

SENATE BILL No. 364

By Committee on Ways and Means

2-10

1 AN ACT concerning the judicial branch; allocating a budget for each
2 judicial district court operation; authority and power of the chief judge
3 of each judicial district; amending K.S.A. 20-162, 20-318, 20-319, 20-
4 342, 20-343, 20-345, 20-346a, 20-349 and 20-361 and repealing the
5 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, the chief judge in each
9 judicial district shall be responsible for the budget of such judicial district
10 pursuant to the provisions of this section.

11 (b) For the fiscal year ending June 30, 2016, and each fiscal year
12 thereafter, the chief judge in each judicial district shall be responsible for
13 the preparation of the budget to be submitted to the chief justice of the
14 supreme court pursuant to K.S.A. 20-158, and amendments thereto.

15 (c) Subject to appropriations therefor, the chief justice shall have the
16 final authority to determine and approve the annual amount allocated to
17 the budget for each judicial district court operation. Annually, as soon as
18 possible following legislation passed by the legislature and enacted into
19 law appropriating moneys for the judicial branch, the chief justice shall
20 determine such budgeted amount for each judicial district court operation
21 and notify the chief judge of each judicial district.

22 (d) After the amount of such district court budget is established by
23 the chief justice, the expenditures under such budget, other than
24 expenditures for salaries mandated by law, shall be under the control and
25 supervision of the chief judge of such judicial district. The judicial
26 administrator of the courts, pursuant to K.S.A. 20-318, and amendments
27 thereto, shall approve all lawful claims submitted by the chief judge within
28 the limits of such judicial district court budget.

29 (e) The compensation to be paid to district court personnel in such
30 judicial district shall be determined by the chief judge of such judicial
31 district.

32 (f) The chief judge of each judicial district shall have the authority
33 and power to hire, promote, suspend, demote and dismiss all personnel as
34 necessary to carry out the functions and duties of such judicial district.

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

36 (a) The supreme court shall establish by rule a judicial personnel

1 classification system for all nonjudicial personnel in the state court system
2 *who are not subject to the authority and power of the chief judge of each*
3 *judicial district pursuant to section 1, and amendments thereto*, and for
4 judicial personnel whose compensation is not otherwise prescribed by law.
5 ~~Said~~ Such personnel classification system shall take effect on July 1, 1979,
6 and shall prescribe the compensation for all such personnel *who are not*
7 *subject to the authority and power of the chief judge of each judicial*
8 *district pursuant to section 1, and amendments thereto*. No county may
9 supplement the compensation of district court personnel ~~included in the~~
10 ~~judicial personnel compensation system~~. Such compensation shall be
11 established so as to be commensurate with the duties and responsibilities
12 of each type and class of personnel. ~~In establishing the compensation for~~
13 ~~each type and class of personnel, the supreme court shall take into~~
14 ~~consideration: (1) The compensation of such personnel prior to January 1,~~
15 ~~1979; (2) the compensation of personnel in the executive branch of state~~
16 ~~government who have comparable duties and responsibilities; and (3) the~~
17 ~~compensation of similar personnel in the court systems of other states~~
18 ~~having comparable size, population and characteristics.~~

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

- 21 (1) County auditors;
- 22 (2) coroners;
- 23 (3) court trustees and personnel in each trustee's office; and
- 24 (4) personnel performing services in adult or juvenile facilities used
25 as a place of detention or for correctional purposes.

26 The compensation for the above personnel shall be paid by the county
27 as prescribed by law.

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

29 (1) Shall prescribe the powers, duties and functions for each type and
30 class of personnel, which shall be subject to and not inconsistent with any
31 provisions of law prescribing powers, duties and functions of such
32 personnel; *and*

33 (2) *shall not infringe upon the authority of the chief judge of each*
34 *judicial district to expend funds in such judicial district's budget for court*
35 *operations.*

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

40 ~~(e) On or before December 1, 1978, the supreme court shall submit to~~
41 ~~the legislative coordinating council a detailed personnel classification and~~
42 ~~pay plan for district court employees that are to be included in the judicial~~
43 ~~personnel classification system. The plan shall detail each individual~~

1 position by classification, pay grade and pay step as compared to the
2 employee's present salary. In assignment of positions to particular steps
3 within the assigned pay grade, the plan shall place each employee at the
4 step which is the next highest over the employee's current salary. If an
5 employee is earning more than the highest step on a given grade, his or her
6 salary shall remain at the current level.

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

8 (a) There is hereby created within the state of Kansas, a judicial
9 department for the supervision of all courts in the state of Kansas. The
10 supreme court shall divide the state into separate sections, not to exceed
11 six-(6) in number, to be known as judicial departments, each of which shall
12 be assigned a designation to distinguish it from the other departments. A
13 justice of the supreme court shall be assigned as departmental justice for
14 each judicial department.

15 (b) There is created hereby the position of judicial administrator of
16 the courts, who shall be appointed by the chief justice of the supreme court
17 to serve at the will of the chief justice. The judicial administrator shall
18 have a broad knowledge of judicial administration and substantial prior
19 experience in an administrative capacity. No person appointed as judicial
20 administrator shall engage in the practice of law while serving in such
21 capacity. Compensation of the judicial administrator shall be determined
22 by the justices, but shall not exceed the salary authorized by law for the
23 judge of the district court. The judicial administrator shall be responsible
24 to the chief justice of the supreme court of the state of Kansas, and shall
25 implement the policies of the court with respect to the operation and
26 administration of the courts, *subject to the provisions of section 1, and*
27 *amendments thereto*, under the supervision of the chief justice. ~~Said~~ The
28 administrator shall perform such other duties as are provided by law or
29 assigned ~~him or her~~ by the supreme court or the chief justice.

30 (c) Expenditures from appropriations for district court operations to
31 be paid by the state shall be made on vouchers approved by the judicial
32 administrator. All claims for salaries, wages or other compensation for
33 district court operations to be paid by the state shall be certified as
34 provided in K.S.A. 75-3731, *and amendments thereto*, by the judicial
35 administrator.

36 Sec. 4. K.S.A. 20-319 is hereby amended to read as follows: 20-319.

37 (a) A justice assigned to each department shall:

38 (1) With the help and assistance of the judicial administrator, make a
39 survey of the conditions of the dockets and business of the district courts
40 in the justice's department and make a report and recommendations on the
41 conditions and business to the chief justice.

42 (2) Assemble the judges of the district courts within the justice's
43 department, at least annually, to discuss such recommendations and other

1 business as will benefit the judiciary of the state. When so summoned, the
2 judges of the district courts in the various departments shall attend such
3 conferences at the expense of the state. Such judges shall be entitled to
4 their actual and necessary expenses while attending such conferences and
5 shall be required to attend the conferences unless excused by the
6 departmental justice for good cause.

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

12 (c) *Subject to the provisions of section 1, and amendments thereto,*
13 the departmental justices shall supervise all administrative matters relating
14 to the district courts within their departments and require reports
15 periodically, covering such matters and in such form as the supreme court
16 may determine, on any such matter which will aid in promoting the
17 efficiency or the speedy determination of causes now pending. *Nothing in*
18 *this section shall grant the departmental justice the authority to make or*
19 *change any budget decisions made by the chief judge of the district court.*
20 Departmental justices shall have the power to examine the dockets, records
21 and proceedings of any courts under their supervision. All judges and
22 clerks of the several courts of the state shall promptly make such reports
23 and furnish the information requested by any departmental justice or the
24 judicial administrator, in the manner and form prescribed by the supreme
25 court.

26 (d) In order to properly advise the three branches of government on
27 the operation of the juvenile justice system, each district court shall furnish
28 the judicial administrator such information regarding juveniles coming to
29 the attention of the court pursuant to the revised Kansas code for care of
30 children as is determined necessary by the secretary ~~of social and~~
31 ~~rehabilitation services for children and families~~ and the director of the
32 statistical analysis center of the Kansas bureau of investigation, on forms
33 approved by the judicial administrator. Such information shall be
34 confidential and shall not be disseminated or publicly disclosed in a
35 manner which enables identification of any individual who is a subject of
36 the information.

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

40 Sec. 5. K.S.A. 20-342 is hereby amended to read as follows: 20-342.
41 After consultation with the district magistrate judges of such court, each
42 district court, by action of a majority of the district judges thereof, may
43 promulgate such rules as may be necessary to provide for the

1 administrative operations of such court and to facilitate the regulation and
2 supervision of the nonjudicial personnel thereof *subject to the provisions*
3 *of section 1, and amendments thereto*. Any rules so adopted shall be
4 consistent with applicable statutes ~~and rules of the supreme court~~. Such
5 rules shall be in addition to the rules adopted under authority of K.S.A. 60-
6 267, and amendments thereto.

7 Sec. 6. K.S.A. 20-343 is hereby amended to read as follows: 20-343.
8 The chief judge of each judicial district, shall appoint a clerk of the district
9 court in each county within such judicial district. The chief judge shall
10 designate one of such clerks as the chief clerk of the district court of such
11 judicial district, except that a chief clerk is not required to be designated in
12 a judicial district which ~~is authorized to have~~ *has* a court administrator
13 ~~pursuant to the personnel plan of the supreme court~~. The clerks of the
14 district court and deputies, assistants and other clerical personnel shall
15 have such qualifications as are prescribed for the offices by statute, rule of
16 the district court and rule of the supreme court. Such clerks, deputies,
17 assistants and other personnel shall have such powers, duties and functions
18 as are prescribed by law, prescribed by rules of the supreme court or
19 assigned by the chief judge.

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

39 Sec. 8. K.S.A. 20-346a is hereby amended to read as follows: 20-
40 346a. (a) The department of corrections shall have the functions and duties
41 provided by law with regard to providing parole officers for felons placed
42 on parole by the ~~Kansas adult authority~~ *prisoner review board* but shall not
43 provide parole officers for the supervision of misdemeanants placed on

1 parole by the district courts of this state. The department of corrections
2 shall provide the visitation, supervision and other services regarding
3 probationers and parolees which are required under the uniform act for
4 out-of-state parolee supervision.

5 (b) All court services officers supervising adults and juveniles placed
6 on probation by the district courts of this state and all court services
7 officers supervising misdemeanants placed on parole by the district courts
8 of this state shall be appointed by the district courts as provided by law.
9 The supreme court shall prescribe the qualifications required of persons
10 appointed as court services officers of the district courts. The
11 compensation of court services officers of the district courts shall be paid
12 by the state either in accordance with a *the* compensation plan adopted by
13 the supreme court or as may be otherwise specifically provided by law
14 approved by the chief judge of the district court where such officer is
15 appointed.

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

28 Sec. 9. K.S.A. 20-349 is hereby amended to read as follows: 20-349.
29 The chief judge in each judicial district shall be responsible for the
30 preparation of the budget to be submitted to the board of county
31 commissioners of each county. The board of county commissioners shall
32 then have final authority to determine and approve the budget for district
33 court operations payable by their county. The judicial administrator of the
34 courts shall prescribe the form upon which such budgets shall be
35 submitted. The budget shall include all expenditures payable by the county
36 for operations of the district court in such county. A separate budget shall
37 be prepared for each county within the district and the judges of the district
38 court shall approve the budget for the county in which such judges are
39 regularly assigned prior to submission of such budget to the board of
40 county commissioners. The compensation to be paid to district court
41 personnel excluded from the judicial personnel classification system
42 pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto,
43 shall be listed in the budget as a separate item for each job position. After

1 the amount of such district court budget is established, the expenditures
2 under such budget, other than expenditures for job positions contained in
3 the budget, shall be under the control and supervision of the chief judge,
4 ~~subject to supreme court rules relating thereto~~, and the board of county
5 commissioners shall approve all claims submitted by the chief judge
6 within the limits of such district court budget. The financial affairs of the
7 district court in each county including, but not limited to, nonexpendable
8 trust funds, law library funds and court trustee operations shall be subject
9 to audit pursuant to the provisions of K.S.A. 75-1122, and amendments
10 thereto, as part of the annual county audit. Reports of fiscal or managerial
11 discrepancies or noncompliance with applicable law shall be made to the
12 judicial administrator of the courts as well as the board of county
13 commissioners.

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

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

28 (b) ~~The supreme court shall establish a formal pay plan for court~~
29 ~~reporters serving district judges. Within the limits of legislative~~
30 ~~appropriations therefor annual budget allocated pursuant to section 1, and~~
31 ~~amendments thereto, compensation of such court reporters shall be paid by~~
32 ~~the state in an amount prescribed by the pay plan established by the~~
33 ~~supreme court chief judge of the district court where such court reporter~~
34 ~~serves and no county may supplement the compensation of such court~~
35 ~~reporters. The plan shall detail each reporters position by classification,~~
36 ~~pay grade and pay step.~~

37 Sec. 11. K.S.A. 20-162, 20-318, 20-319, 20-342, 20-343, 20-345, 20-
38 346a, 20-349 and 20-361 are hereby repealed.

39 Sec. 12. This act shall take effect and be in force from and after its
40 publication in the statute book.