

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2614

By Committee on Judiciary

1-28

10 AN ACT concerning district magistrate judges; relating to the salary and
11 **jurisdiction** thereof; amending K.S.A. 75-3120k and **K.S.A. 2003**
12 **Supp. 20-302b** and repealing the existing ~~section~~ **sections**.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 **Section 1. K.S.A. 2003 Supp. 20-302b is hereby amended to**
16 **read as follows: 20-302b. (a) A district magistrate judge shall have**
17 **the jurisdiction and power, in any case in which a violation of the**
18 **laws of the state is charged, to conduct the trial of traffic infrac-**
19 **tions, cigarette or tobacco infractions or misdemeanor charges, to**
20 **conduct the preliminary examination of felony charges and to hear**
21 **felony arraignments subject to assignment pursuant to K.S.A. 20-**
22 **329 and amendments thereto. Except as otherwise provided, in**
23 **civil cases, a district magistrate judge shall have jurisdiction over**
24 **actions filed under the code of civil procedure for limited actions,**
25 **K.S.A. 2003 Supp. 61-2801 et seq., and amendments thereto, and**
26 **concurrent jurisdiction, powers and duties with a district judge.**
27 **Except as otherwise specifically provided in subsection (b), a dis-**
28 **trict magistrate judge shall not have jurisdiction or cognizance**
29 **over the following actions:**

30 (1) Any action, other than an action seeking judgment for an
31 unsecured debt not sounding in tort and arising out of a contract
32 for the provision of goods, services or money, in which the amount
33 in controversy, exclusive of interests and costs, exceeds \$10,000.
34 The provisions of this subsection shall not apply to actions filed
35 under the code of civil procedure for limited actions, K.S.A. 2003
36 Supp. 61-2801 et seq., and amendments thereto. In actions of re-
37 plevin, the affidavit in replevin or the verified petition fixing the
38 value of the property shall govern the jurisdiction. Nothing in this
39 paragraph shall be construed as limiting the power of a district
40 magistrate judge to hear any action pursuant to the Kansas probate
41 code or to issue support orders as provided by paragraph (6) of
42 this subsection;

43 (2) actions against any officers of the state, or any subdivisions

- 1 **thereof, for misconduct in office;**
2 **(3) actions for specific performance of contracts for real estate;**
3 **(4) actions in which title to real estate is sought to be recovered**
4 **or in which an interest in real estate, either legal or equitable, is**
5 **sought to be established. Nothing in this paragraph shall be con-**
6 **strued as limiting the right to bring an action for forcible detainer**
7 **as provided in the acts contained in K.S.A. 2003 Supp. 61-3801**
8 **through 61-3808, and amendments thereto. Nothing in this para-**
9 **graph shall be construed as limiting the power of a district mag-**
10 **istrate judge to hear any action pursuant to the Kansas probate**
11 **code;**
12 **(5) actions to foreclose real estate mortgages or to establish**
13 **and foreclose liens on real estate as provided in the acts contained**
14 **in article 11 of chapter 60 of the Kansas Statutes Annotated, and**
15 **amendments thereto;**
16 **(6) actions for divorce, separate maintenance or custody of mi-**
17 **nor children. Nothing in this paragraph shall be construed as lim-**
18 **iting the power of a district magistrate judge to: (A) *Except as pro-***
19 ***vided in subsection (e)*, hear any action pursuant to the Kansas code**
20 **for care of children or the Kansas juvenile justice code; (B) estab-**
21 **lish, modify or enforce orders of support, including, but not limited**
22 **to, orders of support pursuant to the Kansas parentage act, K.S.A.**
23 **23-9,101 *et seq.*, 39-718b, 39-755 or 60-1610 or K.S.A. 23-4,105**
24 **through 23-4,118, 23-4,125 through 23-4,137, 38-1542, 38-1543 or**
25 **38-1563, and amendments thereto; or (C) enforce orders granting**
26 **visitation rights or parenting time;**
27 **(7) habeas corpus;**
28 **(8) receiverships;**
29 **(9) change of name;**
30 **(10) declaratory judgments;**
31 **(11) mandamus and quo warranto;**
32 **(12) injunctions;**
33 **(13) class actions;**
34 **(14) rights of majority; and**
35 **(15) actions pursuant to K.S.A. 59-29a01 *et seq.* and amend-**
36 **ments thereto.**
37 **(b) Notwithstanding the provisions of subsection (a), in the ab-**
38 **sence, disability or disqualification of a district judge, a district**
39 **magistrate judge may:**
40 **(1) Grant a restraining order, as provided in K.S.A. 60-902 and**
41 **amendments thereto;**
42 **(2) appoint a receiver, as provided in K.S.A. 60-1301 and**
43 **amendments thereto; and**

1 **(3) make any order authorized by K.S.A. 60-1607 and amend-**
2 **ments thereto.**

3 **(c) In accordance with the limitations and procedures pre-**
4 **scribed by law, and subject to any rules of the supreme court re-**
5 **lating thereto, any appeal permitted to be taken from an order or**
6 **final decision of a district magistrate judge shall be tried and de-**
7 **termined *de novo* by a district judge, except that in civil cases where**
8 **a record was made of the action or proceeding before the district**
9 **magistrate judge, the appeal shall be tried and determined on the**
10 **record by a district judge.**

11 **(d) Except as provided in subsection (e), upon motion of a party,**
12 **the chief judge may reassign an action from a district magistrate**
13 **judge to a district judge.**

14 *(e) Upon motion of a party for a petition or motion filed under the*
15 *Kansas code for care of children requesting termination of parental rights*
16 *pursuant to K.S.A. 38-1581 through 38-1587, and amendments thereto,*
17 *the chief judge shall reassign such action from a district magistrate judge*
18 *to a district judge.*

19 Section ~~±~~ **2.** K.S.A. 75-3120k is hereby amended to read as follows:
20 75-3120k. (a) The annual salary of district magistrate judges shall be paid
21 in equal installments each payroll period in accordance with this section.

22 (b) Subject to the provisions of subsection (c) and except as otherwise
23 provided in K.S.A. 75-3120l and amendments thereto, the annual salary
24 of district magistrate judges shall be ~~\$33,660~~ \$47,416.

25 (c) ~~The district magistrate judge in position one of Atchison county~~
26 ~~shall receive an annual salary equal to ½ of the annual salary provided~~
27 ~~for in subsection (b).~~

28 ~~—(d) No~~ **Within the limits of the appropriations therefor, the county**
29 **or counties comprising the judicial district** may supplement the salary
30 of, or pay any compensation to, any district magistrate judge **who is reg-**
31 **ularly admitted to practice law in Kansas.**

32 Sec. ~~2-~~ **3.** K.S.A. 75-3120k ~~is~~ **and K.S.A. 2003 Supp. 20-302b** are
33 hereby repealed.

34 Sec. ~~3-~~ **4.** This act shall take effect and be in force from and after its
35 publication in the statute book.