AN ACT concerning the judicial branch; relating to docket fees; making 
and concerning appropriations for the fiscal year ending June 30, 2015, 
for the judicial branch; creating the electronic filing and management 
fund; allowing the allocation of a budget for each judicial district court 
administration; authority and power of the chief judge of each judicial 
district; relating to district courts and the court of appeals; selection of 
chief judge; relating to vacancies in the office of judge of the district 
court and the office of district magistrate judge; longevity bonuses for 
judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319, 
Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256, 
60-2001, 61-2704{,} 75-5541 {and 75-5551} and repealing the 
existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38- 
2312c and 60-2001b.

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

New Section 1.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general 
fund for the fiscal year ending June 30, 2015, the following:
Judiciary operations.................................................................$2,000,000

(b) There is appropriated for the above agency from the following 
special revenue fund or funds for the fiscal year ending June 30, 2015, all 
moneys now or hereafter lawfully credited to and available in such fund or 
fun ds, except that expenditures other than refunds authorized by law shall 
not exceed the following:
Electronic filing and management fund............................................No limit

New Sec. 2.  (a) For the fiscal year ending June 30, 2016, and for each 
fiscal year thereafter, the chief judge in each judicial district may elect to 
be responsible for the budget of such judicial district pursuant to the 
provisions of this section.

(b) For the fiscal year ending June 30, 2016, and each fiscal year 
thereafter, the chief judge in each judicial district who elects to be 
responsible for the budget shall prepare such budget and submit it to the 
chief justice of the supreme court pursuant to K.S.A. 20-158, and
amendments thereto. On or before August 1, 2014, and each August 1 thereafter, the chief judge shall notify the chief justice if such chief judge is electing to be responsible for the district court budget for the ensuing fiscal year.

(c) Subject to appropriations therefor, the chief justice shall have the final authority to determine and approve the annual amount allocated to the budget for each judicial district court administration in which the chief judge has elected to be responsible for such budget. Annually, as soon as possible following legislation passed by the legislature and enacted into law appropriating moneys for the judicial branch, the chief justice shall determine such budgeted amount for each such judicial district court administration and notify the chief judge of each such judicial district. On or before June 30 of each fiscal year, the chief judge of each judicial district who elects to be responsible for the budget shall submit to the chief justice such district court's budget for the ensuing fiscal year based upon the dollar amount allocated to such district court by the chief justice for such fiscal year.

(d) After the amount of such district court budget is established by the chief justice, the expenditures under such budget, other than expenditures for salaries mandated by law, shall be under the control and supervision of the chief judge of such judicial district. The judicial administrator of the courts, pursuant to K.S.A. 20-318, and amendments thereto, shall approve all lawful claims submitted by the chief judge within the limits of such judicial district court budget.

(e) The compensation to be paid to district court personnel in such judicial district shall be determined by the chief judge of such judicial district.

(f) The chief judge of such judicial district who elects to be responsible for the budget shall have the authority and power to hire, promote, suspend, demote and dismiss all personnel as necessary to carry out the functions and duties of such judicial district.

(g) Whenever for any fiscal year it appears that the resources of any special revenue fund of the judicial branch are likely to be insufficient to cover the appropriations made against such special revenue funds, the chief justice shall be responsible for determining any allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of any special revenue fund of the judicial branch for that fiscal year. All chief judges who are responsible for the district court budget shall follow any allotment system determined by the chief justice for such fiscal year.

New Sec. 3. (a) (1) On and after July 1, 2014, any party filing an appeal with the court of appeals shall pay a fee in the amount of $145 to the clerk of the supreme court.
(2) On and after July 1, 2014, any party filing an appeal with the supreme court shall pay a fee in the amount of $145 to the clerk of the supreme court.

(b) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The fee shall be the only costs assessed in each case to services of the clerk of the supreme court. The clerk of the supreme court shall remit all revenues received from this section to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury. The fee shall be disbursed in accordance with subsection (g) of K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

On and after July 1, 2014, through July 1, 2015, the supreme court may impose an additional charge, not to exceed $10 per fee, to fund the costs of non-judicial personnel.

(e) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

New Sec. 4. There is hereby created in the state treasury the electronic filing and management fund. All expenditures from the electronic filing and management fund shall be for purposes of creating, implementing and managing an electronic filing and centralized case management system for the state court system and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person designated by the chief justice.

Sec. 5. K.S.A. 20-162 is hereby amended to read as follows: 20-162.

(a) The supreme court shall establish by rule a judicial personnel classification system for all nonjudicial personnel in the state court system who are not subject to the authority and power of the chief judge of each judicial district pursuant to section 2, and amendments thereto, and for judicial personnel whose compensation is not otherwise prescribed by law. Such personnel classification system shall take effect on July 1, 1979, and shall prescribe the compensation for all such personnel who are not subject to the authority and power of the chief judge of each judicial district pursuant to section 2, and amendments thereto. No county may supplement the compensation of district court personnel included in the judicial personnel compensation system. Such compensation shall be established so as to be commensurate with the duties and responsibilities of each type and class of personnel. In establishing the compensation for
each type and class of personnel, the supreme court shall take into
consideration: (1) The compensation of such personnel prior to January 1,
1979; (2) the compensation of personnel in the executive branch of state
government who have comparable duties and responsibilities; and (3) the
compensation of similar personnel in the court systems of other states
having comparable size, population and characteristics.

(b) The following personnel shall not be included in the judicial
personnel classification system:
(1) County auditors;
(2) coroners;
(3) court trustees and personnel in each trustee's office; and
(4) personnel performing services in adult or juvenile facilities used
as a place of detention or for correctional purposes.
The compensation for the above personnel shall be paid by the county
as prescribed by law.

(c) The judicial personnel classification system also:
(1) Shall prescribe the powers, duties and functions for each type and
class of personnel, which shall be subject to and not inconsistent with any
provisions of law prescribing powers, duties and functions of such
personnel; and
(2) shall not infringe upon the authority of the chief judge of a
judicial district to expend funds in such judicial district's budget for court
administration pursuant to section 2, and amendments thereto.

(d) In conjunction with the judicial personnel classification system,
the supreme court shall prescribe a procedure whereby personnel subject
to said such classification system who are removed from office by their
appointing authority will have an opportunity to seek reinstatement.

(e) On or before December 1, 1978, the supreme court shall submit to
the legislative coordinating council a detailed personnel classification and
pay plan for district court employees that are to be included in the judicial
personnel classification system. The plan shall detail each individual-
position by classification, pay grade and pay step as compared to the
employee's present salary. In assignment of positions to particular steps
within the assigned pay grade, the plan shall place each employee at the
step which is the next highest over the employee's current salary. If an
employee is earning more than the highest step on a given grade, his or her
salary shall remain at the current level.

Sec. 6. K.S.A. 20-318 is hereby amended to read as follows: 20-318.
(a) There is hereby created within the state of Kansas, a judicial
department for the supervision of all courts in the state of Kansas. The
supreme court shall divide the state into separate sections, not to exceed
six in number, to be known as judicial departments, each of which shall
be assigned a designation to distinguish it from the other departments. A
justice of the supreme court shall be assigned as departmental justice for each judicial department.

(b) There is created hereby the position of judicial administrator of the courts, who shall be appointed by the chief justice of the supreme court to serve at the will of the chief justice. The judicial administrator shall have a broad knowledge of judicial administration and substantial prior experience in an administrative capacity. No person appointed as judicial administrator shall engage in the practice of law while serving in such capacity. Compensation of the judicial administrator shall be determined by the justices, but shall not exceed the salary authorized by law for the judge of the district court. The judicial administrator shall be responsible to the chief justice of the supreme court of the state of Kansas, and shall implement the policies of the court with respect to the operation and administration of the courts, subject to the provisions of section 2, and amendments thereto, under the supervision of the chief justice. The administrator shall perform such other duties as are provided by law or assigned by the supreme court or the chief justice.

(c) Expenditures from appropriations for district court operations to be paid by the state shall be made on vouchers approved by the judicial administrator. All claims for salaries, wages or other compensation for district court operations to be paid by the state shall be certified as provided in K.S.A. 75-3731, and amendments thereto, by the judicial administrator.

Sec. 7. K.S.A. 20-319 is hereby amended to read as follows: 20-319.

(a) A justice assigned to each department shall:

(1) With the help and assistance of the judicial administrator, make a survey of the conditions of the dockets and business of the district courts in the justice's department and make a report and recommendations on the conditions and business to the chief justice.

(2) Assemble the judges of the district courts within the justice's department, at least annually, to discuss such recommendations and other business as will benefit the judiciary of the state. When so summoned, the judges of the district courts in the various departments shall attend such conferences at the expense of the state. Such judges shall be entitled to their actual and necessary expenses while attending such conferences and shall be required to attend the conferences unless excused by the departmental justice for good cause.

(b) Departmental justices shall have authority within their departments to assign any district judge or district magistrate judge to hear any proceeding or try any cause, within the judge's jurisdiction, in other district courts. Any departmental justice may request the assistance of any district judge or district magistrate judge from another department.

(c) Subject to the provisions of section 2, and amendments thereto,
the departmental justices shall supervise all administrative matters relating
to the district courts within their departments and require reports
periodically, covering such matters and in such form as the supreme court
may determine, on any such matter which will aid in promoting the
efficiency or the speedy determination of causes now pending. *Nothing in
this section shall grant the departmental justice the authority to make or
change any budget decisions made by the chief judge of the district court
pursuant to section 2, and amendments thereto.* Departmental justices shall
have the power to examine the dockets, records and proceedings of any
courts under their supervision. All judges and clerks of the several courts
of the state shall promptly make such reports and furnish the information
requested by any departmental justice or the judicial administrator, in the
manner and form prescribed by the supreme court.

(d) In order to properly advise the three branches of government on
the operation of the juvenile justice system, each district court shall furnish
the judicial administrator such information regarding juveniles coming to
the attention of the court pursuant to the revised Kansas code for care of
children as is determined necessary by the secretary of social and
rehabilitation services for children and families and the director of the
statistical analysis center of the Kansas bureau of investigation, on forms
approved by the judicial administrator. Such information shall be
confidential and shall not be disseminated or publicly disclosed in a
manner which enables identification of any individual who is a subject of
the information.

(e) The departmental justice shall assign to each chief judge in the
justice's department such duties as are necessary to carry out the intent of
just, speedy and inexpensive litigation for the litigants of the state.

Sec. 8. K.S.A. 20-329 is hereby amended to read as follows: 20-329.
In every judicial district, the *supreme court district court judges in such
judicial district* shall designate a district judge as chief judge who
shall have general control over the assignment of cases within the district,
subject to supervision by the supreme court. *The procedure for such
election shall be determined by the district court judges and adopted by
district court rule.* Within guidelines established by statute, rule of the
supreme court or the district court, the chief judge of each district court
shall be responsible for and have general supervisory authority over the
clerical and administrative functions of such court. *The district judge
designated as chief judge by the supreme court on July 1, 2014, shall be
allowed to serve as chief judge through January 1, 2016.*

Sec. 9. K.S.A. 20-342 is hereby amended to read as follows: 20-342.
After consultation with the district magistrate judges of such court, each
district court, by action of a majority of the district judges thereof, may
promulgate such rules as may be necessary to provide for the
administrative operations of such court and to facilitate the regulation and
supervision of the nonjudicial personnel thereof subject to the provisions
of section 2, and amendments thereto. Any rules so adopted shall be
consistent with applicable statutes and, subject to the provisions of section
2, and amendments thereto, rules of the supreme court. Such rules shall be
in addition to the rules adopted under authority of K.S.A. 60-267, and
amendments thereto.

Sec. 10. K.S.A. 20-343 is hereby amended to read as follows: 20-343.
The chief judge of each judicial district, shall appoint a clerk of the district
court in each county within such judicial district. The chief judge shall
designate one of such clerks as the chief clerk of the district court of such
judicial district, except that a chief clerk is not required to be designated in
a judicial district which has a court administrator pursuant to the personnel plan of the supreme court or subject to the
provisions of section 2, and amendments thereto. The clerks of the district
court and deputies, assistants and other clerical personnel shall have such
qualifications as are prescribed for the offices by statute, rule of the district
court and rule of the supreme court. Such clerks, deputies, assistants and
other personnel shall have such powers, duties and functions as are
prescribed by law, prescribed by rules of the supreme court or assigned by
the chief judge.

Sec. 11. K.S.A. 20-345 is hereby amended to read as follows: 20-345.
Within staffing limits prescribed by the supreme court and appropriations
thereof or the annual budget allocated pursuant to section 2, and
amendments thereto, the chief judge of each judicial district shall appoint
such bailiffs, court reporters, secretaries, court services officers and other
clerical and nonjudicial personnel as necessary to perform the judicial and
administrative functions of the district court. Persons appointed pursuant
to this section shall have qualifications prescribed by law or rule of the
supreme court. Except as otherwise provided Unless specifically
established by law, such persons shall receive compensation prescribed by
the judicial personnel classification system or the chief judge, whichever is
applicable. Such persons shall perform the duties and functions prescribed
by law, designated in the personnel classification system or and assigned
by the chief judge, subject to rule of the supreme court. Personnel whose
salary is payable by counties shall receive compensation in the amounts
provided in the district court budget approved by the board of county
commissioners. Whenever any person is employed or assigned to work
under direct supervision of any judge or in a division of court in which a
judge presides, the employment or assignment of the person shall be
subject to the approval of that judge.

Sec. 12. K.S.A. 20-346a is hereby amended to read as follows: 20-
346a. (a) The department of corrections shall have the functions and duties
provided by law with regard to providing parole officers for felons placed on parole by the Kansas adult authority prisoner review board but shall not provide parole officers for the supervision of misdemeanants placed on parole by the district courts of this state. The department of corrections shall provide the visitation, supervision and other services regarding probationers and parolees which are required under the uniform act for out-of-state parolee supervision.

(b) All court services officers supervising adults and juveniles placed on probation by the district courts of this state and all court services officers supervising misdemeanants placed on parole by the district courts of this state shall be appointed by the district courts as provided by law. The supreme court shall prescribe the qualifications required of persons appointed as court services officers of the district courts. The compensation of court services officers of the district courts shall be paid by the state either in accordance with the compensation plan adopted by the supreme court or as may be otherwise specifically provided by law approved by the chief judge of the district court where such officer is appointed, whichever is applicable.

(e) Any probation and parole officers of the department of corrections who were terminated from service as officers and employees of that department because of the transfer of functions and duties from that department to the district courts under this section and who were appointed as court services officers of the district courts pursuant to this subsection as it existed prior to amendment by this act shall retain all retirement benefits and, to the extent feasible and compatible with the provisions of the judicial personnel system relating to nonjudicial employees of the district courts, these appointments shall be deemed to be transfers with all rights of civil service which had accrued to those officers and employees prior to July 1, 1979, and the service of each officer and employee so appointed and transferred shall be deemed to have been continuous.

Sec. 13. K.S.A. 20-349 is hereby amended to read as follows: 20-349. The chief judge in each judicial district shall be responsible for the preparation of the budget to be submitted to the board of county commissioners of each county. The board of county commissioners shall then have final authority to determine and approve the budget for district court operations payable by their county. The judicial administrator of the courts shall prescribe the form upon which such budgets shall be submitted. The budget shall include all expenditures payable by the county for operations of the district court in such county. A separate budget shall be prepared for each county within the district and the judges of the district court shall approve the budget for the county in which such judges are regularly assigned prior to submission of such budget to the board of county commissioners. The compensation to be paid to district court
personnel excluded from the judicial personnel classification system pursuant to subsection (b) of K.S.A. 20-162, and amendments thereto, shall be listed in the budget as a separate item for each job position. After the amount of such district court budget is established, the expenditures under such budget, other than expenditures for job positions contained in the budget, shall be under the control and supervision of the chief judge, subject to supreme court rules relating thereto, and the board of county commissioners shall approve all claims submitted by the chief judge within the limits of such district court budget. The financial affairs of the district court in each county including, but not limited to, nonexpendable trust funds, law library funds and court trustee operations shall be subject to audit pursuant to the provisions of K.S.A. 75-1122, and amendments thereto, as part of the annual county audit. Reports of fiscal or managerial discrepancies or noncompliance with applicable law shall be made to the judicial administrator of the courts as well as the board of county commissioners. Chief judges who have not elected to be responsible for the district court budget pursuant to section 2, and amendments thereto, shall be subject to the supreme court rules relating to the district court operations payable by the county.

Sec. 14. K.S.A. 20-361 is hereby amended to read as follows: 20-361. (a) The state shall pay the salaries of all nonjudicial personnel of the district courts of this state, except for personnel enumerated in subsection (b) of K.S.A. 20-162, and amendments thereto, and no county may supplement the compensation of district court personnel paid by the state. For employees of the district court who were employees of such court on December 31, 1978, a full month's proportion of the employee's annual pay shall be paid for the state payroll period ending on January 17, 1979, notwithstanding that such period is shorter than the normal state payroll period. With regard to judicial and nonjudicial personnel of the district courts whose salary is payable by the state, the state shall provide for unemployment security coverage, employer contributions for retirement, workmen's compensation coverage, health insurance coverage and surety bond coverage.

(b) The supreme court shall establish a formal pay plan for court reporters serving district judges. Within the limits of legislative appropriations therefor, compensation of such court reporters shall be paid by the state in an amount prescribed by the pay plan established by the supreme court and no county may supplement the compensation of such court reporters. The plan shall detail each reporter's position by classification, pay grade and pay step. Except as provided further, the supreme court shall establish a formal pay plan for court reporters serving district judges. Within the limits of legislative appropriations therefor, compensation of court reporters shall be paid by the state in an
amount prescribed by the pay plan established by the supreme court. The
plan shall detail each reporter’s position by classification, pay grade and
pay step. Pursuant to section 2, and amendments thereto, compensation of
court reporters shall be paid by the state in an amount prescribed by the
chief judge of the district court where such reporter serves. No county may
supplement the compensation of any court reporter.

Sec. 15. K.S.A. 2013 Supp. 20-367 is hereby amended to read as
follows: 20-367. (a) On and after July 1, 2009 through June 30, 2013, of
the remittance of the balance of docket fees received by the state treasurer
from clerks of the district court pursuant to subsection (g) of K.S.A. 20-
362, and amendments thereto, the state treasurer shall deposit and credit:

(1) 3.05% to the judicial performance fund;
(2) 4.24% to the access to justice fund;
(3) 2.35% to the juvenile detention facilities fund;
(4) 1.81% to the judicial branch education fund;
(5) .48% to the crime victims assistance fund;
(6) 2.31% to the protection from abuse fund;
(7) 3.66% to the judiciary technology fund;
(8) .29% to the dispute resolution fund;
(9) 1.07% to the Kansas juvenile delinquency prevention trust fund;
(10) .18% to the permanent families account in the family and
children investment fund;
(11) 1.27% to the trauma fund;
(12) .96% to the judicial council fund;
(13) .58% to the child exchange and visitation centers fund;
(14) 15.54% to the judicial branch nonjudicial salary adjustment
fund;
(15) 15.37% to the judicial branch nonjudicial salary initiative fund;
and
(16) the balance to the state general fund. During the fiscal years
ending June 30, 2015, June 30, 2016, and June 30, 2017, of the remittance
of the balance of docket fees received by the state treasurer from clerks of
the district court pursuant to subsection (g) of K.S.A. 20-362, and
amendments thereto, the state treasurer shall deposit and credit the first
$3,100,000 to the electronic filing and management fund created in
section 4, and amendments thereto. During the fiscal year ending June 30,
2018, and each fiscal year thereafter, of the remittance of the balance of
docket fees received by the state treasurer from clerks of the district court
pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the
state treasurer shall deposit and credit the first $1,000,000 to the
electronic filing and management fund.

(b) On and after July 1, 2013, of the remittance of the balance of
docket fees received by the state treasurer from clerks of the district court-
pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto.

Subject to the provisions of section 102(c) of chapter 136 of the 2013 Session Laws of Kansas for the fiscal year ending June 30, 2015, of the balance which remains after deduction of the amounts specified in subsection (a), the state treasurer shall deposit and credit:

1. 4.37% to the access to justice fund;
2. 2.42% to the juvenile detention facilities fund;
3. 1.87% to the judicial branch education fund;
4. .50% to the crime victims assistance fund;
5. 2.38% to the protection from abuse fund;
6. 3.78% to the judiciary technology fund;
7. .30% to the dispute resolution fund;
8. 1.10% to the Kansas juvenile delinquency prevention trust fund;
9. .19% to the permanent families account in the family and children investment fund;
10. 1.31% to the trauma fund;
11. .99% to the judicial council fund;
12. .60% to the child exchange and visitation centers fund;
13. 16.03% to the judicial branch nonjudicial salary adjustment fund;
14. 15.85% to the judicial branch nonjudicial salary initiative fund;
15. the balance to the state general fund.

Sec. 16. K.S.A. 20-2909 is hereby amended to read as follows: 20-2909. (a) (1) Whenever a vacancy occurs in the office of judge of the district court in any judicial district, or whenever a vacancy will occur in such office on a specified future date, the chief justice of the supreme court promptly shall give notice of such vacancy to the chairperson of the district judicial nominating commission of such judicial district not later than 120 days following the date the vacancy occurs or will occur.

(2) The chairperson, in consultation with members of the commission, within five days after receipt of such notice, shall set a schedule for accepting nominations and conducting interviews for the purpose of nominating persons for appointment to such office. It shall be the duty of the commission to nominate not less than two nor more than three persons for each office which is vacant, and shall submit the names of the persons so nominated to the governor. Any person nominated shall have the qualifications prescribed by subsection (b) of K.S.A. 20-2903, and amendments thereto, and in order to obtain the best qualified persons as nominees, the commission shall not limit its consideration of potential nominees to those persons whose names have been submitted to the commission or who have expressed a willingness to serve. The commission may authorize one or more members of the commission to
tender a nomination to any qualified person in order to ascertain the
person's willingness to serve if nominated, but any such tender of
nomination shall be subject to final action of the commission under the
conditions prescribed by subsection (b) of K.S.A. 20-2907, and
amendments thereto.

(3) In order that a vacancy in the office of judge of the district court
does not exist for an inordinate length of time, the commission shall
conduct the business of selecting nominees for appointment to such office
and certifying the same to the governor as promptly and expeditiously as
possible, having due regard for the importance of selecting the best
possible nominees. In no event shall the commission submit its
nominations to the governor more than 45 days after the date the chief
justice has notified the nominating commission that a vacancy is to be
filled, unless the chief justice permits an extension of such time period.

(b) If there are not at least two attorneys deemed qualified by the
district judicial nominating commission who reside in the judicial district
and who are willing to accept the nomination to fill a vacancy in a district
judge position, the nominating commission need not limit its consideration
of nominees to attorneys residing in the judicial district. In cases where
there is one such attorney, such attorney shall be one of the nominees
submitted to the governor. If an appointee is not a resident of the judicial
district at the time of appointment to a district judge position, the
appointee shall establish residency in the judicial district before taking
office and shall maintain such residency while holding such office.

Sec. 17. K.S.A. 20-2911 is hereby amended to read as follows: 20-

(a) Whenever a district judicial nominating commission has
submitted to the governor the required number of nominations for
appointment to fill a vacancy in the office of judge of the district court, it
shall be the duty of the governor to make such appointment within thirty
(30) 60 days after such nominations are submitted or resubmitted to him or
her the governor. If the governor fails to make the appointment within said
thirty (30) 60 days, the chief justice of the supreme court shall make the
appointment from among such nominees, but, except whenever any
change in the nominations is made pursuant to K.S.A. 20-2910, said thirty-
day and amendments thereto, such 60-day period commences on the day
the nominations are resubmitted.

(b) Whenever a vacancy in the office of judge of the district court
exists at the time the appointment to fill such vacancy is made pursuant to
this section, the appointment shall be effective at the time it is made, but
where an appointment is made pursuant to this section to fill a vacancy
which will occur at a future date, such appointment shall not take effect
until said such future date.

Sec. 18. K.S.A. 20-2914 is hereby amended to read as follows: 20-
2914. (a) Whenever a vacancy shall occur in the office of district
magistrate judge in any judicial district which has approved the
proposition of nonpartisan selection of district court judges, or whenever a
vacancy will occur in such office on a specified future date, the chief
justice of the supreme court promptly shall give notice of such vacancy to
the chairperson of the district judicial nominating commission of such
judicial district not later than 120 days following the date the vacancy
occurs or will occur. The chairperson, in consultation with members of the
commission, within five days after receipt of such notice, shall set a
schedule for accepting nominations and conducting interviews
for the purpose of selecting a person to fill such vacancy. Any person so
selected shall have the qualifications prescribed by subsection (c) of
K.S.A. 20-334, and amendments thereto, and in order to obtain the best
qualified person as a district magistrate judge, the commission shall not
limit its consideration of potential appointees to those persons whose
names have been submitted to the commission or who have expressed a
willingness to serve. The commission may authorize one or more members
of the commission to tender an appointment to any qualified person in
order to ascertain such person's willingness to serve if appointed. Any such
tender of appointment shall be subject to final action of the commission
under the conditions prescribed by subsection (b) of K.S.A. 20-2907, and
amendments thereto.

(b) Any appointment made pursuant to subsection (a) shall be contingent upon the acceptance of such appointment by the person so appointed and, if such person is not regularly admitted to practice law in Kansas, the appointment shall be made on a temporary basis until such person has been certified by the supreme court as qualified to hold such office, in the manner provided by K.S.A. 20-337, and amendments thereto.

Sec. 19. K.S.A. 20-3011 is hereby amended to read as follows: 20-
3011. The supreme court of appeals judges shall elect a judge of the court of appeals to serve as chief judge of such court at the pleasure of the supreme court. The procedure for such election shall be determined by the court of appeals. The chief judge shall exercise such administrative powers as may be prescribed by law or by rule of the supreme court. The judge of the court of appeals designated as chief judge by the supreme court on July 1, 2014, shall be allowed to serve as chief judge through January 1, 2016.

Sec. 20. K.S.A. 2013 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10, or for crimes committed on or after July 1, 1993, but
prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto, or as
prohibited by any law of another state which is in substantial conformity with that statute;
(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;
(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;
(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;
(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
(8) a violation of K.S.A. 21-3405b, prior to its repeal.
(d) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.
(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:
(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;
(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2013 Supp. 21-5506, and amendments thereto;
(3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;
(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;
(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2013 Supp. 21-5508, and amendments thereto;
(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;
(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;
(8) endangering a child or aggravating endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2013 Supp. 21-5601, and amendments thereto;
(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments thereto;
(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto;
(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;
(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;
(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;
(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp. 21-5405, and amendments thereto;
(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;
(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;
(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or
(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:
(A) Defendant's full name;
(B) full name of the defendant at the time of arrest, conviction or
diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. On and after April 12, 2012, through June 30, 2013, July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed $19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion
occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private
detective agency, certification as a firearms trainer pursuant to K.S.A.
2013 Supp. 75-7b21, and amendments thereto, or employment as a
detective with a private detective agency, as defined by K.S.A. 75-7b01,
and amendments thereto; as security personnel with a private patrol
operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
the Kansas department for children and families aging and disability
services;

(B) in any application for admission, or for an order of reinstatement,
to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive
director of the Kansas racing and gaming commission, for employment
with the commission or for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission, or to aid
in determining qualifications for licensure or renewal of licensure by the
commission;

(E) to aid in determining the petitioner's qualifications for the
following under the Kansas expanded lottery act: (i) Lottery gaming
facility manager or prospective manager, racetrack gaming facility
manager or prospective manager, licensee or certificate holder; or (ii) an
officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A.
8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an
employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an
employee of a tribal gaming commission or to hold a license issued
pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent,
investment adviser or investment adviser representative all as defined in
K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as
defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in
determining the petitioner's qualifications for a license to carry a concealed
weapon pursuant to the personal and family protection act, K.S.A. 2013
Supp. 75-7c01 et seq., and amendments thereto;
(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;
(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and
(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.
(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.
(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.
(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in subsection (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.
(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:
(1) The person whose record was expunged;
(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
(4) the secretary of the department for children and families for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department
for children and families for aging and disability services of any person
whose record has been expunged;
(5) a person entitled to such information pursuant to the terms of the
expungement order;
(6) a prosecutor, and such request is accompanied by a statement that
the request is being made in conjunction with a prosecution of an offense
that requires a prior conviction as one of the elements of such offense;
(7) the supreme court, the clerk or disciplinary administrator thereof,
the state board for admission of attorneys or the state board for discipline
of attorneys, and the request is accompanied by a statement that the
request is being made in conjunction with an application for admission, or
for an order of reinstatement, to the practice of law in this state by the
person whose record has been expunged;
(8) the Kansas lottery, and the request is accompanied by a statement
that the request is being made to aid in determining qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;
(9) the governor or the Kansas racing and gaming commission, or a
designee of the commission, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications for executive director of the commission, for employment
with the commission, for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission or for
licensure, renewal of licensure or continued licensure by the commission;
(10) the Kansas racing and gaming commission, or a designee of the
commission, and the request is accompanied by a statement that the
request is being made to aid in determining qualifications of the following
under the Kansas expanded lottery act: (A) Lottery gaming facility
managers and prospective managers, racetrack gaming facility managers
and prospective managers, licensees and certificate holders; and (B) their
officers, directors, employees, owners, agents and contractors;
(11) the Kansas sentencing commission;
(12) the state gaming agency, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications: (A) To be an employee of the state gaming agency; or (B)
to be an employee of a tribal gaming commission or to hold a license
issued pursuant to a tribal-gaming compact;
(13) the Kansas securities commissioner or a designee of the
commissioner, and the request is accompanied by a statement that the
request is being made in conjunction with an application for registration as
a broker-dealer, agent, investment adviser or investment adviser
representative by such agency and the application was submitted by the
person whose record has been expunged;
(14) the Kansas commission on peace officers' standards and training
and the request is accompanied by a statement that the request is being
made to aid in determining certification eligibility as a law enforcement
officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
(15) a law enforcement agency and the request is accompanied by a
statement that the request is being made to aid in determining eligibility
for employment as a law enforcement officer as defined by K.S.A. 22-
2202, and amendments thereto;
(16) the attorney general and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications for a license to carry a concealed weapon pursuant to the
personal and family protection act; or
(17) the Kansas bureau of investigation for the purposes of:
(A) Completing a person's criminal history record information within
the central repository, in accordance with K.S.A. 22-4701 et seq., and
amendments thereto; or
(B) providing information or documentation to the federal bureau of
investigation, in connection with the national instant criminal background
check system, to determine a person's qualification to possess a firearm.
(m) The provisions of subsection (l)(17) shall apply to records
created prior to, on and after July 1, 2011.
Sec. 21. K.S.A. 2013 Supp. 22-2410 is hereby amended to read as
follows: 22-2410. (a) Any person who has been arrested in this state may
petition the district court for the expungement of such arrest record.
(b) When a petition for expungement is filed, the court shall set a date
for hearing on such petition and shall cause notice of such hearing to be
given to the prosecuting attorney and the arresting law enforcement
agency. When a petition for expungement is filed, the official court file
shall be separated from the other records of the court, and shall be
disclosed only to a judge of the court and members of the staff of the court
designated by a judge of the district court, the prosecuting attorney, the
arresting law enforcement agency, or any other person when authorized by
a court order, subject to any conditions imposed by the order. Except as
otherwise provided by law, a petition for expungement shall be
accompanied by a docket fee in the amount of $100. $176. Except as
provided further, the docket fee established in this section shall be the only
fee collected or moneys in the nature of a fee collected for the docket fee.
Such fee shall only be established by an act of the legislature and no other
authority is established by law or otherwise to collect a fee. On and after
July 1, 2013, through July 1, 2015, the supreme court may impose an
additional charge, not to exceed $19 per docket fee, to fund the costs of
non-judicial personnel. The petition shall state:
(1) The petitioner's full name;
(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
(3) the petitioner's sex, race and date of birth;
(4) the crime for which the petitioner was arrested;
(5) the date of the petitioner's arrest; and
(6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-6107, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
(2) a court has found that there was no probable cause for the arrest;
(3) the petitioner was found not guilty in court proceedings; or
(4) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
(2) in any application for admission, or for an order of reinstatement,
(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or
(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:
(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 22. K.S.A. 25-312a is hereby amended to read as follows: 25-
312a. Except as otherwise provided in K.S.A. 20-2903 through 20-2913, and amendments thereto, whenever a vacancy occurs in the office of judge of the district court, it shall be filled by appointment by the governor following receipt of notice from the clerk of the supreme court, which shall be given not later than 120 days following the date the vacancy occurs or will occur. If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualified. If the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and qualified at the next general election to serve the remainder of the unexpired term. Any appointment made by the governor as required by this section shall be made within 60 days after the vacancy occurs 90 days following receipt of notice from the clerk of the supreme court.

Sec. 23. K.S.A. 2013 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows, on and after July 1, 2013:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Docket Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder or manslaughter</td>
<td>$180.50</td>
</tr>
<tr>
<td>Other felony</td>
<td>$171.00</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>$136.00</td>
</tr>
<tr>
<td>Forfeited recognizance</td>
<td>$72.50</td>
</tr>
<tr>
<td>Appeals from other courts</td>
<td>$72.50</td>
</tr>
</tbody>
</table>

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways, including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto, a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2013 2014, a docket fee of $74 $86 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after July 1, 2013 2014, the docket fee to be paid as court costs shall be $74 $86.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2013 2014, a docket fee of $74 $86 shall be charged. When an action is disposed of under subsection (a) and (b) of
K.S.A. 8-2118, and amendments thereto, on and after July 1, 2014, the docket fee to be paid as court costs shall be $74. If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of $2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be $3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and $2 of any bond so forfeited shall be regarded as court costs.

(f) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed $22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 24. K.S.A. 2013 Supp. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
records or files specified in this code concerning a juvenile may be
expunged upon application to a judge of the court of the county in which
the records or files are maintained. The application for expungement may
be made by the juvenile, if 18 years of age or older or, if the juvenile is
less than 18 years of age, by the juvenile's parent or next friend.

(b) There shall be no expungement of records or files concerning acts
committed by a juvenile which, if committed by an adult, would constitute
a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-
5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments
thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
or K.S.A. 2013 Supp. 21-5404, and amendments thereto, voluntary
manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp.
21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments
thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection
(a)(3) of K.S.A. 2013 Supp. 21-5405, and amendments thereto,
involuntary manslaughter while driving under the influence of alcohol or
drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503,
and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto,
aggravated indecent liberties with a child; K.S.A. 21-3504, prior to its
repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments
thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,
or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,
indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto,
aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual
exploitation of a child; K.S.A. 21-3603, prior to its repeal, or subsection
(b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto, aggravated
incest; K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2013
Supp. 21-5601, and amendments thereto, endangering a child; K.S.A. 21-
3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments
thereto, abuse of a child; or which would constitute an attempt to commit a
violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender
who is required to register as provided in the Kansas offender registration
act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
expungement of any conviction or any part of the offender's criminal
record while the offender is required to register as provided in the Kansas
offender registration act.

(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $100. On and after the effective date of this act through June 30, 2013 $176. On and after July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed $19 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) (i) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge; or
(ii) one year has elapsed since the final discharge for an adjudication concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto;
(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and
(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.
(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary of the department for children and families for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for children and families aging and disability services of any person whose record has been expunged;
5. A person entitled to such information pursuant to the terms of the expungement order;
6. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
7. The governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for
work in sensitive areas in parimutuel racing as deemed appropriate by the
executive director of the commission or for licensure, renewal of licensure
or continued licensure by the commission;
(8) the Kansas sentencing commission; or
(9) the Kansas bureau of investigation, for the purposes of:
(A) Completing a person's criminal history record information within
the central repository in accordance with K.S.A. 22-4701 et seq., and
amendments thereto; or
(B) providing information or documentation to the federal bureau of
investigation, in connection with the national instant criminal background
check system, to determine a person's qualification to possess a firearm.
(i) The provisions of subsection (k)(9) shall apply to all records
created prior to, on and after July 1, 2011.

Sec. 25. K.S.A. 2013 Supp. 59-104 is hereby amended to read as
follows: 59-104. (a) Docket fee. (1) Except as otherwise provided by law,
no case shall be filed or docketed in the district court under the provisions
of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
and amendments thereto, without payment of an appropriate docket fee as
follows, on and after July 1, 2013:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treatment of mentally ill</td>
<td>34.50</td>
</tr>
<tr>
<td>Treatment of alcoholism or drug abuse</td>
<td>34.50</td>
</tr>
<tr>
<td>Determination of descent of property</td>
<td>49.50</td>
</tr>
<tr>
<td>Termination of life estate</td>
<td>48.50</td>
</tr>
<tr>
<td>Termination of joint tenancy</td>
<td>48.50</td>
</tr>
<tr>
<td>Refusal to grant letters of administration</td>
<td>48.50</td>
</tr>
<tr>
<td>Adoption</td>
<td>48.50</td>
</tr>
<tr>
<td>Filing a will and affidavit under K.S.A. 59-618a</td>
<td>48.50</td>
</tr>
<tr>
<td>Guardianship</td>
<td>69.50</td>
</tr>
<tr>
<td>Conservatorship</td>
<td>69.50</td>
</tr>
<tr>
<td>Trusteeship</td>
<td>69.50</td>
</tr>
<tr>
<td>Combined guardianship and conservatorship</td>
<td>69.50</td>
</tr>
<tr>
<td>Certified probate proceedings under K.S.A. 59-213, and amendments thereto</td>
<td>23.50</td>
</tr>
<tr>
<td>Decrees in probate from another state</td>
<td>108.50</td>
</tr>
<tr>
<td>Probate of an estate or of a will</td>
<td>109.50</td>
</tr>
<tr>
<td>Civil commitment under K.S.A. 59-29a01 et seq</td>
<td>33.50</td>
</tr>
</tbody>
</table>

(2) Except as provided further, the docket fee established in this
section shall be the only fee collected or moneys in the nature of a fee
collected for the docket fee. Such fee shall only be established by an act of
the legislature and no other authority is established by law or otherwise to
collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme
court may impose an additional charge, not to exceed $22 per docket fee,
to fund the costs of non-judicial personnel.

(b) Poverty affidavit in lieu of docket fee and exemptions. The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) Disposition of docket fee. Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) Additional court costs. Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 26. K.S.A. 2013 Supp. 60-256 is hereby amended to read as follows: 60-256. (a) By a claiming party. A party claiming relief may move, with or without supporting affidavits or supporting declarations pursuant to K.S.A. 53-601, and amendments thereto, for summary judgment on all or part of the claim.

(b) By a defending party. A party against whom relief is sought may move, with or without supporting affidavits or supporting declarations pursuant to K.S.A. 53-601, and amendments thereto, for summary judgment on all or part of the claim.

(c) Time for a motion; response and reply; proceedings. (1) These times apply unless a different time is set by local rule or the court orders otherwise:

(A) A party may move for summary judgment at any time until 30 days after the close of all discovery;

(B) a party opposing the motion must file a response within 21 days after the motion is served or a responsive pleading is due, whichever is later; and

(C) the movant may file a reply within 14 days after the response is served.

(2) The judgment sought should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits or declarations show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.

(d) Case not fully adjudicated on the motion. (1) Establishing facts. If
summary judgment is not rendered on the whole action, the court should, to the extent practicable, determine what material facts are not genuinely at issue. The court should so determine by examining the pleadings and evidence before it and by interrogating the attorneys. It should then issue an order specifying what facts, including items of damages or other relief, are not genuinely at issue. The facts so specified must be treated as established in the action.

(2) Establishing liability. An interlocutory summary judgment may be rendered on liability alone, even if there is a genuine issue on the amount of damages.

(e) Affidavits or declarations; further testimony. (1) In general. A supporting or opposing affidavit or declaration must be made on personal knowledge, set out facts that would be admissible in evidence and show that the affiant or declarant is competent to testify on the matters stated. If a paper or part of a paper is referred to in an affidavit or declaration, a sworn or certified copy must be attached to or served with the affidavit or declaration. The court may permit an affidavit or declaration to be supplemented or opposed by depositions, answers to interrogatories or additional affidavits or declarations.

(2) Opposing party's obligation to respond. When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must, by affidavits or by declarations pursuant to K.S.A. 53-601, and amendments thereto, or as otherwise provided in this section, set out specific facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.

(f) When affidavits or declarations are unavailable. If a party opposing the motion shows by affidavit or by declaration pursuant to K.S.A. 53-601, and amendments thereto, that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) Deny the motion;

(2) order a continuance to enable affidavits or declarations to be obtained, depositions to be taken or other discovery to be undertaken; or

(3) issue any other just order.

(g) Affidavits or declarations submitted in bad faith. If satisfied that an affidavit or declaration under this section is submitted in bad faith or solely for delay, the court must order the submitting party or attorney to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may be held in contempt.

(h) Fee for filing a motion for summary judgment. (1) On and after July 1, 2014, any party filing a motion for summary judgment shall pay a
fee in the amount of $195 to the clerk of the district court.

(2) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(3) The fee shall be disbursed in accordance with subsection (g) of K.S.A. 20-362, and amendments thereto.

(4) Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(5) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

(6) The provisions of this subsection shall not apply to an action pursuant to the code of civil procedure for limited actions.

Sec. 27. K.S.A. 60-729 is hereby amended to read as follows: 60-729.

(a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.

(b) On and after July 1, 2014, any party requesting an order of garnishment shall pay a fee in the amount of $7.50 to the clerk of the district court.

(c) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(d) The fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The fee shall be disbursed in accordance with subsection (g) of K.S.A. 20-362, and amendments thereto.

(e) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

On and after July 1, 2014, through July 1, 2015, the supreme court may impose an additional charge, not to exceed $12.50 per fee, to fund the costs of non-judicial personnel.

(f) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 28. K.S.A. 2013 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) Docket fee. Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of $156 on and after July 1, 2009 through June 30, 2013, and $154 on and after July 1, 2013 through June 30, 2014, to the clerk of the district court. Except as provided further, the docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall...
only be established by an act of the legislature and no other authority is
established by law or otherwise to collect a fee. On and after the effective
date of this act through June 30, 2013 July 1, 2013, through July 1, 2015,
the supreme court may impose an additional charge, not to exceed $22 per
docket fee, to fund the costs of non-judicial personnel.

(b) Poverty affidavit in lieu of docket fee. (1) Effect. In any case
where a plaintiff by reason of poverty is unable to pay a docket fee, and an
affidavit so stating is filed, no fee will be required. An inmate in the
custody of the secretary of corrections may file a poverty affidavit only if
the inmate attaches a statement disclosing the average account balance, or
the total deposits, whichever is less, in the inmate's trust fund for each
month in: (A) The six-month period preceding the filing of the action; or
(B) the current period of incarceration, whichever is shorter. Such
statement shall be certified by the secretary. On receipt of the affidavit and
attached statement, the court shall determine the initial fee to be assessed
for filing the action and in no event shall the court require an inmate to pay
less than $3. The secretary of corrections is hereby authorized to disburse
money from the inmate's account to pay the costs as determined by the
court. If the inmate has a zero balance in such inmate's account, the
secretary shall debit such account in the amount of $3 per filing fee as
established by the court until money is credited to the account to pay such
docket fee. Any initial filing fees assessed pursuant to this subsection shall
not prevent the court, pursuant to subsection (d), from taxing that
individual for the remainder of the amount required under subsection (a) or
this subsection.

(2) Form of affidavit. The affidavit provided for in this subsection
shall set forth a factual basis upon which the plaintiff alleges by reason of
poverty an inability to pay a docket fee, including, but not limited to, the
source and amount of the plaintiff's weekly income. Such affidavit shall be
signed and sworn to by the plaintiff under oath, before one who has
authority to administer the oath, under penalty of perjury, K.S.A. 2013
Supp. 21-5903, and amendments thereto. The form of the affidavit shall be
deemed sufficient if in substantial compliance with the form set forth by
the judicial council.

(3) Court review; grounds for dismissal; service of process. The court
shall review any petition authorized for filing under this subsection. Upon
such review, if the court finds that the plaintiff's allegation of poverty is
untrue, the court shall direct the plaintiff to pay the docket fee or dismiss
the petition without prejudice. Notwithstanding K.S.A. 60-301, and
amendments thereto, service of process shall not issue unless the court
grants leave following its review.

(c) Disposition of fees. The docket fees and the fees for service of
process shall be the only costs assessed in each case for services of the
clerk of the district court and the sheriff. For every person to be served by
the sheriff, the persons requesting service of process shall provide proper
payment to the clerk and the clerk of the district court shall forward the
service of process fee to the sheriff in accordance with K.S.A. 28-110, and
amendments thereto. The service of process fee, if paid by check or money
order, shall be made payable to the sheriff. Such service of process fee
shall be submitted by the sheriff at least monthly to the county treasurer
for deposit in the county treasury and credited to the county general fund.
The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
amendments thereto.

(d) Additional court costs. Other fees and expenses to be assessed as
additional court costs shall be approved by the court, unless specifically
fixed by statute. Other fees shall include, but not be limited to, witness
fees, appraiser fees, fees for service of process, fees for depositions,
alternative dispute resolution fees, transcripts and publication, attorney
fees, court costs from other courts and any other fees and expenses
required by statute. All additional court costs shall be taxed and billed
against the parties as directed by the court. No sheriff in this state shall
charge any mileage for serving any papers or process.

Sec. 29. K.S.A. 2013 Supp. 61-2704 is hereby amended to read as
follows: 61-2704. (a) An action seeking the recovery of a small claim shall
be considered to have been commenced at the time a person files a written
statement of the person's small claim with the clerk of the court if, within
90 days after the small claim is filed, service of process is obtained or the
first publication is made for service by publication. Otherwise, the action
is deemed commenced at the time of service of process or first publication.
An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court
shall require from the plaintiff a docket fee of $37-$35 on and after July 1,
2013 $35 on and after July 1, 2014, if the claim does not exceed $500; or $57 $55 on and after July 1,
2013 $55 on and after July 1, 2014, if the claim exceeds $500; unless for good cause shown the
judge waives the fee. The docket fee shall be the only costs required in an
action seeking recovery of a small claim. No person may file more than 20
small claims under this act in the same court during any calendar year.

(c) Except as provided further, the docket fee established in this
section shall be the only fee collected or moneys in the nature of a fee
collected for the docket fee. Such fee shall only be established by an act of
the legislature and no other authority is established by law or otherwise to
collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme
court may impose an additional charge, not to exceed $12.50 per docket
fee, to fund the costs of non-judicial personnel.

Sec. 30. K.S.A. 2013 Supp. 75-5541 is hereby amended to read as
follows: 75-5541. (a) Except as otherwise provided by this section, each
classified employee, excluding any such employee who is on temporary appointment, and each nonjudicial employee in the unclassified service under the Kansas civil service act in a state agency in the judicial branch of state government, shall receive a bonus as provided by this section, which shall be referred to as a longevity bonus, under the terms and conditions and subject to the limitations prescribed by this section.

(b) After June 30, 1989, any such officer or employee who has been employed by any agency, board or department within any branch of state government, whether or not the entire period of service is continuous with the same agency, board or department, shall be eligible to receive a longevity bonus upon completion of 120 months of state service. Length of service and service anniversary dates shall be determined pursuant to rules and regulations adopted by the secretary of administration.

(c) The amount of each longevity bonus payment shall be computed by multiplying $40 by the number of full years of state service, not to exceed 25 years, rendered by such officer or employee as of the service anniversary date within such fiscal year.

(d) Each longevity bonus payment shall be included in the employee's regular pay warrant. The amount of the bonus shall be displayed separately on the warrant stub or advice.

(e) Longevity bonus payments shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all purposes under the Kansas public employees retirement system and shall be subject to applicable deductions for employee contributions notwithstanding the fact that payments are made annually. Longevity bonus payments shall be in addition to the regular earnings to which an officer or employee may become entitled or for which such employee may become eligible.

(f) The purpose of longevity pay is to recognize permanent employees who have provided experience and faithful long-term service to the state of Kansas in order to encourage officers and employees to remain in the service of the state. The provisions of this section shall apply to fiscal years commencing after June 30, 1989. The amendatory language of this section shall be construed to confirm that longevity pay is intended, and has been intended since its enactment, to be a bonus as defined in 29 C.F.R. § 778.208.

(g) In accordance with the provisions of K.S.A. 75-3706, and amendments thereto, the secretary of administration shall adopt rules and regulations to implement the provisions of this section with respect to officers and employees in the executive branch of state government. The supreme court may adopt policies to implement the provisions of this section with respect to officers and employees who are nonjudicial personnel of state agencies in the judicial branch of state government.
(h) The provisions of this section shall not apply to any state officer or employee who is employed or re-employed as a state officer or employee on or after June 15, 2008.

Sec. 31. K.S.A. 2013 Supp. 75-5551 is hereby amended to read as follows: 75-5551. (a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b) The compensation philosophy component statements are:

(1) The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees subject to section 2, and amendments thereto. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non-classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.
All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state’s pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

Total compensation, as defined above, will be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.

The provisions of this act are not severable. If any provision of this act is stayed or is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would not have enacted the remainder of such act without such stayed, invalid or unconstitutional provision.


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