

SENATE BILL No. 422

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

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

Section 1. K.S.A. 20-310a is hereby amended to read as follows: 20-310a. (a) ~~Upon the application of the chief judge of a judicial district to the departmental justice of that district, 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 in any judicial district, a judge pro tem may be appointed, whenever the departmental justice for such judicial district has not assigned 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.~~

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

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

(d) Subject to the budget limitations of the district court, the chief judge of any judicial district may appoint one or more judges *pro tem* for the limited purpose of hearing the original trials of actions filed pursuant to the small claims procedures act or other action within the jurisdiction of a district magistrate judge as provided in K.S.A. 20-302b, and amendments thereto. Any such judge *pro tem* shall have only such judicial power and authority as is necessary to hear such actions. Any party aggrieved by any order of a judge *pro tem* under this subsection may appeal such order and such appeal shall be heard by a district judge *de novo*. If the appeal is a small claims action, the appeal shall be under K.S.A. 61-2709, and amendments thereto. If the appeal is an action within the jurisdiction of a district magistrate judge, the appeal shall be under K.S.A. 20-302b, and amendments thereto.

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

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

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.