

HOUSE BILL No. 2208

AN ACT concerning district magistrate judges; relating to the jurisdiction thereof; amending K.S.A. 2000 Supp. 20-302b and repealing the existing section; also repealing K.S.A. 2000 Supp. 20-302d.

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

Section 1. K.S.A. 2000 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) A district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette or tobacco infractions or misdemeanor charges, to conduct the preliminary examination of felony charges and to hear felony arraignments subject to assignment pursuant to K.S.A. 20-329 and amendments thereto. *Except as otherwise provided*, in civil cases, a district magistrate judge shall have *jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 2000 Supp. 61-2801 et seq., and amendments thereto*, and concurrent jurisdiction, powers and duties with a district judge, ~~except that, unless~~. *Except as otherwise specifically provided in subsection (b)*, a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000; *The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 2000 Supp. 61-2801 et seq., and amendments thereto* ~~except that~~. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction; Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established, ~~except that~~. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in ~~article 23 of chapter 61 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental~~ *K.S.A. 2000 Supp. 61-3801 through 61-3808, and amendments thereto*; ~~and~~. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and ~~any acts amendatory thereof or supplemental~~ *amendments thereto*;

(6) actions for divorce, separate maintenance or custody of minor children, ~~except that~~. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) Hear any action pursuant to the Kansas code for care of children or the Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. ~~23-451 et seq., 39-718a, 23-9,101 et seq., 39-718b, 39-755 or 60-1610 or K.S.A. 23-4,105 through 23-4,118, 23-4,125 through 23-4,137, 38-1542, 38-1543 or 38-1563, and amendments thereto~~; or (C) enforce orders granting visitation rights or parenting time;

(7) habeas corpus;

(8) receiverships;

(9) change of name;

(10) declaratory judgments;

(11) mandamus and quo warranto;

(12) injunctions;

(13) class actions;

(14) rights of majority; and

(15) actions pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

(1) Grant a restraining order, as provided in K.S.A. 60-902 and amendments thereto;

(2) appoint a receiver, as provided in K.S.A. 60-1301 and amendments thereto; and

(3) make any order authorized by K.S.A. 60-1607 and amendments thereto.

(c) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge shall be tried and determined *de novo* by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge.

(d) Upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

Sec. 2. K.S.A. 2000 Supp. 20-302b and 20-302d are hereby repealed.

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

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

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.