

## SENATE BILL No. 481

By Committee on Ways and Means

1-28

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9 AN ACT concerning district magistrate judges; relating to the elimina-  
10 tion or reassignment of positions upon vacancy; amending K.S.A. 5-  
11 417, 16a-6-116, 17-1775, 17-7301, 17-7307, 17-76,121, 17-76,129, 20-  
12 301, 20-327, 20-329, 20-331, 20-333, 20-336, 20-348, 20-354, 20-2908,  
13 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608, 22-  
14 2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2615, 22-2616,  
15 22-2617, 22-2902, 22-3428, 22-3428a, 38-1116, 43-162, 43-163, 43-  
16 164, 47-421, 50-110, 50-638, 55-1617, 56-1a502, 56-1a510, 59-2126,  
17 59-2138, 59-2203, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-603,  
18 60-604, 60-605, 60-606, 60-607, 60-608, 60-609, 60-611, 60-612, 60-  
19 613, 60-614, 60-4103, 61-2708, 61-3402, 61-3403, 61-3404, 61-3405,  
20 61-3406, 61-3407, 61-3409, 66-118e, 75-6907, 77-609 and 77-624 and  
21 K.S.A. 2009 Supp. 8-259, 8-1020, 26-501, 38-2204, 38-2305, 40-218,  
22 43-107, 43-158, 59-2136, 59-2971, 59-29b71 and 74-711 and repealing  
23 the existing sections; also repealing K.S.A. 20-301b, 20-338, 20-3107,  
24 20-3108, 20-3109, 20-3110 and 72-6776 and K.S.A. 2009 Supp. 43-  
25 112a and 43-112b.

26  
27 *Be it enacted by the Legislature of the State of Kansas:*

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

37 Sec. 2. K.S.A. 2009 Supp. 8-259 is hereby amended to read as fol-  
38 lows: 8-259. (a) Except in the case of mandatory revocation under K.S.A.  
39 8-254 or 8-286, and amendments thereto, mandatory suspension for an  
40 alcohol or drug-related conviction under subsection (b) of K.S.A. 8-1014,  
41 and amendments thereto, mandatory suspension under K.S.A. 8-262, and  
42 amendments thereto, or mandatory disqualification of the privilege to  
43 drive a commercial motor vehicle under subsection (a)(1)(A), (a)(1)(B),

1 (a)(1)(C), (a)(2)(A), (a)(3)(A) or (a)(3)(B) of K.S.A. 8-2,142, and amend-  
2 ments thereto, the cancellation, suspension, revocation, disqualification  
3 or denial of a person's driving privileges by the division is subject to  
4 review. Such review shall be in accordance with the act for judicial review  
5 and civil enforcement of agency actions. In the case of review of an order  
6 of suspension under K.S.A. 8-1001 et seq., and amendments thereto, or  
7 of an order of disqualification under subsection (a)(1)(D) of K.S.A. 8-  
8 2,142, and amendments thereto, the petition for review shall be filed  
9 within 10 days after the effective date of the order and venue of the action  
10 for review is the ~~county~~ *judicial district* where the administrative pro-  
11 ceeding was held or the ~~county~~ *judicial district* where the person was  
12 arrested. In all other cases, the time for filing the petition is as provided  
13 by K.S.A. 77-613, and amendments thereto, and venue is the ~~county~~ *ju-*  
14 *dicial district* where the licensee resides. The action for review shall be  
15 by trial de novo to the court. The court shall take testimony, examine the  
16 facts of the case and determine whether the petitioner is entitled to driv-  
17 ing privileges or whether the petitioner's driving privileges are subject to  
18 suspension, cancellation or revocation under the provisions of this act.  
19 Unless the petitioner's driving privileges have been extended pursuant to  
20 subsection (o) of K.S.A. 8-1020, and amendments thereto, the court on  
21 review may grant a stay or other temporary remedy pursuant to K.S.A.  
22 77-616, and amendments thereto, after considering the petitioner's traffic  
23 violations record and liability insurance coverage. If a stay is granted, it  
24 shall be considered equivalent to any license surrendered. If a stay is not  
25 granted, trial shall be set upon 20 days' notice to the legal services bureau  
26 of the department of revenue. No stay shall be issued if a person's driving  
27 privileges are canceled pursuant to K.S.A. 8-250, and amendments  
28 thereto.

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

32 Sec. 3. K.S.A. 2009 Supp. 8-1020 is hereby amended to read as fol-  
33 lows: 8-1020. (a) Any licensee served with an officer's certification and  
34 notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto,  
35 may request an administrative hearing. Such request may be made either  
36 by:

37 (1) Mailing a written request which is postmarked 10 days after serv-  
38 ice of notice; or

39 (2) transmitting a written request by electronic facsimile which is re-  
40 ceived by the division within 10 days after service of notice.

41 (b) If the licensee makes a timely request for an administrative hear-  
42 ing, any temporary license issued pursuant to K.S.A. 8-1002, and amend-  
43 ments thereto, shall remain in effect until the 30th day after the effective

1 date of the decision made by the division.

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

6 (d) Upon receipt of a timely request for a hearing, the division shall  
7 forthwith set the matter for hearing before a representative of the director  
8 and provide notice of the extension of temporary driving privileges. The  
9 hearing shall be held by telephone conference call unless the hearing  
10 request includes a request that the hearing be held in person before a  
11 representative of the director. The officer's certification and notice of  
12 suspension shall inform the licensee of the availability of a hearing before  
13 a representative of the director. Except for a hearing conducted by tel-  
14 ephone conference call, the hearing shall be conducted in the county  
15 where the arrest occurred or a county adjacent thereto.

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

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

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

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

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

28 (f) At or prior to the time the notice of hearing is sent, the division  
29 shall issue an order allowing the licensee or the licensee's attorney to  
30 review any video or audio tape record made of the events upon which  
31 the administrative action is based. Such review shall take place at a rea-  
32 sonable time designated by the law enforcement agency and shall be  
33 made at the location where the video or audio tape is kept. The licensee  
34 may obtain a copy of any such video or audio tape upon request and upon  
35 payment of a reasonable fee to the law enforcement agency, not to exceed  
36 \$25 per tape.

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

1 upon in the officer's certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or other drugs in such person's system;

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

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

7 (D) the testing equipment used was reliable;

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

9 (F) the testing procedures used were reliable;

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

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

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

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

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

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

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

39 (2) the testimony of the licensee;

40 (3) the testimony of any certifying officer;

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

43 (5) any affidavits submitted from other witnesses;

- 1 (6) any documents submitted by the licensee to show the existence  
2 of a medical condition, as described in K.S.A. 8-1001, and amendments  
3 thereto; and
- 4 (7) any video or audio tape record of the events upon which the ad-  
5 ministrative action is based.
- 6 (m) After the hearing, the representative of the director shall enter  
7 an order affirming the order of suspension or suspension and restriction  
8 of driving privileges or for good cause appearing therefor, dismiss the  
9 administrative action. If the representative of the director enters an order  
10 affirming the order of suspension or suspension and restriction of driving  
11 privileges, the suspension or suspension and restriction shall begin on the  
12 30th day after the effective date of the order of suspension or suspension  
13 and restriction. If the person whose privileges are suspended is a non-  
14 resident licensee, the license of the person shall be forwarded to the  
15 appropriate licensing authority in the person's state of residence if the  
16 result at the hearing is adverse to such person or if no timely request for  
17 a hearing is received.
- 18 (n) The representative of the director may issue an order at the close  
19 of the hearing or may take the matter under advisement and issue a  
20 hearing order at a later date. If the order is made at the close of the  
21 hearing, the licensee or the licensee's attorney shall be served with a copy  
22 of the order by the representative of the director. If the matter is taken  
23 under advisement or if the hearing was by telephone conference call, the  
24 licensee and any attorney who appeared at the administrative hearing  
25 upon behalf of the licensee each shall be served with a copy of the hearing  
26 order by mail. Any law enforcement officer who appeared at the hearing  
27 also may be mailed a copy of the hearing order. The effective date of the  
28 hearing order shall be the date upon which the hearing order is served,  
29 whether served in person or by mail.
- 30 (o) The licensee may file a petition for review of the hearing order  
31 pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition  
32 for review, the licensee shall serve the secretary of revenue with a copy  
33 of the petition and summons. Upon receipt of a copy of the petition for  
34 review by the secretary, the temporary license issued pursuant to subsec-  
35 tion (b) shall be extended until the decision on the petition for review is  
36 final.
- 37 (p) Such review shall be in accordance with this section and the act  
38 for judicial review and civil enforcement of agency actions. To the extent  
39 that this section and any other provision of law conflicts, this section shall  
40 prevail. The petition for review shall be filed within 10 days after the  
41 effective date of the order. Venue of the action for review is the ~~county~~  
42 *judicial district* where the person was arrested or the accident occurred,  
43 or, if the hearing was not conducted by telephone conference call, the

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

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

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

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

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

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

36 (v) The provisions of K.S.A. 60-206, and amendments thereto, re-  
37 garding the computation of time shall be applicable in determining the  
38 time for requesting an administrative hearing as set out in subsection (a)  
39 and to the time for filing a petition for review pursuant to subsection (o)  
40 and K.S.A. 8-259, and amendments thereto.

41 Sec. 4. K.S.A. 16a-6-116 is hereby amended to read as follows: 16a-  
42 6-116. The administrator may bring actions or proceedings in a court in  
43 a ~~county~~ *judicial district* in which an act on which the action or proceeding

1 is based occurred or in a ~~county~~ *judicial district* in which respondent  
2 resides or transacts business.

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

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

15 Sec. 6. K.S.A. 17-7301 is hereby amended to read as follows: 17-  
16 7301. (a) As used in this act, the words "foreign corporation" mean a  
17 corporation organized under the laws of any jurisdiction other than this  
18 state.

19 (b) No foreign corporation shall do any business in this state, through  
20 or by branch offices, agents or representatives located in this state, until  
21 it has filed in the office of the secretary of state of this state an application  
22 for authority to engage in business in this state as a foreign corporation.  
23 Such application shall be filed in accordance with K.S.A. 17-6003 and  
24 amendments thereto and shall include:

25 (1) A certificate issued within 90 days of the date of application by  
26 the proper officer of the jurisdiction where such corporation is incorpo-  
27 rated or by a third-party agent authorized by the secretary of state at-  
28 testing to the fact that such corporation is a corporation in good standing  
29 in such jurisdiction;

30 (2) a statement that the corporation is in good standing in the state  
31 of incorporation as of the date the application is signed;

32 (3) the address of the principal office of the corporation;

33 (4) the full nature and character of the business the corporation pro-  
34 poses to conduct in this state, including whether the corporation operates  
35 for profit or not for profit;

36 (5) the location of the registered office of the corporation in this state  
37 and the name of its resident agent for service of process required to be  
38 maintained by this act;

39 (6) the date on which the corporation commenced, or intends to com-  
40 mence, doing business in this state; and

41 (7) an irrevocable written consent of the foreign corporation that ac-  
42 tions may be commenced against it in the proper court of any ~~county~~  
43 *judicial district* where there is proper venue by service of process on the

1 secretary of state as provided for in K.S.A. 60-304, and amendments  
2 thereto, and stipulating and agreeing that such service shall be taken and  
3 held, in all courts, to be as valid and binding as if due service had been  
4 made upon an officer of the corporation.

5 The application shall be executed and filed in accordance with K.S.A.  
6 17-6003, and amendments thereto.

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 record the original application and return the original, certified  
10 in accordance with K.S.A. 17-6003, and amendments thereto. The cer-  
11 tified copy of the application shall be prima facie evidence of the right of  
12 the corporation to do business in this state. The secretary of state shall  
13 not 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 any other  
16 corporation, limited liability company or limited partnership organized  
17 under the laws of this state or reserved or registered as a foreign corpo-  
18 ration, limited liability company or limited partnership under the laws of  
19 this state;

20 (2) the corporation has obtained the written consent of such other  
21 entity, which has the same name and such consent has been executed  
22 and filed with the secretary of state; 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. 7. K.S.A. 17-7307 is hereby amended to read as follows: 17-  
26 7307. (a) A foreign corporation which is required to comply with the  
27 provisions of K.S.A. 17-7301 and 17-7302, *and amendments thereto*, and  
28 which has done business in this state without authority shall not maintain  
29 any action or special proceeding in this state, unless and until such cor-  
30 poration has been authorized to do business in this state and has paid to  
31 the state all taxes, fees and penalties which would have been due for the  
32 years or parts thereof during which it did business in this state without  
33 authority. This prohibition shall not apply to any successor in interest of  
34 any such foreign corporation.

35 (b) The failure of a foreign corporation to obtain authority to do busi-  
36 ness in this state shall not impair the validity of any contract or act of the  
37 foreign corporation or the right of any other party to the contract to  
38 maintain any action or special proceeding thereon, and shall not prevent  
39 the foreign corporation from defending any action or special proceeding  
40 in this state.

41 (c) Any person having a cause of action against any foreign corpora-  
42 tion, whether or not such corporation is qualified to do business in this  
43 state, which cause of action arose in Kansas out of such corporation doing

1 business in Kansas, or arose while such corporation was doing business  
2 in Kansas, may file suit against the corporation in the proper court of a  
3 ~~county~~ *judicial district* in which there is proper venue. Service of process  
4 in any action shall be made in the manner prescribed by K.S.A. 60-304,  
5 *and amendments thereto*.

6 Sec. 8. K.S.A. 17-76,121 is hereby amended to read as follows: 17-  
7 76,121. Before doing business in the state of Kansas, a foreign limited  
8 liability company shall register with the secretary of state. In order to  
9 register, a foreign limited liability company shall submit to the secretary  
10 of state, together with payment of the fee required by this act, an original  
11 copy executed by a member or manager, together with a duplicate copy,  
12 of an application for registration as a foreign limited liability company,  
13 setting forth:

- 14 (a) The name of the foreign limited liability company;
- 15 (b) the state or other jurisdiction or country where organized, the  
16 date of its organization and a statement issued by an appropriate authority  
17 in that jurisdiction or by a third-party agent authorized by the secretary  
18 of state that the foreign limited liability company exists in good standing  
19 under the laws of the jurisdiction of its organization;
- 20 (c) the nature of the business or purposes to be conducted or pro-  
21 moted in the state of Kansas;
- 22 (d) the address of the registered office and the name and address of  
23 the resident agent for service of process required to be maintained by  
24 this act;
- 25 (e) an irrevocable written consent of the foreign limited liability com-  
26 pany that actions may be commenced against it in the proper court of  
27 any ~~county~~ *judicial district* where there is proper venue by the service of  
28 process on the secretary of state as provided for in K.S.A. 60-304, and  
29 amendments thereto, and stipulating and agreeing that such service shall  
30 be taken and held, in all courts, to be as valid and binding as if due service  
31 had been made upon the general partners of the foreign limited liability  
32 company;
- 33 (f) the name and business, residence or mailing address of each of  
34 the members or, if managed by managers, the name and business, resi-  
35 dence or mailing address of each of the managers; and
- 36 (g) the date on which the foreign limited liability company first did,  
37 or intends to do, business in the state of Kansas.

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

41 Sec. 9. K.S.A. 17-76,129 is hereby amended to read as follows: 17-  
42 76,129. Service of process in any action against any foreign limited liability  
43 company, whether or not that limited liability company is qualified to do

1 business in this state, shall be made in the manner prescribed by K.S.A.  
2 60-304, and amendments thereto. Any person who has a cause of action  
3 against any foreign limited liability company, whether or not the limited  
4 liability company is qualified to do business in this state may file suit  
5 against the limited liability company in the district court of a ~~county ju-~~  
6 *udicial district* in which there is proper venue if the cause of action arose  
7 in Kansas out of the limited liability company's doing business in Kansas  
8 or while the limited liability company was doing business in Kansas.

9 Sec. 10. K.S.A. 20-301 is hereby amended to read as follows: 20-301.  
10 There shall be in each ~~county judicial district~~ a district court, which shall  
11 be a court of record, and shall have ~~general original jurisdiction of all~~  
12 ~~matters, both civil and criminal, unless otherwise provided by law, juris-~~  
13 *isdiction as determined by the supreme court or otherwise prescribed by*  
14 *law* and also shall have such appellate jurisdiction as prescribed by law.

15 Sec. 11. K.S.A. 20-327 is hereby amended to read as follows: 20-327.  
16 All judges of district courts elected under the provisions of this act shall  
17 be elected for terms of four years and until their successors are elected  
18 and qualified *unless otherwise provided pursuant to K.S.A. 20-354, and*  
19 *amendments thereto.*

20 Sec. 12. K.S.A. 20-329 is hereby amended to read as follows: 20-329.  
21 In every judicial district, the supreme court shall designate a district judge  
22 as chief judge who shall have general control over the assignment of cases  
23 within the district, subject to supervision by the supreme court. Within  
24 guidelines established by statute, rule of the supreme court or the district  
25 court, the chief judge of each district court shall be responsible for and  
26 have general supervisory authority over the clerical and administrative  
27 functions of such court. *The chief judge shall assign cases filed in the*  
28 *district courts to any county within the judicial district. Venue shall be*  
29 *proper in any county within the judicial district, as assigned by the chief*  
30 *judge.*

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

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

1 Sec. 14. K.S.A. 20-333 is hereby amended to read as follows: 20-333.  
2 Whenever ~~under the provisions of this act~~ provision is made for the abol-  
3 ishment of the office of district judge *or district magistrate judge* in any  
4 judicial district, and the district judge *or district magistrate judge* holding  
5 any such office shall die, resign or retire during the four ~~(4)~~ years next  
6 preceding the date fixed for the abolishment of such office, such office  
7 shall be and is hereby abolished at the time of such death, resignation or  
8 retirement.

9 Sec. 15. K.S.A. 20-336 is hereby amended to read as follows: 20-336.  
10 In any judicial district which has not approved the proposition of non-  
11 partisan selection of district court judges, election laws applicable to the  
12 election of ~~county officers~~ *district judges* shall govern every election of  
13 district magistrate judges. Each district magistrate judge shall be elected  
14 by the electors of the ~~county~~ *judicial district* where the judge's position  
15 is located.

16 Sec. 16. K.S.A. 20-348 is hereby amended to read as follows: 20-348.  
17 Except for expenses required by law to be paid by the state, the board of  
18 county commissioners of each county have an obligation to adequately  
19 fund the operation of the district court in the county and shall be re-  
20 sponsible for all expenses incurred for the operation of the district court  
21 in the county. *Counties from which district magistrate judge positions*  
22 *have been eliminated pursuant to K.S.A. 20-333 or 20-354, and amend-*  
23 *ments thereto, shall remain responsible for all expenses incurred as that*  
24 *county's share of the operations of the district court within the judicial*  
25 *district, as determined by the chief judge of the judicial district.*

26 Sec. 17. K.S.A. 20-354 is hereby amended to read as follows: 20-354.  
27 ~~(a) If, upon the death, resignation, retirement or removal of a district~~  
28 ~~magistrate judge of a county in which there are two or more district~~  
29 ~~magistrate judge positions or in which there also is at least one district~~  
30 ~~judge position,~~ the supreme court determines that the continuation of  
31 ~~the vacant~~ a district magistrate judge position is unnecessary, due to the  
32 ability of the remaining judges of the ~~district court in the county~~ *judicial*  
33 *district* to assume the entire judicial workload of the ~~county~~ *judicial dis-*  
34 *trict*, the supreme court shall certify the elimination *or reassignment* of  
35 the district magistrate judge position to the secretary of state. Where the  
36 position to be eliminated is in a judicial district in which the proposition  
37 of nonpartisan selection of district court judges has been approved, such  
38 certification also shall be made to the chairperson of the district judicial  
39 nominating commission of the judicial district. *The terms of office of dis-*  
40 *trict magistrate judges determined to be unnecessary or reassigned for*  
41 *district magistrate judges holding office in January of the year following*  
42 *the determination, shall expire on the last day of the term for which the*  
43 *district magistrate judge is currently holding office. The supreme court*

1 shall designate any district magistrate positions to be abolished no later  
2 than one year prior to the end of the term for which the current district  
3 magistrate judge is serving.

4 (b) (1) Within the limits of appropriations therefor, in any county  
5 where a district magistrate judge position is eliminated or from which a  
6 district magistrate judge position is reassigned, the county commission  
7 may elect to retain the position and pay the salary of the current district  
8 magistrate judge.

9 (2) Any such salary or compensation shall be deposited in the state  
10 treasury in accordance with the provisions of K.S.A. 75-4215, and amend-  
11 ments thereto, and shall be credited to the district magistrate judge com-  
12 pensation fund. Any associated employer contributions and payments  
13 with respect to such salary or compensation that are made payable under  
14 law shall be paid by the county or counties providing such salary or  
15 compensation, in addition to such salary or compensation, in the same  
16 manner and under the same conditions and requirements as compensation  
17 payable pursuant to subsection (b) of K.S.A. 75-3120k, and amendments  
18 thereto. All such associated employer contributions and payments shall  
19 be remitted for deposit in the state treasury and shall be credited to the  
20 district magistrate compensation fund at the same time and in the same  
21 manner as such salary or compensation.

22 (3) There is hereby established in the state treasury the district mag-  
23 istrate judge compensation fund.

24 (4) All moneys credited to the district magistrate judge compensation  
25 fund shall be paid to, or on behalf of, the district magistrate judge or  
26 district magistrate judges for whom such moneys were remitted by the  
27 county or counties subject to the same conditions or restrictions imposed  
28 or prescribed by law as the salary or other compensation payable under  
29 subsection (b) of K.S.A. 75-3120k, and amendments thereto, to such dis-  
30 trict magistrate judge or district magistrate judges, including any appli-  
31 cable withholding or other taxes, associated retirement or other employer  
32 contributions and authorized payroll deductions.

33 (5) All expenditures from the district magistrate judge compensation  
34 fund shall be made in accordance with appropriation acts and upon war-  
35 rants of the director of accounts and reports issued pursuant to payrolls  
36 approved by the chief justice of the Kansas supreme court or by a person  
37 or persons designated by the chief justice.

38 (6) All salary or other compensation under this section shall be con-  
39 sidered to be compensation provided by law for services as a district  
40 magistrate judge for all purposes under law.

41 (c) Any person filling the district magistrate judge position retained  
42 pursuant to subsection (b) shall have the same power and authority as a  
43 district magistrate judge position established by the supreme court for all

1 *purposes under law.*

2 Sec. 18. K.S.A. 20-2908 is hereby amended to read as follows: 20-  
3 2908. Following the approval of nonpartisan selection of judges of the  
4 district court in a judicial district as provided in K.S.A. 20-2901 and  
5 amendments thereto, there shall not be an election or reelection of a  
6 judge of the district court at any succeeding general election, but any  
7 judge of the district court in the judicial district whose term of office  
8 expires on the second Monday in January next following any such suc-  
9 ceeding general election shall be eligible for retention in office as pro-  
10 vided in this section. No later than 12:00 noon on the Monday preceding  
11 the first Tuesday of August preceding the expiration of the judge's term  
12 of office, the judge may file in the office of the secretary of state a dec-  
13 laration of candidacy for retention in office. Such declaration shall be  
14 prescribed by the secretary of state. If a declaration is not so filed, the  
15 position held by the judge shall be vacant upon the expiration of the  
16 judge's term of office. If a declaration is filed, the judge's name shall be  
17 submitted at the next general election to the electors of the judicial dis-  
18 trict, if the judge is a district judge; or to the electors of the county, if the  
19 judge is a district magistrate judge. The name shall be submitted on a  
20 separate judicial ballot, without party designation, reading substantially as  
21 follows:

22 "Shall \_\_\_\_\_

23 (Here insert name of judge.)

24 \_\_\_\_\_

25 (Here insert the title of the court.)

26 be retained in office?"

27 If a majority of those voting on the question vote against retaining the  
28 person in office, the position or office which the person holds shall be  
29 vacant upon the expiration of the person's term of office; otherwise, unless  
30 removed for cause, the person shall remain in office for the regular term  
31 of four years from the second Monday in January following the election.  
32 At the expiration of each term, unless by law the person is compelled to  
33 retire, the person shall be eligible for retention in office by election in  
34 the manner prescribed in this section.

35 Wherever a majority of those voting on the question of retaining any  
36 judge in office vote against retention, the secretary of state, following the  
37 final canvass of votes on the question, shall certify the results to the chief  
38 justice of the supreme court. Any judge who has not been retained in  
39 office pursuant to this section shall not be eligible for nomination or  
40 appointment to the office of judge of the district court in the judicial  
41 district prior to the expiration of four years after the expiration of the  
42 judge's term of office.

43 Election laws applicable to the general elections of other state officers

1 shall apply to elections upon the question of retention of judges of the  
2 district court pursuant to this section, to the extent that they are consistent  
3 with the provisions of this act.

4 Sec. 19. K.S.A. 22-2602 is hereby amended to read as follows: 22-  
5 2602. Except as otherwise provided by law, the prosecution shall be in  
6 the ~~county~~ *judicial district* where the crime was committed.

7 Sec. 20. K.S.A. 22-2603 is hereby amended to read as follows: 22-  
8 2603. Where two or more acts are requisite to the commission of any  
9 crime and such acts occur in different counties the prosecution may be  
10 in any ~~county~~ *judicial district* in which any of such acts occur.

11 Sec. 21. K.S.A. 22-2604 is hereby amended to read as follows: 22-  
12 2604. Where a crime is committed on or so near the boundary of two or  
13 more counties that it cannot be readily determined in which county the  
14 crime was committed, the prosecution may be in any ~~of~~ *judicial district*  
15 *containing any* such counties.

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

22 Sec. 23. K.S.A. 22-2606 is hereby amended to read as follows: 22-  
23 2606. The venue of prosecutions for crimes committed on any river, body  
24 of water or reservoir constituting the boundary line of this state is in any  
25 ~~county~~ *judicial district* on the same river, body of water or reservoir.

26 Sec. 24. K.S.A. 22-2607 is hereby amended to read as follows: 22-  
27 2607. (1) A person who intentionally aids, abets, advises, counsels or pro-  
28 cures another to commit a crime may be prosecuted in any ~~county~~ *judicial*  
29 *district* where any of such acts were performed or in the ~~county~~ *judicial*  
30 *district* where the principal crime was committed.

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

37 Sec. 25. K.S.A. 22-2608 is hereby amended to read as follows: 22-  
38 2608. If a crime is committed in, on or against any vehicle or means of  
39 conveyance passing through or above this state, and it cannot readily be  
40 determined in which county the crime was committed, the prosecution  
41 may be in any ~~county~~ *judicial district* in this state through or above which  
42 such vehicle or means of conveyance has passed or in which such travel  
43 commenced or terminated.

- 1     Sec. 26. K.S.A. 22-2609 is hereby amended to read as follows: 22-  
2 2609. When property taken in one county by theft or robbery has been  
3 brought into another county, the venue is in ~~either~~ *any county within the*  
4 *judicial district*.
- 5     Sec. 27. K.S.A. 22-2610 is hereby amended to read as follows: 22-  
6 2610. When property taken in another state by theft or robbery shall have  
7 been brought into this state, the venue is in any ~~county~~ *judicial district*  
8 into or through which such property shall have been brought.
- 9     Sec. 28. K.S.A. 22-2611 is hereby amended to read as follows: 22-  
10 2611. If the cause of death is inflicted in one county and the death ensues  
11 in another county, the prosecution may be in ~~either~~ *any* of such counties  
12 *within the judicial district*. Death shall be presumed to have occurred in  
13 the county where the body of the victim is found.
- 14     Sec. 29. K.S.A. 22-2612 is hereby amended to read as follows: 22-  
15 2612. If a crime commenced outside this state is consummated within  
16 this state, or if a person outside this state commits or consummates a  
17 crime by an agent or means within this state, the prosecution shall be in  
18 the ~~county~~ *judicial district* where the crime was consummated.
- 19     Sec. 30. K.S.A. 22-2613 is hereby amended to read as follows: 22-  
20 2613. A person charged with the crime of bigamy may be prosecuted in  
21 the ~~county~~ *judicial district* where the bigamous marriage ceremony was  
22 performed or in any ~~county~~ *judicial district* in which bigamous cohabi-  
23 tation has occurred pursuant to such bigamous marriage.
- 24     Sec. 31. K.S.A. 22-2614 is hereby amended to read as follows: 22-  
25 2614. A person charged with the crime of kidnapping may be prosecuted  
26 in any ~~county~~ *judicial district* in which the victim has been transported  
27 or confined during the course of the crime.
- 28     Sec. 32. K.S.A. 22-2615 is hereby amended to read as follows: 22-  
29 2615. A person who has been released from custody upon an appearance  
30 bond given in one ~~county~~ *judicial district* for appearance in another  
31 ~~county~~ *judicial district*, and who fails to appear, as provided in K.S.A. 21-  
32 3813 and 21-3814, *and amendments thereto*, may be prosecuted for such  
33 failure to appear either in the ~~county~~ *judicial district* where the appear-  
34 ance bond was given or the ~~county~~ *judicial district* where the defendant  
35 was bound to appear.
- 36     Sec. 33. K.S.A. 22-2616 is hereby amended to read as follows: 22-  
37 2616. (1) In any prosecution, the court upon motion of the defendant  
38 shall order that the case be transferred ~~as to him~~ to another ~~county or~~  
39 *district* if the court is satisfied that there exists in the ~~county~~ *judicial*  
40 *district* where the prosecution is pending so great a prejudice against the  
41 defendant that ~~he~~ *the defendant* cannot obtain a fair and impartial trial  
42 ~~in that county~~.
- 43     (2) When a case is ordered transferred to another ~~county or~~ *district*,

1 the court shall certify the order of transfer to the departmental justice  
2 who shall designate another ~~county or~~ district to which the proceeding  
3 shall be transferred.

4 (3) When a transfer is ordered the clerk of the court where the case  
5 is pending shall transmit to the clerk of the court to which the case is  
6 transferred all papers in the case or duplicates thereof and any appearance  
7 bond taken, and the prosecution shall continue in the court to which the  
8 transfer is ordered.

9 (4) When any case is transferred to another ~~county~~ *judicial district*  
10 under this section the responsibility for prosecution of the case shall re-  
11 main with the original prosecuting attorney, or ~~his~~ successor.

12 (5) When any case is transferred to another ~~county~~ *judicial district*  
13 under this section all taxable costs in such case shall be taxed to the county  
14 in which the case originated and such county shall be liable for the pay-  
15 ment thereof.

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

18 Sec. 34. K.S.A. 22-2617 is hereby amended to read as follows: 22-  
19 2617. When a change of venue has been granted and the new place of  
20 trial has been designated, the clerk of the court of the county where the  
21 case originated shall give notice in writing to the defendant and all persons  
22 under bond to appear in the case of the time, date and place for appear-  
23 ance in the ~~county~~ *judicial district* to which the case has been transferred.  
24 If the defendant is in custody, the court may order ~~him~~ *the defendant*  
25 confined in ~~the any~~ *county in the judicial district* to which the cause is  
26 transferred.

27 Sec. 35. K.S.A. 22-2902 is hereby amended to read as follows: 22-  
28 2902. (1) The state and every person charged with a felony shall have a  
29 right to a preliminary examination before a magistrate, unless such charge  
30 has been issued as a result of an indictment by a grand jury.

31 (2) The preliminary examination shall be held before a magistrate of  
32 a ~~county~~ *judicial district* in which venue for the prosecution lies within  
33 10 days after the arrest or personal appearance of the defendant. Contin-  
34 uances may be granted only for good cause shown.

35 (3) The defendant shall not enter a plea at the preliminary exami-  
36 nation. The defendant shall be personally present and except for witnesses  
37 who are children less than 13 years of age, the witnesses shall be examined  
38 in the defendant's presence. The defendant's voluntary absence after the  
39 preliminary examination has been begun in the defendant's presence shall  
40 not prevent the continuation of the examination. Except for witnesses  
41 who are children less than 13 years of age, the defendant shall have the  
42 right to cross-examine witnesses against the defendant and introduce ev-  
43 idence in the defendant's own behalf. If from the evidence it appears that

1 a felony has been committed and there is probable cause to believe that  
2 a felony has been committed by the defendant, the magistrate shall order  
3 the defendant bound over to the district judge having jurisdiction to try  
4 the case; otherwise, the magistrate shall discharge the defendant. When  
5 the victim of the felony is a child less than 13 years of age, the finding of  
6 probable cause as provided in this subsection may be based upon hearsay  
7 evidence in whole or in part presented at the preliminary examination by  
8 means of statements made by a child less than 13 years of age on a vid-  
9 eotape recording or by other means.

10 (4) If the defendant and the state waive preliminary examination, the  
11 magistrate shall order the defendant bound over to the district judge  
12 having jurisdiction to try the case.

13 (5) Any judge of the district court may conduct a preliminary exam-  
14 ination, and a district judge may preside at the trial of any defendant even  
15 though such judge presided at the preliminary examination of such de-  
16 fendant.

17 (6) The complaint or information, as filed by the prosecuting attorney  
18 pursuant to K.S.A. 22-2905 and amendments thereto, shall serve as the  
19 formal charging document at trial. When a defendant and prosecuting  
20 attorney reach agreement on a plea of guilty or nolo contendere, the  
21 defendant and the prosecuting attorney shall notify the district court of  
22 such agreement and arrange for a time to plead, pursuant to K.S.A. 22-  
23 3210 and amendments thereto.

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

28 Sec. 36. K.S.A. 22-3428 is hereby amended to read as follows: 22-  
29 3428. (1) (a) When a defendant is acquitted and the jury answers in the  
30 affirmative to the special question asked pursuant to K.S.A. 22-3221 and  
31 amendments thereto, the defendant shall be committed to the state se-  
32 curity hospital for safekeeping and treatment. A finding of not guilty and  
33 the jury answering in the affirmative to the special question asked pur-  
34 suant to K.S.A. 22-3221 and amendments thereto, shall be prima facie  
35 evidence that the acquitted defendant is presently likely to cause harm  
36 to self or others.

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

43 (c) The court shall give notice of the hearing to the chief medical

1 officer of the state security hospital, the district or county attorney, the  
2 defendant and the defendant's attorney. The court shall inform the de-  
3 fendant that such defendant is entitled to counsel and that counsel will  
4 be appointed to represent the defendant if the defendant is not financially  
5 able to employ an attorney as provided in K.S.A. 22-4503 et seq. and  
6 amendments thereto. The defendant shall remain at the state security  
7 hospital pending the hearing.

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

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

16 (a) Whenever it appears to the chief medical officer of the state se-  
17 curity hospital that a person committed under subsection (1)(d) is not  
18 likely to cause harm to other persons in a less restrictive hospital envi-  
19 ronment, the officer may transfer the person to any state hospital, subject  
20 to the provisions of subsection (3). At any time subsequent thereto during  
21 which such person is still committed to a state hospital, if the chief med-  
22 ical officer of that hospital finds that the person may be likely to cause  
23 harm or has caused harm, to others, such officer may transfer the person  
24 back to the state security hospital.

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

27 (3) Before transfer of a person from the state security hospital pur-  
28 suant to subsection (2)(a) or conditional release or discharge of a person  
29 pursuant to subsection (2)(b), the chief medical officer of the state se-  
30 curity hospital or the state hospital where the patient is under commit-  
31 ment shall give notice to the district court of the ~~county~~ *judicial district*  
32 from which the person was committed that transfer of the patient is pro-  
33 posed or that the patient is ready for proposed conditional release or  
34 discharge. Such notice shall include, but not be limited to: (a) Identifi-  
35 cation of the patient; (b) the course of treatment; (c) a current assessment  
36 of the defendant's mental illness; (d) recommendations for future treat-  
37 ment, if any; and (e) recommendations regarding conditional release or  
38 discharge, if any. Upon receiving notice, the district court shall order that  
39 a hearing be held on the proposed transfer, conditional release or dis-  
40 charge. The court shall give notice of the hearing to the state hospital or  
41 state security hospital where the patient is under commitment and to the  
42 district or county attorney of the ~~county~~ *judicial district* from which the  
43 person was originally ~~ordered committed~~ *referred for an order of com-*

1 *mitment* and shall order the involuntary patient to undergo a mental eval-  
2 uation by a person designated by the court. A copy of all orders of the  
3 court shall be sent to the involuntary patient and the patient's attorney.  
4 The report of the court ordered mental evaluation shall be given to the  
5 district or county attorney, the involuntary patient and the patient's at-  
6 torney at least five days prior to the hearing. The hearing shall be held  
7 within 30 days after the receipt by the court of the chief medical officer's  
8 notice. The involuntary patient shall remain in the state hospital or state  
9 security hospital where the patient is under commitment until the hearing  
10 on the proposed transfer, conditional release or discharge is to be held.  
11 At the hearing, the court shall receive all relevant evidence, including the  
12 written findings and recommendations of the chief medical officer of the  
13 state security hospital or the state hospital where the patient is under  
14 commitment, and shall determine whether the patient shall be trans-  
15 ferred to a less restrictive hospital environment or whether the patient  
16 shall be conditionally released or discharged. The patient shall have the  
17 right to present evidence at such hearing and to cross-examine any wit-  
18 nesses called by the district or county attorney. At the conclusion of the  
19 hearing, if the court finds by clear and convincing evidence that the pa-  
20 tient will not be likely to cause harm to self or others if transferred to a  
21 less restrictive hospital environment, the court shall order the patient  
22 transferred. If the court finds by clear and convincing evidence that the  
23 patient is not currently a mentally ill person, the court shall order the  
24 patient discharged or conditionally released otherwise, the court shall  
25 order the patient to remain in the state security hospital or state hospital  
26 where the patient is under commitment. If the court orders the condi-  
27 tional release of the patient in accordance with subsection (4), the court  
28 may order as an additional condition to the release that the patient con-  
29 tinue to take prescribed medication and report as directed to a person  
30 licensed to practice medicine and surgery to determine whether or not  
31 the patient is taking the medication or that the patient continue to receive  
32 periodic psychiatric or psychological treatment.

33 (4) In order to ensure the safety and welfare of a patient who is to  
34 be conditionally released and the citizenry of the state, the court may  
35 allow the patient to remain in custody at a facility under the supervision  
36 of the secretary of social and rehabilitation services for a period of time  
37 not to exceed 30 days in order to permit sufficient time for the secretary  
38 to prepare recommendations to the court for a suitable reentry program  
39 for the patient. The reentry program shall be specifically designed to  
40 facilitate the return of the patient to the community as a functioning, self-  
41 supporting citizen, and may include appropriate supportive provisions for  
42 assistance in establishing residency, securing gainful employment, un-  
43 dergoing needed vocational rehabilitation, receiving marital and family

1 counseling, and such other outpatient services that appear beneficial. If  
2 a patient who is to be conditionally released will be residing in a county  
3 other than the county where the district court that ordered the conditional  
4 release is located, the court shall transfer venue of the case to the district  
5 court of the other ~~county~~ *judicial district* and send a copy of all of the  
6 court's records of the proceedings to the other court. In all cases of con-  
7 ditional release the court shall: (a) Order that the patient be placed under  
8 the temporary supervision of district court probation and parole services,  
9 community treatment facility or any appropriate private agency; and (b)  
10 require as a condition precedent to the release that the patient agree in  
11 writing to waive extradition in the event a warrant is issued pursuant to  
12 K.S.A. 22-3428b and amendments thereto.

13 (5) At any time during the conditional release period, a conditionally  
14 released patient, through the patient's attorney, or the county or district  
15 attorney of the county in which the district court having venue is located  
16 may file a motion for modification of the conditions of release, and the  
17 court shall hold an evidentiary hearing on the motion within 15 days of  
18 its filing. The court shall give notice of the time for the hearing to the  
19 patient and the county or district attorney. If the court finds from the  
20 evidence at the hearing that the conditional provisions of release should  
21 be modified or vacated, it shall so order. If at any time during the tran-  
22 sitional period the designated medical officer or supervisory personnel or  
23 the treatment facility informs the court that the patient is not satisfactorily  
24 complying with the provisions of the conditional release, the court, after  
25 a hearing for which notice has been given to the county or district attorney  
26 and the patient, may make orders: (a) For additional conditions of release  
27 designed to effect the ends of the reentry program, (b) requiring the  
28 county or district attorney to file a petition to determine whether the  
29 patient is a mentally ill person as provided in K.S.A. 59-2957 and amend-  
30 ments thereto, or (c) requiring that the patient be committed to the state  
31 security hospital or any state hospital. In cases where an application is  
32 ordered to be filed, the court shall proceed to hear and determine the  
33 application pursuant to the care and treatment act for mentally ill persons  
34 and that act shall apply to all subsequent proceedings. The costs of all  
35 proceedings, the mental evaluation and the reentry program authorized  
36 by this section shall be paid by the county from which the person was  
37 committed.

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

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

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

6 (b) “Mentally ill person” means any person who:  
7 (A) Is suffering from a severe mental disorder to the extent that such  
8 person is in need of treatment; and  
9 (B) is likely to cause harm to self or others.

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

14 Sec. 37. K.S.A. 22-3428a is hereby amended to read as follows: 22-  
15 3428a. (1) Any person found not guilty, pursuant to K.S.A. 22-3220 and  
16 22-3221, *and amendments thereto*, who remains in the state security hos-  
17 pital or a state hospital for over one year pursuant to a commitment under  
18 K.S.A. 22-3428, and amendments thereto, shall be entitled annually to  
19 request a hearing to determine whether or not the person continues to  
20 be a mentally ill person. The request shall be made in writing to the  
21 district court of the ~~county~~ *county judicial district* where the person is hospital-  
22 ized and shall be signed by the committed person or the person’s counsel.  
23 When the request is filed, the court shall give notice of the request to:  
24 (a) The county or district attorney of the county in which the person was  
25 originally ordered committed, and (b) the chief medical officer of the  
26 state security hospital or state hospital where the person is committed.  
27 The chief medical officer receiving the notice, or the officer’s designee,  
28 shall conduct a mental examination of the person and shall send to the  
29 district court of the county where the person is hospitalized and to the  
30 county or district attorney of the county in which the person was originally  
31 ordered committed a report of the examination within 20 days from the  
32 date when notice from the court was received. Within 10 days after re-  
33 ceiving the report of the examination, the county or district attorney re-  
34 ceiving it may file a motion with the district court that gave the notice,  
35 requesting the court to change the venue of the hearing to the district  
36 court of the ~~county~~ *county judicial district* in which the person was originally  
37 committed, or the court that gave the notice on its own motion may  
38 change the venue of the hearing to the district court of the ~~county~~ *county judicial*  
39 *district* in which the person was originally committed. Upon receipt of  
40 that motion and the report of the mental examination or upon the court’s  
41 own motion, the court shall transfer the hearing to the district court spec-  
42 ified in the motion and send a copy of the court’s records of the pro-  
43 ceedings to that court.

1 (2) After the time in which a change of venue may be requested has  
2 elapsed, the court having venue shall set a date for the hearing, giving  
3 notice thereof to the county or district attorney of the county, the com-  
4 mitted person and the person's counsel. If there is no counsel of record,  
5 the court shall appoint a counsel for the committed person. The com-  
6 mitted person shall have the right to procure, at the person's own expense,  
7 a mental examination by a physician or licensed psychologist of the per-  
8 son's own choosing. If a committed person is financially unable to procure  
9 such an examination, the aid to indigent defendants provisions of article  
10 45 of chapter 22 of the Kansas Statutes Annotated shall be applicable to  
11 that person. A committed person requesting a mental examination pur-  
12 suant to K.S.A. 22-4508, and amendments thereto, may request a physi-  
13 cian or licensed psychologist of the person's own choosing and the court  
14 shall request the physician or licensed psychologist to provide an estimate  
15 of the cost of the examination. If the physician or licensed psychologist  
16 agrees to accept compensation in an amount in accordance with the com-  
17 pensation standards set by the board of supervisors of panels to aid in-  
18 digent defendants, the judge shall appoint the requested physician or  
19 licensed psychologist; otherwise, the court shall designate a physician or  
20 licensed psychologist to conduct the examination. Copies of each mental  
21 examination of the committed person shall be filed with the court at least  
22 five days prior to the hearing and shall be supplied to the county or district  
23 attorney receiving notice pursuant to this section and the committed per-  
24 son's counsel.

25 (3) At the hearing the committed person shall have the right to pres-  
26 ent evidence and cross-examine the witnesses. The court shall receive all  
27 relevant evidence, including the written findings and recommendations  
28 of the chief medical officer of the state security hospital or state hospital  
29 where the person is under commitment, and shall determine whether the  
30 committed person continues to be a mentally ill person. At the hearing  
31 the court may make any order that a court is empowered to make pur-  
32 suant to subsections (3), (4) and (5) of K.S.A. 22-3428 and amendments  
33 thereto. If the court finds by clear and convincing evidence the committed  
34 person is not a mentally ill person, the court shall order the person dis-  
35 charged; otherwise, the person shall remain committed or be condition-  
36 ally released.

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

40 Sec. 38. K.S.A. 2009 Supp. 26-501 is hereby amended to read as  
41 follows: 26-501. (a) The procedure for exercising eminent domain, as set  
42 forth in K.S.A. 26-501 through 26-518 and K.S.A. 2009 Supp. 26-501a  
43 and 26-501b, and amendments thereto, shall be followed in all eminent

1 domain proceedings.

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

7 (c) For the purposes of the eminent domain procedure act, unless  
8 the context clearly indicates a different meaning, the following terms shall  
9 have the following respective meanings:

10 (1) "Municipality" means city, county or unified government.

11 (2) "Taking" means the use by any authorized entity of the power of  
12 eminent domain to acquire any interest in private real property.

13 Sec. 39. K.S.A. 38-1116 is hereby amended to read as follows: 38-  
14 1116. (a) The district court has jurisdiction of an action brought under  
15 the Kansas parentage act. The action may be joined with an action for  
16 divorce, annulment, separate maintenance, support or adoption.

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

21 (c) The action may be brought in the ~~county~~ *judicial district* in which  
22 the child, the mother or the presumed or alleged father resides or is  
23 found. If a parent or an alleged or presumed parent is deceased, an action  
24 maybe brought in the ~~county~~ *judicial district* in which proceedings for  
25 probate of the estate of the parent or alleged or presumed parent have  
26 been or could be commenced.

27 Sec. 40. K.S.A. 2009 Supp. 38-2204 is hereby amended to read as  
28 follows: 38-2204. (a) Venue of any case involving a child in need of care  
29 shall be in the ~~county~~ *judicial district* of the child's residence or in the  
30 ~~county~~ *judicial district* where the child is found.

31 (b) Upon application of any party or interested party and after notice  
32 to all other parties and interested parties, the court in which the petition  
33 was originally filed alleging that a child is a child in need of care may  
34 order the proceedings transferred to the court of the ~~county~~ *judicial dis-*  
35 *trict* where: (1) The child is physically present; (2) the parent or parents  
36 reside; or (3) other proceedings are pending in this state concerning cus-  
37 tody of the child. The judge of the court in which the case is pending  
38 shall consult with the judge of the proposed receiving court prior to trans-  
39 fer of the case. If the judges do not agree that the case should be trans-  
40 ferred or if a hearing is requested, a hearing shall be held on the desir-  
41 ability of the transfer, with notice to parties or interested parties, the  
42 secretary and the proposed receiving court. If the judge of the transfer-  
43 ring court orders the case transferred, the order of transfer shall include

1 findings stating why the case is being transferred and, if available, the  
2 names and addresses of all interested parties to whom the receiving court  
3 should provide notice of any further proceedings. The receiving court  
4 shall accept the case. Upon a judge ordering a transfer of venue, the clerk  
5 shall transmit the contents of the official file and a complete copy of the  
6 social file to the court to which venue is transferred, and, upon receipt  
7 of the record, the receiving court shall assume jurisdiction as if the pro-  
8 ceedings were originally filed in that court. The transferring judge, if an  
9 adjudicatory hearing has been held, shall also transmit recommendations  
10 as to disposition. The court may return the case to the court where it  
11 originated if the child is not present in the receiving ~~county~~ *judicial dis-*  
12 *trict* or, the receiving ~~county~~ *judicial district* is not the residence of the  
13 child's parent or parents.

14 Sec. 41. K.S.A. 2009 Supp. 38-2305 is hereby amended to read as  
15 follows: 38-2305. (a) Venue for proceedings in any case involving a ju-  
16 venile shall be in any ~~county~~ *judicial district* where any act of the alleged  
17 offense was committed.

18 (b) Except as provided in subsection (c), venue for sentencing pro-  
19 ceedings shall be in the ~~county~~ *judicial district* of the juvenile offender's  
20 residence or, if the juvenile offender is not a resident of this state, in the  
21 ~~county~~ *judicial district* here the adjudication occurred. When the sen-  
22 tencing hearing is to be held in a ~~county~~ *judicial district* other than where  
23 the adjudication occurred, upon adjudication, the judge shall contact the  
24 sentencing court and advise the judge of the transfer. The adjudicating  
25 court shall send immediately to the sentencing court a facsimile of the  
26 complaint, the adjudication journal entry or judge's minutes, if available,  
27 and any recommendations in regard to sentencing. Such documents shall  
28 be sent for purposes of notification and shall not constitute original court  
29 documents. The adjudicating court shall also send to the sentencing court  
30 a complete copy of the official and social files in the case by mail within  
31 five working days of the adjudication.

32 (c) If the juvenile offender is adjudicated in a ~~county~~ *judicial district*  
33 other than the ~~county~~ *judicial district* of the juvenile offender's residence,  
34 the sentencing hearing may be held in the ~~county~~ *judicial district* in which  
35 the adjudication was made if the adjudicating judge, upon motion by any  
36 person authorized to appeal, finds that it is in the interest of justice.

37 Sec. 42. K.S.A. 40-218 is hereby amended to read as follows: 40-218.  
38 Every insurance company, or fraternal benefit society, on applying for  
39 authority to transact business in this state, and as a condition precedent  
40 to obtaining such authority, shall file in the insurance department its writ-  
41 ten consent, irrevocable, that any action or garnishment proceeding may  
42 be commenced against such company or fraternal benefit society in the  
43 proper court of any ~~county~~ *judicial district* in this state in which the cause

1 of action shall arise or in which the plaintiff may reside by the service of  
2 process on the commissioner of insurance of this state, and stipulating  
3 and agreeing that such service shall be taken and held in all courts to be  
4 as valid and binding as if due service had been made upon the president  
5 or chief officer of such corporation. Such consent shall be executed by  
6 the president and secretary of the company and shall be accompanied by  
7 a duly certified copy of the order or resolution of the board of directors,  
8 trustees or managers authorizing the president and secretary to execute  
9 the same. The summons or order of garnishment, accompanied by a fee  
10 of \$25, shall be directed to the commissioner of insurance, and shall  
11 require the defendant or garnishee to answer or otherwise respond by a  
12 certain day, not less than 40 days from the date the summons or order of  
13 garnishment is served on the commissioner.

14 Service on the commissioner of insurance of any process, notice or  
15 demand against an insurance company or fraternal benefit society shall  
16 be made by delivering to and leaving with the commissioner or the com-  
17 missioner's designee, the original of the process and two copies of the  
18 process and the petition, notice of demand, or the clerk of the court may  
19 send the original process and two copies of both the process and petition,  
20 notice or demand directly to the commissioner by certified mail, return  
21 receipt requested. In the event that any process, notice or demand is  
22 served on the commissioner, the commissioner shall immediately cause  
23 a copy thereof to be forwarded by certified mail, return receipt requested  
24 to the insurance company or fraternal benefit society address to its gen-  
25 eral agent if such agent resides in this state or to the secretary of the  
26 insurance company or fraternal benefit society sued at its registered or  
27 principal office in any state in which it is domesticated. The commissioner  
28 of insurance shall make return of the summons to the court from whence  
29 it issued, showing the date of its receipt, the date of forwarding such  
30 copies, and the name and address of each person to whom a copy was  
31 forwarded. Such return shall be under the hand and seal of office, and  
32 shall have the same force and effect as a due and sufficient return made  
33 on process directed to a sheriff. The commissioner of insurance shall keep  
34 a suitable record in which shall be docketed every action commenced  
35 against an insurance company, the time when commenced, the date and  
36 manner of service; also the date of the judgment, its amount and costs,  
37 and the date of payment thereof, which shall be certified from time to  
38 time by the clerk of the court.

39 Sec. 43. K.S.A. 2009 Supp. 43-107 is hereby amended to read as  
40 follows: 43-107. At least 30 days before service is required, the clerk of  
41 the ~~county~~ *judicial district* where such court is to be held shall draw from  
42 the jury box the names of 30 persons to serve as grand jurors and the  
43 names of 24 persons to serve as petit jurors. In the event that a ~~county~~

1 *judicial district* has appropriate base information programmed as a part  
2 of its computer operations so that it might comply with the spirit of the  
3 jury selection laws of Kansas, the jury commissioners may by local rule  
4 provide alternate methods for securing jury panels directly from the com-  
5 puter without the necessity of drawing names or cards from a wheel man-  
6 ually.

7 Sec. 44. K.S.A. 2009 Supp. 43-158 is hereby amended to read as  
8 follows: 43-158. The following persons shall be excused from jury service:

9 (a) Persons unable to understand the English language with a degree of  
10 proficiency sufficient to respond to a jury questionnaire form prepared  
11 by the commissioner;

12 (b) persons under adjudication of incompetency;

13 (c) persons who within 10 years immediately preceding have been  
14 convicted of or pleaded guilty, or nolo contendere, to an indictment or  
15 information charging a felony;

16 (d) persons who have served as jurors in the ~~county~~ *judicial district*  
17 within one year immediately preceding; and

18 (e) a mother breastfeeding her child. Jury service shall be postponed  
19 until such mother is no longer breastfeeding the child.

20 Sec. 45. K.S.A. 43-162 is hereby amended to read as follows: 43-162.

21 All jury lists shall be prepared in accordance with the provisions of this  
22 act. Jury commissioners shall cause to be prepared under their supervision  
23 a list of persons qualified as jurors in each county. Jury lists shall be  
24 prepared from voter registration records of the county *in such judicial*  
25 *district*, lists of licensed drivers residing in the ~~county~~ *judicial district* or  
26 enumeration or census records for the county *in such judicial district*, in  
27 accordance with the intent and purposes of this act. ~~On and after January~~  
28 ~~1, 1985~~, Lists of holders of state-issued nondrivers' identification cards  
29 who reside in the ~~county~~ *judicial district* may also be used in the prepa-  
30 ration of jury lists. Jury lists prepared from multiple sources may be used  
31 if one or more of the foregoing records is used as a material source in  
32 preparing the list. The commissioners shall cause the jury list of each  
33 county to be revised and updated by adding names of qualified jurors and  
34 removing names of those who have died, removed from the ~~county~~ *ju-*  
35 *dicial district*, or who have otherwise become disqualified. For the pur-  
36 poses of preparation and revision of jury lists, commissioners shall have  
37 access to the voter registration records of the ~~county~~ *judicial district*,  
38 records of the division of vehicles pertaining to licensed drivers who re-  
39 side in the ~~county~~ *judicial district* and enumeration or census records for  
40 the county. ~~On and after January 1, 1985~~, Commissioners shall have ac-  
41 cess to records of the division of vehicles pertaining to nondrivers' iden-  
42 tification card holders who reside in the ~~county~~ *judicial district*, for the  
43 purposes of preparation and revision of jury lists.

1     Sec. 46. K.S.A. 43-163 is hereby amended to read as follows: 43-163.  
2     Jury commissioners shall cause cards to be prepared such that the name  
3     of each person on the jury list shall appear on one card. Such cards shall  
4     be of uniform kind and size. Such cards shall be placed in a wheel des-  
5     ignated by the commissioner, and while in the wheel shall be thoroughly  
6     mixed. After such cards are thoroughly mixed in the wheel, cards may be  
7     drawn therefrom as provided in this act for selection of members of jury  
8     panels. There shall be one and only one wheel for each ~~county~~ *judicial*  
9     *district*, and the commissioner shall assure that it is kept securely locked  
10    and it shall be maintained under the control of the commissioner. In the  
11    event that a ~~county~~ *judicial district* has appropriate base information pro-  
12    grammed as a part of its computer operations so that it might comply  
13    with the spirit of the jury selection laws of Kansas the jury commissioners  
14    may by local rule provide alternate methods for securing jury panels di-  
15    rectly from the computer without the necessity of drawing names or cards  
16    from a wheel manually.

17    Sec. 47. K.S.A. 43-164 is hereby amended to read as follows: 43-164.  
18    Whenever it is necessary to secure a panel of jurors, or additional mem-  
19    bers for a panel of jurors, names shall be drawn from the wheel of the  
20    ~~county~~ *judicial district* as herein provided. If such panel of jurors, or  
21    additional names for a panel, is to be drawn to serve in the district court,  
22    the district judge, or a person appointed by the court for such purpose,  
23    shall make such drawing. If such panel, or additional names, are to be  
24    drawn for service in a court of the ~~county~~ *judicial district* other than the  
25    district court, the judge of any such court, or a person appointed by ~~him~~  
26    *the judge* for the purpose, shall make such drawing. There shall be drawn  
27    from the wheel a number of cards sufficient to make up the panel or to  
28    supply additional names of jurors for a panel, as may be directed by the  
29    commissioner. The person drawing names from the wheel shall be so  
30    situated that ~~he~~ *such person* is unable to see the name on any card before  
31    it is drawn.

32    Sec. 48. K.S.A. 47-421 is hereby amended to read as follows: 47-421.  
33    Any person who shall willfully and knowingly brand or cause to be  
34    branded with such person's brand, or any brand not the recorded brand  
35    of the owner, any livestock being the property of another, or who shall  
36    willfully or knowingly efface, deface or obliterate any brand upon any  
37    livestock, shall be deemed guilty of felony, and upon conviction thereof  
38    shall be punished by confinement in the custody of the secretary of cor-  
39    rections for a period not exceeding five years. Prosecution for violation  
40    of the provisions of this section may be had either in the ~~county~~ *judicial*  
41    *district* where such violation occurred or in any ~~county~~ *judicial district* in  
42    which the livestock may be located or found in the possession of the  
43    accused.

1 Sec. 49. K.S.A. 50-110 is hereby amended to read as follows: 50-110.

2 (a) *Jurisdiction*. For the purpose of enforcing this act, the courts of this  
3 state shall have power to exercise jurisdiction over persons to the maxi-  
4 mum extent permitted by the constitution of the United States.

5 (b) *Venue*. Every action pursuant to this act shall be brought in the  
6 district court of any ~~county~~ *judicial district* in which there occurred an  
7 act or practice declared to be a violation of this act or in the district court  
8 of Shawnee county.

9 Sec. 50. K.S.A. 50-638 is hereby amended to read as follows: 50-638.

10 (a) *Jurisdiction*. Any supplier, whether or not a resident or citizen of this  
11 state, who in person or through an agent or an instrumentality, engages  
12 in a consumer transaction in this state, thereby submits the supplier to  
13 the jurisdiction of the courts of this state as to any cause of action arising  
14 from such consumer transaction.

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

24 Sec. 51. K.S.A. 55-1617 is hereby amended to read as follows: 55-  
25 1617. The district court of the ~~county~~ *judicial district* in which oil or gas  
26 is produced shall be a court of proper venue for proceedings brought  
27 pursuant to this act. The prevailing party in a proceeding brought pur-  
28 suant to this act on which a judgment is rendered may recover court costs  
29 and reasonable attorney fees at the discretion of the court.

30 Sec. 52. K.S.A. 56-1a502 is hereby amended to read as follows: 56-  
31 1a502. Before doing business in the state of Kansas, a foreign limited  
32 partnership shall register with the secretary of state. In order to register,  
33 a foreign limited partnership shall submit to the secretary of state together  
34 with payment of the fee required by K.S.A. 56-1a605 and amendments  
35 thereto, an original copy executed by a general partner, together with a  
36 duplicate copy, of an application for registration as a foreign limited part-  
37 nership, setting forth:

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

39 (b) the state or other jurisdiction or country where organized, the  
40 date of its organization and a statement issued by an appropriate authority  
41 in that jurisdiction or by a third-party agent authorized by the secretary  
42 of state that the foreign limited partnership exists in good standing under  
43 the laws of the jurisdiction of its organization;

- 1 (c) the nature of the business or purposes to be conducted or pro-  
2 moted in the state of Kansas;
- 3 (d) the address of the registered office and the name and address of  
4 the resident agent for service of process required to be maintained by  
5 subsection (b) of K.S.A. 56-1a504 and amendments thereto;
- 6 (e) an irrevocable written consent of the foreign limited partnership  
7 that actions may be commenced against it in the proper court of any  
8 ~~county~~ *judicial district* where there is proper venue by the service of  
9 process on the secretary of state as provided for in K.S.A. 60-304 and  
10 amendments thereto and stipulating and agreeing that such service shall  
11 be taken and held, in all courts, to be as valid and binding as if due service  
12 had been made upon the general partners of the foreign limited partner-  
13 ship;
- 14 (f) the name and business, residence or mailing address of each of  
15 the general partners; and
- 16 (g) the date on which the foreign limited partnership first did, or  
17 intends to do, business in the state of Kansas.
- 18 Sec. 53. K.S.A. 56-1a510 is hereby amended to read as follows: 56-  
19 1a510. Service of process in any action against any foreign limited part-  
20 nership, whether or not that limited partnership is qualified to do business  
21 in this state, shall be made in the manner prescribed by K.S.A. 60-304  
22 and amendments thereto. Any person who has a cause of action against  
23 any foreign limited partnership, whether or not the limited partnership  
24 is qualified to do business in this state may file suit against the limited  
25 partnership in the district court of a ~~county~~ *judicial district* in which there  
26 is proper venue if the cause of action arose in Kansas out of the limited  
27 partnership's doing business in Kansas or while the limited partnership  
28 was doing business in Kansas.
- 29 Sec. 54. K.S.A. 59-2126 is hereby amended to read as follows: 59-  
30 2126. (a) In an independent adoption venue shall be in the ~~county~~ *judicial*  
31 *district* in which the petitioner resides or in the ~~county~~ *judicial district* in  
32 which the child to be adopted resides.
- 33 (b) In an agency adoption venue shall be:
- 34 (1) In the ~~county~~ *judicial district* in which the petitioner resides;
- 35 (2) in the ~~county~~ *judicial district* in which the child to be adopted  
36 resided prior to receipt of custody by the agency; or
- 37 (3) where the child placing agency is located.
- 38 (c) In a stepparent adoption venue shall be in the ~~county~~ *judicial*  
39 *district* in which the petitioner resides or where the child resides.
- 40 (d) If the petitioner resides upon or is stationed at a United States  
41 military post or reservation within this state, and the child to be adopted  
42 is then residing with the petitioner, venue may be in the district court of  
43 the ~~county~~ *judicial district* in which the post or reservation is located, or

1 in the district court of any ~~county~~ *judicial district* located immediately  
2 adjacent to such ~~county~~ *judicial district*.

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

7 Sec. 55. K.S.A. 59-2136 is hereby amended to read as follows: 59-  
8 2136. (a) The provisions of this section shall apply where a relinquishment  
9 or consent to an adoption has not been obtained from a parent and K.S.A.  
10 59-2124 and 59-2129, and amendments thereto, state that the necessity  
11 of a parent's relinquishment or consent can be determined under this  
12 section.

13 (b) Insofar as practicable, the provisions of this section applicable to  
14 the father also shall apply to the mother and those applicable to the  
15 mother also shall apply to the father.

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

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

- 1 (e) Except as provided in subsection (d), if a mother desires to relin-  
2 quish or consents to the adoption of such mother's child, a petition shall  
3 be filed in the district court to terminate the parental rights of the father,  
4 unless the father's relationship to the child has been previously termi-  
5 nated or determined not to exist by a court. The petition may be filed by  
6 the mother, the petitioner for adoption, the person or agency having  
7 custody of the child or the agency to which the child has been or is to be  
8 relinquished. Where appropriate, the request to terminate parental rights  
9 may be contained in a petition for adoption. If the request to terminate  
10 parental rights is not filed in connection with an adoption proceeding,  
11 venue shall be in the ~~county~~ *judicial district* in which the child, the mother  
12 or the presumed or alleged father resides or is found. In an effort to  
13 identify the father, the court shall determine by deposition, affidavit or  
14 hearing, the following:
- 15 (1) Whether there is a presumed father under K.S.A. 38-1114 and  
16 amendments thereto;
- 17 (2) whether there is a father whose relationship to the child has been  
18 determined by a court;
- 19 (3) whether there is a father as to whom the child is a legitimate child  
20 under prior law of this state or under the law of another jurisdiction;
- 21 (4) whether the mother was cohabitating with a man at the time of  
22 conception or birth of the child;
- 23 (5) whether the mother has received support payments or promises  
24 of support with respect to the child or in connection with such mother's  
25 pregnancy; and
- 26 (6) whether any man has formally or informally acknowledged or de-  
27 clared such man's possible paternity of the child. If the father is identified  
28 to the satisfaction of the court, or if more than one man is identified as  
29 a possible father, each shall be given notice of the proceeding in accord-  
30 ance with subsection (f).
- 31 (f) Notice of the proceeding shall be given to every person identified  
32 as the father or a possible father by personal service, certified mail return  
33 receipt requested or in any other manner the court may direct. Proof of  
34 notice shall be filed with the court before the petition or request is heard.
- 35 (g) If, after the inquiry, the court is unable to identify the father or  
36 any possible father and no person has appeared claiming to be the father  
37 and claiming custodial rights, the court shall enter an order terminating  
38 the unknown father's parental rights with reference to the child without  
39 regard to subsection (h). If any person identified as the father or possible  
40 father of the child fails to appear or, if appearing, fails to claim custodial  
41 rights, such person's parental rights with reference to the child shall be  
42 terminated without regard to subsection (h).
- 43 (h) (1) When a father or alleged father appears and asserts parental

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

- 6 (A) The father abandoned or neglected the child after having knowl-  
7 edge of the child's birth;
- 8 (B) the father is unfit as a parent or incapable of giving consent;
- 9 (C) the father has made no reasonable efforts to support or com-  
10 municate with the child after having knowledge of the child's birth;
- 11 (D) the father, after having knowledge of the pregnancy, failed with-  
12 out reasonable cause to provide support for the mother during the six  
13 months prior to the child's birth;
- 14 (E) the father abandoned the mother after having knowledge of the  
15 pregnancy;
- 16 (F) the birth of the child was the result of rape of the mother; or
- 17 (G) the father has failed or refused to assume the duties of a parent  
18 for two consecutive years next preceding the filing of the petition.

19 (2) In making a finding whether parental rights shall be terminated  
20 under this subsection, the court may:

- 21 (A) Consider and weigh the best interest of the child; and
- 22 (B) disregard incidental visitations, contacts, communications or con-  
23 tributions.

24 (3) In determining whether the father has failed or refused to assume  
25 the duties of a parent for two consecutive years next preceding the filing  
26 of the petition for adoption, there shall be a rebuttable presumption that  
27 if the father, after having knowledge of the child's birth, has knowingly  
28 failed to provide a substantial portion of the child support as required by  
29 judicial decree, when financially able to do so, for a period of two years  
30 next preceding the filing of the petition for adoption, then such father  
31 has failed or refused to assume the duties of a parent.

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

36 Sec. 56. K.S.A. 59-2138 is hereby amended to read as follows: 59-  
37 2138. Venue shall be in the ~~county~~ *county judicial district* in which the petitioner  
38 or the adult to be adopted resides.

39 Sec. 57. K.S.A. 59-2203 is hereby amended to read as follows: 59-  
40 2203. Proceedings for the probate of a will or for administration shall be  
41 had in the ~~county~~ *county judicial district* of the residence of the decedent at the  
42 time of such decedent's death if the decedent owned an interest in real  
43 property in such ~~county~~ *county judicial district*, or, if the decedent did not own

1 an interest in real property in the decedent's ~~county~~ *judicial district* of  
2 residence at the time of such decedent's death, in such ~~county~~ *judicial*  
3 *district* of the residence of the decedent at the time of such decedent's  
4 death or in any ~~county~~ *judicial district* where the decedent owned an  
5 interest in real property; if the decedent was not a resident of this state,  
6 proceedings may be had in any ~~county~~ *judicial district* where such de-  
7 cedent left any estate to be administered as provided in K.S.A. 59-805,  
8 and amendments thereto. Proceedings for the administration of a part-  
9 nership estate by the surviving partner shall be had in the ~~county~~ *judicial*  
10 *district* of the residence of the deceased partner at the time. If the de-  
11 ceased partner is a nonresident of the state the proceedings may be had  
12 in any ~~county~~ *judicial district* in which any of the partnership property is  
13 situated. Such proceedings first legally commenced shall extend to all of  
14 the property of the decedent or proposed conservatee in this state.

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

21 Sec. 58. K.S.A. 59-2207 is hereby amended to read as follows: 59-  
22 2207. Any fiduciary may be sued in the district court of the ~~county~~ *judicial*  
23 *district* in which ~~he or she~~ *such fiduciary* was appointed, or in which ~~he~~  
24 ~~or she~~ *such fiduciary* resides. If the fiduciary does not reside in the ~~county~~  
25 *judicial district* of ~~his or her~~ appointment, service may be had upon the  
26 fiduciary by serving a summons in the ~~county~~ *judicial district* of ~~his or~~  
27 ~~her~~ *such fiduciary's* residence.

28 Sec. 59. K.S.A. 59-2403 is hereby amended to read as follows: 59-  
29 2403. An appeal taken from any order, judgment, decree or decision  
30 (other than one determining or refusing to determine venue or changing  
31 or refusing to change venue) made by a district magistrate judge before  
32 a change of venue shall be taken to a district judge of the ~~county~~ *judicial*  
33 *district* to which the change was made.

34 Sec. 60. K.S.A. 2009 Supp. 59-2971 is hereby amended to read as  
35 follows: 59-2971. (a) At any time after the petition provided for in K.S.A.  
36 59-2957 and amendments thereto has been filed venue may be trans-  
37 ferred in accordance with this section.

38 (1) Prior to trial required by K.S.A. 59-2965 and amendments  
39 thereto. Before the expiration of two full working days following the prob-  
40 able cause hearing held pursuant to K.S.A. 59-2959 or 59-2962 and  
41 amendments thereto, the district court then with jurisdiction, on its own  
42 motion or upon the written request of any person, may transfer the venue  
43 of the case to the district court of the ~~county~~ *judicial district* where the

1 patient is being detained, evaluated or treated in a treatment facility under  
2 the authority of an order issued pursuant to K.S.A. 59-2958, 59-2959 or  
3 59-2964 and amendments thereto. Thereafter the district court may on  
4 its own motion or upon the written request of any person transfer venue  
5 to another district court only for good cause shown.

6 When an order changing venue is issued, the district court issuing the  
7 order shall immediately send to the district court to which venue is  
8 changed a facsimile or electronic copy of the entire file of the case. The  
9 district court shall also immediately send a facsimile or electronic copy of  
10 the order transferring venue to the treatment facility where the patient  
11 is being detained, evaluated or treated.

12 (2) After trial required by K.S.A. 59-2965 and amendments thereto,  
13 the district court may on its own motion or upon the written request of  
14 any person transfer venue to another district court for good cause shown.  
15 When an order changing venue is issued, the district court issuing the  
16 order shall immediately send to the district court to which venue is  
17 changed a facsimile or electronic copy of the entire file of the case. The  
18 transferring district court shall also immediately send a facsimile or elec-  
19 tronic copy of the order transferring venue to the treatment facility where  
20 the patient is being detained, evaluated or treated.

21 (b) The district court issuing an order transferring venue, if not in  
22 the ~~county~~ *judicial district* of residence of the proposed patient, shall  
23 transmit to the district court in the ~~county~~ *judicial district* of residence  
24 of the proposed patient a statement of any court costs incurred by the  
25 ~~county~~ *judicial district* of the district court issuing the order and, if the  
26 ~~county~~ *judicial district* of residence is not the receiving ~~county~~ *judicial*  
27 *district*, a facsimile or electronic copy of the entire file of the case.

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

39 (d) Any district court to which venue is transferred, if not in the  
40 ~~county~~ *judicial district* of residence of the patient, shall transmit to the  
41 district court in the ~~county~~ *judicial district* of residence of the patient a  
42 statement of any court costs incurred and a facsimile or electronic copy  
43 of all pleadings and orders entered in the case after transfer.

1     Sec. 61. K.S.A. 2009 Supp. 59-29b71 is hereby amended to read as  
2 follows: 59-29b71. (a) At any time after the petition provided for in K.S.A.  
3 59-29b57 and amendments thereto has been filed venue may be trans-  
4 ferred in accordance with this section.

5     (1) Prior to trial required by K.S.A. 59-29b65 and amendments  
6 thereto. Before the expiration of two full working days following the prob-  
7 able cause hearing held pursuant to K.S.A. 59-29b59 or 59-29b62 and  
8 amendments thereto, the district court then with jurisdiction, on its own  
9 motion or upon the written request of any person, may transfer the venue  
10 of the case to the district court of the ~~county~~ *judicial district* where the  
11 patient is being detained, evaluated or treated in a treatment facility under  
12 the authority of an order issued pursuant to K.S.A. 59-29b58, 59-29b59  
13 or 59-29b64 and amendments thereto. Thereafter the district court may  
14 on its own motion or upon the written request of any person transfer  
15 venue to another district court only for good cause shown. When an order  
16 changing venue is issued, the district court issuing the order shall im-  
17 mediately send to the district court to which venue is changed a facsimile  
18 or electronic copy of the entire file of the case. The district court shall  
19 also immediately send a facsimile or electronic copy of the order trans-  
20 ferring venue to the treatment facility where the patient is being detained,  
21 evaluated or treated.

22     (2) After the trial required by K.S.A. 59-29b65 and amendments  
23 thereto, the district court may on its own motion or upon the written  
24 request of any person transfer venue to another district court for good  
25 cause shown. When an order changing venue is issued, the district court  
26 issuing the order shall immediately send to the district court to which  
27 venue is changed a facsimile or electronic copy of the entire file of the  
28 case. The transferring district court shall also immediately send a facsimile  
29 or electronic copy of the order transferring venue to the treatment facility  
30 where the patient is being detained, evaluated or treated. Upon request  
31 of the receiving district court or upon an order of the district court trans-  
32 ferring venue, the transferring district court shall send to the receiving  
33 district court the entire original file of the case by mail.

34     (b) The district court issuing an order transferring venue, if not in  
35 the ~~county~~ *judicial district* of residence of the proposed patient, shall  
36 transmit to the district court in the ~~county~~ *judicial district* of residence  
37 of the proposed patient a statement of any court costs incurred by the  
38 ~~county~~ *judicial district* of the district court issuing the order and, if the  
39 ~~county~~ *judicial district* of residence is not the receiving ~~county~~ *judicial*  
40 *district*, a facsimile or electronic copy of the entire file of the case.

41     (c) Any district court to which venue is transferred shall proceed in  
42 the case as if the petition had been originally filed therein and shall cause  
43 notice of the change of venue to be given to the persons named in and

1 in the same manner as provided for in K.S.A. 59-29b63 and amendments  
2 thereto. In the event that notice of a change of location of a hearing due  
3 to a change of venue cannot be served at least 48 hours prior to any  
4 hearing previously scheduled by the transferring court or because of  
5 scheduling conflicts the hearing can not be held by the receiving court  
6 on the previously scheduled date, then the receiving court shall continue  
7 the hearing for up to seven full working days to allow adequate time for  
8 notice to be given and the hearing held.

9 (d) Any district court to which venue is transferred, if not in the  
10 ~~county~~ *judicial district* of residence of the patient, shall transmit to the  
11 district court in the ~~county~~ *judicial district* of residence of the patient a  
12 statement of any court costs incurred and a facsimile or electronic copy  
13 of all pleadings and orders entered in the case after transfer.

14 Sec. 62. K.S.A. 60-242 is hereby amended to read as follows: 60-242.

15 (a) *Consolidation*. When actions involving a common question of law or  
16 fact are pending before the court in the same or different counties in the  
17 judicial district, the judge may order a joint hearing or trial of any or all  
18 of the matters in issue in the actions; may order all the actions consoli-  
19 dated; and may make such orders concerning proceedings therein as may  
20 tend to avoid unnecessary costs or delay.

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

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

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

1 (3) In the assigned judge's discretion, the assigned judge may conduct  
2 a joint trial of any or all of the consolidated actions, but all parties to the  
3 actions jointly tried must consent to joint trial. Trials by jury may be  
4 conducted in any ~~county~~ *judicial district* which would have had venue of  
5 any of the consolidated actions, subject to a change of venue under K.S.A.  
6 60-609, and amendments thereto. If the assigned judge determines not  
7 to conduct the trial of any one of the consolidated actions or if any party  
8 to any of the consolidated actions does not consent to joint trial, the  
9 assigned judge shall return that action, and the record in that action, to  
10 the district court from which it originated. The assigned judge shall notify  
11 the supreme court of the return of the action.

12 Sec. 63. K.S.A. 60-601 is hereby amended to read as follows: 60-601.  
13 The term real property, as used in this section, includes any interest or  
14 estate created by an oil, gas or mineral lease, or an oil, gas or mineral  
15 royalty. Actions concerning real property must be brought in the ~~county~~  
16 *judicial district* designated in this section.

17 (a) *Eminent domain actions.* Eminent domain actions must be  
18 brought in the ~~county~~ *judicial district* in which the real estate is situated,  
19 except if it be an entire tract situated in two or more ~~counties~~ *judicial*  
20 *districts* and there is common ownership, the action may be brought in  
21 any ~~county~~ *judicial district* in which a part thereof is situated.

22 (b) *Generally.* The following actions must be brought in the ~~county~~  
23 *judicial district* in which the real estate is situated, except if it be an entire  
24 tract situated in two or more ~~counties~~ *judicial districts*, or if it consists of  
25 separate tracts situated in two or more ~~counties~~ *judicial districts*, the  
26 action may be brought in any ~~county~~ *judicial district* in which any tract  
27 or parts thereof is situated:

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

30 (2) Actions for the partition of real estate or any estate or interest  
31 therein.

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

34 (4) Actions to compel the specific performance of a contract for the  
35 sale of real property, or any estate or interest therein. Such action may  
36 also be brought in any ~~county~~ *judicial district* where the defendant or any  
37 one of the defendants may reside.

38 (c) *Transcript to other counties.* Immediately after final judgment the  
39 clerk of the district court in which the action was brought shall transmit  
40 a transcript of the proceedings to the clerk of the district court in any  
41 other ~~county~~ *judicial district* wherein any real property may be affected  
42 by such proceedings where the same shall be docketed and filed. The  
43 cost of such transcript and filing shall be taxed as costs of the case.

1 Sec. 64. K.S.A. 60-602 is hereby amended to read as follows: 60-602.  
 2 Actions for the following causes must be brought in the ~~county~~ *judicial*  
 3 *district* in which the cause, or some part thereof arose:

4 (1) Actions for the recovery of a fine, forfeiture or penalty, other than  
 5 against public utilities or common carriers, except if the act was commit-  
 6 ted on a road or river which forms the boundary of two or more ~~counties~~  
 7 *judicial districts* the action may be brought in any one of the bordering  
 8 ~~counties~~ *judicial districts* opposite the place where the act was commit-  
 9 ted.

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

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

14 Sec. 65. K.S.A. 60-603 is hereby amended to read as follows: 60-603.  
 15 An action against a resident of this state, other than an action for which  
 16 venue is otherwise specifically prescribed by law may be brought in the  
 17 ~~county~~ *judicial district*:

18 (1) In which the defendant resides, ~~or~~;

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

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

22 (4) in which the defendant has a place of business or of employment  
 23 if ~~said~~ *such* defendant is served therein, ~~or~~;

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

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

32 Sec. 66. K.S.A. 60-604 is hereby amended to read as follows: 60-604.  
 33 An action against a domestic corporation, or against a foreign corporation  
 34 which is qualified to do business in this state, other than an action for  
 35 which venue is otherwise specifically prescribed by law, may be brought  
 36 in the ~~county~~ *judicial district* in which:

37 (1) Its registered office is located;

38 (2) the cause of action arose;

39 (3) the defendant is transacting business at the time of the filing of  
 40 the petition, if the plaintiff is a resident of such county at the time the  
 41 cause of action arose;

42 (4) there is located tangible personal property which is the subject of  
 43 an action for the possession thereof if immediate possession is sought in

1 accordance with K.S.A. 60-1005, and amendments thereto, at the time of  
2 the filing of the action; or

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

8 Sec. 67. K.S.A. 60-605 is hereby amended to read as follows: 60-605.  
9 An action against a nonresident of this state, or against a corporation  
10 which is not qualified to do business in this state, other than an action  
11 for which venue is otherwise specifically prescribed by law, may be  
12 brought in the ~~county~~ *judicial district* in which:

13 (1) The plaintiff resides; or if the plaintiff is a corporation, in the  
14 ~~county~~ *judicial district* of its registered office or in which it maintains a  
15 place of business; or if the plaintiff is a partnership, either general or  
16 limited, in the county of the residence of a partner, in the ~~county~~ *judicial*  
17 *district* of the registered office of a corporate partner or in the ~~county~~  
18 *judicial district* in which the partnership maintains a place of business;

19 (2) the defendant is served;

20 (3) the cause of action arose;

21 (4) the defendant is transacting business at the time of the filing of  
22 the petition;

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

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

29 (7) equipment or facilities for use in the supply of transportation serv-  
30 ices, or communication services, including, without limitation, telephonic  
31 communication services, are located where the subject of such action  
32 relates to transportation services or communication services supplied or  
33 rendered, in whole or in part, using such equipment or facilities.

34 Sec. 68. K.S.A. 60-606 is hereby amended to read as follows: 60-606.  
35 (a) Except as provided by subsection (b), any action brought against a  
36 public utility, common carrier or transportation system for any liability or  
37 penalty or forfeiture, may be brought in any ~~county~~ *judicial district* into  
38 or through which such public utility, common carrier or transportation  
39 system operates regularly.

40 (b) Any action brought against a public utility, common carrier or  
41 transportation system for damages arising from personal injury, resulting  
42 in death or otherwise, shall be brought in either the ~~county~~ *judicial dis-*  
43 *trict* in which the injury occurred or in the ~~county~~ *judicial district* in which

1 the plaintiff resided at the time of injury.

2 Sec. 69. K.S.A. 60-607 is hereby amended to read as follows: 60-607.

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

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

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

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

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

14 Sec. 70. K.S.A. 60-608 is hereby amended to read as follows: 60-608.

15 If there are several plaintiffs properly joined and venue is determined by  
16 the residence of one of them, it shall be necessary that such plaintiff's  
17 claim is a substantial part of the action. If there are several defendants  
18 properly joined, venue of the action may be determined at the election  
19 of the plaintiff as to any one of the defendants against whom a substantial  
20 claim exists. If, before trial of an action on the merits is commenced, a  
21 party with reference to whom venue was determined ceases to be a party  
22 and venue would no longer be proper as to the remaining parties, on the  
23 application of any remaining party promptly made, the cause shall be  
24 transferred to a ~~county~~ *judicial district* of proper venue. If there is more  
25 than one such ~~county~~ *judicial district*, the transfer shall be to a ~~county~~  
26 *judicial district* selected by the plaintiff.

27 Sec. 71. K.S.A. 60-609 is hereby amended to read as follows: 60-609.

28 (a) Upon the motion of a party, a district court may transfer any civil  
29 action to any ~~county~~ *judicial district* where it might have been brought  
30 upon a finding that a transfer would better serve the convenience of the  
31 parties and witnesses and the interests of justice.

32 (b) In any action in the district court which is commenced pursuant  
33 to chapter 60 of the Kansas Statutes Annotated and in which it shall be  
34 made to appear that a fair and impartial trial cannot be had in the ~~county~~  
35 *judicial district* where the action is pending, for reasons other than the  
36 disqualification of the judge, the court, upon application of either party,  
37 may change the place of trial to some ~~county~~ *judicial district* where the  
38 objection does not exist.

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

42 Sec. 72. 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. 73. K.S.A. 60-612 is hereby amended to read as follows: 60-612.

10 (a) Without changing venue, a judge may conduct any hearing or nonjury  
11 trial in any ~~county~~ *judicial district* agreed upon by all parties who are not  
12 in default.

13 (b) If the court finds on motion of any party, that the county where  
14 an action was filed does not have a courtroom or other suitable facility  
15 which conforms to section 11 of the Americans with disabilities act ac-  
16 cessibility guidelines for buildings and facilities (ADAAG) adopted by 28  
17 CFR 36.406 and incorporated in appendix A thereto, as in effect on July  
18 1, 1999, and that such failure to conform would prohibit or limit the  
19 participation of a person material to the proceeding, the judge, without  
20 changing venue, may conduct any hearing or trial in any ~~county~~ *judicial*  
21 *district* with an accessible courtroom.

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

33 Sec. 74. K.S.A. 60-613 is hereby amended to read as follows: 60-613.

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

39 (b) *Service of process.* The respective sheriffs of Geary and Riley  
40 county, Kansas, and others authorized to serve process under the laws of  
41 this state, in these two named counties, may serve process in any proper  
42 action within the boundaries of the Fort Riley military reservation without  
43 regard to the county line between Geary and Riley counties as ~~said~~ *such*

1 line existed before the land comprising ~~said~~ *such* reservation was acquired  
2 by the United States of America.

3 Sec. 75. K.S.A. 60-614 is hereby amended to read as follows: 60-614.  
4 An action arising from any taking or appropriation, or to enjoin any taking  
5 or appropriation, of private or public property, or of any of the rights  
6 appertaining thereto, which taking or appropriation was without following  
7 the statutory procedures for the exercise of the right of eminent domain,  
8 by a public or private corporation, body corporate or body politic, pos-  
9 sessed the right of eminent domain under the laws of this state, may be  
10 brought in the ~~county~~ *judicial district* in which the property or the rights  
11 appertaining thereto is situated at the time of the taking or appropriation  
12 thereof. Any such action now pending may at the discretion of the court  
13 in which it is now pending, be transferred to the corresponding court in  
14 the ~~county~~ *judicial district* where the property or rights are situated. Not-  
15 withstanding any other law to the contrary, summons in any such action  
16 may be issued by the court and directed to and served by the sheriff of  
17 any county wherein the defendant may be found. This act shall create no  
18 new rights or causes of action and shall be construed as designating venue  
19 for such actions only. This act shall not be construed as waiving any ex-  
20 isting sovereign immunity. This act shall be and shall be construed as  
21 supplemental to and a part of the code of civil procedure.

22 Sec. 76. K.S.A. 60-4103 is hereby amended to read as follows: 60-  
23 4103. (a) The district court has jurisdiction under this act over:

24 (1) All interests in property if the property for which forfeiture is  
25 sought is within this state at the time the action is filed; or

26 (2) the interest of an owner or interest holder in the property if the  
27 owner or interest holder is subject to personal jurisdiction in this state.

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

34 Sec. 77. K.S.A. 61-2708 is hereby amended to read as follows: 61-  
35 2708. The venue of actions commenced under this act shall be as pre-  
36 scribed in article 19 of chapter 61 of the Kansas Statutes Annotated,  
37 except that the ~~county~~ *judicial district* in which the cause of action arose  
38 shall be proper venue only where it is affirmatively shown that the de-  
39 fendant was a resident of the ~~county~~ *judicial district* where the cause of  
40 action arose at the time the cause of action arose.

41 Sec. 78. K.S.A. 61-3402 is hereby amended to read as follows: 61-  
42 3402. An action against a resident of this state, other than an action for  
43 which venue is otherwise specifically prescribed by law, may be brought

- 1 in the ~~county~~ *judicial district* in which:
- 2 (a) The defendant resides;
- 3 (b) the plaintiff resides if the defendant is served therein;
- 4 (c) the cause of action arose;
- 5 (d) the defendant has a place of business or of employment if the
- 6 defendant is served therein;
- 7 (e) the estate of a deceased person is being probated if such deceased
- 8 person was jointly liable with the defendant and a demand to enforce
- 9 such liability has been duly exhibited in the probate proceedings of such
- 10 decedent's estate; or
- 11 (f) there is located tangible personal property which is the subject of
- 12 an action for the possession thereof if immediate possession is sought in
- 13 accordance with K.S.A. 61-3701, and amendments thereto, at the time of
- 14 the filing of the action.
- 15 Sec. 79. K.S.A. 61-3403 is hereby amended to read as follows: 61-
- 16 3403. An action against a domestic corporation, or against a foreign cor-
- 17 poration which is qualified to do business in this state, other than an action
- 18 for which venue is otherwise specifically prescribed by law, may be
- 19 brought in the ~~county~~ *judicial district* in which:
- 20 (a) Its registered office is located;
- 21 (b) the cause of action arose;
- 22 (c) the defendant is transacting business at the time of the filing of
- 23 the petition; or
- 24 (d) there is located tangible personal property which is the subject of
- 25 an action for the possession thereof if immediate possession is sought in
- 26 accordance with K.S.A. 61-3701, and amendments thereto, at the time of
- 27 the filing of the action.
- 28 Sec. 80. K.S.A. 61-3404 is hereby amended to read as follows: 61-
- 29 3404. An action against a nonresident of this state, or against a corporation
- 30 which is not qualified to do business in this state, other than an action
- 31 for which venue is otherwise specifically prescribed by law, may be
- 32 brought in the ~~county~~ *judicial district* in which:
- 33 (a) The plaintiff resides, or if the plaintiff is a corporation, in the
- 34 ~~county~~ *judicial district* of its registered office or in which it maintains a
- 35 place of business;
- 36 (b) the defendant is served;
- 37 (c) the cause of action arose;
- 38 (d) the defendant is transacting business at the time of the filing of
- 39 the petition;
- 40 (e) there is property of the defendant, or debts owing to the defend-
- 41 ant; or
- 42 (f) there is located tangible personal property which is the subject of
- 43 an action for the possession thereof if immediate possession is sought in

1 accordance with K.S.A. 61-3701, and amendments thereto, at the time of  
2 the filing of the action.

3 Sec. 81. K.S.A. 61-3405 is hereby amended to read as follows: 61-  
4 3405. Any action brought against a public utility, common carrier or trans-  
5 portation system for any liability or penalty or forfeiture, may be brought  
6 in any ~~county~~ *judicial district* into or through which such public utility,  
7 common carrier or transportation system operates regularly.

8 Sec. 82. K.S.A. 61-3406 is hereby amended to read as follows: 61-  
9 3406. If there are several plaintiffs properly joined and venue is deter-  
10 mined by the residence of one of them, it shall be necessary that such  
11 plaintiff's claim is a substantial part of the action. If there are several  
12 defendants properly joined, venue of the action may be determined at  
13 the election of the plaintiff as to any one of the defendants against whom  
14 a substantial claim exists. If, before trial of an action on the merits is  
15 commenced, a party with reference to whom venue was determined  
16 ceases to be a party and venue would no longer be proper as to the  
17 remaining parties, on the application of any remaining party promptly  
18 made, the cause shall be transferred to a court of a ~~county~~ *judicial district*  
19 of proper jurisdiction and venue. If there is more than one such ~~county~~  
20 *judicial district*, the transfer shall be to a ~~county~~ *judicial district* selected  
21 by the plaintiff.

22 Sec. 83. K.S.A. 61-3407 is hereby amended to read as follows: 61-  
23 3407. In all cases pursuant to the provisions of the code of civil procedure  
24 for limited actions in which it shall be made to appear that a fair and  
25 impartial trial cannot be had in the ~~county~~ *judicial district* where the suit  
26 is pending, for reasons other than the disqualification of the judge, the  
27 court, upon application of either party, may change the place of trial to  
28 the district court of some ~~county~~ *judicial district* where the objection does  
29 not exist.

30 Sec. 84. K.S.A. 61-3409 is hereby amended to read as follows: 61-  
31 3409. If an action is commenced in good faith and a subsequent timely  
32 objection to the venue is sustained, or if before trial on the merit com-  
33 mences, it is found that no cause of action exists in favor of or against a  
34 party upon whom venue was dependent, the action shall be transferred  
35 to a court of proper jurisdiction of any ~~county~~ *judicial district* of proper  
36 venue. If there is more than one such ~~county~~ *judicial district*, the transfer  
37 shall be to the court of a ~~county~~ *judicial district* selected by the plaintiff.  
38 In accordance with K.S.A. 61-4001, and amendments thereto, the re-  
39 ceiving district court shall require the payment of an appropriate docket  
40 fee from the movant.

41 Sec. 85. K.S.A. 66-118e is hereby amended to read as follows: 66-  
42 118e. In any case where the application for review might be taken to the  
43 district court of more than one ~~county~~ *judicial district*, any party inter-

1 ested in ~~said~~ *such* action may, within ten (10) days after the transcript is  
2 filed with the clerk of the district court, apply to the district court in  
3 which such application was originally filed for a change of venue, ~~and if~~  
4 ~~it shall be made to appear~~. *If it appears* to the satisfaction of the court  
5 that the convenience of the parties will be best served and a speedy, fair  
6 and economical trial be secured by transferring such proceeding to an-  
7 other ~~county~~ *judicial district* of this state in which the order or the de-  
8 cision of the commission is to become effective, or if it appears that the  
9 application should have been filed in the district court of some other  
10 ~~county~~ *judicial district*, it shall be the duty of the court to make an order  
11 transferring such proceeding to such other county for trial or decision;  
12 ~~and~~. Upon such order being made, the files of the case shall be trans-  
13 mitted by the clerk of the court to the clerk of the court of the ~~county~~  
14 *judicial district* to which the proceeding is transferred, and thereupon  
15 the proceeding shall be docketed in the district court of the ~~county~~ *ju-*  
16 *dicial district* to which it is transferred ~~and~~. All subsequent proceedings  
17 shall be had as if the application for review had been originally filed in  
18 the last named ~~county~~. ~~Provided, That~~ *judicial district*. The provisions of  
19 this section shall not be construed to restrict or prevent an application  
20 for change of venue upon any other statutory ground.

21 Sec. 86. K.S.A. 2009 Supp. 74-711 is hereby amended to read as  
22 follows: 74-711. The records of the secretary of labor, compiled and main-  
23 tained for administration of the employment security law, shall be made  
24 available to the director of workers' compensation for comparison with  
25 respect to matters of payroll, payroll tax, number and type of employees  
26 of all employers doing business in the state of Kansas who have not qual-  
27 ified as self-insurers or group-funded workers' compensation pools and  
28 who have not filed statements of insurance with the director of workers'  
29 compensation. The director shall order employers coming under this act  
30 and who have not qualified as self-insurers or group-funded workers'  
31 compensation pools and who have not filed a statement of insurance as  
32 provided by this act to so qualify or to file such statement or to cease  
33 doing business in the state of Kansas within a period to be set by the  
34 director but not less than 10 days from the date of the order.

35 In the event that such an employer fails to comply with the order of  
36 the director of workers' compensation issued as provided in this section,  
37 the attorney general or the district attorney or county attorney of any  
38 county *in such judicial district* in which such employer is doing business  
39 shall prepare and file in the district court of any ~~county~~ *judicial district*  
40 in which such employer is doing business a petition in the name of the  
41 state signed and verified by the director of workers' compensation, and  
42 asking that such employer be enjoined from doing business in this state  
43 for such period of time as the director may deem proper and until such

1 employer has complied with the workers' compensation law, and the dis-  
2 trict court shall have jurisdiction and venue to enter its order without  
3 requiring bond or evidence to be filed or presented. In all other respects  
4 such action shall be governed by the laws governing civil procedure.

5 Sec. 87. K.S.A. 75-6907 is hereby amended to read as follows: 75-  
6 6907. Whenever it appears that an awarding authority is attempting to  
7 enforce any contract based upon a bid in which a mistake has been made  
8 contrary to the provisions of this act, an action may be brought in the  
9 district court of the ~~county~~ *judicial district* in which the contract was  
10 awarded to enjoin such enforcement and, upon a proper showing, a per-  
11 manent or temporary injunction, restraining order or other equitable re-  
12 lief shall be granted in an action brought by the bidder, the attorney  
13 general or any county or district attorney.

14 Sec. 88. K.S.A. 77-609 is hereby amended to read as follows: 77-609.

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

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

18 (2) otherwise provided by law.

19 (b) Except as otherwise provided by K.S.A. 8-259, 31-144, 44-556,  
20 72-5430a and 74-2426, and amendments thereto, venue is in the ~~county~~  
21 *judicial district* in which the order or agency action is entered or is ef-  
22 fective or the rule and regulation is promulgated.

23 Sec. 89. K.S.A. 77-624 is hereby amended to read as follows: 77-624.

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

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

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

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

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

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

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

41 Sec. 90. K.S.A. 5-417, 16a-6-116, 17-1775, 17-7301, 17-7307, 17-  
42 76,121, 17-76,129, 20-301, 20-301b, 20-327, 20-329, 20-331, 20-333, 20-  
43 336, 20-338, 20-348, 20-354, 20-2908, 20-3107, 20-3108, 20-3109, 20-

1 3110, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608,  
2 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2615, 22-  
3 2616, 22-2617, 22-2902, 22-3428, 22-3428a, 38-1116, 43-162, 43-163, 43-  
4 164, 47-421, 50-110, 50-638, 55-1617, 56-1a502, 56-1a510, 59-2126, 59-  
5 2138, 59-2203, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-603, 60-604,  
6 60-605, 60-606, 60-607, 60-608, 60-609, 60-611, 60-612, 60-613, 60-614,  
7 60-4103, 61-2708, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-  
8 3407, 61-3409, 66-118e, 72-6776, 75-6907, 77-609 and 77-624 and K.S.A.  
9 2009 Supp. 8-259, 8-1020 26-501, 38-2204, 38-2305, 40-218, 43-107, 43-  
10 112a, 43-112b, 43-158, 59-2136 59-2971, 59-29b71 and 74-711 are hereby  
11 repealed.  
12     Sec. 91. This act shall take effect and be in force from and after its  
13 publication in the statute book.