

Senate Substitute for HOUSE BILL No. 2338

By Committee on Ways and Means

2-28

1 AN ACT concerning the judicial branch; relating to docket fees; making
2 and concerning appropriations for the fiscal year ending June 30, 2015,
3 for the judicial branch; creating the electronic filing and management
4 fund; allowing the allocation of a budget for each judicial district court
5 administration; authority and power of the chief judge of each judicial
6 district; relating to district courts and the court of appeals; selection of
7 chief judge; relating to vacancies in the office of judge of the district
8 court and the office of district magistrate judge; longevity bonuses for
9 judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319,
10 20-329, 20-342, 20-343, 20-345, 20-346a, 20-349, 20-361, 20-2909,
11 20-2911, 20-2914, 20-3011, 25-312a and 60-729 and K.S.A. 2013
12 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256,
13 60-2001, 61-2704 and 75-5541 and repealing the existing sections; also
14 repealing K.S.A. 2013 Supp. 21-6614d, 38-2312c and 60-2001b.
15

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

17 New Section 1.

18 JUDICIAL BRANCH

19 (a) There is appropriated for the above agency from the state general
20 fund for the fiscal year ending June 30, 2015, the following:

21 Judiciary operations.....\$2,000,000

22 (b) There is appropriated for the above agency from the following
23 special revenue fund or funds for the fiscal year ending June 30, 2015, all
24 moneys now or hereafter lawfully credited to and available in such fund or
25 funds, except that expenditures other than refunds authorized by law shall
26 not exceed the following:

27 Electronic filing and management fund.....No limit

28 New Sec. 2. (a) For the fiscal year ending June 30, 2016, and for each
29 fiscal year thereafter, the chief judge in each judicial district may elect to
30 be responsible for the budget of such judicial district pursuant to the
31 provisions of this section.

32 (b) For the fiscal year ending June 30, 2016, and each fiscal year
33 thereafter, the chief judge in each judicial district who elects to be
34 responsible for the budget shall prepare such budget and submit it to the
35 chief justice of the supreme court pursuant to K.S.A. 20-158, and
36 amendments thereto. On or before August 1, 2014, and each August 1

1 thereafter, the chief judge shall notify the chief justice if such chief judge
2 is electing to be responsible for the district court budget for the ensuing
3 fiscal year.

4 (c) Subject to appropriations therefor, the chief justice shall have the
5 final authority to determine and approve the annual amount allocated to
6 the budget for each judicial district court administration in which the chief
7 judge has elected to be responsible for such budget. Annually, as soon as
8 possible following legislation passed by the legislature and enacted into
9 law appropriating moneys for the judicial branch, the chief justice shall
10 determine such budgeted amount for each such judicial district court
11 administration and notify the chief judge of each such judicial district. On
12 or before June 30 of each fiscal year, the chief judge of each judicial
13 district who elects to be responsible for the budget shall submit to the chief
14 justice such district court's budget for the ensuing fiscal year based upon
15 the dollar amount allocated to such district court by the chief justice for
16 such fiscal year.

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

24 (e) The compensation to be paid to district court personnel in such
25 judicial district shall be determined by the chief judge of such judicial
26 district.

27 (f) The chief judge of such judicial district who elects to be
28 responsible for the budget shall have the authority and power to hire,
29 promote, suspend, demote and dismiss all personnel as necessary to carry
30 out the functions and duties of such judicial district.

31 (g) Whenever for any fiscal year it appears that the resources of any
32 special revenue fund of the judicial branch are likely to be insufficient to
33 cover the appropriations made against such special revenue funds, the
34 chief justice shall be responsible for determining any allotment system so
35 as to assure that expenditures for any particular fiscal year will not exceed
36 the available resources of any special revenue fund of the judicial branch
37 for that fiscal year. All chief judges who are responsible for the district
38 court budget shall follow any allotment system determined by the chief
39 justice for such fiscal year.

40 New Sec. 3. (a) (1) On and after July 1, 2014, any party filing an
41 appeal with the court of appeals shall pay a fee in the amount of \$145 to
42 the clerk of the supreme court.

43 (2) On and after July 1, 2014, any party filing an appeal with the

1 supreme court shall pay a fee in the amount of \$145 to the clerk of the
2 supreme court.

3 (b) A poverty affidavit may be filed in lieu of a fee as established in
4 K.S.A. 60-2001, and amendments thereto.

5 (c) The fee shall be the only costs assessed in each case to services of
6 the clerk of the supreme court. The clerk of the supreme court shall remit
7 all revenues received from this section to the state treasurer, in accordance
8 with the provisions of K.S.A. 75-4215, and amendments thereto, for
9 deposit in the state treasury. The fee shall be disbursed in accordance with
10 subsection (g) of K.S.A. 20-362, and amendments thereto.

11 (d) Except as provided further, the fee established in this section shall
12 be the only fee collected or moneys in the nature of a fee collected for the
13 docket fee. Such fee shall only be established by an act of the legislature
14 and no other authority is established by law or otherwise to collect a fee.
15 On and after July 1, 2014, through July 1, 2015, the supreme court may
16 impose an additional charge, not to exceed \$10 per fee, to fund the costs of
17 non-judicial personnel.

18 New Sec. 4. There is hereby created in the state treasury the
19 electronic filing and management fund. All expenditures from the
20 electronic filing and management fund shall be for purposes of creating,
21 implementing and managing an electronic filing and centralized case
22 management system for the state court system and shall be made in
23 accordance with appropriation acts upon warrants of the director of
24 accounts and reports issued pursuant to vouchers approved by the chief
25 justice of the supreme court or by a person designated by the chief justice.

26 Sec. 5. K.S.A. 20-162 is hereby amended to read as follows: 20-162.

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

1 the compensation of similar personnel in the court systems of other states
2 having comparable size, population and 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 a*
18 *judicial district to expend funds in such judicial district's budget for court*
19 *administration pursuant to section 2, and amendments thereto.*

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

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

34 Sec. 6. K.S.A. 20-318 is hereby amended to read as follows: 20-318.

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

42 (b) There is created hereby the position of judicial administrator of
43 the courts, who shall be appointed by the chief justice of the supreme court

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

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

20 Sec. 7. K.S.A. 20-319 is hereby amended to read as follows: 20-319.

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

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

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

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

39 (c) *Subject to the provisions of section 2, and amendments thereto*,
40 the departmental justices shall supervise all administrative matters relating
41 to the district courts within their departments and require reports
42 periodically, covering such matters and in such form as the supreme court
43 may determine, on any such matter which will aid in promoting the

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

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

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

24 Sec. 8. K.S.A. 20-329 is hereby amended to read as follows: 20-329.
25 In every judicial district, ~~the supreme court~~ *district court judges in such*
26 *judicial district shall designate elect* a district judge as chief judge who
27 shall have general control over the assignment of cases within the district,
28 subject to supervision by the supreme court. *The procedure for such*
29 *election shall be determined by the district court judges and adopted by*
30 *district court rule.* Within guidelines established by statute, rule of the
31 supreme court or the district court, the chief judge of each district court
32 shall be responsible for and have general supervisory authority over the
33 clerical and administrative functions of such court. *The district judge*
34 *designated as chief judge by the supreme court on July 1, 2014, shall be*
35 *allowed to serve as chief judge through January 1, 2016.*

36 Sec. 9. K.S.A. 20-342 is hereby amended to read as follows: 20-342.
37 After consultation with the district magistrate judges of such court, each
38 district court, by action of a majority of the district judges thereof, may
39 promulgate such rules as may be necessary to provide for the
40 administrative operations of such court and to facilitate the regulation and
41 supervision of the nonjudicial personnel thereof *subject to the provisions*
42 *of section 2, and amendments thereto.* Any rules so adopted shall be
43 consistent with applicable statutes and, *subject to the provisions of section*

1 2, *and amendments thereto*, rules of the supreme court. Such rules shall be
2 in addition to the rules adopted under authority of K.S.A. 60-267, and
3 amendments thereto.

4 Sec. 10. K.S.A. 20-343 is hereby amended to read as follows: 20-343.
5 The chief judge of each judicial district, shall appoint a clerk of the district
6 court in each county within such judicial district. The chief judge shall
7 designate one of such clerks as the chief clerk of the district court of such
8 judicial district, except that a chief clerk is not required to be designated in
9 a judicial district which ~~is authorized to have~~ *has* a court administrator
10 pursuant to the personnel plan of the supreme court *or subject to the*
11 *provisions of section 2, and amendments thereto*. The clerks of the district
12 court and deputies, assistants and other clerical personnel shall have such
13 qualifications as are prescribed for the offices by statute, rule of the district
14 court and rule of the supreme court. Such clerks, deputies, assistants and
15 other personnel shall have such powers, duties and functions as are
16 prescribed by law, prescribed by rules of the supreme court or assigned by
17 the chief judge.

18 Sec. 11. K.S.A. 20-345 is hereby amended to read as follows: 20-345.
19 Within staffing limits prescribed by the supreme court and appropriations
20 therefor *or the annual budget allocated pursuant to section 2, and*
21 *amendments thereto*, the chief judge of each judicial district shall appoint
22 such bailiffs, court reporters, secretaries, court services officers and other
23 clerical and nonjudicial personnel as necessary to perform the judicial and
24 administrative functions of the district court. Persons appointed pursuant
25 to this section shall have qualifications prescribed by law or rule of the
26 supreme court. ~~Except as otherwise provided~~ *Unless specifically*
27 *established* by law, such persons shall receive compensation prescribed by
28 the judicial personnel classification system *or the chief judge, whichever is*
29 *applicable*. Such persons shall perform the duties and functions prescribed
30 by law, designated in the personnel classification system ~~or and~~ assigned
31 by the chief judge, ~~subject to rule of the supreme court~~. Personnel whose
32 salary is payable by counties shall receive compensation in the amounts
33 provided in the district court budget approved by the board of county
34 commissioners. Whenever any person is employed or assigned to work
35 under direct supervision of any judge or in a division of court in which a
36 judge presides, the employment or assignment of the person shall be
37 subject to the approval of that judge.

38 Sec. 12. K.S.A. 20-346a is hereby amended to read as follows: 20-
39 346a. (a) The department of corrections shall have the functions and duties
40 provided by law with regard to providing parole officers for felons placed
41 on parole by the ~~Kansas adult authority~~ *prisoner review board* but shall not
42 provide parole officers for the supervision of misdemeanants placed on
43 parole by the district courts of this state. The department of corrections

1 shall provide the visitation, supervision and other services regarding
2 probationers and parolees which are required under the uniform act for
3 out-of-state parolee supervision.

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

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

27 Sec. 13. K.S.A. 20-349 is hereby amended to read as follows: 20-349.
28 The chief judge in each judicial district shall be responsible for the
29 preparation of the budget to be submitted to the board of county
30 commissioners of each county. The board of county commissioners shall
31 then have final authority to determine and approve the budget for district
32 court operations payable by their county. The judicial administrator of the
33 courts shall prescribe the form upon which such budgets shall be
34 submitted. The budget shall include all expenditures payable by the county
35 for operations of the district court in such county. A separate budget shall
36 be prepared for each county within the district and the judges of the district
37 court shall approve the budget for the county in which such judges are
38 regularly assigned prior to submission of such budget to the board of
39 county commissioners. The compensation to be paid to district court
40 personnel excluded from the judicial personnel classification system
41 pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto,
42 shall be listed in the budget as a separate item for each job position. After
43 the amount of such district court budget is established, the expenditures

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

16 Sec. 14. K.S.A. 20-361 is hereby amended to read as follows: 20-361.
17 (a) The state shall pay the salaries of all nonjudicial personnel of the
18 district courts of this state, except for personnel enumerated in subsection
19 (b) of K.S.A. 20-162, and amendments thereto, and no county may
20 supplement the compensation of district court personnel paid by the state.
21 ~~For employees of the district court who were employees of such court on~~
22 ~~December 31, 1978, a full month's proportion of the employee's annual~~
23 ~~pay shall be paid for the state payroll period ending on January 17, 1979,~~
24 ~~notwithstanding that such period is shorter than the normal state payroll~~
25 ~~period.~~ With regard to judicial and nonjudicial personnel of the district
26 courts whose salary is payable by the state, the state shall provide for
27 unemployment security coverage, employer contributions for retirement,
28 workmen's compensation coverage, health insurance coverage and surety
29 bond coverage.

30 (b) ~~The supreme court shall establish a formal pay plan for court~~
31 ~~reporters serving district judges. Within the limits of legislative~~
32 ~~appropriations therefor, compensation of such court reporters shall be paid~~
33 ~~by the state in an amount prescribed by the pay plan established by the~~
34 ~~supreme court and no county may supplement the compensation of such~~
35 ~~court reporters. The plan shall detail each reporters position by~~
36 ~~classification, pay grade and pay step. Except as provided further, the~~
37 ~~supreme court shall establish a formal pay plan for court reporters~~
38 ~~serving district judges. Within the limits of legislative appropriations~~
39 ~~therefor, compensation of court reporters shall be paid by the state in an~~
40 ~~amount prescribed by the pay plan established by the supreme court. The~~
41 ~~plan shall detail each reporter's position by classification, pay grade and~~
42 ~~pay step. Pursuant to section 2, and amendments thereto, compensation of~~
43 ~~court reporters shall be paid by the state in an amount prescribed by the~~

1 *chief judge of the district court where such reporter serves. No county may*
2 *supplement the compensation of any court reporter.*

3 Sec. 15. K.S.A. 2013 Supp. 20-367 is hereby amended to read as
4 follows: 20-367. (a) ~~On and after July 1, 2009 through June 30, 2013, of~~
5 ~~the remittance of the balance of docket fees received by the state treasurer~~
6 ~~from clerks of the district court pursuant to subsection (g) of K.S.A. 20-~~
7 ~~362, and amendments thereto, the state treasurer shall deposit and credit:~~

- 8 (1) ~~3.05% to the judicial performance fund;~~
- 9 (2) ~~4.24% to the access to justice fund;~~
- 10 (3) ~~2.35% to the juvenile detention facilities fund;~~
- 11 (4) ~~1.81% to the judicial branch education fund;~~
- 12 (5) ~~.48% to the crime victims assistance fund;~~
- 13 (6) ~~2.31% to the protection from abuse fund;~~
- 14 (7) ~~3.66% to the judiciary technology fund;~~
- 15 (8) ~~.29% to the dispute resolution fund;~~
- 16 (9) ~~1.07% to the Kansas juvenile delinquency prevention trust fund;~~
- 17 (10) ~~.18% to the permanent families account in the family and~~
18 ~~children investment fund;~~
- 19 (11) ~~1.27% to the trauma fund;~~
- 20 (12) ~~.96% to the judicial council fund;~~
- 21 (13) ~~.58% to the child exchange and visitation centers fund;~~
- 22 (14) ~~15.54% to the judicial branch nonjudicial salary adjustment~~
23 ~~fund;~~
- 24 (15) ~~15.37% to the judicial branch nonjudicial salary initiative fund;~~
25 ~~and~~

26 (16) ~~the balance to the state general fund~~ *During the fiscal years*
27 *ending June 30, 2015, June 30, 2016, and June 30, 2017, of the remittance*
28 *of the balance of docket fees received by the state treasurer from clerks of*
29 *the district court pursuant to subsection (g) of K.S.A. 20-362, and*
30 *amendments thereto, the state treasurer shall deposit and credit the first*
31 *\$3,100,000 to the electronic filing and management fund created in*
32 *section 4, and amendments thereto. During the fiscal year ending June 30,*
33 *2018, and each fiscal year thereafter, of the remittance of the balance of*
34 *docket fees received by the state treasurer from clerks of the district court*
35 *pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the*
36 *state treasurer shall deposit and credit the first \$1,000,000 to the*
37 *electronic filing and management fund.*

38 (b) ~~On and after July 1, 2013, of the remittance of the balance of~~
39 ~~docket fees received by the state treasurer from clerks of the district court~~
40 ~~pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto~~
41 *Subject to the provisions of section 102(c) of chapter 136 of the 2013*
42 *Session Laws of Kansas for the fiscal year ending June 30, 2015, of the*
43 *balance which remains after deduction of the amounts specified in*

- 1 *subsection (a)*, the state treasurer shall deposit and credit:
- 2 (1) 4.37% to the access to justice fund;
- 3 (2) 2.42% to the juvenile detention facilities fund;
- 4 (3) 1.87% to the judicial branch education fund;
- 5 (4) .50% to the crime victims assistance fund;
- 6 (5) 2.38% to the protection from abuse fund;
- 7 (6) 3.78% to the judiciary technology fund;
- 8 (7) .30% to the dispute resolution fund;
- 9 (8) 1.10% to the Kansas juvenile delinquency prevention trust fund;
- 10 (9) .19% to the permanent families account in the family and children
- 11 investment fund;
- 12 (10) 1.31% to the trauma fund;
- 13 (11) .99% to the judicial council fund;
- 14 (12) .60% to the child exchange and visitation centers fund;
- 15 (13) 16.03% to the judicial branch nonjudicial salary adjustment
- 16 fund;
- 17 (14) 15.85% to the judicial branch nonjudicial salary initiative fund;
- 18 and
- 19 (15) the balance to the state general fund.

20 Sec. 16. K.S.A. 20-2909 is hereby amended to read as follows: 20-

21 2909. (a) (1) Whenever a vacancy occurs in the office of judge of the

22 district court in any judicial district, or whenever a vacancy will occur in

23 such office on a specified future date, the chief justice of the supreme court

24 ~~promptly~~ shall give notice of such vacancy to the chairperson of the

25 district judicial nominating commission of such judicial district *not later*

26 *than 120 days following the date the vacancy occurs or will occur.*

27 (2) The chairperson, in consultation with members of the

28 commission, within five days after receipt of such notice, shall set a

29 schedule for accepting nominations and conducting interviews for the

30 purpose of nominating persons for appointment to such office. It shall be

31 the duty of the commission to nominate not less than two nor more than

32 three persons for each office which is vacant, and shall submit the names

33 of the persons so nominated to the governor. Any person nominated shall

34 have the qualifications prescribed by subsection (b) of K.S.A. 20-2903,

35 and amendments thereto, and in order to obtain the best qualified persons

36 as nominees, the commission shall not limit its consideration of potential

37 nominees to those persons whose names have been submitted to the

38 commission or who have expressed a willingness to serve. The

39 commission may authorize one or more members of the commission to

40 tender a nomination to any qualified person in order to ascertain the

41 person's willingness to serve if nominated, but any such tender of

42 nomination shall be subject to final action of the commission under the

43 conditions prescribed by subsection (b) of K.S.A. 20-2907, and

1 amendments thereto.

2 (3) In order that a vacancy in the office of judge of the district court
3 does not exist for an inordinate length of time, the commission shall
4 conduct the business of selecting nominees for appointment to such office
5 and certifying the same to the governor as promptly and expeditiously as
6 possible, having due regard for the importance of selecting the best
7 possible nominees. In no event shall the commission submit its
8 nominations to the governor more than 45 days after the date the chief
9 justice has notified the nominating commission that a vacancy is to be
10 filled, unless the chief justice permits an extension of such time period.

11 (b) If there are not at least two attorneys deemed qualified by the
12 district judicial nominating commission who reside in the judicial district
13 and who are willing to accept the nomination to fill a vacancy in a district
14 judge position, the nominating commission need not limit its consideration
15 of nominees to attorneys residing in the judicial district. In cases where
16 there is one such attorney, such attorney shall be one of the nominees
17 submitted to the governor. If an appointee is not a resident of the judicial
18 district at the time of appointment to a district judge position, the
19 appointee shall establish residency in the judicial district before taking
20 office and shall maintain such residency while holding such office.

21 Sec. 17. K.S.A. 20-2911 is hereby amended to read as follows: 20-

22 2911. (a) Whenever a district judicial nominating commission has
23 submitted to the governor the required number of nominations for
24 appointment to fill a vacancy in the office of judge of the district court, it
25 shall be the duty of the governor to make such appointment within ~~thirty~~
26 ~~(30)~~ 60 days after such nominations are submitted or resubmitted to ~~him or~~
27 ~~her~~ the governor. If the governor fails to make the appointment within ~~said~~
28 ~~thirty (30)~~ 60 days, the chief justice of the supreme court shall make the
29 appointment from among such nominees; ~~but, except~~ whenever any
30 change in the nominations is made pursuant to K.S.A. 20-2910, ~~said thirty-~~
31 ~~day~~ and amendments thereto, such 60-day period commences on the day
32 the nominations are resubmitted.

33 (b) Whenever a vacancy in the office of judge of the district court
34 exists at the time the appointment to fill such vacancy is made pursuant to
35 this section, the appointment shall be effective at the time it is made, but
36 where an appointment is made pursuant to this section to fill a vacancy
37 which will occur at a future date, such appointment shall not take effect
38 until ~~said~~ such future date.

39 Sec. 18. K.S.A. 20-2914 is hereby amended to read as follows: 20-

40 2914. (a) Whenever a vacancy shall occur in the office of district
41 magistrate judge in any judicial district which has approved the
42 proposition of nonpartisan selection of district court judges, or whenever a
43 vacancy will occur in such office on a specified future date, the chief

1 justice of the supreme court promptly shall give notice of such vacancy to
2 the chairperson of the district judicial nominating commission of such
3 judicial district *not later than 120 days following the date the vacancy*
4 *occurs or will occur*. The chairperson, in consultation with members of the
5 commission, within five days after receipt of such notice, shall set a
6 schedule for accepting nominations and ~~conduction~~ *conducting* interviews
7 for the purpose of selecting a person to fill such vacancy. Any person so
8 selected shall have the qualifications prescribed by subsection (c) of
9 K.S.A. 20-334, *and amendments thereto*, and in order to obtain the best
10 qualified person as a district magistrate judge, the commission shall not
11 limit its consideration of potential appointees to those persons whose
12 names have been submitted to the commission or who have expressed a
13 willingness to serve. The commission may authorize one or more members
14 of the commission to tender an appointment to any qualified person in
15 order to ascertain such person's willingness to serve if appointed. Any such
16 tender of appointment shall be subject to final action of the commission
17 under the conditions prescribed by subsection (b) of K.S.A. 20-2907, and
18 amendments thereto.

19 (b) Any appointment made pursuant to subsection (a) shall be
20 contingent upon the acceptance of such appointment by the person so
21 appointed and, if such person is not regularly admitted to practice law in
22 Kansas, the appointment shall be made on a temporary basis until such
23 person has been certified by the supreme court as qualified to hold such
24 office, in the manner provided by K.S.A. 20-337, and amendments thereto.

25 Sec. 19. K.S.A. 20-3011 is hereby amended to read as follows: 20-
26 3011. ~~The supreme court~~ *court of appeals judges shall designate elect* a
27 judge of the court of appeals to serve as chief judge of such court ~~at the~~
28 ~~pleasure of the supreme court~~. *The procedure for such election shall be*
29 *determined by the court of appeals*. The chief judge shall exercise such
30 administrative powers as may be prescribed by law or by rule of the
31 supreme court. *The judge of the court of appeals designated as chief judge*
32 *by the supreme court on July 1, 2014, shall be allowed to serve as chief*
33 *judge through January 1, 2016*.

34 Sec. 20. K.S.A. 2013 Supp. 21-6614 is hereby amended to read as
35 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e)
36 and (f), any person convicted in this state of a traffic infraction, cigarette
37 or tobacco infraction, misdemeanor or a class D or E felony, or for crimes
38 committed on or after July 1, 1993, nondrug crimes ranked in severity
39 levels 6 through 10, or for crimes committed on or after July 1, 1993, but
40 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,
41 or for crimes committed on or after July 1, 2012, any felony ranked in
42 severity level 5 of the drug grid may petition the convicting court for the
43 expungement of such conviction or related arrest records if three or more

1 years have elapsed since the person: (A) Satisfied the sentence imposed; or
2 (B) was discharged from probation, a community correctional services
3 program, parole, postrelease supervision, conditional release or a
4 suspended sentence.

5 (2) Except as provided in subsections (b), (c), (d), (e) and (f), any
6 person who has fulfilled the terms of a diversion agreement may petition
7 the district court for the expungement of such diversion agreement and
8 related arrest records if three or more years have elapsed since the terms of
9 the diversion agreement were fulfilled.

10 (b) Any person convicted of prostitution, as defined in K.S.A. 21-
11 3512, prior to its repeal, convicted of a violation of K.S.A. 2013 Supp. 21-
12 6419, and amendments thereto, or who entered into a diversion agreement
13 in lieu of further criminal proceedings for such violation, may petition the
14 convicting court for the expungement of such conviction or diversion
15 agreement and related arrest records if:

16 (1) One or more years have elapsed since the person satisfied the
17 sentence imposed or the terms of a diversion agreement or was discharged
18 from probation, a community correctional services program, parole,
19 postrelease supervision, conditional release or a suspended sentence; and

20 (2) such person can prove they were acting under coercion caused by
21 the act of another. For purposes of this subsection, "coercion" means:
22 Threats of harm or physical restraint against any person; a scheme, plan or
23 pattern intended to cause a person to believe that failure to perform an act
24 would result in bodily harm or physical restraint against any person; or the
25 abuse or threatened abuse of the legal process.

26 (c) Except as provided in subsections (e) and (f), no person may
27 petition for expungement until five or more years have elapsed since the
28 person satisfied the sentence imposed or the terms of a diversion
29 agreement or was discharged from probation, a community correctional
30 services program, parole, postrelease supervision, conditional release or a
31 suspended sentence, if such person was convicted of a class A, B or C
32 felony, or for crimes committed on or after July 1, 1993, if convicted of an
33 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,
34 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,
35 any felony ranked in severity levels 1 through 3 of the drug grid, or for
36 crimes committed on or after July 1, 2012, any felony ranked in severity
37 levels 1 through 4 of the drug grid, or:

38 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
39 repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto, or as
40 prohibited by any law of another state which is in substantial conformity
41 with that statute;

42 (2) driving while the privilege to operate a motor vehicle on the
43 public highways of this state has been canceled, suspended or revoked, as

1 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
2 any law of another state which is in substantial conformity with that
3 statute;

4 (3) perjury resulting from a violation of K.S.A. 8-261a, and
5 amendments thereto, or resulting from the violation of a law of another
6 state which is in substantial conformity with that statute;

7 (4) violating the provisions of the fifth clause of K.S.A. 8-142, and
8 amendments thereto, relating to fraudulent applications or violating the
9 provisions of a law of another state which is in substantial conformity with
10 that statute;

11 (5) any crime punishable as a felony wherein a motor vehicle was
12 used in the perpetration of such crime;

13 (6) failing to stop at the scene of an accident and perform the duties
14 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
15 amendments thereto, or required by a law of another state which is in
16 substantial conformity with those statutes;

17 (7) violating the provisions of K.S.A. 40-3104, and amendments
18 thereto, relating to motor vehicle liability insurance coverage; or

19 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

20 (d) No person may petition for expungement until 10 or more years
21 have elapsed since the person satisfied the sentence imposed or the terms
22 of a diversion agreement or was discharged from probation, a community
23 correctional services program, parole, postrelease supervision, conditional
24 release or a suspended sentence, if such person was convicted of a
25 violation of K.S.A. 8-1567, and amendments thereto, including any
26 diversion for such violation.

27 (e) There shall be no expungement of convictions for the following
28 offenses or of convictions for an attempt to commit any of the following
29 offenses:

30 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
31 2013 Supp. 21-5503, and amendments thereto;

32 (2) indecent liberties with a child or aggravated indecent liberties
33 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
34 or K.S.A. 2013 Supp. 21-5506, and amendments thereto;

35 (3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
36 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
37 2013 Supp. 21-5504, and amendments thereto;

38 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
39 to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;

40 (5) indecent solicitation of a child or aggravated indecent solicitation
41 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
42 or K.S.A. 2013 Supp. 21-5508, and amendments thereto;

43 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior

1 to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

2 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
3 repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;

4 (8) endangering a child or aggravated endangering a child, as defined
5 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2013 Supp.
6 21-5601, and amendments thereto;

7 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
8 or K.S.A. 2013 Supp. 21-5602, and amendments thereto;

9 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
10 or K.S.A. 2013 Supp. 21-5401, and amendments thereto;

11 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
12 its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;

13 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior
14 to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;

15 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
16 its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;

17 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
18 its repeal, or K.S.A. 2013 Supp. 21-5405, and amendments thereto;

19 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
20 or K.S.A. 2013 Supp. 21-5505, and amendments thereto, when the victim
21 was less than 18 years of age at the time the crime was committed;

22 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
23 its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;

24 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
25 including any diversion for such violation; or

26 (18) any conviction for any offense in effect at any time prior to July
27 1, 2011, that is comparable to any offense as provided in this subsection.

28 (f) Notwithstanding any other law to the contrary, for any offender
29 who is required to register as provided in the Kansas offender registration
30 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
31 expungement of any conviction or any part of the offender's criminal
32 record while the offender is required to register as provided in the Kansas
33 offender registration act.

34 (g) (1) When a petition for expungement is filed, the court shall set a
35 date for a hearing of such petition and shall cause notice of such hearing to
36 be given to the prosecutor and the arresting law enforcement agency. The
37 petition shall state the:

38 (A) Defendant's full name;

39 (B) full name of the defendant at the time of arrest, conviction or
40 diversion, if different than the defendant's current name;

41 (C) defendant's sex, race and date of birth;

42 (D) crime for which the defendant was arrested, convicted or
43 diverted;

1 (E) date of the defendant's arrest, conviction or diversion; and

2 (F) identity of the convicting court, arresting law enforcement
3 authority or diverting authority.

4 (2) Except as otherwise provided by law, a petition for expungement
5 shall be accompanied by a docket fee in the amount of ~~\$100~~ \$176. On and
6 after ~~April 12, 2012, through June 30, 2013~~ *July 1, 2013, through July 1,*
7 *2015*, the supreme court may impose a charge, not to exceed \$19 per case,
8 to fund the costs of non-judicial personnel. The charge established in this
9 section shall be the only fee collected or moneys in the nature of a fee
10 collected for the case. Such charge shall only be established by an act of
11 the legislature and no other authority is established by law or otherwise to
12 collect a fee.

13 (3) All petitions for expungement shall be docketed in the original
14 criminal action. Any person who may have relevant information about the
15 petitioner may testify at the hearing. The court may inquire into the
16 background of the petitioner and shall have access to any reports or
17 records relating to the petitioner that are on file with the secretary of
18 corrections or the prisoner review board.

19 (h) At the hearing on the petition, the court shall order the petitioner's
20 arrest record, conviction or diversion expunged if the court finds that:

21 (1) The petitioner has not been convicted of a felony in the past two
22 years and no proceeding involving any such crime is presently pending or
23 being instituted against the petitioner;

24 (2) the circumstances and behavior of the petitioner warrant the
25 expungement; and

26 (3) the expungement is consistent with the public welfare.

27 (i) When the court has ordered an arrest record, conviction or
28 diversion expunged, the order of expungement shall state the information
29 required to be contained in the petition. The clerk of the court shall send a
30 certified copy of the order of expungement to the Kansas bureau of
31 investigation which shall notify the federal bureau of investigation, the
32 secretary of corrections and any other criminal justice agency which may
33 have a record of the arrest, conviction or diversion. After the order of
34 expungement is entered, the petitioner shall be treated as not having been
35 arrested, convicted or diverted of the crime, except that:

36 (1) Upon conviction for any subsequent crime, the conviction that
37 was expunged may be considered as a prior conviction in determining the
38 sentence to be imposed;

39 (2) the petitioner shall disclose that the arrest, conviction or diversion
40 occurred if asked about previous arrests, convictions or diversions:

41 (A) In any application for licensure as a private detective, private
42 detective agency, certification as a firearms trainer pursuant to K.S.A.
43 2013 Supp. 75-7b21, and amendments thereto, or employment as a

1 detective with a private detective agency, as defined by K.S.A. 75-7b01,
2 and amendments thereto; as security personnel with a private patrol
3 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
4 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
5 the *Kansas* department for ~~children and families~~ *aging and disability*
6 *services*;

7 (B) in any application for admission, or for an order of reinstatement,
8 to the practice of law in this state;

9 (C) to aid in determining the petitioner's qualifications for
10 employment with the Kansas lottery or for work in sensitive areas within
11 the Kansas lottery as deemed appropriate by the executive director of the
12 Kansas lottery;

13 (D) to aid in determining the petitioner's qualifications for executive
14 director of the Kansas racing and gaming commission, for employment
15 with the commission or for work in sensitive areas in parimutuel racing as
16 deemed appropriate by the executive director of the commission, or to aid
17 in determining qualifications for licensure or renewal of licensure by the
18 commission;

19 (E) to aid in determining the petitioner's qualifications for the
20 following under the Kansas expanded lottery act: (i) Lottery gaming
21 facility manager or prospective manager, racetrack gaming facility
22 manager or prospective manager, licensee or certificate holder; or (ii) an
23 officer, director, employee, owner, agent or contractor thereof;

24 (F) upon application for a commercial driver's license under K.S.A.
25 8-2,125 through 8-2,142, and amendments thereto;

26 (G) to aid in determining the petitioner's qualifications to be an
27 employee of the state gaming agency;

28 (H) to aid in determining the petitioner's qualifications to be an
29 employee of a tribal gaming commission or to hold a license issued
30 pursuant to a tribal-state gaming compact;

31 (I) in any application for registration as a broker-dealer, agent,
32 investment adviser or investment adviser representative all as defined in
33 K.S.A. 17-12a102, and amendments thereto;

34 (J) in any application for employment as a law enforcement officer as
35 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

36 (K) for applications received on and after July 1, 2006, to aid in
37 determining the petitioner's qualifications for a license to carry a concealed
38 weapon pursuant to the personal and family protection act, K.S.A. 2013
39 Supp. 75-7c01 et seq., and amendments thereto;

40 (3) the court, in the order of expungement, may specify other
41 circumstances under which the conviction is to be disclosed;

42 (4) the conviction may be disclosed in a subsequent prosecution for
43 an offense which requires as an element of such offense a prior conviction

1 of the type expunged; and

2 (5) upon commitment to the custody of the secretary of corrections,
3 any previously expunged record in the possession of the secretary of
4 corrections may be reinstated and the expungement disregarded, and the
5 record continued for the purpose of the new commitment.

6 (j) Whenever a person is convicted of a crime, pleads guilty and pays
7 a fine for a crime, is placed on parole, postrelease supervision or
8 probation, is assigned to a community correctional services program, is
9 granted a suspended sentence or is released on conditional release, the
10 person shall be informed of the ability to expunge the arrest records or
11 conviction. Whenever a person enters into a diversion agreement, the
12 person shall be informed of the ability to expunge the diversion.

13 (k) (1) Subject to the disclosures required pursuant to subsection (i),
14 in any application for employment, license or other civil right or privilege,
15 or any appearance as a witness, a person whose arrest records, conviction
16 or diversion of a crime has been expunged under this statute may state that
17 such person has never been arrested, convicted or diverted of such crime.

18 (2) Notwithstanding the provisions of subsection (k)(1), and except as
19 provided in subsection (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and
20 amendments thereto, the expungement of a prior felony conviction does
21 not relieve the individual of complying with any state or federal law
22 relating to the use, shipment, transportation, receipt or possession of
23 firearms by persons previously convicted of a felony.

24 (l) Whenever the record of any arrest, conviction or diversion has
25 been expunged under the provisions of this section or under the provisions
26 of any other existing or former statute, the custodian of the records of
27 arrest, conviction, diversion and incarceration relating to that crime shall
28 not disclose the existence of such records, except when requested by:

29 (1) The person whose record was expunged;

30 (2) a private detective agency or a private patrol operator, and the
31 request is accompanied by a statement that the request is being made in
32 conjunction with an application for employment with such agency or
33 operator by the person whose record has been expunged;

34 (3) a court, upon a showing of a subsequent conviction of the person
35 whose record has been expunged;

36 (4) the secretary of the department for children and families for aging
37 and disability services, or a designee of the secretary, for the purpose of
38 obtaining information relating to employment in an institution, as defined
39 in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
40 for children and families for aging and disability services of any person
41 whose record has been expunged;

42 (5) a person entitled to such information pursuant to the terms of the
43 expungement order;

1 (6) a prosecutor, and such request is accompanied by a statement that
2 the request is being made in conjunction with a prosecution of an offense
3 that requires a prior conviction as one of the elements of such offense;

4 (7) the supreme court, the clerk or disciplinary administrator thereof,
5 the state board for admission of attorneys or the state board for discipline
6 of attorneys, and the request is accompanied by a statement that the
7 request is being made in conjunction with an application for admission, or
8 for an order of reinstatement, to the practice of law in this state by the
9 person whose record has been expunged;

10 (8) the Kansas lottery, and the request is accompanied by a statement
11 that the request is being made to aid in determining qualifications for
12 employment with the Kansas lottery or for work in sensitive areas within
13 the Kansas lottery as deemed appropriate by the executive director of the
14 Kansas lottery;

15 (9) the governor or the Kansas racing and gaming commission, or a
16 designee of the commission, and the request is accompanied by a
17 statement that the request is being made to aid in determining
18 qualifications for executive director of the commission, for employment
19 with the commission, for work in sensitive areas in parimutuel racing as
20 deemed appropriate by the executive director of the commission or for
21 licensure, renewal of licensure or continued licensure by the commission;

22 (10) the Kansas racing and gaming commission, or a designee of the
23 commission, and the request is accompanied by a statement that the
24 request is being made to aid in determining qualifications of the following
25 under the Kansas expanded lottery act: (A) Lottery gaming facility
26 managers and prospective managers, racetrack gaming facility managers
27 and prospective managers, licensees and certificate holders; and (B) their
28 officers, directors, employees, owners, agents and contractors;

29 (11) the Kansas sentencing commission;

30 (12) the state gaming agency, and the request is accompanied by a
31 statement that the request is being made to aid in determining
32 qualifications: (A) To be an employee of the state gaming agency; or (B)
33 to be an employee of a tribal gaming commission or to hold a license
34 issued pursuant to a tribal-gaming compact;

35 (13) the Kansas securities commissioner or a designee of the
36 commissioner, and the request is accompanied by a statement that the
37 request is being made in conjunction with an application for registration as
38 a broker-dealer, agent, investment adviser or investment adviser
39 representative by such agency and the application was submitted by the
40 person whose record has been expunged;

41 (14) the Kansas commission on peace officers' standards and training
42 and the request is accompanied by a statement that the request is being
43 made to aid in determining certification eligibility as a law enforcement

1 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

2 (15) a law enforcement agency and the request is accompanied by a
3 statement that the request is being made to aid in determining eligibility
4 for employment as a law enforcement officer as defined by K.S.A. 22-
5 2202, and amendments thereto;

6 (16) the attorney general and the request is accompanied by a
7 statement that the request is being made to aid in determining
8 qualifications for a license to carry a concealed weapon pursuant to the
9 personal and family protection act; or

10 (17) the Kansas bureau of investigation for the purposes of:

11 (A) Completing a person's criminal history record information within
12 the central repository, in accordance with K.S.A. 22-4701 et seq., and
13 amendments thereto; or

14 (B) providing information or documentation to the federal bureau of
15 investigation, in connection with the national instant criminal background
16 check system, to determine a person's qualification to possess a firearm.

17 (m) The provisions of subsection (l)(17) shall apply to records
18 created prior to, on and after July 1, 2011.

19 Sec. 21. K.S.A. 2013 Supp. 22-2410 is hereby amended to read as
20 follows: 22-2410. (a) Any person who has been arrested in this state may
21 petition the district court for the expungement of such arrest record.

22 (b) When a petition for expungement is filed, the court shall set a date
23 for hearing on such petition and shall cause notice of such hearing to be
24 given to the prosecuting attorney and the arresting law enforcement
25 agency. When a petition for expungement is filed, the official court file
26 shall be separated from the other records of the court, and shall be
27 disclosed only to a judge of the court and members of the staff of the court
28 designated by a judge of the district court, the prosecuting attorney, the
29 arresting law enforcement agency, or any other person when authorized by
30 a court order, subject to any conditions imposed by the order. Except as
31 otherwise provided by law, a petition for expungement shall be
32 accompanied by a docket fee in the amount of ~~-\$100~~ \$176. Except as
33 provided further, the docket fee established in this section shall be the only
34 fee collected or moneys in the nature of a fee collected for the docket fee.
35 Such fee shall only be established by an act of the legislature and no other
36 authority is established by law or otherwise to collect a fee. On and after
37 July 1, 2013, through July 1, 2015, the supreme court may impose an
38 additional charge, not to exceed \$19 per docket fee, to fund the costs of
39 non-judicial personnel. The petition shall state:

40 (1) The petitioner's full name;

41 (2) the full name of the petitioner at the time of arrest, if different
42 than the petitioner's current name;

43 (3) the petitioner's sex, race and date of birth;

- 1 (4) the crime for which the petitioner was arrested;
- 2 (5) the date of the petitioner's arrest; and
- 3 (6) the identity of the arresting law enforcement agency.

4 No surcharge or fee shall be imposed to any person filing a petition
5 pursuant to this section, who was arrested as a result of being a victim of
6 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
7 K.S.A. 2013 Supp. 21-6107, and amendments thereto, or who has had
8 criminal charges dismissed because a court has found that there was no
9 probable cause for the arrest, the petitioner was found not guilty in court
10 proceedings or the charges have been dismissed. Any person who may
11 have relevant information about the petitioner may testify at the hearing.
12 The court may inquire into the background of the petitioner.

13 (c) At the hearing on a petition for expungement, the court shall order
14 the arrest record and subsequent court proceedings, if any, expunged upon
15 finding: (1) The arrest occurred because of mistaken identity;
16 (2) a court has found that there was no probable cause for the arrest;
17 (3) the petitioner was found not guilty in court proceedings; or
18 (4) the expungement would be in the best interests of justice and: (A)
19 Charges have been dismissed; or (B) no charges have been or are likely to
20 be filed.

21 (d) When the court has ordered expungement of an arrest record and
22 subsequent court proceedings, if any, the order shall state the information
23 required to be stated in the petition and shall state the grounds for
24 expungement under subsection (c). The clerk of the court shall send a
25 certified copy of the order to the Kansas bureau of investigation which
26 shall notify the federal bureau of investigation, the secretary of corrections
27 and any other criminal justice agency which may have a record of the
28 arrest. If an order of expungement is entered, the petitioner shall be treated
29 as not having been arrested.

30 (e) If the ground for expungement is as provided in subsection (c)(4),
31 the court shall determine whether, in the interests of public welfare, the
32 records should be available for any of the following purposes: (1) In any
33 application for employment as a detective with a private detective agency,
34 as defined in K.S.A. 75-7b01, and amendments thereto; as security
35 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
36 and amendments thereto; or with an institution, as defined in K.S.A. 76-
37 12a01, and amendments thereto, of the department of social and
38 rehabilitation services;

39 (2) in any application for admission, or for an order of reinstatement,
40 to the practice of law in this state;

41 (3) to aid in determining the petitioner's qualifications for
42 employment with the Kansas lottery or for work in sensitive areas within
43 the Kansas lottery as deemed appropriate by the executive director of the

1 Kansas lottery;

2 (4) to aid in determining the petitioner's qualifications for executive
3 director of the Kansas racing commission, for employment with the
4 commission or for work in sensitive areas in parimutuel racing as deemed
5 appropriate by the executive director of the commission, or to aid in
6 determining qualifications for licensure or renewal of licensure by the
7 commission;

8 (5) in any application for a commercial driver's license under K.S.A.
9 8-2,125 through 8-2,142, and amendments thereto;

10 (6) to aid in determining the petitioner's qualifications to be an
11 employee of the state gaming agency;

12 (7) to aid in determining the petitioner's qualifications to be an
13 employee of a tribal gaming commission or to hold a license issued
14 pursuant to a tribal-state gaming compact; or

15 (8) in any other circumstances which the court deems appropriate.

16 (f) The court shall make all expunged records and related information
17 in such court's possession, created prior to, on and after July 1, 2011,
18 available to the Kansas bureau of investigation for the purposes of:

19 (1) Completing a person's criminal history record information within
20 the central repository in accordance with K.S.A. 22-4701 et seq., and
21 amendments thereto; or

22 (2) providing information or documentation to the federal bureau of
23 investigation, in connection with the national instant criminal background
24 check system, to determine a person's qualification to possess a firearm.

25 (g) Subject to any disclosures required under subsection (e), in any
26 application for employment, license or other civil right or privilege, or any
27 appearance as a witness, a person whose arrest records have been
28 expunged as provided in this section may state that such person has never
29 been arrested.

30 (h) Whenever a petitioner's arrest records have been expunged as
31 provided in this section, the custodian of the records of arrest,
32 incarceration due to arrest or court proceedings related to the arrest, shall
33 not disclose the arrest or any information related to the arrest, except as
34 directed by the order of expungement or when requested by the person
35 whose arrest record was expunged.

36 (i) The docket fee collected at the time the petition for expungement
37 is filed shall be disbursed in accordance with K.S.A. 20-362, and
38 amendments thereto.

39 Sec. 22. K.S.A. 25-312a is hereby amended to read as follows: 25-
40 312a. Except as otherwise provided in K.S.A. 20-2903 through 20-2913,
41 and amendments thereto, whenever a vacancy occurs in the office of judge
42 of the district court, it shall be filled by appointment by the governor
43 *following receipt of notice from the clerk of the supreme court, which shall*

1 *be given not later than 120 days following the date the vacancy occurs or*
 2 *will occur.* If the vacancy occurs on or after May 1 of the second year of
 3 the term, the person so appointed shall serve for the remainder of the
 4 unexpired term and until a successor is elected and qualified. If the
 5 vacancy occurs before May 1 of the second year of the term, the person
 6 appointed to fill the vacancy shall serve until a successor is elected and
 7 qualified at the next general election to serve the remainder of the
 8 unexpired term. Any appointment made by the governor as required by
 9 this section shall be made within ~~60 days after the vacancy occurs~~ *90 days*
 10 *following receipt of notice from the clerk of the supreme court.*

11 Sec. 23. K.S.A. 2013 Supp. 28-172a is hereby amended to read as
 12 follows: 28-172a. (a) Except as otherwise provided in this section,
 13 whenever the prosecuting witness or defendant is adjudged to pay the costs
 14 in a criminal proceeding in any county, a docket fee shall be taxed as
 15 follows, on and after July 1, 2013:

16	Murder or manslaughter.....	\$180.50
17	Other felony.....	171.00
18	Misdemeanor.....	136.00
19	Forfeited recognizance.....	72.50
20	Appeals from other courts.....	72.50

21 (b) (1) Except as provided in paragraph (2), in actions involving the
 22 violation of any of the laws of this state regulating traffic on highways,
 23 including those listed in subsection (c) of K.S.A. 8-2118, and amendments
 24 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant
 25 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,
 26 and amendments thereto, or any act declared a crime pursuant to the
 27 statutes contained in article 8 of chapter 82a of the Kansas Statutes
 28 Annotated, and amendments thereto, whenever the prosecuting witness or
 29 defendant is adjudged to pay the costs in the action, on and after July 1,
 30 ~~2013~~ *2014*, a docket fee of ~~\$74~~ *\$86* shall be charged. When an action is
 31 disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection
 32 (f) of K.S.A. 79-3393, and amendments thereto, on and after July 1, ~~2013~~
 33 *2014*, the docket fee to be paid as court costs shall be ~~\$74~~ *\$86*.

34 (2) In actions involving the violation of a moving traffic violation
 35 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
 36 regulations adopted under K.S.A. 8-249, and amendments thereto,
 37 whenever the prosecuting witness or defendant is adjudged to pay the costs
 38 in the action, on and after July 1, ~~2013~~ *2014*, a docket fee of ~~\$74~~ *\$86* shall
 39 be charged. When an action is disposed of under subsection (a) and (b) of
 40 K.S.A. 8-2118, and amendments thereto, on and after July 1, ~~2013~~ *2014*,
 41 the docket fee to be paid as court costs shall be ~~\$74~~ *\$86*.

42 (c) If a conviction is on more than one count, the docket fee shall be

1 the highest one applicable to any one of the counts. The prosecuting
2 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
3 defendants shall each pay one fee.

4 (d) Statutory charges for law library funds, the law enforcement
5 training center fund, the prosecuting attorneys' training fund, the juvenile
6 detention facilities fund, the judicial branch education fund, the emergency
7 medical services operating fund and the judiciary technology fund shall be
8 paid from the docket fee; the family violence and child abuse and neglect
9 assistance and prevention fund fee shall be paid from criminal proceedings
10 docket fees. All other fees and expenses to be assessed as additional court
11 costs shall be approved by the court, unless specifically fixed by statute.
12 Additional fees shall include, but are not limited to, fees for Kansas bureau
13 of investigation forensic or laboratory analyses, fees for detention facility
14 processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees
15 for the sexual assault evidence collection kit, fees for conducting an
16 examination of a sexual assault victim, fees for service of process outside
17 the state, witness fees, fees for transcripts and depositions, costs from
18 other courts, doctors' fees and examination and evaluation fees. No sheriff
19 in this state shall charge any district court of this state a fee or mileage for
20 serving any paper or process.

21 (e) In each case charging a violation of the laws relating to parking of
22 motor vehicles on the statehouse grounds or other state-owned or operated
23 property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and
24 amendments thereto, or as specified in K.S.A. 75-4508, and amendments
25 thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs
26 in the case, except that witness fees, mileage and expenses incurred in
27 serving a warrant shall be in addition to the fee. Appearance bond for a
28 parking violation of K.S.A. 75-4508 or 75-4510a, and amendments
29 thereto, shall be \$3, unless a warrant is issued. The judge may order the
30 bond forfeited upon the defendant's failure to appear, and \$2 of any bond
31 so forfeited shall be regarded as court costs.

32 (f) Except as provided further, the docket fee established in this
33 section shall be the only fee collected or moneys in the nature of a fee
34 collected for the docket fee. Such fee shall only be established by an act of
35 the legislature and no other authority is established by law or otherwise to
36 collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme
37 court may impose an additional charge, not to exceed \$22 per docket fee,
38 to fund the costs of non-judicial personnel.

39 Sec. 24. K.S.A. 2013 Supp. 38-2312 is hereby amended to read as
40 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
41 records or files specified in this code concerning a juvenile may be
42 expunged upon application to a judge of the court of the county in which
43 the records or files are maintained. The application for expungement may

1 be made by the juvenile, if 18 years of age or older or, if the juvenile is
2 less than 18 years of age, by the juvenile's parent or next friend.

3 (b) There shall be no expungement of records or files concerning acts
4 committed by a juvenile which, if committed by an adult, would constitute
5 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-
6 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
7 prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments
8 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
9 or K.S.A. 2013 Supp. 21-5404, and amendments thereto, voluntary
10 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp.
11 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
12 3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments
13 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection
14 (a)(3) of K.S.A. 2013 Supp. 21-5405, and amendments thereto,
15 involuntary manslaughter while driving under the influence of alcohol or
16 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503,
17 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
18 subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
19 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
20 subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
21 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its
22 repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments
23 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,
24 or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,
25 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
26 subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,
27 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
28 repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual
29 exploitation of a child; K.S.A. 21-3603, prior to its repeal, or subsection
30 (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto, aggravated
31 incest; K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2013
32 Supp. 21-5601, and amendments thereto, endangering a child; K.S.A. 21-
33 3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments
34 thereto, abuse of a child; or which would constitute an attempt to commit a
35 violation of any of the offenses specified in this subsection.

36 (c) Notwithstanding any other law to the contrary, for any offender
37 who is required to register as provided in the Kansas offender registration
38 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
39 expungement of any conviction or any part of the offender's criminal
40 record while the offender is required to register as provided in the Kansas
41 offender registration act.

42 (d) When a petition for expungement is filed, the court shall set a date
43 for a hearing on the petition and shall give notice thereof to the county or

1 district attorney. The petition shall state: (1) The juvenile's full name; (2)
2 the full name of the juvenile as reflected in the court record, if different
3 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
4 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
5 of the trial court. Except as otherwise provided by law, a petition for
6 expungement shall be accompanied by a docket fee in the amount of ~~\$100~~
7 *\$176*. ~~On and after the effective date of this act through June 30, 2013~~ *July*
8 *1, 2013, through July 1, 2015*, the supreme court may impose a charge, not
9 to exceed \$19 per case, to fund the costs of non-judicial personnel. All
10 petitions for expungement shall be docketed in the original action. Any
11 person who may have relevant information about the petitioner may testify
12 at the hearing. The court may inquire into the background of the petitioner.

13 (e) (1) After hearing, the court shall order the expungement of the
14 records and files if the court finds that:

15 (A) (i) The juvenile has reached 23 years of age or that two years
16 have elapsed since the final discharge; or

17 (ii) one year has elapsed since the final discharge for an adjudication
18 concerning acts committed by a juvenile which, if committed by an adult,
19 would constitute a violation of K.S.A. 2013 Supp. 21-6419, and
20 amendments thereto;

21 (B) since the final discharge of the juvenile, the juvenile has not been
22 convicted of a felony or of a misdemeanor other than a traffic offense or
23 adjudicated as a juvenile offender under the revised Kansas juvenile justice
24 code and no proceedings are pending seeking such a conviction or
25 adjudication; and

26 (C) the circumstances and behavior of the petitioner warrant
27 expungement.

28 (2) The court may require that all court costs, fees and restitution
29 shall be paid.

30 (f) Upon entry of an order expunging records or files, the offense
31 which the records or files concern shall be treated as if it never occurred,
32 except that upon conviction of a crime or adjudication in a subsequent
33 action under this code the offense may be considered in determining the
34 sentence to be imposed. The petitioner, the court and all law enforcement
35 officers and other public offices and agencies shall properly reply on
36 inquiry that no record or file exists with respect to the juvenile. Inspection
37 of the expunged files or records thereafter may be permitted by order of
38 the court upon petition by the person who is the subject thereof. The
39 inspection shall be limited to inspection by the person who is the subject of
40 the files or records and the person's designees.

41 (g) A certified copy of any order made pursuant to subsection (a) or
42 (d) shall be sent to the Kansas bureau of investigation, which shall notify
43 every juvenile or criminal justice agency which may possess records or

1 files ordered to be expunged. If the agency fails to comply with the order
2 within a reasonable time after its receipt, such agency may be adjudged in
3 contempt of court and punished accordingly.

4 (h) The court shall inform any juvenile who has been adjudicated a
5 juvenile offender of the provisions of this section.

6 (i) Nothing in this section shall be construed to prohibit the
7 maintenance of information relating to an offense after records or files
8 concerning the offense have been expunged if the information is kept in a
9 manner that does not enable identification of the juvenile.

10 (j) Nothing in this section shall be construed to permit or require
11 expungement of files or records related to a child support order registered
12 pursuant to the revised Kansas juvenile justice code.

13 (k) Whenever the records or files of any adjudication have been
14 expunged under the provisions of this section, the custodian of the records
15 or files of adjudication relating to that offense shall not disclose the
16 existence of such records or files, except when requested by:

17 (1) The person whose record was expunged;

18 (2) a private detective agency or a private patrol operator, and the
19 request is accompanied by a statement that the request is being made in
20 conjunction with an application for employment with such agency or
21 operator by the person whose record has been expunged;

22 (3) a court, upon a showing of a subsequent conviction of the person
23 whose record has been expunged;

24 (4) ~~the secretary of the department for children and families~~ *for aging*
25 *and disability services*, or a designee of the secretary, for the purpose of
26 obtaining information relating to employment in an institution, as defined
27 in K.S.A. 76-12a01, and amendments thereto, of the *Kansas* department
28 ~~for children and families~~ *aging and disability services* of any person whose
29 record has been expunged;

30 (5) a person entitled to such information pursuant to the terms of the
31 expungement order;

32 (6) the Kansas lottery, and the request is accompanied by a statement
33 that the request is being made to aid in determining qualifications for
34 employment with the Kansas lottery or for work in sensitive areas within
35 the Kansas lottery as deemed appropriate by the executive director of the
36 Kansas lottery;

37 (7) the governor or the Kansas racing commission, or a designee of
38 the commission, and the request is accompanied by a statement that the
39 request is being made to aid in determining qualifications for executive
40 director of the commission, for employment with the commission, for
41 work in sensitive areas in parimutuel racing as deemed appropriate by the
42 executive director of the commission or for licensure, renewal of licensure
43 or continued licensure by the commission;

- 1 (8) the Kansas sentencing commission; or
- 2 (9) the Kansas bureau of investigation, for the purposes of:
- 3 (A) Completing a person's criminal history record information within
- 4 the central repository in accordance with K.S.A. 22-4701 et seq., and
- 5 amendments thereto; or
- 6 (B) providing information or documentation to the federal bureau of
- 7 investigation, in connection with the national instant criminal background
- 8 check system, to determine a person's qualification to possess a firearm.
- 9 (l) The provisions of subsection (k)(9) shall apply to all records
- 10 created prior to, on and after July 1, 2011.

11 Sec. 25. K.S.A. 2013 Supp. 59-104 is hereby amended to read as
 12 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
 13 no case shall be filed or docketed in the district court under the provisions
 14 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
 15 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
 16 and amendments thereto, without payment of an appropriate docket fee as
 17 follows, on and after July 1, ~~2013~~ 2014:

18 Treatment of mentally ill	34.50
19 Treatment of alcoholism or drug abuse	34.50
20 Determination of descent of property	49.50
21 Termination of life estate	48.50
22 Termination of joint tenancy	48.50
23 Refusal to grant letters of administration	48.50
24 Adoption	48.50
25 Filing a will and affidavit under K.S.A. 59-618a.....	48.50
26 Guardianship	69.50
27 Conservatorship	69.50
28 Trusteeship	69.50
29 Combined guardianship and conservatorship	69.50
30 Certified probate proceedings under K.S.A. 59-213,	
31 and amendments thereto	23.50
32 Decrees in probate from another state.....	108.50 73.00
33 Probate of an estate or of a will.....	109.50
34 Civil commitment under K.S.A. 59-29a01 et seq.	33.50

35 (2) Except as provided further, the docket fee established in this
 36 section shall be the only fee collected or moneys in the nature of a fee
 37 collected for the docket fee. Such fee shall only be established by an act of
 38 the legislature and no other authority is established by law or otherwise to
 39 collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme
 40 court may impose an additional charge, not to exceed \$22 per docket fee,
 41 to fund the costs of non-judicial personnel.

42 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The
 43 provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and

1 amendments thereto, shall apply to probate docket fees prescribed by this
2 section.

3 (c) *Disposition of docket fee.* Statutory charges for the law library and
4 for the prosecuting attorneys' training fund shall be paid from the docket
5 fee. The remainder of the docket fee shall be paid to the state treasurer in
6 accordance with K.S.A. 20-362, and amendments thereto.

7 (d) *Additional court costs.* Other fees and expenses to be assessed as
8 additional court costs shall be approved by the court, unless specifically
9 fixed by statute. Other fees shall include, but not be limited to, witness
10 fees, appraiser fees, fees for service of process outside the state, fees for
11 depositions, transcripts and publication of legal notice, executor or
12 administrator fees, attorney fees, court costs from other courts and any
13 other fees and expenses required by statute. All additional court costs shall
14 be taxed and billed against the parties or estate as directed by the court. No
15 sheriff in this state shall charge any district court in this state a fee or
16 mileage for serving any paper or process.

17 Sec. 26. K.S.A. 2013 Supp. 60-256 is hereby amended to read as
18 follows: 60-256. (a) *By a claiming party.* A party claiming relief may
19 move, with or without supporting affidavits or supporting declarations
20 pursuant to K.S.A. 53-601, and amendments thereto, for summary
21 judgment on all or part of the claim.

22 (b) *By a defending party.* A party against whom relief is sought may
23 move, with or without supporting affidavits or supporting declarations
24 pursuant to K.S.A. 53-601, and amendments thereto, for summary
25 judgment on all or part of the claim.

26 (c) *Time for a motion; response and reply; proceedings.* (1) These
27 times apply unless a different time is set by local rule or the court orders
28 otherwise:

29 (A) A party may move for summary judgment at any time until 30
30 days after the close of all discovery;

31 (B) a party opposing the motion must file a response within 21 days
32 after the motion is served or a responsive pleading is due, whichever is
33 later; and

34 (C) the movant may file a reply within 14 days after the response is
35 served.

36 (2) The judgment sought should be rendered if the pleadings, the
37 discovery and disclosure materials on file, and any affidavits or
38 declarations show that there is no genuine issue as to any material fact and
39 that the movant is entitled to judgment as a matter of law.

40 (d) *Case not fully adjudicated on the motion.* (1) *Establishing facts.* If
41 summary judgment is not rendered on the whole action, the court should,
42 to the extent practicable, determine what material facts are not genuinely
43 at issue. The court should so determine by examining the pleadings and

1 evidence before it and by interrogating the attorneys. It should then issue
2 an order specifying what facts, including items of damages or other relief,
3 are not genuinely at issue. The facts so specified must be treated as
4 established in the action.

5 (2) *Establishing liability.* An interlocutory summary judgment may be
6 rendered on liability alone, even if there is a genuine issue on the amount
7 of damages.

8 (e) *Affidavits or declarations; further testimony.* (1) *In general.* A
9 supporting or opposing affidavit or declaration must be made on personal
10 knowledge, set out facts that would be admissible in evidence and show
11 that the affiant or declarant is competent to testify on the matters stated. If
12 a paper or part of a paper is referred to in an affidavit or declaration, a
13 sworn or certified copy must be attached to or served with the affidavit or
14 declaration. The court may permit an affidavit or declaration to be
15 supplemented or opposed by depositions, answers to interrogatories or
16 additional affidavits or declarations.

17 (2) *Opposing party's obligation to respond.* When a motion for
18 summary judgment is properly made and supported, an opposing party
19 may not rely merely on allegations or denials in its own pleading; rather,
20 its response must, by affidavits or by declarations pursuant to K.S.A. 53-
21 601, and amendments thereto, or as otherwise provided in this section, set
22 out specific facts showing a genuine issue for trial. If the opposing party
23 does not so respond, summary judgment should, if appropriate, be entered
24 against that party.

25 (f) *When affidavits or declarations are unavailable.* If a party
26 opposing the motion shows by affidavit or by declaration pursuant to
27 K.S.A. 53-601, and amendments thereto, that, for specified reasons, it
28 cannot present facts essential to justify its opposition, the court may:

29 (1) Deny the motion;

30 (2) order a continuance to enable affidavits or declarations to be
31 obtained, depositions to be taken or other discovery to be undertaken; or

32 (3) issue any other just order.

33 (g) *Affidavits or declarations submitted in bad faith.* If satisfied that
34 an affidavit or declaration under this section is submitted in bad faith or
35 solely for delay, the court must order the submitting party or attorney to
36 pay the other party the reasonable expenses, including attorney's fees, it
37 incurred as a result. An offending party or attorney may be held in
38 contempt.

39 (h) *Fee for filing a motion for summary judgment.* (1) *On and after*
40 *July 1, 2014, any party filing a motion for summary judgment shall pay a*
41 *fee in the amount of \$195 to the clerk of the district court.*

42 (2) *A poverty affidavit may be filed in lieu of a fee as established in*
43 *K.S.A. 60-2001, and amendments thereto.*

1 (3) *The fee shall be disbursed in accordance with subsection (g) of*
2 *K.S.A. 20-362, and amendments thereto.*

3 (4) *Such fee shall only be established by an act of the legislature and*
4 *no other authority is established by law or otherwise to collect a fee.*

5 (5) *The state of Kansas and all municipalities in this state, as defined*
6 *in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying*
7 *such fee.*

8 (6) *The provisions of this subsection shall not apply to an action*
9 *pursuant to the code of civil procedure for limited actions.*

10 Sec. 27. K.S.A. 60-729 is hereby amended to read as follows: 60-729.

11 (a) Garnishment is a procedure whereby the wages, money or intangible
12 property of a person can be seized or attached pursuant to an order of
13 garnishment issued by the court under the conditions set forth in the order.

14 (b) *On and after July 1, 2014, any party requesting an order of*
15 *garnishment shall pay a fee in the amount of \$7.50 to the clerk of the*
16 *district court.*

17 (c) *A poverty affidavit may be filed in lieu of a fee as established in*
18 *K.S.A. 60-2001, and amendments thereto.*

19 (d) *The fee shall be the only costs assessed in each case for services*
20 *of the clerk of the district court and the sheriff. The fee shall be disbursed*
21 *in accordance with subsection (g) of K.S.A. 20-362, and amendments*
22 *thereto.*

23 (e) *Except as provided further, the fee established in this section shall*
24 *be the only fee collected or moneys in the nature of a fee collected for the*
25 *docket fee. Such fee shall only be established by an act of the legislature*
26 *and no other authority is established by law or otherwise to collect a fee.*
27 *On and after July 1, 2014, through July 1, 2015, the supreme court may*
28 *impose an additional charge, not to exceed \$12.50 per fee, to fund the*
29 *costs of non-judicial personnel.*

30 Sec. 28. K.S.A. 2013 Supp. 60-2001 is hereby amended to read as
31 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
32 case shall be filed or docketed in the district court, whether original or
33 appealed, without payment of a docket fee in the amount of ~~\$156~~ ~~on and~~
34 ~~after July 1, 2009 through June 30, 2013, and \$154~~ \$173 on and after July
35 1, ~~2013~~ 2014, to the clerk of the district court. Except as provided further,
36 the docket fee established in this subsection shall be the only fee collected
37 or moneys in the nature of a fee collected for the docket fee. Such fee shall
38 only be established by an act of the legislature and no other authority is
39 established by law or otherwise to collect a fee. On and after ~~the effective~~
40 ~~date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015,
41 the supreme court may impose an additional charge, not to exceed \$22 per
42 docket fee, to fund the costs of non-judicial personnel.

43 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case

1 where a plaintiff by reason of poverty is unable to pay a docket fee, and an
2 affidavit so stating is filed, no fee will be required. An inmate in the
3 custody of the secretary of corrections may file a poverty affidavit only if
4 the inmate attaches a statement disclosing the average account balance, or
5 the total deposits, whichever is less, in the inmate's trust fund for each
6 month in: (A) The six-month period preceding the filing of the action; or
7 (B) the current period of incarceration, whichever is shorter. Such
8 statement shall be certified by the secretary. On receipt of the affidavit and
9 attached statement, the court shall determine the initial fee to be assessed
10 for filing the action and in no event shall the court require an inmate to pay
11 less than \$3. The secretary of corrections is hereby authorized to disburse
12 money from the inmate's account to pay the costs as determined by the
13 court. If the inmate has a zero balance in such inmate's account, the
14 secretary shall debit such account in the amount of \$3 per filing fee as
15 established by the court until money is credited to the account to pay such
16 docket fee. Any initial filing fees assessed pursuant to this subsection shall
17 not prevent the court, pursuant to subsection (d), from taxing that
18 individual for the remainder of the amount required under subsection (a) or
19 this subsection.

20 (2) *Form of affidavit.* The affidavit provided for in this subsection
21 shall set forth a factual basis upon which the plaintiff alleges by reason of
22 poverty an inability to pay a docket fee, including, but not limited to, the
23 source and amount of the plaintiff's weekly income. Such affidavit shall be
24 signed and sworn to by the plaintiff under oath, before one who has
25 authority to administer the oath, under penalty of perjury, K.S.A. 2013
26 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
27 deemed sufficient if in substantial compliance with the form set forth by
28 the judicial council.

29 (3) *Court review; grounds for dismissal; service of process.* The court
30 shall review any petition authorized for filing under this subsection. Upon
31 such review, if the court finds that the plaintiff's allegation of poverty is
32 untrue, the court shall direct the plaintiff to pay the docket fee or dismiss
33 the petition without prejudice. Notwithstanding K.S.A. 60-301, and
34 amendments thereto, service of process shall not issue unless the court
35 grants leave following its review.

36 (c) *Disposition of fees.* The docket fees and the fees for service of
37 process shall be the only costs assessed in each case for services of the
38 clerk of the district court and the sheriff. For every person to be served by
39 the sheriff, the persons requesting service of process shall provide proper
40 payment to the clerk and the clerk of the district court shall forward the
41 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
42 amendments thereto. The service of process fee, if paid by check or money
43 order, shall be made payable to the sheriff. Such service of process fee

1 shall be submitted by the sheriff at least monthly to the county treasurer
2 for deposit in the county treasury and credited to the county general fund.
3 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
4 amendments thereto.

5 (d) *Additional court costs.* Other fees and expenses to be assessed as
6 additional court costs shall be approved by the court, unless specifically
7 fixed by statute. Other fees shall include, but not be limited to, witness
8 fees, appraiser fees, fees for service of process, fees for depositions,
9 alternative dispute resolution fees, transcripts and publication, attorney
10 fees, court costs from other courts and any other fees and expenses
11 required by statute. All additional court costs shall be taxed and billed
12 against the parties as directed by the court. No sheriff in this state shall
13 charge any mileage for serving any papers or process.

14 Sec. 29. K.S.A. 2013 Supp. 61-2704 is hereby amended to read as
15 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
16 be considered to have been commenced at the time a person files a written
17 statement of the person's small claim with the clerk of the court if, within
18 90 days after the small claim is filed, service of process is obtained or the
19 first publication is made for service by publication. Otherwise, the action
20 is deemed commenced at the time of service of process or first publication.
21 An entry of appearance shall have the same effect as service.

22 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
23 shall require from the plaintiff a docket fee of ~~\$37~~ \$35 on and after July 1,
24 ~~2013~~ 2014, if the claim does not exceed \$500; or ~~\$57~~ \$55 on and after July
25 1, ~~2013~~ 2014, if the claim exceeds \$500; unless for good cause shown the
26 judge waives the fee. The docket fee shall be the only costs required in an
27 action seeking recovery of a small claim. No person may file more than 20
28 small claims under this act in the same court during any calendar year.

29 (c) Except as provided further, the docket fee established in this
30 section shall be the only fee collected or moneys in the nature of a fee
31 collected for the docket fee. Such fee shall only be established by an act of
32 the legislature and no other authority is established by law or otherwise to
33 collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme
34 court may impose an additional charge, not to exceed \$12.50 per docket
35 fee, to fund the costs of non-judicial personnel.

36 Sec. 30. K.S.A. 2013 Supp. 75-5541 is hereby amended to read as
37 follows: 75-5541. (a) Except as otherwise provided by this section, each
38 classified employee, excluding any such employee who is on temporary
39 appointment, ~~and each nonjudicial employee in the unclassified service~~
40 ~~under the Kansas civil service act in a state agency in the judicial branch~~
41 ~~of state government~~, shall receive a bonus as provided by this section,
42 which shall be referred to as a longevity bonus, under the terms and
43 conditions and subject to the limitations prescribed by this section.

1 (b) After June 30, 1989, any such officer or employee who has been
2 employed by any agency, board or department within any branch of state
3 government, whether or not the entire period of service is continuous with
4 the same agency, board or department, shall be eligible to receive a
5 longevity bonus upon completion of 120 months of state service. Length
6 of service and service anniversary dates shall be determined pursuant to
7 rules and regulations adopted by the secretary of administration.

8 (c) The amount of each longevity bonus payment shall be computed
9 by multiplying \$40 by the number of full years of state service, not to
10 exceed 25 years, rendered by such officer or employee as of the service
11 anniversary date within such fiscal year.

12 (d) Each longevity bonus payment shall be included in the employee's
13 regular pay warrant. The amount of the bonus shall be displayed separately
14 on the warrant stub or advice.

15 (e) Longevity bonus payments shall be compensation, within the
16 meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all
17 purposes under the Kansas public employees retirement system and shall
18 be subject to applicable deductions for employee contributions
19 notwithstanding the fact that payments are made annually. Longevity
20 bonus payments shall be in addition to the regular earnings to which an
21 officer or employee may become entitled or for which such employee may
22 become eligible.

23 (f) The purpose of longevity pay is to recognize permanent
24 employees who have provided experience and faithful long-term service to
25 the state of Kansas in order to encourage officers and employees to remain
26 in the service of the state. The provisions of this section shall apply to
27 fiscal years commencing after June 30, 1989. The amendatory language of
28 this section shall be construed to confirm that longevity pay is intended,
29 and has been intended since its enactment, to be a bonus as defined in 29
30 C.F.R. § 778.208.

31 (g) In accordance with the provisions of K.S.A. 75-3706, and
32 amendments thereto, the secretary of administration shall adopt rules and
33 regulations to implement the provisions of this section with respect to
34 officers and employees in the executive branch of state government. ~~The
35 supreme court may adopt policies to implement the provisions of this
36 section with respect to officers and employees who are nonjudicial
37 personnel of state agencies in the judicial branch of state government.~~

38 (h) The provisions of this section shall not apply to any state officer
39 or employee who is employed or re-employed as a state officer or
40 employee on or after June 15, 2008.

41 New Sec. 31. The provisions of this act are not severable. If any
42 provision of this act is stayed or is held to be invalid or unconstitutional, it
43 shall be presumed conclusively that the legislature would not have enacted

1 the remainder of such act without such stayed, invalid or unconstitutional
2 provision.

3 Sec. 32. K.S.A. 20-162, 20-318, 20-319, 20-329, 20-342, 20-343, 20-
4 345, 20-346a, 20-349, 20-361, 20-2909, 20-2911, 20-2914, 20-3011, 25-
5 312a and 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 21-6614d, 22-
6 2410, 28-172a, 38-2312, 38-2312c, 59-104, 60-256, 60-2001, 60-2001b,
7 61-2704 and 75-5541 are hereby repealed.

8 Sec. 33. This act shall take effect and be in force from and after its
9 publication in the statute book.