

## SENATE BILL No. 259

By Committee Ways and Means

3-11

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AN ACT concerning courts; relating to the court of appeals; amending K.S.A. 2002 Supp. 20-3002 and 20-3006 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 20-3005.

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

Section 1. K.S.A. 2002 Supp. 20-3002 is hereby amended to read as follows: 20-3002. (a) On and after January 1, 2003, through December 31, 2003, the court of appeals shall consist of 11 judges whose positions shall be numbered one to 11. On and after January 1, ~~2004~~ 2005, through December 31, ~~2004~~ 2005, the court of appeals shall consist of 12 judges whose positions shall be numbered one to 12. On and after January 1, ~~2005~~ 2006, through December 31, ~~2005~~ 2006, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, ~~2006~~ 2007, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.

Sec. 2. K.S.A. 2002 Supp. 20-3006 is hereby amended to read as follows: 20-3006. (a) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. ~~20-3005~~ and amendments thereto shall com-

1 mence the duties of office upon appointment, and each judge shall have  
2 all the rights, privileges, powers and duties prescribed by law for the office  
3 of judge of the court of appeals. The initial term of office for the person  
4 serving as judge of the court of appeals in position 11 shall expire January  
5 10, 2005. The initial term of office for the person serving as judge of the  
6 court of appeals in position 12 shall expire January 8, 2007. The initial  
7 term of office for the person serving as judge of the court of appeals in  
8 position 13 shall expire January 8, ~~2007~~ 2009. The initial term of office  
9 for the person serving as judge of the court of appeals in position 14 shall  
10 expire January 12, 2009.

11 (b) (1) Not less than 60 days prior to the holding of the general elec-  
12 tion next preceding the expiration of the term of any judge of the court  
13 of appeals, the judge may file in the office of the secretary of state a  
14 declaration of candidacy for retention in office. If a declaration is not filed  
15 as provided in this section, the position held by the judge shall be vacant  
16 upon the expiration of the judge's term of office. If such declaration is  
17 filed, the judge's name shall be submitted at the next general election to  
18 the electors of the state on a separate judicial ballot, without party des-  
19 ignation, reading substantially as follows:

20 "Shall \_\_\_\_\_ (Here insert name of judge.), Judge of the Court of Appeals,  
21 be retained in office?"

22 (2) If a majority of those voting on the question votes against retaining  
23 the judge in office, the position which the judge holds shall be vacant  
24 upon the expiration of the judge's term of office. Otherwise, unless the  
25 judge is removed for cause, the judge shall remain in office for a term of  
26 four years from the second Monday in January following the election. At  
27 the expiration of each term, unless by law the judge is compelled to retire,  
28 the judge shall be eligible for retention in office by election in the manner  
29 prescribed in this section.

30 (3) If a majority of those voting on the question votes against the  
31 judge's retention, the secretary of state, following the final canvass of votes  
32 on the question, shall certify the results to the clerk of the supreme court.  
33 Any such judge who has not been retained in office pursuant to this  
34 section shall not be eligible for nomination or appointment to the office  
35 of judge of the court of appeals prior to the expiration of four years after  
36 the expiration of the judge's term of office.

37 (4) Election laws applicable to the general election of other state of-  
38 ficers shall apply to elections upon the question of retention of judges of  
39 the court of appeals pursuant to this section, to the extent that they are  
40 not in conflict with and are consistent with the provisions of this act.

41 Sec. 3. K.S.A. 2002 Supp. 20-3002, 20-3005 and 20-3006 are hereby  
42 repealed.

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1     Sec. 4. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
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