

SENATE BILL No. 422

By Committee on Judiciary

2-10

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RS - JThompson - 02/16/12

1 AN ACT concerning courts; relating to judges pro tem; amending K.S.A.
2 20-310a and repealing the existing section.

3
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.~~ ←

16 (b) Any judge pro tem appointed pursuant to this section shall be a
17 regularly admitted, *active status* member of the bar of this state. The
18 appointment of any such judge pro tem shall be made by the chief judge
19 or, in the absence of the chief judge, by the departmental justice for the
20 judicial district.

21 (c) Any judge pro tem appointed pursuant to this section shall have
22 the full power and authority of a district judge with respect to any actions
23 or proceedings before such judge pro tem, except that any judge pro tem
24 appointed pursuant to subsection (d) or (e) shall have only such power and
25 authority as provided therein. A judge pro tem shall receive such
26 compensation as is prescribed by the district court, subject to the budget
27 limitations of such district court.

28 (d) Subject to the budget limitations of the district court, the chief
29 judge of any judicial district may appoint one or more judges pro tem for
30 the limited purpose of hearing the original trials of actions filed pursuant
31 to the small claims procedures act or other action within the jurisdiction of
32 a district magistrate judge as provided in K.S.A. 20-302b, and
33 amendments thereto. Any such judge pro tem shall have only such judicial
34 power and authority as is necessary to hear such actions. Any party
35 aggrieved by any order of a judge pro tem under this subsection may
36 appeal such order and such appeal shall be heard by a district judge *de*

Subject to the budget limitations of the district court, the chief judge of any judicial district may appoint a judge pro tem within such judicial district: (1) For good cause shown, ; or (2) in the absence, sickness or disability of a district judge or district magistrate judge, whenever a district judge or district magistrate judge from another judicial district has not been assigned to replace such district judge or district magistrate judge as provided in K.S.A. 20-319, and amendments thereto.

1 *novus*. If the appeal is a small claims action, the appeal shall be under
2 K.S.A. 61-2709, and amendments thereto. If the appeal is an action within
3 the jurisdiction of a district magistrate judge, the appeal shall be under
4 K.S.A. 20-302b, and amendments thereto.

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

18 (f) The chief judge of each judicial district shall report to the judicial
19 administrator of the courts: (1) The dates on which any judge pro tem
20 served in such district, (2) the compensation paid to any judge pro tem,
21 and (3) such other information as the judicial administrator may request
22 with regard to the appointment of judges pro tem. The reports shall be
23 submitted annually on or before January 15 on forms provided by the
24 judicial administrator.

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

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