

## HOUSE BILL No. 2495

By Special Committee on Judiciary

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AN ACT concerning district courts ; amending K.S.A. 4-207, 4-209, 4-210, 4-214, 4-215, 4-218, 4-221, 4-222, 4-226, 4-229, 4-231, 4-232, 20-301b, 20-327, 20-333, 20-336, 20-354 and 20-2908 and K.S.A. 2003 Supp. 20-348 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 20-338.

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

Section 1. K.S.A. 4-207 is hereby amended to read as follows: 4-207. The counties of Miami, Linn and Bourbon shall constitute the sixth judicial district. There shall be three district judges in such district. ~~At least one district judge position shall be in Bourbon county.~~

Sec. 2. K.S.A. 4-209 is hereby amended to read as follows: 4-209. The counties of Geary, Dickinson, Marion and Morris shall constitute the eighth judicial district. There shall be four district judges in such district. ~~The judge holding one of the district judge positions shall be a resident of Dickinson, Marion or Morris county and the judge holding another such position shall be a resident of Geary county. The position of the third district judge shall be in Marion county and the position of the fourth district judge shall be in Geary county.~~

Sec. 3. K.S.A. 4-210 is hereby amended to read as follows: 4-210. The counties of McPherson and Harvey shall constitute the ninth judicial district. There shall be three district judges in such district. ~~At least one district judge position shall be in McPherson county and at least one shall be in Harvey county.~~

Sec. 4. K.S.A. 4-214 is hereby amended to read as follows: 4-214. The counties of Butler, Greenwood and Elk shall constitute the 13th judicial district. There shall be three district judges in such district. ~~The judge holding one of the district judge positions shall be a resident of Greenwood or Elk county and the judge holding another such position shall be a resident of Butler county. The position of the third district judge shall be in Butler county.~~

Sec. 5. K.S.A. 4-215 is hereby amended to read as follows: 4-215. The counties of Montgomery and Chautauqua shall constitute the 14th judicial district. There shall be three district judges in such district. ~~At least two district judge positions shall be in Montgomery county.~~

1 The district judges of the 14th judicial district shall hold court in the  
2 cities of Coffeyville and Independence in Montgomery county and the  
3 city of Sedan in Chautauqua county.

4 Sec. 6. K.S.A. 4-218 is hereby amended to read as follows: 4-218.  
5 The counties of Decatur, Norton, Phillips, Smith, Graham and Osborne  
6 shall constitute the 17th judicial district. There shall be one district judge  
7 of the district court of the district. ~~The district magistrate judge holding~~  
8 ~~office in position one in Graham county in the 15th judicial district, as~~  
9 ~~the district was constituted on the day before the effective date of this~~  
10 ~~act, shall continue to hold office for the term for which elected and shall~~  
11 ~~serve as district magistrate judge of the 17th judicial district for that term~~  
12 ~~and until a successor is appointed or elected and qualified.~~

13 Sec. 7. K.S.A. 4-221 is hereby amended to read as follows: 4-221.  
14 The counties of Stafford, Barton, Russell, Ellsworth and Rice shall con-  
15 stitute the 20th judicial district. There shall be three district judges in  
16 such district. ~~The judge holding one of the district judge positions shall~~  
17 ~~be a resident of Stafford, Russell, Ellsworth or Rice county and the judge~~  
18 ~~holding another such position shall be a resident of Barton county. The~~  
19 ~~position of the third district judge shall be in Barton county.~~

20 Sec. 8. K.S.A. 4-222 is hereby amended to read as follows: 4-222.  
21 The counties of Riley and Clay shall constitute the 21st judicial district.  
22 There shall be three district judges in such district. ~~At least one district~~  
23 ~~judge position shall be in Riley county.~~

24 Sec. 9. K.S.A. 4-226 is hereby amended to read as follows: 4-226.  
25 The counties of Scott, Wichita, Greeley, Hamilton, Kearny and Finney  
26 shall constitute the 25th judicial district. There shall be three district  
27 judges in such district. ~~At least two district judge positions shall be in~~  
28 ~~Finney county.~~

29 Sec. 10. K.S.A. 4-229 is hereby amended to read as follows: 4-229.  
30 The counties of Saline and Ottawa shall constitute the 28th judicial dis-  
31 trict. There shall be four district judges in such district. ~~At least two~~  
32 ~~district judge positions shall be in Saline county.~~

33 Sec. 11. K.S.A. 4-231 is hereby amended to read as follows: 4-231.  
34 The counties of Sumner, Harper, Kingman, Barber and Pratt shall con-  
35 stitute the 30th judicial district. There shall be four district judges in such  
36 district. ~~At least one district judge position shall be in Harper, Kingman,~~  
37 ~~Barber or Pratt county and at least two such positions shall be in Sumner~~  
38 ~~county.~~

39 Sec. 12. K.S.A. 4-232 is hereby amended to read as follows: 4-232.  
40 The counties of Allen, Neosho, Wilson and Woodson shall constitute the  
41 31st judicial district. There shall be three district judges in such district.

42 ~~The district judge holding office in division number two in the fourth~~  
43 ~~judicial district, as that district was constituted on June 30, 1983, and the~~

1 ~~district judge holding office in division number four in the 11th judicial~~  
2 ~~district, as that district was constituted on June 30, 1983, shall continue~~  
3 ~~to hold office for the terms for which appointed and shall serve as district~~  
4 ~~judges of the 31st judicial district for those terms and until successors are~~  
5 ~~appointed and qualified. The associate district judge holding office in~~  
6 ~~position four in the 11th judicial district, as that district was constituted~~  
7 ~~on June 30, 1983, shall continue to hold office for the term for which~~  
8 ~~appointed and shall serve as district judge of the 31st judicial district for~~  
9 ~~that term and until a successor is appointed and qualified. The district~~  
10 ~~magistrate judges holding office in positions one and four in the fourth~~  
11 ~~judicial district, as that district was constituted on June 30, 1983, shall~~  
12 ~~continue to hold office for the terms for which appointed and shall serve~~  
13 ~~as district magistrate judges of the 31st judicial district for those terms~~  
14 ~~and until successors are appointed and qualified.~~

15 The district court of the 31st judicial district shall hold court in the city  
16 of Iola in Allen county, the cities of Chanute and Erie in Neosho county,  
17 the city of Fredonia in Wilson county and the city of Yates Center in  
18 Woodson county.

19 Sec. 13. K.S.A. 20-301b is hereby amended to read as follows: 20-  
20 301b. In each county of this state there shall be at least one judge of the  
21 district court who is ~~a resident of and has the judge's principal office in~~  
22 *assigned to that county by the chief justice of the supreme court. Such*  
23 *judge may be assigned to one or more counties or be appointed to a full-*  
24 *time or part-time position as determined by the chief justice.*

25 Sec. 14. K.S.A. 20-327 is hereby amended to read as follows: 20-327.  
26 All judges of district courts elected under the provisions of this act shall  
27 be elected for terms of four years and until their successors are elected  
28 and qualified *unless otherwise provided pursuant to K.S.A. 20-354, and*  
29 *amendments thereto.*

30 Sec. 15. K.S.A. 20-333 is hereby amended to read as follows: 20-333.  
31 Whenever under the provisions of this act provision is made for the abol-  
32 ishment of the office of district judge *or district magistrate judge* in any  
33 judicial district, and the district judge *or district magistrate judge* holding  
34 any such office shall die, resign or retire during the four ~~(4)~~ years next  
35 preceding the date fixed for the abolishment of such office, such office  
36 shall be and is hereby abolished at the time of such death, resignation or  
37 retirement.

38 Sec. 16. K.S.A. 20-336 is hereby amended to read as follows: 20-336.  
39 In any judicial district which has not approved the proposition of non-  
40 partisan selection of district court judges, election laws applicable to the  
41 election of ~~county officers~~ *district judges* shall govern every election of  
42 district magistrate judges. Each district magistrate judge shall be elected  
43 by the electors of the county *or counties* where the judge's position is

1 located *and assigned by the chief judge of the supreme court.*

2 Sec. 17. K.S.A. 2003 Supp. 20-348 is hereby amended to read as  
3 follows: 20-348. Except for expenses required by law to be paid by the  
4 state, the board of county commissioners of each county have an obliga-  
5 tion to adequately fund the operation of the district court in the county  
6 and shall be responsible for all expenses incurred for the operation of the  
7 district court in the county. *Counties from which district magistrate judge*  
8 *positions have been eliminated pursuant to K.S.A. 20-333 or 20-354, and*  
9 *amendments thereto, shall remain responsible for all expenses incurred as*  
10 *that county's share of the operations of the district court within the ju-*  
11 *dicial district, as determined by the chief judge of the judicial district.*

12 Sec. 18. K.S.A. 20-354 is hereby amended to read as follows: 20-354.

13 ~~(a) If, upon the death, resignation, retirement or removal of a district~~  
14 ~~magistrate judge of a county in which there are two or more district~~  
15 ~~magistrate judge positions or in which there also is at least one district~~  
16 ~~judge position, the supreme court determines that the continuation of~~  
17 ~~the vacant a district magistrate judge position is unnecessary, due to the~~  
18 ~~yearly average caseload of the district magistrate judge being less than~~  
19 ~~1,200 600 cases and the ability of the remaining judges of the district~~  
20 ~~court in the county judicial district to assume the entire judicial workload~~  
21 ~~of the county, the supreme court shall certify the elimination and reas-~~  
22 ~~signment of the district magistrate judge position to the secretary of state.~~  
23 ~~Where the position to be eliminated is in a judicial district in which the~~  
24 ~~proposition of nonpartisan selection of district court judges has been ap-~~  
25 ~~proved, such certification also shall be made to the chairperson of the~~  
26 ~~district judicial nominating commission of the judicial district. The terms~~  
27 ~~of office of district magistrate judges determined to be unnecessary and~~  
28 ~~reassigned for district magistrate judges holding office in January of the~~  
29 ~~year following the determination, shall expire on the last day of the term~~  
30 ~~for which the district magistrate judge is currently holding office. The~~  
31 ~~supreme court shall designate any district magistrate positions to be abol-~~  
32 ~~ished no later than one year prior to the end of the term for which the~~  
33 ~~current district magistrate judge is serving.~~

34 (b) *In counties where district magistrate judge positions are elimi-*  
35 *nated, the chief judge of such judicial district shall assign a district mag-*  
36 *istrate judge from another county in the judicial district to be the district*  
37 *magistrate judge for such county. If a district magistrate judge is assigned*  
38 *to more than one county in a judicial district in which the proposition of*  
39 *nonpartisan selection of district court judges has been approved, the dis-*  
40 *trict magistrate judge shall be subject to retention by the electors of the*  
41 *counties to which such district magistrate judge has been assigned. If a*  
42 *district magistrate judge is assigned to more than one county in a judicial*  
43 *district in which the proposition of nonpartisan selection of district court*

1 *judges has not been approved, the district magistrate judge shall be elected*  
 2 *at the next general election held in November by the electors of the coun-*  
 3 *ties to which such district magistrate judge has been assigned.*

4 (c) *In counties where district magistrate judge positions are elimi-*  
 5 *nated or from which district magistrate judge positions are reassigned,*  
 6 *the county commission may elect to retain the position any pay the salary*  
 7 *of the current district magistrate judge. Counties may elect to pay the*  
 8 *salary of the successor district magistrate judges in accordance with the*  
 9 *provisions of K.S.A. 20-310a, and amendments thereto.*

10 (d) *As used in this section, the yearly average caseload shall not in-*  
 11 *clude those cases which are traffic infractions or violations but shall in-*  
 12 *clude those cases which are filed pursuant to the Kansas code for the care*  
 13 *of children, article 15 of chapter 38 of the Kansas Statutes Annotated, and*  
 14 *amendments thereto; the Kansas juvenile justice code, article 16 of chapter*  
 15 *38 of the Kansas Statutes Annotated, and amendments thereto; and the*  
 16 *probate code, chapter 59 of the Kansas Statutes Annotated, and amend-*  
 17 *ments thereto.*

18 Sec. 19. K.S.A. 20-2908 is hereby amended to read as follows: 20-  
 19 2908. Following the approval of nonpartisan selection of judges of the  
 20 district court in a judicial district as provided in K.S.A. 20-2901 and  
 21 amendments thereto, there shall not be an election or reelection of a  
 22 judge of the district court at any succeeding general election, but any  
 23 judge of the district court in the judicial district whose term of office  
 24 expires on the second Monday in January next following any such suc-  
 25 ceeding general election shall be eligible for retention in office as pro-  
 26 vided in this section. No later than 12:00 noon on the Monday preceding  
 27 the first Tuesday of August preceding the expiration of the judge's term  
 28 of office, the judge may file in the office of the secretary of state a de-  
 29 claration of candidacy for retention in office. Such declaration shall be  
 30 prescribed by the secretary of state. If a declaration is not so filed, the  
 31 position held by the judge shall be vacant upon the expiration of the  
 32 judge's term of office. If a declaration is filed, the judge's name shall be  
 33 submitted at the next general election to the electors of the judicial dis-  
 34 trict, if the judge is a district judge, or to the electors of the county *or*  
 35 *counties*, if the judge is a district magistrate judge *and assigned to such*  
 36 *counties*. The name shall be submitted on a separate judicial ballot, with-  
 37 out party designation, reading substantially as follows:

38 "Shall \_\_\_\_\_  
 39 (Here insert name of judge.)

40 \_\_\_\_\_  
 41 Here insert the title of the court.)  
 42 be retained in office?"  
 43 If a majority of those voting on the question vote against retaining the

1 person in office, the position or office which the person holds shall be  
2 vacant upon the expiration of the person's term of office; otherwise, unless  
3 removed for cause, the person shall remain in office for the regular term  
4 of four years from the second Monday in January following the election.  
5 At the expiration of each term, unless by law the person is compelled to  
6 retire, the person shall be eligible for retention in office by election in  
7 the manner prescribed in this section.

8 Wherever a majority of those voting on the question of retaining any  
9 judge in office vote against retention, the secretary of state, following the  
10 final canvass of votes on the question, shall certify the results to the chief  
11 justice of the supreme court. Any judge who has not been retained in  
12 office pursuant to this section shall not be eligible for nomination or  
13 appointment to the office of judge of the district court in the judicial  
14 district prior to the expiration of four years after the expiration of the  
15 judge's term of office.

16 Election laws applicable to the general elections of other state officers  
17 shall apply to elections upon the question of retention of judges of the  
18 district court pursuant to this section, to the extent that they are consistent  
19 with the provisions of this act.

20 Sec. 20. K.S.A. 4-207, 4-209, 4-210, 4-214, 4-215, 4-218, 4-221, 4-  
21 222, 4-226, 4-229, 4-231, 4-232, 20-301b, 20-327, 20-333, 20-336, 20-354  
22 and 20-2908 and K.S.A. 2003 Supp. 20-338 and 20-348 are hereby re-  
23 pealed.

24 Sec. 21. This act shall take effect and be in force from and after its  
25 publication in the statute book.

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