

HOUSE BILL No. 2307

By Representative Sloan

2-12

AN ACT concerning district magistrate judges; relating to the elimination or reassignment of positions upon vacancy; amending K.S.A. 5-417, 8-259, 8-1020, 16a-6-116, 17-1775, 17-7307, 20-301, 20-327, 20-331, 20-333, 20-336, 20-354, 20-2908, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608, 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2615, 22-2616, 22-2617, 22-3428a, 26-501, 38-1116, 38-1504, 38-1511, 38-1605, 38-1613, 40-218, 43-107, 43-158, 43-162, 43-163, 43-164, 47-421, 50-638, 55-1617, 56-1a502, 56-1a510, 59-2126, 59-2136, 59-2138, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-603, 60-605, 60-606, 60-607, 60-608, 60-611, 60-613, 60-614, 60-4103, 61-2708, 66-118e, 72-6776, 74-711, 75-6907, 77-609 and 77-624 and K.S.A. 2002 Supp. 17-7301, 17-76,121, 17-76,129, 20-329, 20-348, 22-2902, 22-3428, 50-110, 59-2203, 59-2971, 59-29b71, 60-604, 60-609, 60-612, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-3407 and 61-3409 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-3108, 20-3109, 20-3110, 43-112a, and 43-112b and K.S.A. 2002 Supp. 20-338 and 20-3107.

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

Section 1. K.S.A. 5-417 is hereby amended to read as follows: 5-417. An initial application shall be made to the *district court of* for the county in which the agreement provides the arbitration hearing shall be held or, if the hearing has been held, in the county in which it was held. Otherwise the application shall be made in the ~~county~~ *judicial district* where the adverse party resides or has a place of business or, if ~~said~~ *such* party has no residence or place of business in this state, to the court of any ~~county~~ *judicial district*. All subsequent applications shall be made to the court hearing the initial application unless the court otherwise directs.

Sec. 2. K.S.A. 8-259 is hereby amended to read as follows: 8-259. (a) Except in the case of mandatory revocation under K.S.A. 8-254 or 8-286, and amendments thereto, mandatory suspension for an alcohol or drug-related conviction under subsection (b) of K.S.A. 8-1014, and amendments thereto, mandatory suspension under K.S.A. 8-262, and amendments thereto, or mandatory disqualification of the privilege to drive a commercial motor vehicle under subsection (a)(1), (2) or (3) of K.S.A. 8-

1 2,142, and amendments thereto, the cancellation, suspension, revocation,
2 disqualification or denial of a person's driving privileges by the division
3 is subject to review. Such review shall be in accordance with the act for
4 judicial review and civil enforcement of agency actions. In the case of
5 review of an order of suspension under K.S.A. 8-1001 *et seq.*, and amend-
6 ments thereto, or of an order of disqualification under subsection (a)(4)
7 of K.S.A. 8-2,142, and amendments thereto, the petition for review shall
8 be filed within 10 days after the effective date of the order and venue of
9 the action for review is the ~~county~~ *judicial district* where the administra-
10 tive proceeding was held or the ~~county~~ *judicial district* where the person
11 was arrested. In all other cases, the time for filing the petition is as pro-
12 vided by K.S.A. 77-613, and amendments thereto, and venue is the ~~county~~
13 *judicial district* where the licensee resides. The action for review shall be
14 by trial *de novo* to the court. The court shall take testimony, examine the
15 facts of the case and determine whether the petitioner is entitled to driv-
16 ing privileges or whether the petitioner's driving privileges are subject to
17 suspension, cancellation or revocation under the provisions of this act.
18 The court on review shall consider the petitioner's traffic violations record
19 and liability insurance coverage before granting a stay or other temporary
20 remedy pursuant to K.S.A. 77-616, and amendments thereto. If a stay is
21 granted, it shall be considered equivalent to any license surrendered. If
22 a stay is not granted, trial shall be set upon 20 days' notice to the legal
23 services bureau of the department of revenue. No stay shall be issued if
24 a person's driving privileges are canceled pursuant to K.S.A. 8-250, and
25 amendments thereto.

26 (b) The clerk of any court to which an appeal has been taken under
27 this section, within 10 days after the final disposition of such appeal, shall
28 forward a notification of the final disposition to the division.

29 Sec. 3. K.S.A. 8-1020 is hereby amended to read as follows: 8-1020.

30 (a) Any licensee served with an officer's certification and notice of sus-
31 pension pursuant to K.S.A. 8-1002, and amendments thereto, may re-
32 quest an administrative hearing. Such request may be made either by:

33 (1) Mailing a written request which is postmarked 10 calendar days
34 after service of notice, if such notice was given by personal service;

35 (2) mailing a written request which is postmarked 13 calendar days
36 after service of notice, if such notice was given by mail;

37 (3) transmitting a written request by electronic facsimile which is re-
38 ceived by the division within 10 calendar days after service of notice, if
39 such notice was given by personal service; or

40 (4) transmitting a written request by electronic facsimile which is re-
41 ceived by the division within 13 calendar days after service, if such notice
42 was given by mail.

43 (b) If the licensee makes a timely request for an administrative hear-

1 ing, any temporary license issued pursuant to K.S.A. 8-1002, and amend-
2 ments thereto, shall remain in effect until the 30th calendar day after the
3 effective date of the decision made by the division.

4 (c) If the licensee fails to make a timely request for an administrative
5 hearing, the licensee's driving privileges shall be suspended or suspended
6 and then restricted in accordance with the notice of suspension served
7 pursuant to K.S.A. 8-1002, and amendments thereto.

8 (d) Upon receipt of a timely request for a hearing, the division shall
9 forthwith set the matter for hearing before a representative of the director
10 and provide notice of the extension of temporary driving privileges. Ex-
11 cept for a hearing conducted by telephone or video conference call, the
12 hearing shall be conducted in the county where the arrest occurred or a
13 county adjacent thereto. If the licensee requests, the hearing may be
14 conducted by telephone or video conference call.

15 (e) Except as provided in subsection (f), prehearing discovery shall
16 be limited to the following documents, which shall be provided to the
17 licensee or the licensee's attorney no later than five calendar days prior
18 to the date of hearing:

19 (1) The officer's certification and notice of suspension;

20 (2) in the case of a breath or blood test failure, copies of documents
21 indicating the result of any evidentiary breath or blood test administered
22 at the request of a law enforcement officer;

23 (3) in the case of a breath test failure, a copy of the affidavit showing
24 certification of the officer and the instrument; and

25 (4) in the case of a breath test failure, a copy of the Kansas depart-
26 ment of health and environment testing protocol checklist.

27 (f) At or prior to the time the notice of hearing is sent, the division
28 shall issue an order allowing the licensee or the licensee's attorney to
29 review any video or audio tape record made of the events upon which
30 the administrative action is based. Such review shall take place at a rea-
31 sonable time designated by the law enforcement agency and shall be
32 made at the location where the video or audio tape is kept. The licensee
33 may obtain a copy of any such video or audio tape upon request and upon
34 payment of a reasonable fee to the law enforcement agency, not to exceed
35 \$25 per tape.

36 (g) Witnesses at the hearing shall be limited to the licensee, to any
37 law enforcement officer who signed the certification form and to one
38 other witness who was present at the time of the issuance of the certifi-
39 cation and called by the licensee. The presence of the certifying officer
40 or officers shall not be required, unless requested by the licensee at the
41 time of making the request for the hearing. The examination of a law
42 enforcement officer shall be restricted to the factual circumstances relied
43 upon in the officer's certification.

1 (h) (1) If the officer certifies that the person refused the test, the
2 scope of the hearing shall be limited to whether:

3 (A) A law enforcement officer had reasonable grounds to believe the
4 person was operating or attempting to operate a vehicle while under the
5 influence of alcohol or drugs, or both, or had been driving a commercial
6 motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto,
7 while having alcohol or other drugs in such person's system;

8 (B) the person was in custody or arrested for an alcohol or drug re-
9 lated offense or was involved in a vehicle accident or collision resulting
10 in property damage, personal injury or death;

11 (C) a law enforcement officer had presented the person with the oral
12 and written notice required by K.S.A. 8-1001, and amendments thereto;
13 and

14 (D) the person refused to submit to and complete a test as requested
15 by a law enforcement officer.

16 (2) If the officer certifies that the person failed a breath test, the
17 scope of the hearing shall be limited to whether:

18 (A) A law enforcement officer had reasonable grounds to believe the
19 person was operating a vehicle while under the influence of alcohol or
20 drugs, or both, or had been driving a commercial motor vehicle, as de-
21 fined in K.S.A. 8-2,128, and amendments thereto, while having alcohol
22 or other drugs in such person's system;

23 (B) the person was in custody or arrested for an alcohol or drug re-
24 lated offense or was involved in a vehicle accident or collision resulting
25 in property damage, personal injury or death;

26 (C) a law enforcement officer had presented the person with the oral
27 and written notice required by K.S.A. 8-1001, and amendments thereto;

28 (D) the testing equipment used was certified by the Kansas depart-
29 ment of health and environment;

30 (E) the person who operated the testing equipment was certified by
31 the Kansas department of health and environment;

32 (F) the testing procedures used substantially complied with the pro-
33 cedures set out by the Kansas department of health and environment;

34 (G) the test result determined that the person had an alcohol con-
35 centration of .08 or greater in such person's breath; and

36 (H) the person was operating or attempting to operate a vehicle.

37 (3) If the officer certifies that the person failed a blood test, the scope
38 of the hearing shall be limited to whether:

39 (A) A law enforcement officer had reasonable grounds to believe the
40 person was operating a vehicle while under the influence of alcohol or
41 drugs, or both, or had been driving a commercial motor vehicle, as de-
42 fined in K.S.A. 8-2,128, and amendments thereto, while having alcohol
43 or other drugs in such person's system;

1 (B) the person was in custody or arrested for an alcohol or drug re-
2 lated offense or was involved in a vehicle accident or collision resulting
3 in property damage, personal injury or death;

4 (C) a law enforcement officer had presented the person with the oral
5 and written notice required by K.S.A. 8-1001, and amendments thereto;

6 (D) the testing equipment used was reliable;

7 (E) the person who operated the testing equipment was qualified;

8 (F) the testing procedures used were reliable;

9 (G) the test result determined that the person had an alcohol con-
10 centration of .08 or greater in such person's blood; and

11 (H) the person was operating or attempting to operate a vehicle.

12 (i) At a hearing pursuant to this section, or upon court review of an
13 order entered at such a hearing, an affidavit of the custodian of records
14 at the Kansas department of health and environment stating that the
15 breath testing device was certified and the operator of such device was
16 certified on the date of the test shall be admissible into evidence in the
17 same manner and with the same force and effect as if the certifying officer
18 or employee of the Kansas department of health and environment had
19 testified in person. A certified operator of a breath testing device shall be
20 competent to testify regarding the proper procedures to be used in con-
21 ducting the test.

22 (j) At a hearing pursuant to this section, or upon court review of an
23 order entered at such a hearing, in which the report of blood test results
24 have been prepared by the Kansas bureau of investigation or other fo-
25 rensic laboratory of a state or local law enforcement agency are to be
26 introduced as evidence, the report, or a copy of the report, of the findings
27 of the forensic examiner shall be admissible into evidence in the same
28 manner and with the same force and effect as if the forensic examiner
29 who performed such examination, analysis, comparison or identification
30 and prepared the report thereon had testified in person.

31 (k) At the hearing, the licensee has the burden of proof by a prepon-
32 derance of the evidence to show that the facts set out in the officer's
33 certification are false or insufficient and that the order suspending or
34 suspending and restricting the licensee's driving privileges should be
35 dismissed.

36 (l) Evidence at the hearing shall be limited to the following:

37 (1) The documents set out in subsection (e);

38 (2) the testimony of the licensee;

39 (3) the testimony of any certifying officer;

40 (4) the testimony of any witness present at the time of the issuance
41 of the certification and called by the licensee;

42 (5) any affidavits submitted from other witnesses;

43 (6) any documents submitted by the licensee to show the existence

1 of a medical condition, as described in K.S.A. 8-1001, and amendments
2 thereto; and

3 (7) any video or audio tape record of the events upon which the ad-
4 ministrative action is based.

5 (m) After the hearing, the representative of the director shall enter
6 an order affirming the order of suspension or suspension and restriction
7 of driving privileges or for good cause appearing therefor, dismiss the
8 administrative action. If the representative of the director enters an order
9 affirming the order of suspension or suspension and restriction of driving
10 privileges, the suspension or suspension and restriction shall begin on the
11 30th day after the effective date of the order of suspension or suspension
12 and restriction. If the person whose privileges are suspended is a non-
13 resident licensee, the license of the person shall be forwarded to the
14 appropriate licensing authority in the person's state of residence if the
15 result at the hearing is adverse to such person or if no timely request for
16 a hearing is received.

17 (n) The representative of the director may issue an order at the close
18 of the hearing or may take the matter under advisement and issue a
19 hearing order at a later date. If the order is made at the close of the
20 hearing, the licensee or the licensee's attorney shall be served with a copy
21 of the order by the representative of the director. If the matter is taken
22 under advisement or if the hearing was by telephone or video conference
23 call, the licensee and any attorney who appeared at the administrative
24 hearing upon behalf of the licensee each shall be served with a copy of
25 the hearing order by mail. Any law enforcement officer who appeared at
26 the hearing also may be mailed a copy of the hearing order. The effective
27 date of the hearing order shall be the date upon which the hearing order
28 is served, whether served in person or by mail.

29 (o) The licensee may file a petition for review of the hearing order
30 pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition
31 for review, the licensee shall serve the secretary of revenue with a copy
32 of the petition and summons. Upon receipt of a copy of the petition for
33 review by the secretary, the temporary license issued pursuant to subsec-
34 tion (b) shall be extended until the decision on the petition for review is
35 final.

36 (p) Such review shall be in accordance with this section and the act
37 for judicial review and civil enforcement of agency actions. To the extent
38 that this section and any other provision of law conflicts, this section shall
39 prevail. The petition for review shall be filed within 10 days after the
40 effective date of the order. Venue of the action for review is the ~~county~~
41 *judicial district* where the person was arrested or the accident occurred,
42 or, if the hearing was not conducted by telephone conference call, the
43 ~~county~~ *judicial district* where the administrative proceeding was held.

1 The action for review shall be by trial de novo to the court and the evi-
2 dentiary restrictions of subsection (l) shall not apply to the trial de novo.
3 The court shall take testimony, examine the facts of the case and deter-
4 mine whether the petitioner is entitled to driving privileges or whether
5 the petitioner's driving privileges are subject to suspension or suspension
6 and restriction under the provisions of this act. If the court finds that the
7 grounds for action by the agency have been met, the court shall affirm
8 the agency action.

9 (q) Upon review, the licensee shall have the burden to show that the
10 decision of the agency should be set aside.

11 (r) Notwithstanding the requirement to issue a temporary license in
12 K.S.A. 8-1002, and amendments thereto, and the requirements to extend
13 the temporary license in this section, any such temporary driving privi-
14 leges are subject to restriction, suspension, revocation or cancellation as
15 provided in K.S.A. 8-1014, and amendments thereto, or for other cause.

16 (s) Upon motion by a party, or on the court's own motion, the court
17 may enter an order restricting the driving privileges allowed by the tem-
18 porary license provided for in K.S.A. 8-1002, and amendments thereto,
19 and in this section. The temporary license also shall be subject to restric-
20 tion, suspension, revocation or cancellation, as set out in K.S.A. 8-1014,
21 and amendments thereto, or for other cause.

22 (t) The facts found by the hearing officer or by the district court upon
23 a petition for review shall be independent of the determination of the
24 same or similar facts in the adjudication of any criminal charges arising
25 out of the same occurrence. The disposition of those criminal charges
26 shall not affect the suspension or suspension and restriction to be imposed
27 under this section.

28 (u) All notices affirming or canceling a suspension under this section,
29 all notices of a hearing held under this section and all issuances of tem-
30 porary driving privileges pursuant to this section shall be sent by first-
31 class mail and a United States post office certificate of mailing shall be
32 obtained therefor. All notices so mailed shall be deemed received three
33 days after mailing, except that this provision shall not apply to any licensee
34 where such application would result in a manifest injustice.

35 (v) The provisions of K.S.A. 60-206, and amendments thereto, re-
36 garding the computation of time shall not be applicable in determining
37 the time for requesting an administrative hearing as set out in subsection
38 (a) but shall apply to the time for filing a petition for review pursuant to
39 subsection (o) and K.S.A. 8-259, and amendments thereto. "Calendar
40 day" shall mean that every day shall be included in computations of time
41 whether a weekday, Saturday, Sunday or holiday.

42 Sec. 4. K.S.A. 16a-6-116 is hereby amended to read as follows: 16a-
43 6-116. The administrator may bring actions or proceedings in a court in

1 a ~~county~~ *judicial district* in which an act on which the action or proceeding
2 is based occurred or in a ~~county~~ *judicial district* in which respondent
3 resides or transacts business.

4 Sec. 5. K.S.A. 17-1775 is hereby amended to read as follows: 17-
5 1775. (a) Every action pursuant to this act shall be brought in the district
6 court of any ~~county~~ *judicial district* in which there occurred an act or
7 practice declared to be a violation of this act, or in which the defendant
8 resides or has such defendant's principal place of business. If the de-
9 fendant is a nonresident and has no principal place of business within this
10 state, then the nonresident defendant can be sued either in the district
11 court of Shawnee county or in the district court of any ~~county~~ *judicial*
12 *district* in which there occurred an act or practice declared to be a vio-
13 lation of this act.

14 (b) This section shall be part of and supplemental to the charitable
15 organizations and solicitations act.

16 Sec. 6. K.S.A. 17-7307 is hereby amended to read as follows: 17-
17 7307. (a) A foreign corporation which is required to comply with the
18 provisions of K.S.A. 17-7301 and 17-7302, *and amendments thereto*, and
19 which has done business in this state without authority shall not maintain
20 any action or special proceeding in this state, unless and until such cor-
21 poration has been authorized to do business in this state and has paid to
22 the state all taxes, fees and penalties which would have been due for the
23 years or parts thereof during which it did business in this state without
24 authority. This prohibition shall not apply to any successor in interest of
25 any such foreign corporation.

26 (b) The failure of a foreign corporation to obtain authority to do busi-
27 ness in this state shall not impair the validity of any contract or act of the
28 foreign corporation or the right of any other party to the contract to
29 maintain any action or special proceeding thereon, and shall not prevent
30 the foreign corporation from defending any action or special proceeding
31 in this state.

32 (c) Any person having a cause of action against any foreign corpora-
33 tion, whether or not such corporation is qualified to do business in this
34 state, which cause of action arose in Kansas out of such corporation doing
35 business in Kansas, or arose while such corporation was doing business
36 in Kansas, may file suit against the corporation in the proper court of a
37 ~~county~~ *judicial district* in which there is proper venue. Service of process
38 in any action shall be made in the manner prescribed by K.S.A. 60-304,
39 *and amendments thereto*.

40 Sec. 7. K.S.A. 20-301 is hereby amended to read as follows: 20-301.
41 There shall be in each ~~county~~ *judicial district* a district court, which shall
42 be a court of record, and shall have ~~general original jurisdiction of all~~
43 ~~matters, both civil and criminal, unless otherwise provided by law, juris-~~

1 *diction as determined by the supreme court or otherwise prescribed by*
2 *law and also shall have such appellate jurisdiction as prescribed by law.*

3 Sec. 8. K.S.A. 20-327 is hereby amended to read as follows: 20-327.
4 All judges of district courts elected under the provisions of this act shall
5 be elected for terms of four years and until their successors are elected
6 and qualified *unless otherwise provided pursuant to K.S.A. 20-354, and*
7 *amendments thereto.*

8 Sec. 9. K.S.A. 20-331 is hereby amended to read as follows: 20-331.
9 ~~(a) Except as provided in subsection (b),~~ Any person who has the quali-
10 fications prescribed for a district judge by K.S.A. 20-334 shall be eligible
11 for nomination, election or appointment to the office of judge of the
12 district court in any judicial district. If such person is not a resident of
13 the judicial district at the time of nomination, election or appointment,
14 such person shall establish residency in the judicial district before taking
15 the oath of office and shall maintain residency while holding office.

16 ~~(b) No person shall be eligible for nomination, election or appoint-~~
17 ~~ment to the office of judge of the district court in any county of any~~
18 ~~judicial district for which there has been established residence require-~~
19 ~~ments for the holding of such office if such person is not a resident of~~
20 ~~the county at the time of nomination, election or appointment.~~

21 Sec. 10. K.S.A. 20-333 is hereby amended to read as follows: 20-333.
22 Whenever under the provisions of this act provision is made for the abol-
23 ishment of the office of district judge *or district magistrate judge* in any
24 judicial district, and the district judge *or district magistrate judge* holding
25 any such office shall die, resign or retire during the four ~~(4)~~ years next
26 preceding the date fixed for the abolishment of such office, such office
27 shall be and is hereby abolished at the time of such death, resignation or
28 retirement.

29 Sec. 11. K.S.A. 20-336 is hereby amended to read as follows: 20-336.
30 In any judicial district which has not approved the proposition of non-
31 partisan selection of district court judges, election laws applicable to the
32 election of ~~county officers~~ *district judges* shall govern every election of
33 district magistrate judges. Each district magistrate judge shall be elected
34 by the electors of the ~~county~~ *judicial district* where the judge's position
35 is located.

36 Sec. 12. K.S.A. 20-354 is hereby amended to read as follows: 20-
37 354. ~~(a) If, upon the death, resignation, retirement or removal of a dis-~~
38 ~~trict magistrate judge of a county in which there are two or more district~~
39 ~~magistrate judge positions or in which there also is at least one district~~
40 ~~judge position,~~ the supreme court determines that the continuation of
41 ~~the vacant~~ *a district magistrate judge position is unnecessary, due to the*
42 *ability of the remaining judges of the district court in the county judicial*
43 *district to assume the entire judicial workload of the county, judicial dis-*

1 *trict, the supreme court shall certify the elimination or reassignment of*
 2 *the district magistrate judge position to the secretary of state. Where the*
 3 *position to be eliminated is in a judicial district in which the proposition*
 4 *of nonpartisan selection of district court judges has been approved, such*
 5 *certification also shall be made to the chairperson of the district judicial*
 6 *nominating commission of the judicial district. The terms of office of dis-*
 7 *trict magistrate judges determined to be unnecessary or reassigned for*
 8 *district magistrate judges holding office in January of the year following*
 9 *the determination, shall expire on the last day of the term for which the*
 10 *district magistrate judge is currently holding office. The supreme court*
 11 *must designate any district magistrate positions to be abolished no later*
 12 *than one year prior to the end of the term for which the current district*
 13 *magistrate judge is serving.*

14 *(b) In counties where district magistrate judge positions are elimi-*
 15 *nated or from which district magistrate judge positions are reassigned,*
 16 *the county commission may elect to retain the position and pay the salary*
 17 *of the current district magistrate judge. Counties may elect to pay the*
 18 *salary of the successor district magistrate judges in accordance with the*
 19 *provisions of K.S.A. 20-310a, and amendments thereto.*

20 Sec. 13. K.S.A. 20-2908 is hereby amended to read as follows: 20-
 21 2908. Following the approval of nonpartisan selection of judges of the
 22 district court in a judicial district as provided in K.S.A. 20-2901 and
 23 amendments thereto, there shall not be an election or reelection of a
 24 judge of the district court at any succeeding general election, but any
 25 judge of the district court in the judicial district whose term of office
 26 expires on the second Monday in January next following any such suc-
 27 ceeding general election shall be eligible for retention in office as pro-
 28 vided in this section. No later than 12:00 noon on the Monday preceding
 29 the first Tuesday of August preceding the expiration of the judge's term
 30 of office, the judge may file in the office of the secretary of state a dec-
 31 laration of candidacy for retention in office. Such declaration shall be
 32 prescribed by the secretary of state. If a declaration is not so filed, the
 33 position held by the judge shall be vacant upon the expiration of the
 34 judge's term of office. If a declaration is filed, the judge's name shall be
 35 submitted at the next general election to the electors of the judicial dis-
 36 trict, if the judge is a district judge, or to the electors of the county, if the
 37 judge is a district magistrate judge. The name shall be submitted on a
 38 separate judicial ballot, without party designation, reading substantially as
 39 follows:

40 "Shall _____

41 (Here insert name of judge.)

42 _____
 43 (Here insert the title of the court.)

1 be retained in office?"

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

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

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

22 Sec. 14. K.S.A. 22-2602 is hereby amended to read as follows: 22-
23 2602. Except as otherwise provided by law, the prosecution shall be in
24 the ~~county~~ *judicial district* where the crime was committed.

25 Sec. 15. K.S.A. 22-2603 is hereby amended to read as follows: 22-
26 2603. Where two or more acts are requisite to the commission of any
27 crime and such acts occur in different counties the prosecution may be
28 in any ~~county~~ *judicial district* in which any of such acts occur.

29 Sec. 16. K.S.A. 22-2604 is hereby amended to read as follows: 22-
30 2604. Where a crime is committed on or so near the boundary of two or
31 more counties that it cannot be readily determined in which county the
32 crime was committed, the prosecution may be in any ~~of such counties~~
33 *judicial district*.

34 Sec. 17. K.S.A. 22-2605 is hereby amended to read as follows: 22-
35 2605. Where any part of a river, water course, body of water or reservoir
36 constitutes the boundary line between two (~~2~~) or more counties, the
37 venue is in any ~~of such counties~~ *judicial district* for prosecution of crimes
38 committed over the whole extent of such part of the river, water course,
39 body of water or reservoir, or any island therein.

40 Sec. 18. K.S.A. 22-2606 is hereby amended to read as follows: 22-
41 2606. The venue of prosecutions for crimes committed on any river, body
42 of water or reservoir constituting the boundary line of this state is in any
43 ~~county~~ *judicial district* on the same river, body of water or reservoir.

1 Sec. 19. K.S.A. 22-2607 is hereby amended to read as follows: 22-
2 2607. (1) A person who intentionally aids, abets, advises, counsels or pro-
3 cures another to commit a crime may be prosecuted in any ~~county~~ *judicial*
4 *district* where any of such acts were performed or in the ~~county~~ *judicial*
5 *district* where the principal crime was committed.

6 (2) A person who knowingly harbors, conceals or aids another person
7 who has committed or has been charged with a crime with intent that
8 such other person shall avoid or escape from arrest, trial, conviction or
9 punishment for such crime, may be prosecuted in any ~~county~~ *judicial*
10 *district* where any of such acts were performed or in the ~~county~~ *judicial*
11 *district* where the principal crime was committed.

12 Sec. 20. K.S.A. 22-2608 is hereby amended to read as follows: 22-
13 2608. If a crime is committed in, on or against any vehicle or means of
14 conveyance passing through or above this state, and it cannot readily be
15 determined in which county the crime was committed, the prosecution
16 may be in any ~~county~~ *judicial district* in this state through or above which
17 such vehicle or means of conveyance has passed or in which such travel
18 commenced or terminated.

19 Sec. 21. K.S.A. 22-2609 is hereby amended to read as follows: 22-
20 2609. When property taken in one county by theft or robbery has been
21 brought into another county, the venue is in ~~either~~ *any county within the*
22 *judicial district*.

23 Sec. 22. K.S.A. 22-2610 is hereby amended to read as follows: 22-
24 2610. When property taken in another state by theft or robbery shall have
25 been brought into this state, the venue is in any ~~county~~ *judicial district*
26 into or through which such property shall have been brought.

27 Sec. 23. K.S.A. 22-2611 is hereby amended to read as follows: 22-
28 2611. If the cause of death is inflicted in one county and the death ensues
29 in another county, the prosecution may be in ~~either~~ *any* of such counties
30 *within the judicial district*. Death shall be presumed to have occurred in
31 the county where the body of the victim is found.

32 Sec. 24. K.S.A. 22-2612 is hereby amended to read as follows: 22-
33 2612. If a crime commenced outside this state is consummated within
34 this state, or if a person outside this state commits or consummates a
35 crime by an agent or means within this state, the prosecution shall be in
36 the ~~county~~ *judicial district* where the crime was consummated.

37 Sec. 25. K.S.A. 22-2613 is hereby amended to read as follows: 22-
38 2613. A person charged with the crime of bigamy may be prosecuted in
39 the ~~county~~ *judicial district* where the bigamous marriage ceremony was
40 performed or in any ~~county~~ *judicial district* in which bigamous cohabi-
41 tation has occurred pursuant to such bigamous marriage.

42 Sec. 26. K.S.A. 22-2614 is hereby amended to read as follows: 22-
43 2614. A person charged with the crime of kidnapping may be prosecuted

1 in any ~~county~~ *judicial district* in which the victim has been transported
2 or confined during the course of the crime.

3 Sec. 27. K.S.A. 22-2615 is hereby amended to read as follows: 22-
4 2615. A person who has been released from custody upon an appearance
5 bond given in one ~~county~~ *judicial district* for appearance in another
6 ~~county~~ *judicial district*, and who fails to appear, as provided in K.S.A. 21-
7 3813 and 21-3814, *and amendments thereto*, may be prosecuted for such
8 failure to appear either in the ~~county~~ *judicial district* where the appear-
9 ance bond was given or the ~~county~~ *judicial district* where the defendant
10 was bound to appear.

11 Sec. 28. K.S.A. 22-2616 is hereby amended to read as follows: 22-
12 2616. (1) In any prosecution, the court upon motion of the defendant
13 shall order that the case be transferred ~~as to him~~ to another county or
14 district if the court is satisfied that there exists in the county *or judicial*
15 *district* where the prosecution is pending so great a prejudice against the
16 defendant that ~~he~~ *the defendant* cannot obtain a fair and impartial trial
17 ~~in that county~~.

18 (2) When a case is ordered transferred to another county or district
19 the court shall certify the order of transfer to the departmental justice
20 who shall designate another county or district to which the proceeding
21 shall be transferred.

22 (3) When a transfer is ordered the clerk of the court where the case
23 is pending shall transmit to the clerk of the court to which the case is
24 transferred all papers in the case or duplicates thereof and any appearance
25 bond taken, and the prosecution shall continue in the court to which the
26 transfer is ordered.

27 (4) When any case is transferred to another county under this section
28 the responsibility for prosecution of the case shall remain with the original
29 prosecuting attorney, or ~~his~~ successor.

30 (5) When any case is transferred to another county *or judicial district*
31 under this section all taxable costs in such case shall be taxed to the county
32 in which the case originated and such county shall be liable for the pay-
33 ment thereof.

34 ~~The provisions of this section shall apply only to the prosecution of~~
35 ~~trials and shall not be applicable to preliminary proceedings.~~

36 Sec. 29. K.S.A. 22-2617 is hereby amended to read as follows: 22-
37 2617. When a change of venue has been granted and the new place of
38 trial has been designated, the clerk of the court of the county where the
39 case originated shall give notice in writing to the defendant and all persons
40 under bond to appear in the case of the time, date and place for appear-
41 ance in the county *or judicial district* to which the case has been trans-
42 ferred. If the defendant is in custody, the court may order ~~him~~ *the de-*
43 *fendant* confined in the county to which the cause is transferred.

1 Sec. 30. K.S.A. 22-3428a is hereby amended to read as follows: 22-
2 3428a. (1) Any person found not guilty, pursuant to K.S.A. 22-3220 and
3 22-3221, *and amendments thereto*, who remains in the state security hos-
4 pital or a state hospital for over one year pursuant to a commitment under
5 K.S.A. 22-3428 and amendments thereto shall be entitled annually to
6 request a hearing to determine whether or not the person continues to
7 be a mentally ill person. The request shall be made in writing to the
8 district court or *judicial district* of the county where the person is hos-
9 pitalized and shall be signed by the committed person or the person's
10 counsel. When the request is filed, the court shall give notice of the
11 request to: (a) The county or district attorney of the ~~county~~ *judicial dis-*
12 *trict* in which the person was originally ordered committed, and (b) the
13 chief medical officer of the state security hospital or state hospital where
14 the person is committed. The chief medical officer receiving the notice,
15 or the officer's designee, shall conduct a mental examination of the person
16 and shall send to the district court of the county where the person is
17 hospitalized and to the county or district attorney of the county in which
18 the person was originally ordered committed a report of the examination
19 within 20 days from the date when notice from the court was received.
20 Within 10 days after receiving the report of the examination, the county
21 or district attorney receiving it may file a motion with the district court
22 that gave the notice, requesting the court to change the venue of the
23 hearing to the district court of the ~~county~~ *judicial district* in which the
24 person was originally committed, or the court that gave the notice on its
25 own motion may change the venue of the hearing to the district court of
26 the ~~county~~ *judicial district* in which the person was originally committed.
27 Upon receipt of that motion and the report of the mental examination or
28 upon the court's own motion, the court shall transfer the hearing to the
29 district court specified in the motion and send a copy of the court's re-
30 cords of the proceedings to that court.

31 (2) After the time in which a change of venue may be requested has
32 elapsed, the court having venue shall set a date for the hearing, giving
33 notice thereof to the county or district attorney of the county, the com-
34 mitted person and the person's counsel. If there is no counsel of record,
35 the court shall appoint a counsel for the committed person. The com-
36 mitted person shall have the right to procure, at the person's own expense,
37 a mental examination by a physician or licensed psychologist of the per-
38 son's own choosing. If a committed person is financially unable to procure
39 such an examination, the aid to indigent defendants provisions of article
40 45 of chapter 22 of the Kansas Statutes Annotated shall be applicable to
41 that person. A committed person requesting a mental examination pur-
42 suant to K.S.A. 22-4508 and amendments thereto may request a physician
43 or licensed psychologist of the person's own choosing and the court shall

1 request the physician or licensed psychologist to provide an estimate of
2 the cost of the examination. If the physician or licensed psychologist
3 agrees to accept compensation in an amount in accordance with the com-
4 pensation standards set by the board of supervisors of panels to aid in-
5 digent defendants, the judge shall appoint the requested physician or
6 licensed psychologist; otherwise, the court shall designate a physician or
7 licensed psychologist to conduct the examination. Copies of each mental
8 examination of the committed person shall be filed with the court at least
9 five days prior to the hearing and shall be supplied to the county or district
10 attorney receiving notice pursuant to this section and the committed per-
11 son's counsel.

12 (3) At the hearing the committed person shall have the right to pres-
13 ent evidence and cross-examine the witnesses. The court shall receive all
14 relevant evidence, including the written findings and recommendations
15 of the chief medical officer of the state security hospital or state hospital
16 where the person is under commitment, and shall determine whether the
17 committed person continues to be a mentally ill person. At the hearing
18 the court may make any order that a court is empowered to make pur-
19 suant to subsections (3), (4) and (5) of K.S.A. 22-3428 and amendments
20 thereto. If the court finds by clear and convincing evidence the committed
21 person is not a mentally ill person, the court shall order the person dis-
22 charged; otherwise, the person shall remain committed or be condition-
23 ally released.

24 (4) Costs of a hearing held pursuant to this section shall be assessed
25 against and paid by the county in which the person was originally ordered
26 committed.

27 Sec. 31. K.S.A. 26-501 is hereby amended to read as follows: 26-501.

28 (a) The procedure for exercising eminent domain as set forth in K.S.A.
29 26-501 to 26-516, inclusive, *and amendments thereto*, shall be followed
30 in all proceedings.

31 (b) The proceedings shall be brought by filing a verified petition in
32 the district court of the ~~county~~ *judicial district* in which the real estate is
33 situated, except if it be an entire tract situated in two ~~(2)~~ or more counties,
34 the proceedings may be brought in any county in which any tract or parts
35 thereof is situated.

36 Sec. 32. K.S.A. 38-1116 is hereby amended to read as follows: 38-
37 1116. (a) The district court has jurisdiction of an action brought under
38 the Kansas parentage act. The action may be joined with an action for
39 divorce, annulment, separate maintenance, support or adoption.

40 (b) If any determination is sought in any action under the Kansas
41 parentage act for custody, residency or parenting time, the initial pleading
42 seeking that determination shall include that information required by
43 K.S.A. 38-1356, and amendments thereto;

1 (c) The action may be brought in the ~~county~~ *judicial district* in which
2 the child, the mother or the presumed or alleged father resides or is
3 found. If a parent or an alleged or presumed parent is deceased, an action
4 may be brought in the ~~county~~ *judicial district* in which proceedings for
5 probate of the estate of the parent or alleged or presumed parent have
6 been or could be commenced.

7 Sec. 33. K.S.A. 38-1504 is hereby amended to read as follows: 38-
8 1504. (a) Venue of any case involving a child in need of care shall be in
9 the ~~county~~ *judicial district* of the child's residence or in the county where
10 the child may be found.

11 (b) Upon application of the petitioner, or any person authorized to
12 appeal any final order in any proceedings pursuant to this code and after
13 notice to all other interested parties, the court in which original proceed-
14 ings are pending alleging that a child is a child in need of care may order
15 the proceedings transferred to the court of the county *or judicial district*
16 where the child is physically present, where the parent or parents reside
17 or where other proceedings are pending in this state concerning custody
18 of the same child or children. The judge of the court in which the case
19 is pending shall consult with the judge of the court to which the case is
20 to be transferred prior to transfer of the case. If the judges do not agree
21 that the case should be transferred or if a hearing is requested, a hearing
22 shall be held on the desirability of the transfer, with notice to interested
23 parties, the state department of social and rehabilitation services and the
24 proposed receiving court. If the judge of the transferring court orders the
25 case to be transferred, the order of transfer shall include findings stating
26 why the case is being transferred and, if available, the names and ad-
27 dresses of all interested parties upon whom the receiving court should
28 serve notice of any further proceedings. The court to which the case is
29 transferred shall accept the case. Any judge transferring any case to an-
30 other court shall transmit a complete record thereof and, upon receipt of
31 the record, the receiving court shall assume jurisdiction as if the pro-
32 ceedings were originally filed in that court. The transferring judge, if an
33 adjudicatory hearing has been held, shall also transmit recommendations
34 as to disposition. In case the child is not present in the county to which
35 the case is transferred and that county is not the residence of the child's
36 parent or parents, the court shall return the case to the court where it
37 originated.

38 Sec. 34. K.S.A. 38-1511 is hereby amended to read as follows: 38-
39 1511. (a) *Docket fee*. The docket fee for proceedings under this code, if
40 one is assessed as provided in this section, shall be \$25. Only one docket
41 fee shall be assessed in each case.

42 (b) *Expenses*. The expenses for proceedings under this code, includ-
43 ing fees and mileage allowed witnesses and fees and expenses approved

1 by the court for appointed attorneys, shall be paid by the board of county
2 commissioners from the general fund of the county.

3 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
4 fee may be assessed or waived by the court conducting the initial disposi-
5 tional hearing and may be assessed against the complaining witness or
6 person initiating the proceedings or an interested party, other than the
7 state, a political subdivision of the state, an agency of the state or of a
8 political subdivision of the state or a person acting in the capacity of an
9 employee of the state or of a political subdivision of the state. Any docket
10 fee received shall be remitted to the state treasurer pursuant to K.S.A.
11 20-362, and amendments thereto.

12 (2) *Expenses.* Expenses may be assessed against the complaining wit-
13 ness or person initiating the proceedings or an interested party, other
14 than the state, a political subdivision of the state, an agency of the state
15 or of a political subdivision of the state or a person acting in the capacity
16 of an employee of the state or of a political subdivision of the state. When
17 expenses are recovered from a party against whom they have been as-
18 sessed the general fund of the county shall be reimbursed in the amount
19 of the recovery. If it appears to the court in any proceedings under this
20 code that expenses were unreasonably incurred at the request of any party
21 the court may assess that portion of the expenses against the party.

22 (d) *Cases in which venue is transferred.* If venue is transferred from
23 one county *or judicial district* to another, the court from which the case
24 is transferred shall send to the receiving court a statement of expenses
25 paid from the general fund of the sending county *or judicial district*. If
26 the receiving court collects any of the expenses owed in the case, the
27 receiving court shall pay to the sending court an amount proportional to
28 the sending court's share of the total expenses owed to both counties.
29 The expenses of the sending county *or judicial district* shall not be an
30 obligation of the receiving county *or judicial district* except to the extent
31 that the sending ~~county's~~ county *or judicial district's* proportion of the
32 expenses is collected by the receiving court. All amounts collected shall
33 first be applied toward payment of the docket fee.

34 Sec. 35. K.S.A. 38-1605 is hereby amended to read as follows: 38-
35 1605. (a) Venue for proceedings in any case involving an alleged juvenile
36 offender shall be in any ~~county~~ *judicial district* where any act of the
37 alleged offense was committed.

38 (b) Except as provided in subsection (c), venue for sentencing pro-
39 ceedings in any case involving a juvenile found to be a juvenile offender
40 shall be in the ~~county~~ *judicial district* of the juvenile's residence or, if the
41 juvenile is not a resident of this state, in the ~~county~~ *judicial district* where
42 the offense was committed. When the sentencing hearing is to be held
43 in a ~~county~~ *judicial district* other than the ~~county~~ *judicial district* where

1 the offense was committed, upon adjudication, the judge shall contact the
2 sentencing court and advise the judge of the transfer. The court adjudicating the juvenile shall send forthwith to the sentencing court a facsimile
3 of the complaint, the adjudication journal entry or judge's minutes, if
4 available, and any recommendations in regard to sentencing. Such documents shall be sent for purposes of notification and shall not constitute
5 original court documents. The court adjudicating the juvenile shall also
6 send to the sentencing court a complete copy of the official file in the
7 case by mail within five working days of the adjudication.
8

9
10 (c) If the juvenile is adjudicated in a ~~county~~ *judicial district* other
11 than the ~~county~~ *judicial district* of the juvenile's residence, the hearing
12 may be held in the ~~county~~ *judicial district* in which the adjudication was
13 made if the adjudicating judge, upon motion by the complainant or any
14 person authorized to appeal, finds that it is in the best interests of the
15 juvenile offender and the community that the sentencing hearing be held
16 in the ~~county~~ *judicial district* where the act was committed.

17 Sec. 36. K.S.A. 38-1613 is hereby amended to read as follows: 38-
18 1613. (a) *Docket fee*. The docket fee for proceedings under this code, if
19 one is assessed as provided by this section, shall be \$25. Only one docket
20 fee shall be assessed in each case.

21 (b) *Expenses*. The expenses for proceedings under this code, including
22 fees and mileage allowed witnesses and fees and expenses approved
23 by the court for appointed attorneys, shall be paid by the board of county
24 commissioners from the general fund of the county.

25 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket
26 fee may be assessed or waived by the court conducting the initial sentencing
27 hearing and may be assessed against the complaining witness, the
28 person initiating the prosecution, the juvenile offender or the parent of
29 the juvenile offender. Any docket fee received shall be remitted to the
30 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

31 (2) *Waiver and assessment*. Expenses may be waived or assessed
32 against the complaining witness, the person initiating the prosecution, the
33 juvenile offender or a parent of the juvenile offender. When expenses are
34 recovered from a party against whom they have been assessed the general
35 fund of the county shall be reimbursed in the amount of the recovery.

36 (3) *Prohibited assessment*. Docket fees or expenses shall not be assessed
37 against the state, a political subdivision of the state, an agency of
38 the state or of a political subdivision of the state or a person acting in the
39 capacity of an employee of the state or of a political subdivision of the
40 state.

41 (d) *Cases in which venue is transferred*. If venue is transferred from
42 one county or *judicial district* to another, the court from which the case
43 is transferred shall send to the receiving court a statement of expenses

1 paid from the general fund of the sending county *or judicial district*. If
2 the receiving court collects any of the expenses owed in the case, the
3 receiving court shall pay to the sending court an amount proportional to
4 the sending court's share of the total expenses owed to both counties *or*
5 *judicial districts*. The expenses of the sending county *or judicial district*
6 shall not be an obligation of the receiving county *or judicial district* except
7 to the extent that the sending ~~county's~~ *county or judicial district's* pro-
8 portion of the expenses is collected by the receiving court. All amounts
9 collected shall first be applied toward payment of the docket fee.

10 Sec. 37. K.S.A. 40-218 is hereby amended to read as follows: 40-218.
11 Every insurance company, or fraternal benefit society, on applying for
12 authority to transact business in this state, and as a condition precedent
13 to obtaining such authority, shall file in the insurance department its writ-
14 ten consent, irrevocable, that any action or garnishment proceeding may
15 be commenced against such company or fraternal benefit society in the
16 proper court of any ~~county~~ *judicial district* in this state in which the cause
17 of action shall arise or in which the plaintiff may reside by the service of
18 process on the commissioner of insurance of this state, and stipulating
19 and agreeing that such service shall be taken and held in all courts to be
20 as valid and binding as if due service had been made upon the president
21 or chief officer of such corporation. Such consent shall be executed by
22 the president and secretary of the company, authenticated by the seal of
23 the corporation, and shall be accompanied by a duly certified copy of the
24 order or resolution of the board of directors, trustees or managers au-
25 thORIZING the president and secretary to execute the same. The summons,
26 accompanied by a fee of \$25, shall be directed to the commissioner of
27 insurance, and shall require the defendant to answer by a certain day, not
28 less than 40 days from its date.

29 Service on the commissioner of insurance of any process, notice or
30 demand against an insurance company or fraternal benefit society shall
31 be made by delivering to and leaving with the commissioner or the com-
32 missioner's designee, the original of the process and two copies of the
33 process and the petition, notice of demand, or the clerk of the court may
34 send the original process and two copies of both the process and petition,
35 notice or demand directly to the commissioner by certified mail, return
36 receipt requested. In the event that any process, notice or demand is
37 served on the commissioner, the commissioner shall immediately cause
38 a copy thereof to be forwarded by certified mail, return receipt requested
39 to the insurance company or fraternal benefit society address to its gen-
40 eral agent if such agent resides in this state or to the secretary of the
41 insurance company or fraternal benefit society sued at its registered or
42 principal office in any state in which it is domesticated. The commissioner
43 of insurance shall make return of the summons to the court from whence

1 it issued, showing the date of its receipt, the date of forwarding such
2 copies, and the name and address of each person to whom a copy was
3 forwarded. Such return shall be under the hand and seal of office, and
4 shall have the same force and effect as a due and sufficient return made
5 on process directed to a sheriff. The commissioner of insurance shall keep
6 a suitable record in which shall be docketed every action commenced
7 against an insurance company, the time when commenced, the date and
8 manner of service; also the date of the judgment, its amount and costs,
9 and the date of payment thereof, which shall be certified from time to
10 time by the clerk of the court.

11 Sec. 38. K.S.A. 43-107 is hereby amended to read as follows: 43-107.
12 At least ~~thirty~~ 30 days before any term of the court at which a petit jury
13 shall be required by law, or a grand jury ordered by the court, the clerk
14 of the ~~county~~ *judicial district* where such court is to be held shall draw
15 from the jury box the names of ~~thirty~~ 30 persons to serve as grand jurors
16 and the names of ~~twenty-four~~ 24 persons to serve as petit jurors. In the
17 event that a ~~county~~ *judicial district* has appropriate base information pro-
18 grammed as a part of its computer operations so that it might comply
19 with the spirit of the jury selection laws of Kansas, the jury commissioners
20 may by local rule provide alternate methods for securing jury panels di-
21 rectly from the computer without the necessity of drawing names or cards
22 from a wheel manually.

23 Sec. 39. K.S.A. 43-158 is hereby amended to read as follows: 43-158.
24 The following persons shall be excused from jury service: (a) Persons
25 unable to understand the English language with a degree of proficiency
26 sufficient to respond to a jury questionnaire form prepared by the com-
27 missioner;

28 (b) persons under adjudication of incompetency;
29 (c) persons who within 10 years immediately preceding have been
30 convicted of or pleaded guilty, or *nolo contendere*, to an indictment or
31 information charging a felony; and
32 (d) persons who have served as jurors in the ~~county~~ *judicial district*
33 within one year immediately preceding.

34 Sec. 40. K.S.A. 43-162 is hereby amended to read as follows: 43-162.
35 All jury lists shall be prepared in accordance with the provisions of this
36 act. Jury commissioners shall cause to be prepared under their supervision
37 a list of persons qualified as jurors in each county. Jury lists shall be
38 prepared from voter registration records of the county, lists of licensed
39 drivers residing in the ~~county~~ *judicial district* or enumeration or census
40 records for the county, in accordance with the intent and purposes of this
41 act. On and after January 1, 1985, lists of holders of state-issued nondriv-
42 ers' identification cards who reside in the ~~county~~ *judicial district* may also
43 be used in the preparation of jury lists. Jury lists prepared from multiple

1 sources may be used if one or more of the foregoing records is used as a
2 material source in preparing the list. The commissioners shall cause the
3 jury list of each county to be revised and updated by adding names of
4 qualified jurors and removing names of those who have died, removed
5 from the ~~county~~ *judicial district*, or who have otherwise become dis-
6 qualified. For the purposes of preparation and revision of jury lists, com-
7 missioners shall have access to the voter registration records of the ~~county~~
8 *judicial district*, records of the division of vehicles pertaining to licensed
9 drivers who reside in the ~~county~~ *judicial district* and enumeration or
10 census records for the county. On and after January 1, 1985, commis-
11 sioners shall have access to records of the division of vehicles pertaining
12 to nondrivers' identification card holders who reside in the ~~county~~ *judicial*
13 *district*, for the purposes of preparation and revision of jury lists.

14 Sec. 41. K.S.A. 43-163 is hereby amended to read as follows: 43-163.
15 Jury commissioners shall cause cards to be prepared such that the name
16 of each person on the jury list shall appear on one card. Such cards shall
17 be of uniform kind and size. Such cards shall be placed in a wheel des-
18 ignated by the commissioner, and while in the wheel shall be thoroughly
19 mixed. After such cards are thoroughly mixed in the wheel, cards may be
20 drawn therefrom as provided in this act for selection of members of jury
21 panels. There shall be one and only one wheel for each ~~county~~ *judicial*
22 *district*, and the commissioner shall assure that it is kept securely locked
23 and it shall be maintained under the control of the commissioner. In the
24 event that a ~~county~~ *judicial district* has appropriate base information pro-
25 grammed as a part of its computer operations so that it might comply
26 with the spirit of the jury selection laws of Kansas the jury commissioners
27 may by local rule provide alternate methods for securing jury panels di-
28 rectly from the computer without the necessity of drawing names or cards
29 from a wheel manually.

30 Sec. 42. K.S.A. 43-164 is hereby amended to read as follows: 43-164.
31 Whenever it is necessary to secure a panel of jurors, or additional mem-
32 bers for a panel of jurors, names shall be drawn from the wheel of the
33 ~~county~~ *judicial district* as herein provided. If such panel of jurors, or
34 additional names for a panel, is to be drawn to serve in the district court,
35 the district judge, or a person appointed by the court for such purpose,
36 shall make such drawing. If such panel, or additional names, are to be
37 drawn for service in a court of the ~~county~~ *judicial district* other than the
38 district court, the judge of any such court, or a person appointed by him
39 for the purpose, shall make such drawing. There shall be drawn from the
40 wheel a number of cards sufficient to make up the panel or to supply
41 additional names of jurors for a panel, as may be directed by the com-
42 missioner. The person drawing names from the wheel shall be so situated
43 that ~~he~~ *such person* is unable to see the name on any card before it is

1 drawn.

2 Sec. 43. K.S.A. 47-421 is hereby amended to read as follows: 47-421.
3 Any person who shall willfully and knowingly brand or cause to be
4 branded with such person's brand, or any brand not the recorded brand
5 of the owner, any livestock being the property of another, or who shall
6 willfully or knowingly efface, deface or obliterate any brand upon any
7 livestock, shall be deemed guilty of felony, and upon conviction thereof
8 shall be punished by confinement in the custody of the secretary of cor-
9 rections for a period not exceeding five years. Prosecution for violation
10 of the provisions of this section may be had either in the ~~county~~ *judicial*
11 *district* where such violation occurred or in any ~~county~~ *judicial district* in
12 which the livestock may be located or found in the possession of the
13 accused.

14 Sec. 44. K.S.A. 50-638 is hereby amended to read as follows: 50-638.
15 (a) *Jurisdiction*. Any supplier, whether or not a resident or citizen of this
16 state, who in person or through an agent or an instrumentality, engages
17 in a consumer transaction in this state, thereby submits the supplier to
18 the jurisdiction of the courts of this state as to any cause of action arising
19 from such consumer transaction.

20 (b) *Venue*. Every action pursuant to this act shall be brought in the
21 district court of any ~~county~~ *judicial district* in which there occurred an
22 act or practice declared to be a violation of this act, or in which the
23 defendant resides or the defendant's principal place of business is located.
24 If the defendant is a nonresident and has no principal place of business
25 within this state, then the nonresident defendant can be sued either in
26 the district court of Shawnee county or in the district court of any ~~county~~
27 *judicial district* in which there occurred an act or practice declared to be
28 a violation of this act.

29 Sec. 45. K.S.A. 55-1617 is hereby amended to read as follows: 55-
30 1617. The district court of the ~~county~~ *judicial district* in which oil or gas
31 is produced shall be a court of proper venue for proceedings brought
32 pursuant to this act. The prevailing party in a proceeding brought pur-
33 suant to this act on which a judgment is rendered may recover court costs
34 and reasonable attorney fees at the discretion of the court.

35 Sec. 46. K.S.A. 56-1a502 is hereby amended to read as follows: 56-
36 1a502. Before doing business in the state of Kansas, a foreign limited
37 partnership shall register with the secretary of state. In order to register,
38 a foreign limited partnership shall submit to the secretary of state together
39 with payment of the fee required by K.S.A. 56-1a605 and amendments
40 thereto, an original copy executed by a general partner, together with a
41 duplicate copy, of an application for registration as a foreign limited part-
42 nership, setting forth:

43 (a) The name of the foreign limited partnership;

1 (b) the state or other jurisdiction or country where organized, the
2 date of its organization and a statement issued by an appropriate authority
3 in that jurisdiction that the foreign limited partnership exists in good
4 standing under the laws of the jurisdiction of its organization;

5 (c) the nature of the business or purposes to be conducted or pro-
6 moted in the state of Kansas;

7 (d) the address of the registered office and the name and address of
8 the resident agent for service of process required to be maintained by
9 subsection (b) of K.S.A. 56-1a504 and amendments thereto;

10 (e) an irrevocable written consent of the foreign limited partnership
11 that actions may be commenced against it in the proper court of any
12 ~~county~~ *judicial district* where there is proper venue by the service of
13 process on the secretary of state as provided for in K.S.A. 60-304 and
14 amendments thereto and stipulating and agreeing that such service shall
15 be taken and held, in all courts, to be as valid and binding as if due service
16 had been made upon the general partners of the foreign limited partner-
17 ship;

18 (f) the name and business, residence or mailing address of each of
19 the general partners; and

20 (g) the date on which the foreign limited partnership first did, or
21 intends to do, business in the state of Kansas.

22 Sec. 47. K.S.A. 56-1a510 is hereby amended to read as follows: 56-
23 1a510. Service of process in any action against any foreign limited part-
24 nership, whether or not that limited partnership is qualified to do business
25 in this state, shall be made in the manner prescribed by K.S.A. 60-304
26 and amendments thereto. Any person who has a cause of action against
27 any foreign limited partnership, whether or not the limited partnership
28 is qualified to do business in this state may file suit against the limited
29 partnership in the district court of a ~~county~~ *judicial district* in which there
30 is proper venue if the cause of action arose in Kansas out of the limited
31 partnership's doing business in Kansas or while the limited partnership
32 was doing business in Kansas.

33 Sec. 48. K.S.A. 59-2126 is hereby amended to read as follows: 59-
34 2126. (a) In an independent adoption venue shall be in the ~~county~~ *judicial*
35 *district* in which the petitioner resides or in the ~~county~~ *judicial district* in
36 which the child to be adopted resides.

37 (b) In an agency adoption venue shall be:

38 (1) In the ~~county~~ *judicial district* in which the petitioner resides;

39 (2) in the ~~county~~ *judicial district* in which the child to be adopted
40 resided prior to receipt of custody by the agency; or

41 (3) where the child placing agency is located.

42 (c) In a stepparent adoption venue shall be in the ~~county~~ *judicial*
43 *district* in which the petitioner resides or where the child resides.

1 (d) If the petitioner resides upon or is stationed at a United States
2 military post or reservation within this state, and the child to be adopted
3 is then residing with the petitioner, venue may be in the district court of
4 the ~~county~~ *judicial district* in which the post or reservation is located, or
5 in the district court of any ~~county~~ *judicial district* located immediately
6 adjacent to such ~~county~~ *judicial district*.

7 (e) Where the residence of the child, as defined in K.S.A. 59-2112,
8 *and amendments thereto*, serves as the basis for venue, a sworn affidavit
9 shall be filed with the petition setting forth the factual basis for the child's
10 residency.

11 Sec. 49. K.S.A. 59-2136 is hereby amended to read as follows: 59-
12 2136. (a) The provisions of this section shall apply where a relinquishment
13 or consent to an adoption has not been obtained from a parent and K.S.A.
14 59-2124 and 59-2129, and amendments thereto, state that the necessity
15 of a parent's relinquishment or consent can be determined under this
16 section.

17 (b) Insofar as practicable, the provisions of this section applicable to
18 the father also shall apply to the mother and those applicable to the
19 mother also shall apply to the father.

20 (c) In stepparent adoptions under subsection (d), the court may ap-
21 point an attorney to represent any father who is unknown or whose
22 whereabouts are unknown. In all other cases, the court shall appoint an
23 attorney to represent any father who is unknown or whose whereabouts
24 are unknown. If no person is identified as the father or a possible father,
25 the court shall order publication notice of the hearing in such manner as
26 the court deems appropriate.

27 (d) In a stepparent adoption, if a mother consents to the adoption of
28 a child who has a presumed father under subsection (a)(1), (2) or (3) of
29 K.S.A. 38-1114 and amendments thereto, or who has a father as to whom
30 the child is a legitimate child under prior law of this state or under the
31 law of another jurisdiction, the consent of such father must be given to
32 the adoption unless such father has failed or refused to assume the duties
33 of a parent for two consecutive years next preceding the filing of the
34 petition for adoption or is incapable of giving such consent. In determin-
35 ing whether a father's consent is required under this subsection, the court
36 may disregard incidental visitations, contacts, communications or contri-
37 butions. In determining whether the father has failed or refused to as-
38 sume the duties of a parent for two consecutive years next preceding the
39 filing of the petition for adoption, there shall be a rebuttable presumption
40 that if the father, after having knowledge of the child's birth, has know-
41 ingly failed to provide a substantial portion of the child support as re-
42 quired by judicial decree, when financially able to do so, for a period of
43 two years next preceding the filing of the petition for adoption, then such

1 father has failed or refused to assume the duties of a parent.

2 (e) Except as provided in subsection (d), if a mother desires to relin-
3 quish or consents to the adoption of such mother's child, a petition shall
4 be filed in the district court to terminate the parental rights of the father,
5 unless the father's relationship to the child has been previously termi-
6 nated or determined not to exist by a court. The petition may be filed by
7 the mother, the petitioner for adoption, the person or agency having
8 custody of the child or the agency to which the child has been or is to be
9 relinquished. Where appropriate, the request to terminate parental rights
10 may be contained in a petition for adoption. If the request to terminate
11 parental rights is not filed in connection with an adoption proceeding,
12 venue shall be in the ~~county~~ *judicial district* in which the child, the mother
13 or the presumed or alleged father resides or is found. In an effort to
14 identify the father, the court shall determine by deposition, affidavit or
15 hearing, the following:

16 (1) Whether there is a presumed father under K.S.A. 38-1114 and
17 amendments thereto;

18 (2) whether there is a father whose relationship to the child has been
19 determined by a court;

20 (3) whether there is a father as to whom the child is a legitimate child
21 under prior law of this state or under the law of another jurisdiction;

22 (4) whether the mother was cohabitating with a man at the time of
23 conception or birth of the child;

24 (5) whether the mother has received support payments or promises
25 of support with respect to the child or in connection with such mother's
26 pregnancy; and

27 (6) whether any man has formally or informally acknowledged or de-
28 clared such man's possible paternity of the child. If the father is identified
29 to the satisfaction of the court, or if more than one man is identified as
30 a possible father, each shall be given notice of the proceeding in accord-
31 ance with subsection (f).

32 (f) Notice of the proceeding shall be given to every person identified
33 as the father or a possible father by personal service, certified mail return
34 receipt requested or in any other manner the court may direct. Proof of
35 notice shall be filed with the court before the petition or request is heard.

36 (g) If, after the inquiry, the court is unable to identify the father or
37 any possible father and no person has appeared claiming to be the father
38 and claiming custodial rights, the court shall enter an order terminating
39 the unknown father's parental rights with reference to the child without
40 regard to subsection (h). If any person identified as the father or possible
41 father of the child fails to appear or, if appearing, fails to claim custodial
42 rights, such person's parental rights with reference to the child shall be
43 terminated without regard to subsection (h).

1 (h) When a father or alleged father appears and asserts parental
2 rights, the court shall determine parentage, if necessary pursuant to the
3 Kansas parentage act. If a father desires but is financially unable to em-
4 ploy an attorney, the court shall appoint an attorney for the father. There-
5 after, the court may order that parental rights be terminated, upon a
6 finding by clear and convincing evidence, of any of the following:

7 (1) The father abandoned or neglected the child after having knowl-
8 edge of the child's birth;

9 (2) the father is unfit as a parent or incapable of giving consent;

10 (3) the father has made no reasonable efforts to support or commu-
11 nicate with the child after having knowledge of the child's birth;

12 (4) the father, after having knowledge of the pregnancy, failed with-
13 out reasonable cause to provide support for the mother during the six
14 months prior to the child's birth;

15 (5) the father abandoned the mother after having knowledge of the
16 pregnancy;

17 (6) the birth of the child was the result of rape of the mother; or

18 (7) the father has failed or refused to assume the duties of a parent
19 for two consecutive years next preceding the filing of the petition.

20 In making a finding under this subsection, the court may disregard
21 incidental visitations, contacts, communications or contributions. In de-
22 termining whether the father has failed or refused to assume the duties
23 of a parent for two consecutive years next preceding the filing of the
24 petition for adoption, there shall be a rebuttable presumption that if the
25 father, after having knowledge of the child's birth, has knowingly failed
26 to provide a substantial portion of the child support as required by judicial
27 decree, when financially able to do so, for a period of two years next
28 preceding the filing of the petition for adoption, then such father has
29 failed or refused to assume the duties of a parent.

30 (i) A termination of parental rights under this section shall not ter-
31 minate the right of the child to inherit from or through the parent. Upon
32 such termination, all the rights of birth parents to such child, including
33 their right to inherit from or through such child, shall cease.

34 Sec. 50. K.S.A. 59-2138 is hereby amended to read as follows: 59-
35 2138. Venue shall be in the ~~county~~ *judicial district* in which the petitioner
36 or the adult to be adopted resides.

37 Sec. 51. K.S.A. 59-2207 is hereby amended to read as follows: 59-
38 2207. Any fiduciary may be sued in the district court of the ~~county~~ *judicial*
39 *district* in which ~~he or she~~ *such fiduciary* was appointed, or ~~in which he~~
40 ~~or she~~ resides. If the fiduciary does not reside in the ~~county~~ *judicial*
41 *district* of ~~his or her~~ appointment, service may be had upon the fiduciary
42 by serving a summons in the ~~county~~ *judicial district* of ~~his or her~~
43 residence.

1 Sec. 52. K.S.A. 59-2403 is hereby amended to read as follows: 59-
2 2403. An appeal taken from any order, judgment, decree or decision
3 (other than one determining or refusing to determine venue or changing
4 or refusing to change venue) made by a district magistrate judge before
5 a change of venue shall be taken to a district judge of the ~~county~~ *judicial*
6 *district* to which the change was made.

7 Sec. 53. K.S.A. 60-242 is hereby amended to read as follows: 60-242.
8 (a) *Consolidation*. When actions involving a common question of law or
9 fact are pending before the court in the same or different counties in the
10 judicial district, the judge may order a joint hearing or trial of any or all
11 of the matters in issue in the actions; may order all the actions consoli-
12 dated; and may make such orders concerning proceedings therein as may
13 tend to avoid unnecessary costs or delay.

14 (b) *Separate trials*. In furtherance of convenience, to avoid prejudice
15 or when separate trials will be conducive to expedition and economy, the
16 judge may order a separate trial in the county where the action is pending,
17 or a different county in the judicial district, of any claim, cross-claim,
18 counterclaim, third-party claim or any separate issue, or any number of
19 claims, cross-claims, counterclaims, third-party claims or issues, always
20 preserving inviolate the right of trial by jury.

21 (c) *Multidistrict litigation*. (1) When civil actions arising out of the
22 same transaction or occurrence or series of transactions or occurrences
23 are pending in different judicial districts, the supreme court, upon request
24 of a party or of any court in which one of the actions is pending and upon
25 finding that a transfer and consolidation will promote the just and efficient
26 conduct of the actions, may order transfer of the pending actions to one
27 of the ~~counties~~ *judicial districts* in which an action is pending. The actions
28 may be consolidated for discovery, pretrial proceedings and possible trial.
29 The supreme court shall assign the consolidated actions to a judge des-
30 ignated by the supreme court. Actions filed subsequent to the order may
31 be consolidated as provided herein.

32 (2) The assigned judge shall have the power to conduct all pretrial
33 and discovery proceedings, issue orders therein, determine questions of
34 law submitted to the court including motions for summary judgment and,
35 when the assigned judge conducts a trial, allocate expenses of the trial
36 among counties.

37 (3) In the assigned judge's discretion, the assigned judge may conduct
38 a joint trial of any or all of the consolidated actions, but all parties to the
39 actions jointly tried must consent to joint trial. Trials by jury may be
40 conducted in any ~~county~~ *judicial district* which would have had venue of
41 any of the consolidated actions, subject to a change of venue under K.S.A.
42 60-609 and amendments thereto. If the assigned judge determines not to
43 conduct the trial of any one of the consolidated actions or if any party to

1 any of the consolidated actions does not consent to joint trial, the assigned
2 judge shall return that action, and the record in that action, to the district
3 court from which it originated. The assigned judge shall notify the su-
4 preme court of the return of the action.

5 Sec. 54. K.S.A. 60-601 is hereby amended to read as follows: 60-601.
6 The term real property, as used in this section, includes any interest or
7 estate created by an oil, gas or mineral lease, or an oil, gas or mineral
8 royalty. Actions concerning real property must be brought in the ~~county~~
9 *judicial district* designated in this section.

10 (a) *Eminent domain actions.* Eminent domain actions must be
11 brought in the county in which the real estate is situated, except if it be
12 an entire tract situated in two or more counties and there is common
13 ownership, the action may be brought in any county in which a part
14 thereof is situated.

15 (b) *Generally.* The following actions must be brought in the county
16 in which the real estate is situated, except if it be an entire tract situated
17 in two or more counties, or if it consists of separate tracts situated in two
18 or more counties, the action may be brought in any county in which any
19 tract or parts thereof is situated:

20 (1) Actions in ejectment or for the recovery of real property or any
21 estate or interest therein, or to determine adverse claims.

22 (2) Actions for the partition of real estate or any estate or interest
23 therein.

24 (3) Actions for the sale of real property or any estate or interest
25 therein, under a mortgage, lien or other encumbrance or charge.

26 (4) Actions to compel the specific performance of a contract for the
27 sale of real property, or any estate or interest therein. Such action may
28 also be brought in any county where the defendant or any one of the
29 defendants may reside.

30 (c) *Transcript to other counties.* Immediately after final judgment the
31 clerk of the district court in which the action was brought shall transmit
32 a transcript of the proceedings to the clerk of the district court in any
33 other county wherein any real property may be affected by such pro-
34 ceedings where the same shall be docketed and filed. The cost of such
35 transcript and filing shall be taxed as costs of the case.

36 Sec. 55. K.S.A. 60-602 is hereby amended to read as follows: 60-602.
37 Actions for the following causes must be brought in the ~~county~~ *judicial*
38 *district* in which the cause, or some part thereof arose:

39 (1) Actions for the recovery of a fine, forfeiture or penalty, other than
40 against public utilities or common carriers, except if the act was commit-
41 ted on a road or river which forms the boundary of two or more counties
42 the action may be brought in any one of the bordering counties opposite
43 the place where the act was committed.

1 (2) An action against a public officer for an act done or threatened
2 to be done by such officer by virtue or under color of ~~his or her~~ office,
3 or for neglect of ~~his or her~~ official duties.

4 (3) An action on an official bond or undertaking of a public officer.

5 Sec. 56. K.S.A. 60-603 is hereby amended to read as follows: 60-603.
6 An action against a resident of this state, other than an action for which
7 venue is otherwise specifically prescribed by law may be brought in the
8 ~~county~~ *judicial district*;

9 (1) in which the defendant resides; ~~or~~;

10 (2) in which the plaintiff resides if the defendant is served therein;
11 ~~or~~;

12 (3) in which the cause of action arose; ~~or~~;

13 (4) in which the defendant has a place of business or of employment
14 if said defendant is served therein; ~~or~~;

15 (5) in which the estate of a deceased person is being probated if such
16 deceased person was jointly liable with the defendant and a demand to
17 enforce such liability has been duly exhibited in the probate proceedings;;
18 or

19 (6) in which there is located tangible personal property which is the
20 subject of an action for the possession thereof if immediate possession is
21 sought in accordance with K.S.A. 60-1005, *and amendments thereto*, at
22 the time of the filing of the action.

23 Sec. 57. K.S.A. 60-605 is hereby amended to read as follows: 60-605.
24 An action against a nonresident of this state, or against a corporation
25 which is not qualified to do business in this state, other than an action
26 for which venue is otherwise specifically prescribed by law, may be
27 brought in the ~~county~~ *judicial district* in which:

28 (1) The plaintiff resides; or if the plaintiff is a corporation, in the
29 county of its registered office or in which it maintains a place of business;
30 or if the plaintiff is a partnership, either general or limited, in the county
31 of the residence of a partner, in the county of the registered office of a
32 corporate partner or in the county in which the partnership maintains a
33 place of business;

34 (2) the defendant is served;

35 (3) the cause of action arose;

36 (4) the defendant is transacting business at the time of the filing of
37 the petition;

38 (5) there is property of the defendant, or debts owing to the defend-
39 ant;

40 (6) there is located tangible personal property which is the subject of
41 an action for the possession thereof if immediate possession is sought in
42 accordance with K.S.A. 60-1005 and amendments thereto at the time of
43 the filing of the action; or

1 (7) equipment or facilities for use in the supply of transportation serv-
2 ices, or communication services, including, without limitation, telephonic
3 communication services, are located where the subject of such action
4 relates to transportation services or communication services supplied or
5 rendered, in whole or in part, using such equipment or facilities.

6 Sec. 58. K.S.A. 60-606 is hereby amended to read as follows: 60-606.

7 (a) Except as provided by subsection (b), any action brought against a
8 public utility, common carrier or transportation system for any liability or
9 penalty or forfeiture, may be brought in any ~~county~~ *judicial district* into
10 or through which such public utility, common carrier or transportation
11 system operates regularly.

12 (b) Any action brought against a public utility, common carrier or
13 transportation system for damages arising from personal injury, resulting
14 in death or otherwise, shall be brought in either the ~~county~~ *judicial dis-*
15 *trict* in which the injury occurred or in the ~~county~~ *judicial district* in which
16 the plaintiff resided at the time of injury.

17 Sec. 59. K.S.A. 60-607 is hereby amended to read as follows: 60-607.

18 (a) An action for divorce, annulment of marriage or separate maintenance
19 may be brought in:

20 (1) The ~~county~~ *judicial district* in which the petitioner is an actual
21 resident at the time of filing the petition;

22 (2) the ~~county~~ *judicial district* where the respondent resides or where
23 service may be obtained; or

24 (3) if the petitioner is a resident of or stationed at a United States
25 post or military reservation within the state at the time of filing the pe-
26 tition, any county adjacent to the post or reservation.

27 (b) For the purposes of this section, a spouse may have a residence
28 separate and apart from the residence of the other spouse.

29 Sec. 60. K.S.A. 60-608 is hereby amended to read as follows: 60-608.

30 If there are several plaintiffs properly joined and venue is determined by
31 the residence of one of them, it shall be necessary that such plaintiff's
32 claim is a substantial part of the action. If there are several defendants
33 properly joined, venue of the action may be determined at the election
34 of the plaintiff as to any one of the defendants against whom a substantial
35 claim exists. If, before trial of an action on the merits is commenced, a
36 party with reference to whom venue was determined ceases to be a party
37 and venue would no longer be proper as to the remaining parties, on the
38 application of any remaining party promptly made, the cause shall be
39 transferred to a ~~county~~ *judicial district* of proper venue. If there is more
40 than one such ~~county~~ *judicial district*, the transfer shall be to a ~~county~~
41 *judicial district* selected by the plaintiff.

42 Sec. 61. K.S.A. 60-611 is hereby amended to read as follows: 60-611.

43 If an action is commenced in good faith and a subsequent timely objection

1 to the venue is sustained, or if before trial on the merit commences, it is
2 found that no cause of action exists in favor of or against a party upon
3 whom venue was dependent, the action shall be transferred to a court of
4 proper jurisdiction of any ~~county~~ *judicial district* of proper venue. If there
5 is more than one such ~~county~~ *judicial district*, the transfer shall be to the
6 court of a ~~county~~ *judicial district* selected by the plaintiff. In accordance
7 with K.S.A. 60-2001 and amendments thereto, the receiving district court
8 shall require the payment of an appropriate docket fee from the movant.

9 Sec. 62. K.S.A. 60-613 is hereby amended to read as follows: 60-613.

10 (a) *Action involving persons or property.* Any civil action involving either
11 persons residing on or property located upon the Fort Riley military res-
12 ervation may be brought in any court of competent jurisdiction in either
13 *the judicial district that includes Geary county or the judicial district that*
14 *includes Riley county, Kansas.*

15 (b) *Service of process.* The respective sheriffs of Geary and Riley
16 county, Kansas, and others authorized to serve process under the laws of
17 this state, in these two named counties, may serve process in any proper
18 action within the boundaries of the Fort Riley military reservation without
19 regard to the county line between Geary and Riley counties as ~~said~~ *such*
20 line existed before the land comprising ~~said~~ *such* reservation was acquired
21 by the United States of America.

22 Sec. 63. K.S.A. 60-614 is hereby amended to read as follows: 60-614.

23 An action arising from any taking or appropriation, or to enjoin any taking
24 or appropriation, of private or public property, or of any of the rights
25 appertaining thereto, which taking or appropriation was without following
26 the statutory procedures for the exercise of the right of eminent domain,
27 by a public or private corporation, body corporate or body politic, pos-
28 sessing the right of eminent domain under the laws of this state, may be
29 brought in the ~~county~~ *judicial district* in which the property or the rights
30 appertaining thereto is situated at the time of the taking or appropriation
31 thereof. Any such action now pending may at the discretion of the court
32 in which it is now pending, be transferred to the corresponding court in
33 the ~~county~~ *judicial district* where the property or rights are situated. Not-
34 withstanding any other law to the contrary, summons in any such action
35 may be issued by the court and directed to and served by the sheriff of
36 any county wherein the defendant may be found. This act shall create no
37 new rights or causes of action and shall be construed as designating venue
38 for such actions only. This act shall not be construed as waiving any ex-
39 isting sovereign immunity. This act shall be and shall be construed as
40 supplemental to and a part of the code of civil procedure.

41 Sec. 64. K.S.A. 60-4103 is hereby amended to read as follows: 60-

42 4103. (a) The district court has jurisdiction under this act over:

43 (1) All interests in property if the property for which forfeiture is

1 sought is within this state at the time the action is filed; or
2 (2) the interest of an owner or interest holder in the property if the
3 owner or interest holder is subject to personal jurisdiction in this state.

4 (b) In addition to the venue provided for under any other provision
5 of law, a proceeding for forfeiture under this act may be maintained in
6 the ~~county~~ *judicial district* in which any part of the property is found or
7 in the ~~county~~ *judicial district* in which a civil or criminal action could be
8 maintained against an owner or interest holder for the conduct alleged
9 to give rise to the forfeiture.

10 Sec. 65. K.S.A. 61-2708 is hereby amended to read as follows: 61-
11 2708. The venue of actions commenced under this act shall be as pre-
12 scribed in article ~~19~~ 34 of chapter 61 of the Kansas Statutes Annotated,
13 except that the ~~county~~ *judicial district* in which the cause of action arose
14 shall be proper venue only where it is affirmatively shown that the de-
15 fendant was a resident of the ~~county~~ *judicial district* where the cause of
16 action arose at the time the cause of action arose.

17 Sec. 66. K.S.A. 66-118e is hereby amended to read as follows: 66-
18 118e. In any case where the application for review might be taken to the
19 district court of more than one ~~county~~ *judicial district*, any party inter-
20 ested in ~~said~~ such action may, within ~~ten~~ (10) 10 days after the transcript
21 is filed with the clerk of the district court, apply to the district court in
22 which such application was originally filed for a change of venue, and if
23 it shall be made to appear to the satisfaction of the court that the con-
24 venience of the parties will be best served and a speedy, fair and eco-
25 nomical trial be secured by transferring such proceeding to another
26 ~~county~~ *judicial district* of this state in which the order or the decision of
27 the commission is to become effective, or if it appears that the application
28 should have been filed in the district court of some other ~~county~~ *judicial*
29 *district*, it shall be the duty of the court to make an order transferring
30 such proceeding to such other county for trial or decision, and, upon such
31 order being made, the files of the case shall be transmitted by the clerk
32 of the court to the clerk of the court of the ~~county~~ *judicial district* to
33 which the proceeding is transferred, and thereupon the proceeding shall
34 be docketed in the district court of the ~~county~~ *judicial district* to which
35 it is transferred and all subsequent proceedings shall be had as if the
36 application for review had been originally filed in the last named ~~county~~
37 *judicial district*. *Provided*, That The provisions of this section shall not
38 be construed to restrict or prevent an application for change of venue
39 upon any other statutory ground.

40 Sec. 67. K.S.A. 72-6776 is hereby amended to read as follows: 72-
41 6776. (a) Where a unified district acquires a school building of a divided
42 disorganized district and the bonded indebtedness for such building is
43 only partly paid, the unified district acquiring such building may either

1 pay to or receive from each other district or districts in which any part of
2 the territory of the disorganized district is located an equitable payment.
3 Such equitable payment, if any, shall be determined as follows: (1) The
4 boards of the interested districts shall negotiate and agree upon such
5 payments, if possible; (2) if such agreement cannot be reached, the board
6 of any interested district may file an action at any time after January 1,
7 1967, and before January 1, 1968, in the district court of the ~~county~~
8 *judicial district* in which such school building is located, to determine
9 such equitable payments; (3) the district court in which such an action is
10 filed shall determine venue of the action, and if venue is found to be in
11 such court, shall appoint a commissioner and may appoint appraisers to
12 determine any facts or valuations that the court deems material; (4) the
13 commissioner, and appraisers if any, shall report their findings to the
14 court together with any recommendations requested by the court; (5) the
15 court may hear evidence and shall hear arguments of interested districts;
16 (6) thereafter the court shall issue its order determining such equitable
17 payments, if any, allowing reasonable fees to the commissioner and ap-
18 praisers, if any, and assessing the costs of action, including such fees, to
19 the litigants or any one or more of them.

20 (b) Any unified district making payments under this section is au-
21 thorized to levy taxes over a period of three ~~(3)~~ years to obtain funds to
22 make such payments, and such levy shall be in addition to all other tax
23 levies authorized or limited by law and shall not be subject to or within
24 any aggregate tax levy limit.

25 (c) Such equitable considerations as are deemed, by such negotiating
26 boards or such court, to be appropriate may be considered.

27 Sec. 68. K.S.A. 74-711 is hereby amended to read as follows: 74-711.
28 The records of the secretary of human resources, compiled and main-
29 tained for administration of the employment security law, shall be made
30 available to the director of ~~workers' workers~~ workers compensation for comparison
31 with respect to matters of payroll, payroll tax, number and type of em-
32 ployees of all employers doing business in the state of Kansas who have
33 not qualified as self-insurers or group-funded ~~workers' workers~~ compen-
34 sation pools and who have not filed statements of insurance with the
35 director of ~~workers' workers~~ workers compensation. The director shall order em-
36 ployers coming under this act and who have not qualified as self-insurers
37 or group-funded ~~workers' workers~~ workers compensation pools and who have not
38 filed a statement of insurance as provided by this act to so qualify or to
39 file such statement or to cease doing business in the state of Kansas within
40 a period to be set by the director but not less than 10 days from the date
41 of the order.

42 In the event that such an employer fails to comply with the order of
43 the director of ~~workers' workers~~ workers compensation issued as provided in this

1 section, the attorney general or the district attorney or county attorney
2 of any ~~county~~ *judicial district* in which such employer is doing business
3 shall prepare and file in the district court of any ~~county~~ *judicial district*
4 in which such employer is doing business a petition in the name of the
5 state signed and verified by the director of ~~workers'~~ *workers* compensa-
6 tion, and asking that such employer be enjoined from doing business in
7 this state for such period of time as the director may deem proper and
8 until such employer has complied with the ~~workers'~~ *workers* compensa-
9 tion law, and the district court shall have jurisdiction and venue to enter
10 its order without requiring bond or evidence to be filed or presented. In
11 all other respects such action shall be governed by the laws governing
12 civil procedure.

13 Sec. 69. K.S.A. 75-6907 is hereby amended to read as follows: 75-
14 6907. Whenever it appears that an awarding authority is attempting to
15 enforce any contract based upon a bid in which a mistake has been made
16 contrary to the provisions of this act, an action may be brought in the
17 district court of the ~~county~~ *judicial district* in which the contract was
18 awarded to enjoin such enforcement and, upon a proper showing, a per-
19 manent or temporary injunction, restraining order or other equitable re-
20 lief shall be granted in an action brought by the bidder, the attorney
21 general or any county or district attorney.

22 Sec. 70. K.S.A. 77-609 is hereby amended to read as follows: 77-609.

23 (a) The district court shall conduct judicial review except when:

24 (1) A statute specifically provides for review of an agency action by
25 appeal directly to the court of appeals; or

26 (2) otherwise provided by law.

27 (b) Except as otherwise provided by K.S.A. 8-259, 31-144, 44-556,
28 72-5430a and 74-2426, and amendments thereto, venue is in the ~~county~~
29 *judicial district* in which the order or agency action is entered or is ef-
30 fective or the rule and regulation is promulgated.

31 Sec. 71. K.S.A. 77-624 is hereby amended to read as follows: 77-624.

32 (a) In addition to other remedies provided by law, an agency may seek
33 enforcement of its rule and regulation or order by filing a petition for
34 civil enforcement in the district court.

35 (b) The petition shall name, as defendants, each alleged violator
36 against whom the agency seeks to obtain civil enforcement.

37 (c) A party to an agency hearing may seek enforcement of a subpoena,
38 discovery order or protective order by filing a petition for civil enforce-
39 ment in the district court. The petition shall name, as defendants, each
40 person against whom the party seeks to obtain civil enforcement.

41 (d) Venue shall be in the ~~county~~ *judicial district*:

42 (1) In which the order is entered or the rule and regulation is prom-
43 ulgated; or

1 (2) determined in the manner provided for determination of venue
2 in other civil cases.

3 (e) A petition for civil enforcement may request, and the court may
4 grant, declaratory relief, temporary or permanent injunctive relief, any
5 other civil remedy provided by law or any combination of the foregoing.

6 Sec. 72. K.S.A. 2002 Supp. 17-7301 is hereby amended to read as
7 follows: 17-7301. (a) As used in this act, the words "foreign corporation"
8 mean a corporation organized under the laws of any jurisdiction other
9 than this state.

10 (b) No foreign corporation shall do any business in this state, through
11 or by branch offices, agents or representatives located in this state, until
12 it has filed in the office of the secretary of state of this state an application
13 for authority to engage in business in this state as a foreign corporation.
14 Such application shall be filed in accordance with K.S.A. 17-6003 and
15 amendments thereto and shall set forth:

16 (1) A certificate issued within 90 days of the date of application by
17 the proper officer of the jurisdiction where such corporation is incorpo-
18 rated attesting to the fact that such corporation is a corporation in good
19 standing in such jurisdiction;

20 (2) the address of the principal office of the corporation is located;

21 (3) the address of the principal office or place of business in this state
22 is to be located, if known;

23 (4) the full nature and character of the business the corporation pro-
24 poses to conduct in this state;

25 (5) the name and address of each of the officers and trustees or di-
26 rectors of the corporation;

27 (6) a statement as to when the corporate existence of the corporation
28 will expire in the state of incorporation;

29 (7) a detailed statement of the assets and liabilities of the corporation,
30 as of a date not earlier than 12 months prior to the filing date;

31 (8) the location of the registered office of the corporation in this state
32 and the name of its resident agent in charge of the registered office; and

33 (9) the date on which the corporation commenced, or intends to com-
34 mence, doing business in this state.

35 The application shall be subscribed and sworn to by the president or a
36 vice-president and the secretary or an assistant secretary of the corpora-
37 tion, and it shall be accompanied by the written consent of the corpora-
38 tion, irrevocable, that actions may be commenced against it in the proper
39 court of any ~~county~~ *judicial district* where there is proper venue by the
40 service of process on the secretary of state as provided for in K.S.A. 17-
41 7307 and amendments thereto and stipulating and agreeing that such
42 service shall be taken and held, in all courts, to be as valid and binding
43 as if due service had been made upon the president and secretary of the

1 corporation. Such consent shall be executed by the president or a vice-
2 president and the secretary or an assistant secretary of the corporation
3 and shall be accompanied by a duly certified copy of the order or reso-
4 lution of the board of directors, trustees or managers of the corporation
5 authorizing the secretary or an assistant secretary and the president or a
6 vice-president to execute it.

7 (c) After receipt of the application and fee, if the secretary of state
8 finds that it complies with the provisions of this section, the secretary of
9 state shall file the original application and certify the duplicate copy in
10 accordance with K.S.A. 17-6003, and amendments thereto. The certified
11 copy of the application shall be prima facie evidence of the right of the
12 corporation to do business in this state. The secretary of state shall not
13 file such application unless:

14 (1) The name of the corporation is such as to distinguish it upon the
15 records of the office of the secretary of state from the name of each other
16 corporation organized under the laws of this state or reserved or regis-
17 tered as a foreign corporation under the laws of this state;

18 (2) the corporation has obtained the written consent of such other
19 corporation, which has the same name, for the corporation to do business
20 in this state under such name and such consent has been executed and
21 filed with the secretary of state in accordance with K.S.A. 17-6003 and
22 amendments thereto; or

23 (3) the corporation indicates, as a means of identification and in its
24 advertising within this state, the state in which it is incorporated.

25 Sec. 73. K.S.A. 2002 Supp. 17-76,121 is hereby amended to read as
26 follows: 17-76,121. Before doing business in the state of Kansas, a foreign
27 limited liability company shall register with the secretary of state. In order
28 to register, a foreign limited liability company shall submit to the secretary
29 of state, together with payment of the fee required by this act, an original
30 copy executed by a member or manager, together with a duplicate copy,
31 of an application for registration as a foreign limited liability company,
32 setting forth:

33 (a) The name of the foreign limited liability company;

34 (b) the state or other jurisdiction or country where organized, the
35 date of its organization and a statement issued by an appropriate authority
36 in that jurisdiction that the foreign limited liability company exists in good
37 standing under the laws of the jurisdiction of its organization;

38 (c) the nature of the business or purposes to be conducted or pro-
39 moted in the state of Kansas;

40 (d) the address of the registered office and the name and address of
41 the resident agent for service of process required to be maintained by
42 this act;

43 (e) an irrevocable written consent of the foreign limited liability com-

1 pany that actions may be commenced against it in the proper court of
2 any ~~county~~ *judicial district* where there is proper venue by the service of
3 process on the secretary of state as provided for in K.S.A. 60-304, and
4 amendments thereto, and stipulating and agreeing that such service shall
5 be taken and held, in all courts, to be as valid and binding as if due service
6 had been made upon the general partners of the foreign limited liability
7 company;

8 (f) the name and business, residence or mailing address of each of
9 the members or, if managed by managers, the name and business, resi-
10 dence or mailing address of each of the managers; and

11 (g) the date on which the foreign limited liability company first did,
12 or intends to do, business in the state of Kansas.

13 A person shall not be deemed to be doing business in the state of
14 Kansas solely by reason of being a member or manager of a domestic
15 limited liability company or a foreign limited liability company.

16 Sec. 74. K.S.A. 2002 Supp. 17-76,129 is hereby amended to read as
17 follows: 17-76,129. Service of process in any action against any foreign
18 limited liability company, whether or not that limited liability company is
19 qualified to do business in this state, shall be made in the manner pre-
20 scribed by K.S.A. 60-304, and amendments thereto. Any person who has
21 a cause of action against any foreign limited liability company, whether
22 or not the limited liability company is qualified to do business in this state
23 may file suit against the limited liability company in the district court of
24 a ~~county~~ *judicial district* in which there is proper venue if the cause of
25 action arose in Kansas out of the limited liability company's doing business
26 in Kansas or while the limited liability company was doing business in
27 Kansas.

28 Sec. 75. K.S.A. 2002 Supp. 20-329 is hereby amended to read as
29 follows: 20-329. In every judicial district, the supreme court shall desig-
30 nate a district judge as chief judge who shall have general control over
31 the assignment of cases within the district, subject to supervision by the
32 supreme court. Within guidelines established by statute, rule of the su-
33 preme court or the district court, the chief judge of each district court
34 shall be responsible for and have general supervisory authority over the
35 clerical and administrative functions of such court. *The chief judge shall*
36 *assign cases filed in the district courts to any county within the judicial*
37 *district. Venue shall be proper in any county within the judicial district,*
38 *as assigned by the chief judge.*

39 Sec. 76. K.S.A. 2002 Supp. 20-348 is hereby amended to read as
40 follows: 20-348. Except for expenses required by law to be paid by the
41 state, the board of county commissioners of each have an obligation to
42 adequately fund the operation of the district court in the county and shall
43 be responsible for all expenses incurred for the operation of the district

1 court in the county. *Counties from which district magistrate judge posi-*
2 *tions have been eliminated pursuant to K.S.A. 20-333 or 20-354 and*
3 *amendments thereto shall remain responsible for all expenses incurred as*
4 *that county's share of the operations of the district court within the ju-*
5 *dicial district, as determined by the chief judge of the judicial district.*

6 Sec. 77. K.S.A. 2002 Supp. 22-2902 is hereby amended to read as
7 follows: 22-2902. (1) Every person arrested on a warrant charging a felony
8 or served with a summons charging a felony shall have a right to a pre-
9 liminary examination before a magistrate, unless such warrant has been
10 issued as a result of an indictment by a grand jury.

11 (2) The preliminary examination shall be held before a magistrate of
12 a ~~county~~ *judicial district* in which venue for the prosecution lies within
13 10 days after the arrest or personal appearance of the defendant. Contin-
14 uances may be granted only for good cause shown.

15 (3) The defendant shall not enter a plea at the preliminary exami-
16 nation. The defendant shall be personally present and except for witnesses
17 who are children less than 13 years of age, the witnesses shall be examined
18 in the defendant's presence. The defendant's voluntary absence after the
19 preliminary examination has been begun in the defendant's presence shall
20 not prevent the continuation of the examination. Except for witnesses
21 who are children less than 13 years of age, the defendant shall have the
22 right to cross-examine witnesses against the defendant and introduce evi-
23 dence in the defendant's own behalf. If from the evidence it appears that
24 a felony has been committed and there is probable cause to believe that
25 a felony has been committed by the defendant, the magistrate shall order
26 the defendant bound over to the district judge having jurisdiction to try
27 the case; otherwise, the magistrate shall discharge the defendant. When
28 the victim of the felony is a child less than 13 years of age, the finding of
29 probable cause as provided in this subsection may be based upon hearsay
30 evidence in whole or in part presented at the preliminary examination by
31 means of statements made by a child less than 13 years of age on a vid-
32 eotape recording or by other means.

33 (4) If the defendant waives preliminary examination, the magistrate
34 shall order the defendant bound over to the district judge having juris-
35 diction to try the case.

36 (5) Any judge of the district court may conduct a preliminary exam-
37 ination, and a district judge may preside at the trial of any defendant even
38 though such judge presided at the preliminary examination of such de-
39 fendant.

40 (6) The complaint or information, as filed by the prosecuting attorney
41 pursuant to K.S.A. 22-2905 and amendments thereto, shall serve as the
42 formal charging document at trial. When a defendant and prosecuting
43 attorney reach agreement on a plea of guilty or *nolo contendere*, the de-

1 defendant and the prosecuting attorney shall notify the district court of such
2 agreement and arrange for a time to plead, pursuant to K.S.A. 22-3210
3 and amendments thereto.

4 (7) The judge of the district court, when conducting the preliminary
5 examination, shall have the discretion to conduct arraignment, subject to
6 assignment pursuant to K.S.A. 20-329 and amendments thereto, at the
7 conclusion of the preliminary examination.

8 Sec. 78. K.S.A. 2002 Supp. 22-3428 is hereby amended to read as
9 follows: 22-3428. (1) (a) When a defendant is acquitted and the jury an-
10 swers in the affirmative to the special question asked pursuant to K.S.A.
11 22-3221 and amendments thereto, the defendant shall be committed to
12 the state security hospital for safekeeping and treatment. A finding of not
13 guilty and the jury answering in the affirmative to the special question
14 asked pursuant to K.S.A. 22-3221 and amendments thereto, shall be
15 prima facie evidence that the acquitted defendant is presently likely to
16 cause harm to self or others.

17 (b) Within 90 days of the defendant's admission, the chief medical
18 officer of the state security hospital shall send to the court a written
19 evaluation report. Upon receipt of the report, the court shall set a hearing
20 to determine whether or not the defendant is currently a mentally ill
21 person. The hearing shall be held within 30 days after the receipt by the
22 court of the chief medical officer's report.

23 (c) The court shall give notice of the hearing to the chief medical
24 officer of the state security hospital, the district or county attorney, the
25 defendant and the defendant's attorney. The court shall inform the de-
26 fendant that such defendant is entitled to counsel and that counsel will
27 be appointed to represent the defendant if the defendant is not financially
28 able to employ an attorney as provided in K.S.A. 22-4503 et seq. and
29 amendments thereto. The defendant shall remain at the state security
30 hospital pending the hearing.

31 (d) At the hearing, the defendant shall have the right to present ev-
32 idence and cross-examine witnesses. At the conclusion of the hearing, if
33 the court finds by clear and convincing evidence that the defendant is
34 not currently a mentally ill person, the court shall dismiss the criminal
35 proceeding and discharge the defendant, otherwise the court may commit
36 the defendant to the state security hospital for treatment or may place
37 the defendant on conditional release pursuant to subsection (4).

38 (2) Subject to the provisions of subsection (3):

39 (a) Whenever it appears to the chief medical officer of the state se-
40 curity hospital that a person committed under subsection (1)(d) is not
41 likely to cause harm to other persons in a less restrictive hospital envi-
42 ronment, the officer may transfer the person to any state hospital, subject
43 to the provisions of subsection (3). At any time subsequent thereto during

1 which such person is still committed to a state hospital, if the chief medical
2 officer of that hospital finds that the person may be likely to cause
3 harm or has caused harm, to others, such officer may transfer the person
4 back to the state security hospital.

5 (b) Any person committed under subsection (1)(d) may be granted
6 conditional release or discharge as an involuntary patient.

7 (3) Before transfer of a person from the state security hospital pursuant
8 to subsection (2)(a) or conditional release or discharge of a person
9 pursuant to subsection (2)(b), the chief medical officer of the state security
10 hospital or the state hospital where the patient is under commitment
11 shall give notice to the district court of the ~~county~~ *judicial district*
12 from which the person was committed that transfer of the patient is proposed
13 or that the patient is ready for proposed conditional release or discharge.
14 Such notice shall include, but not be limited to: (a) Identification of the patient;
15 (b) the course of treatment; (c) a current assessment of the defendant's mental
16 illness; (d) recommendations for future treatment, if any; and (e) recommendations
17 regarding conditional release or discharge, if any. Upon receiving notice, the
18 district court shall order that a hearing be held on the proposed transfer, conditional
19 release or discharge. The court shall give notice of the hearing to the state hospital
20 or state security hospital where the patient is under commitment and to the
21 district or county attorney of the ~~county~~ *judicial district* from which the
22 person was originally ~~ordered committed~~ *referred for an order of commitment*
23 and shall order the involuntary patient to undergo a mental evaluation by a person
24 designated by the court. A copy of all orders of the court shall be sent to the
25 involuntary patient and the patient's attorney. The report of the court ordered
26 mental evaluation shall be given to the district or county attorney, the involuntary
27 patient and the patient's attorney at least five days prior to the hearing. The
28 hearing shall be held within 30 days after the receipt by the court of the chief
29 medical officer's notice. The involuntary patient shall remain in the state hospital
30 or state security hospital where the patient is under commitment until the hearing
31 on the proposed transfer, conditional release or discharge is to be held.
32 At the hearing, the court shall receive all relevant evidence, including the
33 written findings and recommendations of the chief medical officer of the state
34 security hospital or the state hospital where the patient is under commitment,
35 and shall determine whether the patient shall be transferred to a less restrictive
36 hospital environment or whether the patient shall be conditionally released or
37 discharged. The patient shall have the right to present evidence at such hearing
38 and to cross-examine any witnesses called by the district or county attorney.
39 At the conclusion of the hearing, if the court finds by clear and convincing
40 evidence that the patient will not be likely to cause harm to self or others if
41 transferred to a

1 less restrictive hospital environment, the court shall order the patient
2 transferred. If the court finds by clear and convincing evidence that the
3 patient is not currently a mentally ill person, the court shall order the
4 patient discharged or conditionally released otherwise, the court shall
5 order the patient to remain in the state security hospital or state hospital
6 where the patient is under commitment. If the court orders the condi-
7 tional release of the patient in accordance with subsection (4), the court
8 may order as an additional condition to the release that the patient con-
9 tinue to take prescribed medication and report as directed to a person
10 licensed to practice medicine and surgery to determine whether or not
11 the patient is taking the medication or that the patient continue to receive
12 periodic psychiatric or psychological treatment.

13 (4) In order to ensure the safety and welfare of a patient who is to
14 be conditionally released and the citizenry of the state, the court may
15 allow the patient to remain in custody at a facility under the supervision
16 of the secretary of social and rehabilitation services for a period of time
17 not to exceed 30 days in order to permit sufficient time for the secretary
18 to prepare recommendations to the court for a suitable reentry program
19 for the patient. The reentry program shall be specifically designed to
20 facilitate the return of the patient to the community as a functioning, self-
21 supporting citizen, and may include appropriate supportive provisions for
22 assistance in establishing residency, securing gainful employment, un-
23 dergoing needed vocational rehabilitation, receiving marital and family
24 counseling, and such other outpatient services that appear beneficial. If
25 a patient who is to be conditionally released will be residing in a county
26 other than the county where the district court that ordered the conditional
27 release is located, the court shall transfer venue of the case to the district
28 court of the ~~other county~~ *judicial district* and send a copy of all of the
29 court's records of the proceedings to the other court. In all cases of con-
30 ditional release the court shall: (a) Order that the patient be placed under
31 the temporary supervision of district court probation and parole services,
32 community treatment facility or any appropriate private agency; and (b)
33 require as a condition precedent to the release that the patient agree in
34 writing to waive extradition in the event a warrant is issued pursuant to
35 K.S.A. 22-3428b and amendments thereto.

36 (5) At any time during the conditional release period, a conditionally
37 released patient, through the patient's attorney, or the county or district
38 attorney of the county in which the district court having venue is located
39 may file a motion for modification of the conditions of release, and the
40 court shall hold an evidentiary hearing on the motion within 15 days of
41 its filing. The court shall give notice of the time for the hearing to the
42 patient and the county or district attorney. If the court finds from the
43 evidence at the hearing that the conditional provisions of release should

1 be modified or vacated, it shall so order. If at any time during the tran-
2 sitional period the designated medical officer or supervisory personnel or
3 the treatment facility informs the court that the patient is not satisfactorily
4 complying with the provisions of the conditional release, the court, after
5 a hearing for which notice has been given to the county or district attorney
6 and the patient, may make orders: (a) For additional conditions of release
7 designed to effect the ends of the reentry program, (b) requiring the
8 county or district attorney to file a petition to determine whether the
9 patient is a mentally ill person as provided in K.S.A. 2002 Supp. 59-2957
10 and amendments thereto, or (c) requiring that the patient be committed
11 to the state security hospital or any state hospital. In cases where an
12 application is ordered to be filed, the court shall proceed to hear and
13 determine the application pursuant to the care and treatment act for
14 mentally ill persons and that act shall apply to all subsequent proceedings.
15 The costs of all proceedings, the mental evaluation and the reentry pro-
16 gram authorized by this section shall be paid by the ~~county~~ *judicial district*
17 from which the person was committed.

18 (6) In any case in which the defense that the defendant lacked the
19 required mental state pursuant to K.S.A. 22-3220 and amendments
20 thereto is relied on, the court shall instruct the jury on the substance of
21 this section.

22 (7) As used in this section and K.S.A. 22-3428a and amendments
23 thereto:

24 (a) “Likely to cause harm to self or others” means that the person is
25 likely, in the reasonably foreseeable future, to cause substantial physical
26 injury or physical abuse to self or others or substantial damage to another’s
27 property, or evidenced by behavior causing, attempting or threatening
28 such injury, abuse or neglect.

29 (b) “Mentally ill person” means any person who:

30 (A) Is suffering from a severe mental disorder to the extent that such
31 person is in need of treatment; and

32 (B) is likely to cause harm to self or others.

33 (c) “Treatment facility” means any mental health center or clinic,
34 psychiatric unit of a medical care facility, psychologist, physician or other
35 institution or individual authorized or licensed by law to provide either
36 inpatient or outpatient treatment to any patient.

37 Sec. 79. K.S.A. 2002 Supp. 50-110 is hereby amended to read as
38 follows: 50-110. (a) Jurisdiction. For the purpose of enforcing this act,
39 the courts of this state shall have power to exercise jurisdiction over per-
40 sons to the maximum extent permitted by the constitution of the United
41 States.

42 (b) Venue. Every action pursuant to this act shall be brought in the
43 district court of any ~~county~~ *judicial district* in which there occurred an

1 act or practice declared to be a violation of this act or in the district court
2 of Shawnee county.

3 Sec. 80. K.S.A. 2002 Supp. 59-2203 is hereby amended to read as
4 follows: 59-2203. Proceedings for the probate of a will or for administra-
5 tion shall be had in the ~~county~~ *judicial district* of the residence of the
6 decedent at the time of such decedent's death if the decedent owned an
7 interest in real property in such ~~county~~ *judicial district*, or, if the decedent
8 did not own an interest in real property in the decedent's ~~county~~ *judicial*
9 *district* of residence at the time of such decedent's death, in such ~~county~~
10 *judicial district* of the residence of the decedent at the time of such
11 decedent's death or in any ~~county~~ *judicial district* where the decedent
12 owned an interest in real property; if the decedent was not a resident of
13 this state, proceedings may be had in any ~~county~~ *judicial district* where
14 such decedent left any estate to be administered as provided in K.S.A.
15 59-805 and amendments thereto. Proceedings for the administration of
16 a partnership estate by the surviving partner shall be had in the ~~county~~
17 *judicial district* of the residence of the deceased partner at the time. If
18 the deceased partner is a nonresident of the state the proceedings may
19 be had in any ~~county~~ *judicial district* in which any of the partnership
20 property is situated. Such proceedings first legally commenced shall ex-
21 tend to all of the property of the decedent or proposed conservatee in
22 this state.

23 If the proceedings are instituted in more than one ~~county~~ *judicial dis-*
24 *trict*, they shall be stayed except in the ~~county~~ *judicial district* where first
25 commenced until final determination of venue. If the proper venue is
26 determined to be in another ~~county~~ *judicial district*, the district court,
27 after making and retaining a true copy of the entire file, shall transmit
28 the original to the proper ~~county~~ *judicial district*.

29 Sec. 81. K.S.A. 2002 Supp. 59-2971 is hereby amended to read as
30 follows: 59-2971. (a) At any time after the petition provided for in K.S.A.
31 2002 Supp. 59-2957 and amendments thereto has been filed venue may
32 be transferred in accordance with this section.

33 (1) Prior to trial required by K.S.A. 2002 Supp. 59-2965 and amend-
34 ments thereto. Before the expiration of two full working days following
35 the probable cause hearing held pursuant to K.S.A. 2002 Supp. 59-2959
36 or 59-2962 and amendments thereto, the district court then with juris-
37 diction, on its own motion or upon the written request of any person,
38 may transfer the venue of the case to the district court of the ~~county~~
39 *judicial district* where the patient is being detained, evaluated or treated
40 in a treatment facility under the authority of an order issued pursuant to
41 K.S.A. 2002 Supp. 59-2958, 59-2959 or 59-2964 and amendments
42 thereto. Thereafter the district court may on its own motion or upon the
43 written request of any person transfer venue to another district court only

1 for good cause shown.

2 When an order changing venue is issued, the district court issuing the
3 order shall immediately send to the district court to which venue is
4 changed a facsimile of all pleadings and orders in the case. The district
5 court shall also immediately send a facsimile of the order transferring
6 venue to the treatment facility where the patient is being detained, evalu-
7 ated or treated.

8 (2) After trial required by K.S.A. 2002 Supp. 59-2965 and amend-
9 ments thereto, the district court may on its own motion or upon the
10 written request of any person transfer venue to another district court for
11 good cause shown. When an order changing venue is issued, the district
12 court issuing the order shall immediately send to the district court to
13 which venue is changed a facsimile of the petition for determination of
14 mental illness subject to involuntary commitment for care and treatment,
15 the most recent notice of hearing issued by the court, the order changing
16 venue, the current order of treatment, the most recent written report
17 summarizing treatment and any order allowing withdrawal of the patient's
18 attorney. The transferring district court shall also immediately send a
19 facsimile of the order transferring venue to the treatment facility where
20 the patient is being detained, evaluated or treated. No later than 5:00
21 p.m. of the second full day the district court transferring venue is open
22 for business following the issuance of the order transferring venue, the
23 district court transferring venue shall send to the receiving district court
24 the entire file of the case by restricted mail.

25 (b) The district court issuing an order transferring venue, if not in
26 the ~~county~~ *judicial district* of residence of the proposed patient, shall
27 transmit to the district court in the ~~county~~ *judicial district* of residence
28 of the proposed patient a statement of any court costs incurred by the
29 ~~county~~ *judicial district* of the district court issuing the order and, if the
30 ~~county~~ *judicial district* of residence is not the receiving ~~county~~ *judicial*
31 *district*, a certified copy of all pleadings and orders in the case.

32 (c) Any district court to which venue is transferred shall proceed in
33 the case as if the petition had been originally filed therein and shall cause
34 notice of the change of venue to be given to the persons named in and
35 in the same manner as provided for in K.S.A. 2002 Supp. 59-2963 and
36 amendments thereto. In the event that notice of a change of location of
37 a hearing due to a change of venue cannot be served at least 48 hours
38 prior to any hearing previously scheduled by the transferring court or
39 because of scheduling conflicts the hearing can not be held by the re-
40 ceiving court on the previously scheduled date, then the receiving court
41 shall continue the hearing for up to seven full working days to allow
42 adequate time for notice to be given and the hearing held.

43 (d) Any district court to which venue is transferred, if not in the

1 ~~county~~ *judicial district* of residence of the patient, shall transmit to the
2 district court in the ~~county~~ *judicial district* of residence of the patient a
3 statement of any court costs incurred and a certified copy of all pleadings
4 and orders entered in the case after transfer.

5 Sec. 82. K.S.A. 2002 Supp. 59-29b71 is hereby amended to read as
6 follows: 59-29b71. (a) At any time after the petition provided for in K.S.A.
7 2002 Supp. 59-29b57 and amendments thereto has been filed venue may
8 be transferred in accordance with this section.

9 (1) Prior to trial required by K.S.A. 2002 Supp. 59-29b65 and amend-
10 ments thereto. Before the expiration of two full working days following
11 the probable cause hearing held pursuant to K.S.A. 2002 Supp. 59-29b59
12 or 59-29b62 and amendments thereto, the district court then with juris-
13 diction, on its own motion or upon the written request of any person,
14 may transfer the venue of the case to the district court of the county
15 where the patient is being detained, evaluated or treated in a treatment
16 facility under the authority of an order issued pursuant to K.S.A. 2002
17 Supp. 59-29b58, 59-29b59 or 59-29b64 and amendments thereto. There-
18 after the district court may on its own motion or upon the written request
19 of any person transfer venue to another district court only for good cause
20 shown. When an order changing venue is issued, the district court issuing
21 the order shall immediately send to the district court to which venue is
22 changed a facsimile of all pleadings and orders in the case. The district
23 court shall also immediately send a facsimile of the order transferring
24 venue to the treatment facility where the patient is being detained, eval-
25 uated or treated.

26 (2) After the trial required by K.S.A. 2002 Supp. 59-29b65 and
27 amendments thereto, the district court may on its own motion or upon
28 the written request of any person transfer venue to another district court
29 for good cause shown. When an order changing venue is issued, the dis-
30 trict court issuing the order shall immediately send to the district court
31 to which venue is changed a facsimile of the petition for determination
32 of whether a person is a person with an alcohol or substance abuse prob-
33 lem subject to involuntary commitment for care and treatment, the most
34 recent notice of hearing issued by the court, the order changing venue,
35 the current order of treatment, the most recent written report summa-
36 rizing treatment and any order allowing withdrawal of the patient's attor-
37 ney. The transferring district court shall also immediately send a facsimile
38 of the order transferring venue to the treatment facility where the patient
39 is being detained, evaluated or treated. No later than 5:00 p.m. of the
40 second full day the district court transferring venue is open for business
41 following the issuance of the order transferring venue, the district court
42 transferring venue shall send to the receiving district court the entire file
43 of the case by restricted mail.

1 (b) The district court issuing an order transferring venue, if not in
2 the ~~county~~ *judicial district* of residence of the proposed patient, shall
3 transmit to the district court in the ~~county~~ *judicial district* of residence
4 of the proposed patient a statement of any court costs incurred by the
5 ~~county~~ *judicial district* of the district court issuing the order and, if the
6 ~~county~~ *judicial district*, of residence is not the receiving ~~county~~ *judicial*
7 *district*, a certified copy of all pleadings and orders in the case.

8 (c) Any district court to which venue is transferred shall proceed in
9 the case as if the petition had been originally filed therein and shall cause
10 notice of the change of venue to be given to the persons named in and
11 in the same manner as provided for in K.S.A. 2002 Supp. 59-29b63 and
12 amendments thereto. In the event that notice of a change of location of
13 a hearing due to a change of venue cannot be served at least 48 hours
14 prior to any hearing previously scheduled by the transferring court or
15 because of scheduling conflicts the hearing can not be held by the re-
16 ceiving court on the previously scheduled date, then the receiving court
17 shall continue the hearing for up to seven full working days to allow
18 adequate time for notice to be given and the hearing held.

19 (d) Any district court to which venue is transferred, if not in the
20 ~~county~~ *judicial district* of residence of the patient, shall transmit to the
21 district court in the ~~county~~ *judicial district* of residence of the patient a
22 statement of any court costs incurred and a certified copy of all pleadings
23 and orders entered in the case after transfer.

24 Sec. 83. K.S.A. 2002 Supp. 60-604 is hereby amended to read as
25 follows: 60-604. An action against a domestic corporation, or against a
26 foreign corporation which is qualified to do business in this state, other
27 than an action for which venue is otherwise specifically prescribed by law,
28 may be brought in the ~~county~~ *judicial district* in which:

- 29 (1) Its registered office is located;
- 30 (2) the cause of action arose;
- 31 (3) the defendant is transacting business at the time of the filing of
32 the petition, if the plaintiff is a resident of such county at the time the
33 cause of action arose;
- 34 (4) there is located tangible personal property which is the subject of
35 an action for the possession thereof if immediate possession is sought in
36 accordance with K.S.A. 60-1005 and amendments thereto at the time of
37 the filing of the action; or
- 38 (5) equipment or facilities for use in the supply of transportation serv-
39 ices, or communication services, including, without limitation, telephonic
40 communication services, are located, where the subject of such action
41 relates to transportation services or communication services supplied or
42 rendered, in whole or in part, using such equipment or facilities.

43 Sec. 84. K.S.A. 2002 Supp. 60-609 is hereby amended to read as

1 follows: 60-609. (a) Upon the motion of a party, a district court may
2 transfer any civil action to any ~~county~~ *judicial district* where it might have
3 been brought upon a finding that a transfer would better serve the con-
4 venience of the parties and witnesses and the interests of justice.

5 (b) In any action in the district court which is commenced pursuant
6 to chapter 60 of the Kansas Statutes Annotated and in which it shall be
7 made to appear that a fair and impartial trial cannot be had in the county
8 *or judicial district* where the action is pending, for reasons other than the
9 disqualification of the judge, the court, upon application of either party,
10 may change the place of trial to some county *or judicial district* where
11 the objection does not exist.

12 (c) When all parties who are not in default agree and the agreement
13 is approved by the court of original venue and the supreme court, a civil
14 action may be transferred to any county *or judicial district*.

15 Sec. 85. K.S.A. 2002 Supp. 60-612 is hereby amended to read as
16 follows: 60-612. (a) Without changing venue, a judge may conduct any
17 hearing or nonjury trial in any county *or judicial district* agreed upon by
18 all parties who are not in default.

19 (b) If the court finds on motion of any party, that the county where
20 an action was filed does not have a courtroom or other suitable facility
21 which conforms to section 11 of the Americans with disabilities act ac-
22 cessibility guidelines for buildings and facilities (ADAAG) adopted by 28
23 CFR 36.406 and incorporated in appendix A thereto, as in effect on July
24 1, 1999, and that such failure to conform would prohibit or limit the
25 participation of a person material to the proceeding, the judge, without
26 changing venue, may conduct any hearing or trial in any county with an
27 accessible courtroom.

28 (c) If the court finds, on motion of any person at least 20 days before
29 the hearing or trial, that the county where an action was filed does not
30 have a courtroom or other suitable facility which conforms to section 11
31 of the Americans with disabilities act accessibility guidelines for buildings
32 and facilities (ADAAG) adopted by 28 CFR 36.406 and incorporated in
33 appendix A thereto, as in effect on July 1, 1999, and that such failure to
34 conform would prohibit or limit the attendance of any person, the judge,
35 without changing venue, may conduct the hearing or trial in any county
36 with an accessible courtroom. Notice of the change of the location shall
37 be given to the parties at least 10 days prior to the date of the first pro-
38 ceeding at the alternate location.

39 Sec. 86. K.S.A. 2002 Supp. 61-3402 is hereby amended to read as
40 follows: 61-3402. An action against a resident of this state, other than an
41 action for which venue is otherwise specifically prescribed by law, may
42 be brought in the ~~county~~ *judicial district* in which:

43 (a) The defendant resides;

- 1 (b) the plaintiff resides if the defendant is served therein;
2 (c) the cause of action arose;
3 (d) the defendant has a place of business or of employment if the
4 defendant is served therein;
5 (e) the estate of a deceased person is being probated if such deceased
6 person was jointly liable with the defendant and a demand to enforce
7 such liability has been duly exhibited in the probate proceedings of such
8 decedent's estate; or
9 (f) there is located tangible personal property which is the subject of
10 an action for the possession thereof if immediate possession is sought in
11 accordance with K.S.A. 2002 Supp. 61-3701, and amendments thereto,
12 at the time of the filing of the action.

13 Sec. 87. K.S.A. 2002 Supp. 61-3403 is hereby amended to read as
14 follows: 61-3403. An action against a domestic corporation, or against a
15 foreign corporation which is qualified to do business in this state, other
16 than an action for which venue is otherwise specifically prescribed by law,
17 may be brought in the ~~county~~ *judicial district* in which:

- 18 (a) Its registered office is located;
19 (b) the cause of action arose;
20 (c) the defendant is transacting business at the time of the filing of
21 the petition; or
22 (d) there is located tangible personal property which is the subject of
23 an action for the possession thereof if immediate possession is sought in
24 accordance with K.S.A. 2002 Supp. 61-3701, and amendments thereto,
25 at the time of the filing of the action.

26 Sec. 88. K.S.A. 2002 Supp. 61-3404 is hereby amended to read as
27 follows: 61-3404. An action against a nonresident of this state, or against
28 a corporation which is not qualified to do business in this state, other than
29 an action for which venue is otherwise specifically prescribed by law, may
30 be brought in the ~~county~~ *judicial district* in which:

- 31 (a) The plaintiff resides, or if the plaintiff is a corporation, in the
32 ~~county~~ *judicial district* of its registered office or in which it maintains a
33 place of business;
34 (b) the defendant is served;
35 (c) the cause of action arose;
36 (d) the defendant is transacting business at the time of the filing of
37 the petition;
38 (e) there is property of the defendant, or debts owing to the defend-
39 ant; or
40 (f) there is located tangible personal property which is the subject of
41 an action for the possession thereof if immediate possession is sought in
42 accordance with K.S.A. 2002 Supp. 61-3701, and amendments thereto,
43 at the time of the filing of the action.

1 Sec. 89. K.S.A. 2002 Supp. 61-3405 is hereby amended to read as
2 follows: 61-3405. Any action brought against a public utility, common
3 carrier or transportation system for any liability or penalty or forfeiture,
4 may be brought in any ~~county~~ *judicial district* into or through which such
5 public utility, common carrier or transportation system operates regularly.

6 Sec. 90. K.S.A. 2002 Supp. 61-3406 is hereby amended to read as
7 follows: 61-3406. If there are several plaintiffs properly joined and venue
8 is determined by the residence of one of them, it shall be necessary that
9 such plaintiff's claim is a substantial part of the action. If there are several
10 defendants properly joined, venue of the action may be determined at
11 the election of the plaintiff as to any one of the defendants against whom
12 a substantial claim exists. If, before trial of an action on the merits is
13 commenced, a party with reference to whom venue was determined
14 ceases to be a party and venue would no longer be proper as to the
15 remaining parties, on the application of any remaining party promptly
16 made, the cause shall be transferred to a court of a ~~county~~ *judicial district*
17 of proper jurisdiction and venue. If there is more than one such ~~county~~
18 *judicial district*, the transfer shall be to a ~~county~~ *judicial district* selected
19 by the plaintiff.

20 Sec. 91. K.S.A. 2002 Supp. 61-3407 is hereby amended to read as
21 follows: 61-3407. In all cases pursuant to the provisions of the code of
22 civil procedure for limited actions in which it shall be made to appear
23 that a fair and impartial trial cannot be had in the ~~county~~ *judicial district*
24 where the suit is pending, for reasons other than the disqualification of
25 the judge, the court, upon application of either party, may change the
26 place of trial to the district court of some ~~county~~ *judicial district* where
27 the objection does not exist.

28 Sec. 92. K.S.A. 2002 Supp. 61-3409 is hereby amended to read as
29 follows: 61-3409. If an action is commenced in good faith and a subse-
30 quent timely objection to the venue is sustained, or if before trial on the
31 merit commences, it is found that no cause of action exists in favor of or
32 against a party upon whom venue was dependent, the action shall be
33 transferred to a court of proper jurisdiction of any ~~county~~ *judicial district*
34 of proper venue. If there is more than one such ~~county~~ *judicial district*,
35 the transfer shall be to the court of a ~~county~~ *judicial district* selected by
36 the plaintiff. In accordance with K.S.A. 2002 Supp. 61-4001, and amend-
37 ments thereto, the receiving district court shall require the payment of
38 an appropriate docket fee from the movant.

39 Sec. 93. K.S.A. 5-417, 8-259, 8-1020, 16a-6-116, 17-1775, 17-7307,
40 20-301, 20-301b, 20-327, 20-331, 20-333, 20-336, 20-354, 20-2908, 20-
41 3108, 20-3109, 20-3110, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606,
42 22-2607, 22-2608, 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-
43 2614, 22-2615, 22-2616, 22-2617, 22-3428a, 26-501, 38-1116, 38-1504,

1 38-1511, 38-1605, 38-1613, 40-218, 43-107, 43-112a, 43-112b, 43-158,
2 43-162, 43-163, 43-164, 47-421, 50-638, 55-1617, 56-1a502, 56-1a510, 59-
3 2126, 59-2136, 59-2138, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-
4 603, 60-605, 60-606, 60-607 , 60-608, 60-611, 60-613, 60-614, 60-4103,
5 61-2708, 66-118e, 72-6776, 74-711, 75-6907, 77-609 and 77-624 and
6 K.S.A. 2002 Supp. 17-7301, 17-76,121, 17-76,129, 20-329, 20-338, 20-
7 348, 20-3107, 22-2902, 22-3428, 50-110, 59-2203, 59-2971, 59-29b71, 60-
8 604, 60-609, 60-612, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-
9 3407 and 61-3409 are hereby repealed.

10 Sec. 94. This act shall take effect and be in force from and after its
11 publication in the statute book.

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