The plan
36 shall detail each reporter's position by classification, pay grade and pay
37 step. Pursuant to section 1, and amendments thereto, compensation of
38 court reporters shall be paid by the state in an amount prescribed by the
39 chief judge of the district court where such reporter serves. No county
40 may supplement the compensation of any court reporter.***~~

41 Sec. 11. K.S.A. 20-162, 20-318, 20-319, 20-342, 20-343, 20-345, 20-
42 346a, 20-349 and 20-361 are hereby repealed.

43 Sec. 12. This act shall take effect and be in force from and after its

- 1 publication in the statute book.