

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 1, No. 8

February 25, 1982

Pages 151-170

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State of Kansas

**DEPARTMENT OF
TRANSPORTATION****REQUEST FOR BIDS**

Sealed bids on DOT Quotation 6814 for the Sale of Miscellaneous Junk Scrap Iron and Metals, located in the following Districts: Kansas Department of Transportation District Yard, Topeka, Kansas and Kansas Department of Transportation District Yard, Hutchinson, Kansas, will be received until 10:00 A.M., Thursday, March 18, 1982.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, Kansas; Rex Gary, District Maintenance Engineer, 121 West 21st Street, Topeka, Kansas or M. G. Seibel, District Engineer, Hutchinson, Kansas.

KANSAS DEPARTMENT OF TRANSPORTATION
JOHN B. KEMP
SECRETARY

Doc. No. 000072

State of Kansas

**DEPARTMENT OF
TRANSPORTATION****REQUEST FOR BIDS**

Sealed bids on DOT Quotation 6817 for the Sale of Miscellaneous Road and Shop Equipment located at the Kansas Department of Transportation District Yard, Topeka, Kansas, will be received until 10:00 A.M., Friday, March 19, 1982.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, Kansas or Rex Gary, District Maintenance Engineer, 121 West 21st Street, Topeka, Kansas.

KANSAS DEPARTMENT OF TRANSPORTATION
JOHN B. KEMP
SECRETARY

Doc. No. 000073

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF MEETING**

The Statewide Health Coordinating Council's Executive Committee will meet on March 4, 1982 at 1:00 p.m. This meeting will be held at the Holiday Inn South, 3802 South Topeka Avenue, Topeka Room, Topeka, Kansas.

The Statewide Health Coordinating Council was appointed by the Governor under the provisions of the "National Health Planning and Resources Development Act of 1974" and the "Kansas Health Planning and Development Act," to advise the Department of Health and Environment on its health planning functions and develop a State Health Plan.

The scheduled agenda for the Executive Committee meeting includes:

- Review of draft revisions in SHCC Policy #10 (Credentialing), and a discussion of proposed changes in Credentialing Program procedures.
- Review of health systems agency federal grant applications from the Health Systems Agency of Northeast Kansas and the Health Systems Agency of Southeast Kansas.

The public is invited to attend this meeting. Persons wishing additional information should contact the Office of Health Planning, Kansas Department of Health and Environment, 6700 South Topeka Avenue, Building 321, Topeka, Kansas 66620, (913) 862-9360, ext. 536.

JOSEPH F. HARKINS
Secretary of Health
and Environment

Doc. No. 000075

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Postmaster: Send change of address form to Kansas Register; Secretary of State; State Capitol; Topeka, Kansas 66612.

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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell
Publications Director

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

OPEN MEETING NOTICE

The March meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for March 4, 1982, at the District Office, 1175 South Range, Colby, Kansas. The meeting begins at 10:00 a.m. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT
Manager

Doc. No. 000077

State of Kansas

OFFICE OF THE GOVERNOR

PROCLAMATIONS

The following observances have been proclaimed or are scheduled to be proclaimed by the Governor for the month of March:

- March
- Nutrition Month
- Youth Art Month
- Social Work Month
- AMBUC Therapy Month
- March 5
- Teacher Day USA
- March 7-13
- Kansas Public Employees Week
- March 8-14
- Womens History Week
- March 14
- Church Women United Sunday
- March 14-20
- American Association of University Women Week
- Education for Parenthood Week
- Older Worker Week
- DeMolay Week
- March 15-20
- Tornado Awareness Week
- March 16
- Freedom of Information Day
- March 18
- Agriculture Day
- March 21
- CPR Sunday
- March 21-27
- K-State Engineers Week
- Emergency Medical Services Week
- March 26
- Arbor Day
- March 27
- Bake and Take Day

State of Kansas

SECRETARY OF STATE

KANSAS PUBLIC DISCLOSURE COMMISSION

Advisory Opinion No. 82—3

Written February 9, 1982 to Duane S. "Pete" McGill, Pete McGill & Associates, Crosby Place, 717 Kansas Avenue, Topeka, Kansas 66603.

This opinion is in response to your letter of January 6, 1982, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 46-215 et seq. regarding lobbying reporting.

We understand you request this opinion in your capacity as a registered lobbyist. You advise us that one of your clients has contracted for the production of a brochure the costs of which it is agreed constitute "expenditures" as defined by K.A.R. 19-60-3(c)(1)(D).

You advise us, however, that as of the date of your letter 95% of the brochures have not been communicated to possible recipients and it is possible that some of them never will be.

You ask whether the costs of production of the brochures should all be reported in the period when contracted for or whether a prorated share should be reported in each period when the brochures are actually used.

In your letter you make several effective arguments in advancing the position that usage reporting is appropriate. However, as you note, the Commission may not by rule and regulation or fiat vary from the requirements of the controlling statute. In this regard, we have set out below K.S.A. 46-269(b).

That section requires the reporting by a lobbyist in pertinent part of, "The aggregate amount or value of all expenditures made (except for expenses of general office overhead) by the lobbyist or by his or her employer for or in direct relationship to lobbying during the reporting period if such expenditures to any one vendor exceed Fifty Dollars (\$50.00) . . ."

As may be seen from this language, the statute dictates that expenditures are to be reported when incurred and does not provide for prorated reporting. Although it could be argued that the production costs are not "for lobbying" until such time as the brochure is communicated, these costs are nonetheless "in direct relationship to lobbying."

In sum, it is our opinion that the production costs you have described must be reported entirely in the period when contracted for.

RICHARD E. DIETZ
Chairman

By direction of the commission

Filed with the Secretary of State February 12, 1982.

Doc. No. 000069

(Published in the KANSAS REGISTER, February 25, 1982.)

NOTICE OF BOND SALE
\$2,995,000.00
GENERAL OBLIGATION MIDDLE
SCHOOL BUILDING BONDS
SERIES "A", 1982
OF
UNIFIED SCHOOL DISTRICT NO. 367
OSAWATOMIE, MIAMI COUNTY,
STATE OF KANSAS
(Payable from unlimited ad valorem taxes)

Written and sealed bids only will be received by the Board of Education of Unified School District No. 367, Osawatomie, Miami County, Kansas, at the office of the Superintendent, Twelfth Street and Trojan Drive, Osawatomie, Kansas, until 5:00 o'clock P.M., Central Standard Time, on Tuesday, March 9th, 1982, for \$2,995,000.00 par value General Obligation Middle School Building Bonds of said District, at which time and place said bids will be publicly opened. No oral or auction bids will be considered.

All of said bonds will be negotiable coupon bonds in denominations of \$5,000.00 each. All bonds will be dated March 1, 1982, and will mature serially in accordance with the following schedule:

MATURITY	AMOUNT
September 1, 1983	\$ 50,000.00
September 1, 1984	50,000.00
September 1, 1985	50,000.00
September 1, 1986	50,000.00
September 1, 1987	50,000.00
September 1, 1988	150,000.00
September 1, 1989	150,000.00
September 1, 1990	150,000.00
September 1, 1991	150,000.00
September 1, 1992	150,000.00
September 1, 1993	250,000.00
September 1, 1994	350,000.00
September 1, 1995	400,000.00
September 1, 1996	500,000.00
September 1, 1997	495,000.00

(Maturity Schedule has been approved by the office of the Attorney General, State of Kansas.)

Interest on said bonds will be payable beginning on March 1, 1983, and semi-annually thereafter on September 1 and March 1 in each year. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the City of Topeka, Kansas. Proposals will be received on bonds bearing such rate or rates of interest not exceeding five (5) different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one (1) of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth ($\frac{1}{8}$) or one-twentieth ($\frac{1}{20}$) of one per cent (1%). No interest rate shall exceed twelve per cent (12%) and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered.

Bids shall be submitted and addressed to "Michael Soetaert, Clerk to the Board of Education, Twelfth

Street and Trojan Drive, Osawatomie, Kansas 66064", and plainly marked "Bond Bid". All bids must state the total interest cost of the bid, the premium paid, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the Board of Education will be entitled to rely on the certification of correctness of the bidder. Each bid must be accompanied by a certified check equal to two percent (2%) of the total amount of such bid payable to "Treasurer, Unified School District No. 367, Osawatomie, Miami County, State of Kansas". In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the District as liquidated damages. The checks of unsuccessful bidders will be promptly returned.

Said bonds, duly printed, executed and registered, will be furnished and paid for by the District, and said bonds will be sold subject to the unqualified approving legal opinion of William P. Timmerman, Municipal Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208, which opinion will be paid for by the District. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of said bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity. Delivery of said bonds will be made to the successful bidder on or about April 1, 1982, at any bank in Wichita, Kansas City or Topeka, Kansas, or Kansas City, Missouri, at the expense of the District. Delivery elsewhere will be made at the expense of the purchaser.

Interest on said bonds, in the opinion of Bond Counsel, is exempt from federal income taxes and Kansas Intangible Taxes.

All of said bonds will constitute general obligations of said District, payable both as to principal and interest from ad valorem taxes which may be levied upon all the taxable tangible property within the territorial limits of said District.

Said sealed bids shall be opened publicly and only at the time and place specified in this Notice. The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the District and net interest cost will be determined by deducting the amount of any premiums paid from the aggregate amount of interest upon all of the bonds from their date until respective maturity. The District reserves the right to reject any or all bids and to waive any and all irregularities.

The total bonded indebtedness of the District, *not including* this issue, is \$540,000.00, same being the balance of Unified School District No. 367, Osawatomie, Miami County, Kansas, High School Building Bonds, 1967. These bonds mature in 1987. Overlapping bonded indebtedness is:

Miami County, Kansas, \$215,000.00, represented by:

1974 Bridge bonds, \$30,000.00, maturity, 1982;
 1975 Courthouse Bonds, \$140,000.00, maturity, 1985;
 1976 Courthouse Bonds, \$45,000.00, maturity, 1984.

City of Osawatomie, Kansas, \$1,454,000.00, represented by:

1967 Flood Protection Bonds, \$24,000.00, maturity, 1982;

(continued)

- 1969 Sewer Bonds, \$60,000.00, maturity, 1983;
- 1969 Sewer Bonds, \$50,000.00, maturity, 1983;
- 1972 Street and Sewer Bonds (special assessments), \$40,000.00, maturity, 1982;
- 1976 Street and Sewer Bonds (special assessments), \$375,000.00, maturity, 1986;
- 1980 Library Bonds, \$260,000.0, maturity, 1995;
- 1966 Water and Electric Revenue Bonds, \$410,000.00, maturity, 1986;
- 1974 Water and Electric Revenue Bonds, \$235,000.00, maturity, 1989.

The assessed valuation of Unified School District No. 367 is \$13,650,298.00.

RICHARD GRANT
President of the Board of Education
ATTEST: MICHAEL SOETAERT
Clerk to the Board of Education

Doc. No. 000068

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

DOCKET
of
ADMINISTRATIVE HEARINGS

MARCH 1, 1982—In the Matter of the Amendment of National Industrial Environmental Services, Inc.'s Permit No. 193 To Operate a Hazardous Waste Site. Case No. 82E-1. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

MARCH 5, 1982—In the Matter of the Transfer of Certificate of Need #4-LV-011 For The Construction of a 100-Bed Skilled Nursing Home, From the Tonganoxie Development Company, Inc. to Mr. Wallace Lambie. Case No. 81-37. Bldg. 740, Forbes Field, Topeka, Kansas, Hearing Room 1-C-1, 10:00 a.m.

This docket is issued on February 15, 1982 and the administrative hearings are those scheduled as of this date. Other administrative hearings may be scheduled in this same time period and the above hearings may be rescheduled without further notification. Interested persons may call the Department at (913) 862-9360 ext. 585 to confirm the scheduling of a particular hearing.

JOSEPH F. HARKINS
Secretary of Health and Environment

Doc. No. 000071

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., on the date indicated and then will be publicly opened.

MONDAY, MARCH 8, 1982

#49207

Parsons State Hospital and Training Center, Parsons—SPICES AND MISCELLANEOUS GROCERIES

#49209

Department of Social and Rehabilitation Services, Topeka—MODIFICATION OF ELECTRICAL POWER SYSTEM

#49214

Department of Administration, Topeka—DATA PROCESSING EQUIPMENT, for Division of Information Systems and Computing

TUESDAY, MARCH 9, 1982

#25048

Kansas Correctional Vocational Training Center, Topeka—CORRECTIONAL OFFICERS UNIFORMS

#25049

Kansas State University, Manhattan—FERTILIZER, for Fort Hays Experiment Station, Hays, Kansas

#25050

Statewide—APRIL (1982) MEAT PRODUCTS

#48563

University of Kansas Medical Center, Kansas City—XENON LIGHT COAGULATOR

#49216

Adjutant General's Department, Topeka—FUEL OIL

#49218

Emporia State University, Emporia—TURF TRUCKSTER

#49219

Department of Administration, Topeka—GASOLINE, for Central Motor Pool

#49220

Emporia State University, Emporia—PICKUP

#49222

Kansas State University, Manhattan—FEED ACQUISITION SYSTEM

#49271

WEDNESDAY, MARCH 10, 1982

#49226

Kansas State University, Manhattan and Department of Administration (Building and Grounds Services), Topeka—SALE OF MISCELLANEOUS USED EQUIPMENT

#49227

Kansas State Penitentiary, Lansing—GASOLINE

#49228

Kansas State University, Manhattan—TRAILER

(continued)

#49229

Kansas State University, Manhattan—IRRIGATION SYSTEM

#49230

Kansas State University, Manhattan—IRRIGATION SYSTEM

#49231

Kansas State School For The Visually Handicapped, Kansas City—SPICES AND MISCELLANEOUS GROCERIES

#49236

University of Kansas Medical Center, Kansas City—VEHICLES

#49239

University of Kansas Medical Center, Kansas City—LABORATORY APPARATUS

#49264

Emporia State University, Emporia—MICROPROCESSORS AND PRINTERS

THURSDAY, MARCH 11, 1982

#49242

Adjutant General's Department—FUEL OIL, for Camp Funston, Fort Riley, Kansas

#49243

Kansas State University, Manhattan—LIQUID SCINTILLATION COUNTER

#49246

University of Kansas Medical Center, Kansas City—AUTOMATIC GAMMA SPECTROMETER SYSTEM

#49247

Kansas State University, Manhattan—K.A.B.S.U. Canes

#49250

Department of Administration, Topeka—SEDANS, for Central Motor Pool

#49251

Osawatomie State Hospital, Osawatomie—SPICES AND MISCELLANEOUS GROCERIES

#49252

Emporia State University, Emporia—COMPUTER PERIPHERAL EQUIPMENT

#49255

Parsons State Hospital and Training Center, Parsons—FROZEN FOODS

#49258

Osawatomie State Hospital, Osawatomie—AIR CONDITIONING COMPRESSOR

#49263

Kansas State University, Manhattan—LAB FREEZER/TISSUE STAINING APPARATUS

#49266

Kansas State University, Manhattan—LIQUID SCINTILLATION SYSTEM

#49272

Kansas State University, Manhattan—PICKUPS

#49279

Topeka State Hospital, Topeka—OVERHAULING OF RECIPROCATING AIR CONDITIONING COMPRESSORS

FRIDAY, MARCH 12, 1982

#49248

Kansas State University, Manhattan—HOLOGRAPHIC CAMERA

#49253

University of Kansas Medical Center, Kansas City—GAMMA COUNTER

#49257

Kansas State University, Manhattan—PHOTOMETER SYSTEM

#49269

University of Kansas Medical Center, Kansas City—LABELS

#49270

Winfield State Hospital and Training Center, Winfield—SOAP AND DETERGENT

#49273

Kansas State University, Manhattan—TATTLETAPE

#49274

Emporia State University, Emporia—JANITORIAL EQUIPMENT

#49280

Kansas State University, Manhattan—OXYGEN ANALYZER

#49281

Kansas State University, Manhattan—RESEARCH MICROSCOPE

#A-4306

Youth Center At Topeka, Topeka—ROOF REPLACEMENT OF GYMNASIUM, STAGE AND ADMINISTRATION BUILDING

TUESDAY, MARCH 16, 1982

#25047

University of Kansas Medical Center, Kansas City—HIGH EFFICIENCY AIR FILTERS

#A-4368

Department of Transportation—CONSTRUCT CHEMICAL STORAGE BUILDING AT SHAWNEE, KANSAS

WEDNESDAY, MARCH 17, 1982

#A-4289

Parsons State Hospital and Training Center, Parsons—REMOVING ASBESTOS CEILING IN RECREATION BUILDING

#A-4357

Wichita State University, Wichita—ROOFING SYSTEM REPLACEMENT OF GRACE WILKIE HALL

THURSDAY, MARCH 18, 1982

#A-4358

Wichita State University, Wichita—REPAIR EXTERIOR MASONRY WALL CRACKS IN WALLACE HALL

MONDAY, MARCH 22, 1982

#25042

Governor's Office, Topeka—AIRCRAFT INSURANCE

JAMES I. TOLBERT
Director of Purchases

Doc. No. 000074

State of Kansas

ATTORNEY GENERAL

OPINION NO. 82-34

Waters and Watercourses—Water Plan Storage—Contracts for Withdrawal and Use; Provisions Required. Robert H. Miller, State Representative, Wellington, February 12, 1982.

Pursuant to the State Water Plan Storage Act, K.S.A. 82a-1301 *et seq.*, the Kansas Water Resources Board and its successor, the Kansas Water Office, are empowered to enter into contracts for the withdrawal and use of waters held in storage by the state. Waters so withdrawn and used by a purchaser are subject to a charge fixed by the respective state agency not less than 5 cents nor more than 10 cents per one thousand gallons of water. Regardless of the amount actually used in any one year, the purchaser is subject to a minimum charge equal to 50% of the annual amount contracted for multiplied by the rate fixed by the agency. While K.S.A. 82a-1306(c) provides that this rate shall be adjusted every 10 years after the contract is made, the provision fixes the maximum period which may elapse prior to review, and so does not preclude a more frequent adjustment of the rate in light of changed conditions. Cited herein: K.S.A. 82a-901, 82a-1301, 82a-1305, 82a-1306, L. 1981, ch. 303. JSS.

OPINION NO. 82-35

Cities, Third Class—Election, Appointment and Removal of Officers—Removal of Council Member Because of Frequent Absences from Council Meetings. Dr. G. M. Wells, Mayor, Enterprise, February 12, 1982.

A mayor has no authority to remove a city council member from office. A city council member may be removed from office if the city council accepts the council member's resignation, the qualified electors of the city recall said member, or the council member has been ousted pursuant to K.S.A. 60-1205. Cited herein: K.S.A. 15-201, 25-4318, 60-1205. BLH.

OPINION NO. 82-36

Law Journals and Public Information—Public Records Preservation—Disposal of Government Records Criminal Procedure—Criminal History Record Information—Restriction on Dissemination. Joseph W. Snell, Executive Director, Kansas State Historical Society, Topeka, February 12, 1982.

Nonconcurrent investigative and criminal history records maintained by a state criminal justice agency must be transferred to the state archives if directed to do so by the state records board. Any state or local criminal justice agency may transfer such records accepted by the state archivist.

A state criminal justice agency must receive the approval of the state records board or meet the retention and disposition schedule prior to destroying any records. A county criminal justice agency before destroying records must first offer their records to the state historical society and then should give full con-

sideration to the recommendations of the state records board. City criminal justice agencies should also give full consideration to the state records board recommendation and any provisions enacted to provide for a city historical organization prior to disposal of their records. Cited herein: K.S.A. 12-1658, 19-254, 22-4701, 22-4707, 75-2706 (now repealed), 45-405, 45-408, 45-409; K.A.R. 1981 Supp. 10-12-2. KJS.

OPINION NO. 82-37

Waters and Watercourse—Groundwater Management Districts—Petition for Dissolution. Paul D. Handy, Finney County Attorney, Garden City, February 12, 1982.

Nothing in the statutes pertaining to groundwater management districts (K.S.A. 82a-1020 *et seq.*) either expressly or impliedly requires that a district's board of directors or officers maintain a current list of the district's eligible voters. However, when a petition for dissolution of a district is presented to the secretary of the district's board pursuant to K.S.A. 82a-1034, in order that the board's secretary can discharge his or her duty to determine the sufficiency of such petition (*i.e.*, determine that each person signing the petition is an eligible voter of the district and the number thereof equals twenty percent of the district's eligible voters), it is the board's duty to prepare or cause to be prepared a list of those persons who are eligible voters of the district as of the time the petition is filed. WRA.

OPINION NO. 82-38

Public Office—Incompatibility—City Attorney Serving As Attorney For Unified School District. Mr. Robert L. Earnest, Russell City Attorney, Russell, February 17, 1982.

The office of city attorney and attorney for a unified school district are not incompatible as a matter of law. However, should a situation develop where an attorney holding both offices is confronted by a conflict of interest in representing both political subdivisions, such offices would be incompatible, and the attorney would be precluded as a matter of law from serving simultaneously in both positions. TRH

OPINION NO. 82-39

Banks and Banking—Code; Powers—Oath of Director and President. Roy P. Britton, State Banking Commissioner, Topeka, February 17, 1982.

As a necessary incident to the bank commissioner's due and efficient exercise of his general supervisory powers, designed to insure compliance with the banking code, the commissioner has the authority to inquire into the ownership of a bank's stock by its directors, to determine whether such stock is owned in good faith, as required by the banking code. If the commissioner's factual determination indicates the lack of such good faith ownership, it may provide the basis for a criminal prosecution for perjury by the appropriate county attorney or for the removal of offending directors by the banking board. Cited herein: K.S.A. 1981 Supp. 9-1117, 9-1118, K.S.A. 9-1711, K.S.A. 1981 Supp. 9-1805, K.S.A. 9-2004, 21-3805. WRA.

(continued)

OPINION NO. 82-40

Counties and County Officers—Ambulance Service—Reimbursing of Taxing District. Representative David L. Webb, Stilwell, February 17, 1982.

K.S.A. 19-261 permits a county to offer ambulance service within the county to all areas, except where adequate ambulance service is provided. The county must reimburse any taxing district providing such service with its proportionate share of the county general fund budgeted for ambulance service within the county. Cited herein: K.S.A. 19-261, 19-3613. BLH.

OPINION NO. 82-41

Counties and County Officers—Mental Health Centers—Levy Limitations. The Honorable J. F. Steinger, State Senator, Kansas City, February 17, 1982.

The levy rate limitation in K.S.A. 1981 Supp. 79-1947 on levies for mental health centers established under authority of K.S.A. 19-4004 does not apply to levies for mental health clinics established under authority of K.S.A. 65-212. Therefore, the Wyandotte County Board of County Commissioners may continue to make a one-fourth mill levy to retire general obligation bonds issued to establish the mental health clinic pursuant to K.S.A. 65-212, and may also issue general obligation bonds to establish a work training shop for the mentally retarded pursuant to K.S.A. 19-4004 and make an additional levy to pay off the principal and interest on those general obligation bonds. Cited herein: K.S.A. 19-4004, 65-212, K.S.A. 1981 Supp. 79-1947. DEJ.

OPINION NO. 82-42

Size, Weight and Load of Vehicles—Towing Vehicles; Connection and Safety Equipment—Implements of Husbandry. The Honorable Donald L. Montgomery, State Senator, Twenty-First District, Topeka, February 17, 1982.

Implements of husbandry that are moved temporarily on state highways are exempted from the provisions of K.S.A. 1981 Supp. 8-1907(d) which requires the installation of certain safety devices on towed vehicles. Cited herein: K.S.A. 1981 Supp. 8-1427, 8-1901, 8-1907. JMF.

ROBERT T. STEPHAN
Attorney General

Doc. No. 000070

State of Kansas

LEGISLATURE

The following list gives the numbers and titles of bills and concurrent resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

Bills Introduced February 11-17:

SB 717, by Committee on Judiciary: An act relating to crimes and punishments; concerning computer theft.

SB 718, by Committee on Local Government: An act concerning the board of public utilities; relating to the procedure of appeal of rate decisions; amending K.S.A. 1981 Supp. 13-1228a and repealing the existing section.

SB 719, by Committee on Local Government: An act relating to municipal universities; providing for traffic regulations at Washburn university of Topeka and authorizing the collection of fees and fines.

SB 720, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; concerning the investment of certain funds; amending K.S.A. 17-5002 and repealing the existing section.

SB 721, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1983, for Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, Wichita state university, university of Kansas medical center, Kansas technical institute and state board of regents; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 722, by Committee on Judiciary: An act concerning adoption; relating to when parental consent is required; amending K.S.A. 59-2102 and repealing the existing section.

SB 723, by Committee on Judiciary (by request): An act concerning crimes and punishments; relating to aggravated failure to appear; amending K.S.A. 21-3814 and repealing the existing section.

SB 724, by Committee on Judiciary (by request): An act relating to criminal procedure; concerning failure to fulfill diversion agreement; amending K.S.A. 22-2911 and repealing the existing section.

SB 725, by Committee on Judiciary (by request): An act relating to employees designated as investigators by the securities commissioner; concerning law enforcement powers; amending K.S.A. 17-1270 and 58-3302 and repealing the existing sections.

SB 726, by Committee on Judiciary (by request): An act relating to criminal procedure; concerning annual hearing on continued commitment; amending K.S.A. 22-3428a and repealing the existing section.

SB 727, by Committee on Judiciary (by request): An act relating to giving a worthless check; amending K.S.A. 21-3707 and repealing the existing section.

SB 728, by Committee on Judiciary (by request): An act relating to civil procedure; concerning comparative negligence; workmen's compensation; amending K.S.A. 60-258a and repealing the existing section.

SB 729, by Committee on Judiciary (by request): An act concerning school districts; relating to acquisition of property interests by condemnation; amending K.S.A. 72-8212 and repealing the existing section.

SB 730, by Committee on Judiciary (by request): An act concerning crimes and punishments; relating to sentencing for certain crimes or attempts of crimes involving use of firearms; amending K.S.A. 21-4618 and repealing the existing section.

SB 731, by Committee on Judiciary (by request): An act relating to public officers and employees; concerning compensation of interpreters; amending K.S.A. 75-4352 and repealing the existing section.

SB 732, by Committee on Judiciary (by request): An act relating to crimes and punishments; concerning interference with parental custody; amending K.S.A. 21-3422 and repealing the existing section.

SB 733, by Committee on Ways and Means: An act transferring the statistical analysis center of the governor's committee on criminal administration to the Kansas bureau of investigation; providing for transfer of powers, duties, functions, funds and personnel related thereto.

SB 734, by Committee on Ways and Means: An act concerning the Kansas law enforcement training center and advisory commission act; requiring assessment of additional costs in criminal cases and for disposition thereof; continuing the law enforcement training center fund in existence; repealing K.S.A. 74-5612, 74-5613, 74-5614 and 74-5615.

SB 735, by Committee on Ways and Means: An act concerning community colleges and municipal universities; providing for increases in state aid thereto; amending K.S.A. 71-602 and 72-6503, and repealing the existing sections.

SB 736, by Committee on Judiciary (by request): An act relating to probate proceedings; concerning execution of wills outside this state; amending K.S.A. 59-609, 59-619, 59-2229 and 59-2230 and repealing the existing sections.

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SB 737, by Committee on Assessment and Taxation: An act relating to the valuation and assessment of mobile homes for the purpose of taxation; repealing K.S.A. 79-340.

SB 738, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; providing for exemption of sales of materials and services applied to equipment utilized by interstate pipeline companies; amending K.S.A. 1981 Supp. 79-3606 and repealing the existing section.

SB 739, by Committee on Assessment and Taxation: An act concerning Kansas income tax; relating to deductions allowed; amending K.S.A. 1981 Supp. 79-32,117 and repealing the existing section.

SB 740, by Committee on Transportation and Utilities: An act concerning registration of vehicles; service fee for county treasurers' special funds and appropriation thereof.

SB 741, by Committee on Transportation and Utilities: An act concerning expungement of certain convictions; amending K.S.A. 21-4619 and K.S.A. 1981 Supp. 12-4516 and repealing the existing sections.

SB 742, by Committee on Energy and Natural Resources: An act concerning sewage disposal facilities and improvements; increasing interest rate for bonds issued for such facilities and improvements; amending K.S.A. 12-3710 and repealing the existing section.

SB 743, by Committee on Energy and Natural Resources: An act amending the state water plan; deleting Onaga reservoir; amending K.S.A. 82a-938 and repealing the existing section.

SB 744, by Committee on Judiciary (by request): An act concerning crimes and punishments; relating to obstructing legal process or official duty; amending K.S.A. 21-3808 and repealing the existing section.

SB 745, by Committee on Judiciary (by request): An act concerning crimes and punishments; defining theft; amending K.S.A. 21-3701 and repealing the existing section.

SB 746, by Committee on Judiciary (by request): An act relating to crimes and punishments; defining "custody"; amending K.S.A. 21-3110 and repealing the existing section.

SB 747, by Committee on Judiciary (by request): An act relating to public officers and employees; concerning appointment of interpreters; amending K.S.A. 75-4351 and repealing the existing section.

SB 748, by Committee on Judiciary (by request): An act concerning crimes and punishments; relating to trafficking in stolen property and providing certain penalties therefor.

SB 749, by Committee on Judiciary (by request): An act relating to criminal procedure; concerning costs of extradition proceedings; amending K.S.A. 22-2724 and repealing the existing section.

SB 750, by Committee on Judiciary (by request): An act concerning taxation; relating to collection of delinquent personal property taxes; amending K.S.A. 1981 Supp. 79-2101 and repealing the existing section.

SB 751, by Committee on Judiciary (by request): An act concerning crimes and punishments; defining criminal solicitation; prohibiting certain acts and prescribing penalties for violations.

SB 752, by Committee on Local Government: An act concerning the metropolitan Topeka airport authority; relating to the powers of the board of directors thereof; amending K.S.A. 27-333 and 27-334 and repealing the existing sections.

SB 753, by Committee on Transportation and Utilities: An act concerning drivers' licenses; habitual violators; application of ordinance violations; amending K.S.A. 1981 Supp. 8-285 and repealing the existing section.

SB 754, by Committee on Local Government: An act authorizing the board of directors of certain water districts to fix the amount of salary received by the directors; amending K.S.A. 19-3505 and repealing the existing section.

SB 755, by Committee on Assessment and Taxation: An act concerning the taxation of merchants' inventory; amending K.S.A. 79-1001b and repealing the existing section.

SB 756, by Committee on Agriculture and Small Business: An act repealing K.S.A. 34-2,101, relating to the licensure of public warehousemen.

SB 757, by Committee on Transportation and Utilities: An act concerning traffic control; left turn on red traffic light in certain cases; amending K.S.A. 8-1508 and repealing the existing section.

HB 2982, by Committee on Local Government: An act relating to annexation; prohibiting the annexation of certain territory in adjacent counties.

HB 2983, by Committee on Ways and Means: An act relating to state capital improvement projects; exempting the projects from certain fees, building permit requirements and building codes of political subdivisions of the state.

HB 2984, by Committee on Judiciary: An act concerning certain franchises; placing certain limitations on termination and renewal thereof; providing for certain civil remedies for failure to comply.

HB 2985, by Committee on Ways and Means: An act relating to capital improvements for state agencies; creating the construction defects recovery fund; concerning the deposit of certain proceeds therein and expenditures therefrom.

HB 2986, by Committee on Pensions and Investments: An act concerning the Kansas public employees retirement system; relating to benefits and membership for service after age 70; amending K.S.A. 74-4913, 74-4919c, 74-4936 and 74-4939 and K.S.A. 1981 Supp. 74-4902, 74-4919 and 74-4927 and repealing the existing sections.

HB 2987, by Committee on Transportation: An act concerning motorized bicycles; affecting the definitions thereof; amending K.S.A. 1981 Supp. 8-126 and 8-1439a, and repealing the existing sections.

HB 2988, by Committee on Transportation: An act concerning the state

department of transportation; reorganization; amending K.S.A. 75-5009 and repealing the existing section; also repealing K.S.A. 75-5010.

HB 2989, by Committee on Ways and Means: An act relating to contracts for the construction, repair or improvement of state buildings or facilities; exempting certain contracts from competitive bid procedures.

HB 2990, by Committee on Pensions and Investments: An act concerning the Kansas public employees retirement system; making the optional death benefit plan available to certain members of the retirement system for judges.

HB 2991, by Committee on Pensions and Investments: An act concerning the Kansas public employees retirement system; providing insured death benefits to certain members of the retirement system for judges; amending K.S.A. 20-2610a and repealing the existing section.

HB 2992, by Committee on Pensions and Investments: An act concerning the retirement system for judges; relating to membership for district magistrate judges; amending K.S.A. 20-341 and repealing the existing section.

HB 2993, by Committee on Pensions and Investments: An act concerning the retirement system for judges; relating to judges' contributions; amending K.S.A. 20-2803 and repealing the existing section.

HB 2994, by Committee on Energy and Natural Resources: An act concerning reclamation of mined land; administration of federal funds; entry upon mined land; amending K.S.A. 1981 Supp. 49-428 and repealing the existing section.

HB 2995, by Committee on Ways and Means: An act relating to the levy of special assessments against the state of Kansas; concerning the payment thereof; amending K.S.A. 12-3508 and repealing the existing section.

HB 2996, by Committee on Ways and Means: An act relating to expenditures for official hospitality by state agencies within the executive branch of state government.

HB 2997, by Committee on Ways and Means: An act concerning publications of state agencies; fixing, collecting and disposing of fees therefor; repealing K.S.A. 75-3048.

HB 2998, by Committee on Energy and Natural Resources: An act relating to the disposal of salt water; defining salt water; making certain acts unlawful and prescribing penalties therefor; amending K.S.A. 1981 Supp. 55-904, and repealing the existing section.

HB 2999, by Committee on Elections: An act concerning city and school elections; time of primary elections; amending K.S.A. 25-2006, 25-2007, 25-2018, 25-2102, 25-2108a and 25-2109 and repealing the existing sections.

HB 3000, by Committee on Elections: An act concerning elections; sample ballots for educational purposes; amending K.S.A. 25-604 and repealing the existing section.

HB 3001, by Committee on Insurance: An act relating to insurance; concerning search and examination of title to property and determination of insurability and risk; amending K.S.A. 40-235 and repealing the existing section.

HB 3002, by Committee on Insurance: An act relating to insurance; concerning the reimbursement for services performed by licensed specialist clinical social workers under health and accident insurance policies or contracts; amending K.S.A. 40-1909 and repealing the existing section.

HB 3003, by Committee on Insurance: An act relating to insurance; concerning minimum educational requirements for agents; amending K.S.A. 40-240b and repealing the existing section.

HB 3004, by Committee on Ways and Means: An act relating to crime victims reparations; concerning minimum losses for which reparations are allowed; amending K.S.A. 74-7305 and repealing the existing section.

HB 3005, by Committee on Ways and Means: An act relating to court costs; providing for assessment of additional costs in certain cases to be used to pay crime victims reparations; amending K.S.A. 74-7317 and repealing the existing section; also repealing K.S.A. 28-173a.

HB 3006, by Committee on Judiciary: An act concerning the act for obtaining treatment for a mentally ill person; relating to the hearing on the petition and the ninety-day review of medical records; amending K.S.A. 1981 Supp. 59-2917 and 59-2917a and repealing the existing sections.

HB 3007, by Committee on Insurance: An act relating to insurance; concerning reimbursement for services; amending K.S.A. 40-2,104 and repealing the existing section.

HB 3008, by Committee on Federal and State Affairs (by request): An act relating to real estate brokers' and sales persons' license act and providing for prelicense education and continuing education requirements.

HB 3009, by Committee on Public Health and Welfare: An act relating to the secretary of social and rehabilitation services; concerning location of absent parents; amending K.S.A. 39-758 and repealing the existing section.

HB 3010, by Committee on Public Health and Welfare: An act concerning social welfare; relating to eligibility requirements of applicants for and recipients of assistance; amending K.S.A. 39-709 and repealing the existing section.

HB 3011, by Committee on Public Health and Welfare: An act relating to the department of social and rehabilitation services; concerning assignments of certain rights of support; amending K.S.A. 39-754 and repealing the existing section.

HB 3012, by Committee on Public Health and Welfare: An act concerning adoption; relating to procedures therefor; amending K.S.A. 1981 Supp. 59-2278 and repealing the existing section.

HB 3013, by Committee on Public Health and Welfare: An act concerning imprest funds in area offices of the department of social and rehabilitation services; amending K.S.A. 75-3061 and repealing the existing section.

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HB 3014, by Committee on Public Health and Welfare: An act relating to the secretary of social and rehabilitation services; conferring certain investigative and subpoena powers; amending K.S.A. 75-3306 and repealing the existing section.

HB 3015, by Committee on Local Government: An act relating to tax levies; concerning the expression of the amount thereof; amending K.S.A. 79-2963 and repealing the existing section.

HB 3016, by Committee on Local Government: An act relating to fees charged by county treasurers; amending K.S.A. 28-104 and repealing the existing section.

HB 3017, by Committee on Local Government: An act relating to tax receipts given by county treasurers; amending K.S.A. 79-2002 and repealing the existing section.

HB 3018, by Committee on Local Government: An act concerning Finney county; relating to sewer districts and bonds issued by such districts.

HB 3019, by Committee on Labor and Industry: An act amending the employment security law; relating to claims for benefits; amending K.S.A. 44-709 and 44-710 and repealing the existing sections.

HB 3020, by Committee on Labor and Industry: An act amending the employment security law; concerning benefits; amending K.S.A. 44-704a, 44-704b, 44-705, 44-706 and 44-718 and repealing the existing sections.

SCR 1653, by Committee on Education: A proposition to amend sections 2 and 5 of article 6 of the constitution of the state of Kansas, relating to the state board of education and to the supervision of public schools.

HCR 5052, by Representative A. Niles: A concurrent resolution directing the Kansas Judicial Council to conduct a study of plea bargaining.

HCR 5053, by Representatives Weaver, Brady, Branson, Bussman, Charlton, Crow, Dempsey, Dillion, Erne, Francisco, L. Fry, Garrett, Green, Guffey, Hensley, Hohman, Jarchow, Leach, Love, Luzzati, Mainey, Maloney, Matlack, V. Miller, Myers, Reardon, Rosenau, Shriver, Thomson and Darrel Webb: A concurrent resolution memorializing the President of the United States and the United States Congress to limit natural gas prices to their current levels, and declare a moratorium on any future decontrol measures.

SENATE BILL No. 203

AN ACT relating to district courts; changing the boundaries of certain judicial districts; establishing an additional judicial district; providing for the continuation in office of certain judges and the method of selection of judges of the district court in certain judicial districts; concerning the creation and elimination of certain judge positions; amending K.S.A. 20-338, 20-2901 and 20-2913 and K.S.A. 1981 Supp. 4-204, 4-212, 4-214, 4-215, 4-216, 4-218, 4-220, 4-222 and 4-224 and K.S.A. 20-338, as amended by section 14 of this act, and repealing the existing sections; also repealing K.S.A. 4-201.

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

Section 1. K.S.A. 1981 Supp. 4-204 is hereby amended to read as follows: 4-204. The county of Shawnee shall constitute the third judicial district. There shall be ~~six~~ seven district judges of the district court of the district and ~~six~~ seven divisions in ~~such~~ the district.

Sec. 2. K.S.A. 1981 Supp. 4-212 is hereby amended to read as follows: 4-212. The counties of Crawford, Cherokee, Neosho, Wilson and Labette shall constitute the ~~eleventh~~ 11th judicial district. There shall be four district judges and four divisions of the district court of ~~such~~ the district. The district judge of division number one shall be a resident of Crawford county; and the district judge of division number two shall be a resident of Cherokee county. The district judge of division number three shall be a resident of Labette county; and the district judge of division number four shall be a resident of Neosho or Wilson county. The district judges of the ~~eleventh~~ 11th judicial district herein established shall hold court in the cities of Pittsburg and Girard in Crawford county, the city of Columbus in Cherokee county, the cities of Erie and Chanute in Neosho county, the city of Fredonia in Wilson county; and ~~in~~ the cities of Parsons and Oswego in Labette county.

Sec. 3. K.S.A. 1981 Supp. 4-214 is hereby amended to read as follows: 4-214. The counties of Butler, Greenwood, ~~and Elk and Chautauqua~~ shall constitute the ~~thirteenth~~ 13th judicial district. There shall be two district judges of the district court of ~~such~~ the district and two divisions of the court which shall be designated as division number one and division number two. The district judge of division number one shall be a resident of a county in ~~said~~ district other than Butler Greenwood or Elk county and the district judge of division number two shall be a resident of Butler county. There shall be elected by the electors of the ~~thirteenth~~ judicial district herein established a district judge of division number one and a district judge of division number two.

Sec. 4. K.S.A. 1981 Supp. 4-215 is hereby amended to read as follows: 4-215. The ~~county~~ counties of Montgomery; ~~and Chautauqua~~ shall constitute the ~~fourteenth~~ 14th judicial district. There shall be one district judge of the district court of ~~such~~ the district. The district judge of the ~~fourteenth~~ judicial district herein established, ~~and that judge~~ shall hold court in the cities of Coffeyville and Independence in Montgomery county. The district judge shall be a resident of Montgomery county and the city of Sedan in Chautauqua county. The district magistrate judge holding office in position one in Chautauqua county in the 13th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the term for which elected and shall serve as district magistrate judge of the 14th judicial district for that term and until a successor is appointed or elected and qualified.

Sec. 5. K.S.A. 1981 Supp. 4-216 is hereby amended to read as follows: 4-216. The counties of Sherman, Thomas, Sheridan, ~~Graham and Rooks~~ Cheyenne, Rawlins, Wallace and Logan shall constitute the ~~fifteenth~~ 15th judicial district. There shall be one district judge of the district court of ~~such~~ the district. The district magistrate judges holding office in position one in Cheyenne county and position six in Rawlins county in the 17th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the terms for which appointed and shall serve as district magistrate judges of the 15th judicial district for those terms and until successors are appointed or elected and qualified. The district magistrate judges holding office in position four in Wallace county and position two in Logan county in the 23rd judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the terms for which appointed

(continued)

and shall serve as district magistrate judges of the 15th judicial district for those terms and until successors are appointed or elected and qualified.

Sec. 6. K.S.A. 1981 Supp. 4-218 is hereby amended to read as follows: 4-218. The counties of ~~Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Graham and Osborne~~ shall constitute the ~~seventeenth~~ 17th judicial district. There shall be one district judge of the district court of ~~such the district and one division of the court which shall be designated as division number one. The district magistrate judge holding office in position one in Graham county in the 15th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the term for which elected and shall serve as district magistrate judge of the 17th judicial district for that term and until a successor is appointed or elected and qualified.~~

Sec. 7. K.S.A. 1981 Supp. 4-220 is hereby amended to read as follows: 4-220. The ~~counties~~ county of Cowley; ~~Sumner, Harper, Kingman, Barber and Pratt~~ shall constitute the ~~nineteenth~~ 19th judicial district. There shall be ~~two district judges one district judge of the district court of such the district and two divisions of the court which shall be designated as division number one and division number two. The district judge of division number one shall be a resident of Cowley or Sumner county; the district judge of division number two shall be a resident of Harper, Kingman, Barber or Pratt county.~~

Sec. 8. K.S.A. 1981 Supp. 4-222 is hereby amended to read as follows: 4-222. The counties of Riley and Clay shall constitute the ~~twenty-first~~ 21st judicial district. There shall be ~~one district judge two district judges of the district court of such the district and one division two divisions of the court.~~

Sec. 9. K.S.A. 1981 Supp. 4-224 is hereby amended to read as follows: 4-224. The counties of ~~Wallace, Logan, Gove, Trego, Rooks and Ellis~~ shall constitute the ~~twenty-third~~ 23rd judicial district. There shall be one district judge of the district court of the district. *The district magistrate judge holding office in position two in Rooks county in the 15th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the term for which elected and shall serve as district magistrate judge of the 23rd judicial district for that term and until a successor is appointed or elected and qualified.*

New Sec. 10. On and after the effective date of this act, the counties of Sumner, Harper, Kingman, Barber and Pratt shall constitute the 30th judicial district. There shall be one district judge of the district court of the district. The district judge holding office in division number two in the 19th judicial district as the district was constituted on the day before the effective date of this act shall continue to hold office for the term for which appointed and shall serve as district judge of the 30th judicial district for that term until a successor is appointed and qualified. The associate district judges holding office in positions four and six in Sumner county and position five in Pratt county in the 19th judicial district as the district was constituted on the day before the effective date of this act shall continue to hold office for the terms for which appointed and shall serve as associate district judges of the 30th judicial district for those terms and until successors are appointed and qualified. The district magistrate judges holding office in position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county in the 19th judicial district as the district was constituted on the day before the effective date of this act shall continue to hold office for the terms for which appointed and shall serve as district magistrate judges of the 30th judicial district for those terms and until successors are appointed and qualified.

New Sec. 11. (a) Whenever a new judicial district is established which includes only a part of a single previously established district or all or parts of two or more previously established districts which used the same method of selecting judges for the districts, the new district shall use the same method of selecting judges for the new district. If the method of selection of judges is nonpartisan, the nominating commission for the prior district or districts shall be abolished and a nominating commission for the new district shall be established.

(b) Whenever a new judicial district is established which includes all or parts of two or more previously established districts any of which used different methods of selecting its judges, the question of the method of selection of judges shall be submitted to the qualified electors in the new judicial district in accordance with K.S.A. 20-2901 and amendments thereto. The district nominating commission for any prior district or districts which used the nonpartisan method of selecting judges shall be abolished, and, if the new judicial district adopts the nonpartisan method of selection for judges, a nominating commission shall be established for the new district.

(c) Whenever the whole or any part of one or more judicial districts is transferred to and becomes a part of another judicial district and the judges in both the district or districts from which the territory was transferred and the district to which the territory is attached have used the same method of selection of judges, the district to which the territory is attached shall continue to use that method of selecting judges for the district. If the method of selecting judges is nonpartisan, the district nominating commission for the district prior to the attachment of territory shall be abolished and a new nominating commission shall be established for the district.

(d) Whenever the whole or any part of one or more judicial districts is transferred to and becomes a part of another judicial district and any district from which territory was transferred used a method of selecting its judges which is different from the method used in any other district from which territory was transferred or the district to which the territory is attached, the question of the method of selecting judges in the district shall be submitted to the qualified electors in the judicial district in accordance with K.S.A. 20-2901 and amendments thereto. If the method of selecting judges in the district to which the territory is attached was nonpartisan, the nominating commission of the district shall be abolished. If the electors of the district adopt the nonpartisan method of selection of judges, a nominating commission shall be established for the district.

(e) If the method of selection of judges in any judicial district from which territory is detached is nonpartisan, the district nominating commission at the time of the detachment of such territory shall be abolished and a new nominating commission established for the district.

New Sec. 12. In the event that a vacancy occurs during the current term of office of any judge continued in office pursuant to K.S.A. 1981 Supp. 4-215, 4-216, 4-218 and 4-224, and amendments thereto, or pursuant to section 10 and the vacancy occurs prior to the time a successor of the judge is appointed or elected and qualified, the departmental justice for the judicial district in which the vacancy occurs shall provide, when necessary, for the assignment of one or more judges to serve in the judicial district until a successor of the judge is appointed or elected and qualified.

New Sec. 13. All actions and proceedings pending in the district court of any county at the time any county is transferred from one judicial district to another under the provisions of this act, whether the issues are joined or not, shall proceed in the district court of the judicial district in which the county is placed by the provisions of this act in the same manner as if the actions and proceedings had been commenced in the district, except when an action or proceeding pending in a district court has been tried and taken under advisement by a judge of the court, and is still undecided at the time the county is transferred to the new judicial district, then it shall be the duty of the judge who tried the cause to make and render findings and judgment on the cause and to determine all motions in the case in all respects as though the county had not been transferred to the new judicial district.

Sec. 14. K.S.A. 20-338 is hereby amended to read as follows: 20-338. (a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county. ~~Also, there shall be and~~ two associate district judge positions in Leavenworth county.

(continued)

(2) In the second judicial district, there shall be three district magistrate judge positions within in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. Also, There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be an two associate district judge position positions in the district, with position one in Franklin county and position two in Anderson county. There shall be a four district magistrate judge position in every other county within positions in the district, with district magistrate judge position one in Allen county, position two in Anderson county, position three in Coffey county, position four three in Osage county and position five four in Woodson county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in each county within the district, with position one in Bourbon county, position two. There shall be two associate district judge positions in the district, with position one in Linn county and position three two in Miami county.

(7) In the seventh judicial district, there shall be an associate district judge position in Douglas county.

(8) In the eighth judicial district, there shall be a two district magistrate judge position in each county within the district, except Geary county positions in the district, with position one in Dickinson county, position two in Marion county and position three two in Morris county, and there also. There shall be one two associate district judge position positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be an two associate district judge position in each county within positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the tenth 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the eleventh 11th judicial district, there shall be two district magistrate judge positions in the district, with position one in Cherokee county and position two in Wilson county. Also, There shall be four associate district judge positions in the district, with positions one and two in Crawford county, position three in Labette county and position four in Neosho county subject to the provisions of section 19.

(12) In the twelfth 12th judicial district, there shall be one six district magistrate judge position in each county within positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the thirteenth 13th judicial district, there shall be one associate district judge position in Butler county and. There shall be one two district magistrate judge position positions in every other county within the district, with district magistrate judge position one in Chautauqua county, position two in Elk county and position three two in Greenwood county.

(14) In the fourteenth 14th judicial district, there shall be three two associate district judge positions in Montgomery county and one district magistrate judge position in Chautauqua county.

(15) In the fifteenth 15th judicial district, there shall be one associate district judge position in Sherman county. There shall be one six district magistrate judge position in each county within positions in the district, with position one in Graham Cheyenne county, position two in Reeks Logan county, position three in Sheridan county, position four in Sherman Wallace county and, position five in Thomas county and position six in Rawlins county.

(16) In the sixteenth 16th judicial district, there shall be one associate district judge position in Ford county and one. There shall be five district magistrate judge position in every other county positions in the district, with district magistrate judge position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the seventeenth 17th judicial district, there shall be one six district magistrate judge position in each county within positions in the district, with position one in Cheyenne Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county, and position six in Rawlins county and position seven in Smith county.

(18) In the eighteenth 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the nineteenth 19th judicial district, there shall be four district magistrate judge positions in the district, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county. Also, there shall be six associate district judge positions in the district, with positions one, two and three in Cowley county, positions four and six in Sumner county and position five in Barber, Harper, Pratt or Kingman county three associate district judge positions in Cowley county, subject to the provisions of section 19.

(20) In the twentieth 20th judicial district, there shall be one associate district judge position in Barton county and one. There shall be four district magistrate judge position in every other county within positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(21) In the twenty-first 21st judicial district, there shall be one district magistrate judge position in Clay county and one associate district judge position in Riley county.

(22) In the twenty-second 22nd judicial district, there shall be one three district magistrate judge position in each county within positions in the district, with position one in Brown county, position two in Doniphan county, position three two in Marshall county and position four three in Nemaha county. There shall be one associate district judge position in Brown county.

(23) In the twenty-third 23rd judicial district, there shall be one associate district judge position in Ellis county and. There shall be one three district magistrate judge position in every other county within positions in the district, with position one in Gove county, position two in Logan Rooks county, and position three in Trego county and position four in Wallace county.

(24) In the twenty-fourth 24th judicial district, there shall be one six district magistrate judge position in each county within positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(25) In the twenty-fifth 25th judicial district, there shall be five district magistrate judge positions within in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county. Also, There shall be one associate district judge position in Finney county.

(26) In the twenty-sixth 26th judicial district, there shall be one associate district judge position in Seward county and. There shall be one five district magistrate judge position in every other county within positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

(27) In the twenty-seventh 27th judicial district, there shall be two associate district judge positions in Reno county.

(28) In the twenty-eighth 28th judicial district, there shall be one district magistrate judge position in Ottawa county and two associate district judge positions in Saline county.

(29) In the twenty-ninth 29th judicial district, there shall be seven associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

Sec. 15. On and after July 1, 1982, K.S.A. 20-338, as amended

(continued)

by section 14 of this act, is hereby amended to read as follows: 20-338. (a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county and two associate district judge positions in Leavenworth county.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be two associate district judge positions in the district, with position one in Franklin county and position two in Anderson county. There shall be four district magistrate judge positions in the district, with position one in Allen county, position two in Coffey county, position three in Osage county and position four in Woodson county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county. There shall be two associate district judge positions in the district, with position one in Linn county and position two in Miami county.

(7) In the seventh judicial district, there shall be ~~an~~ two associate district judge ~~position~~ positions in Douglas county.

(8) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county. There shall be two associate district judge positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be two associate district judge positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the 11th judicial district, there shall be two district magistrate judge positions in the district, with position one in Cherokee county and position two in Wilson county. There shall be four associate district judge positions in the district, subject to the provisions of section 19.

(12) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the 13th judicial district, there shall be one associate district judge position in Butler county. There shall be two district magistrate judge positions in the district, with position one in Elk county and position two in Greenwood county.

(14) In the 14th judicial district, there shall be two associate district judge positions in Montgomery county and one district magistrate judge position in Chautauqua county.

(15) In the 15th judicial district, there shall be one associate district judge position in Sherman county. There shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(16) In the 16th judicial district, there shall be one associate district judge position in Ford county. There shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(18) In the 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the 19th judicial district, there shall be ~~three~~ two associate district judge positions in Cowley county; ~~subject to the provisions of section 19.~~

(20) In the 20th judicial district, there shall be one associate district judge position in Barton county. There shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(21) In the 21st judicial district, there shall be one district magistrate judge position in Clay county and one associate district judge position in Riley county.

(22) In the 22nd judicial district, there shall be three district magistrate judge positions in the district, with position one in Doniphan county, position two in Marshall county and position three in Nemaha county. There shall be one associate district judge position in Brown county.

(23) In the 23rd judicial district, there shall be one associate district judge position in Ellis county. There shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county and position three in Trego county.

(24) In the 24th judicial district, there shall be six district magistrate judge positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(25) In the 25th judicial district, there shall be five district magistrate judge positions in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county. There shall be ~~one~~ two associate district judge ~~position~~ positions in Finney county.

(26) In the 26th judicial district, there shall be one associate district judge position in Seward county. There shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

(27) In the 27th judicial district, there shall be two associate district judge positions in Reno county.

(28) In the 28th judicial district, there shall be one district magistrate judge position in Ottawa county and two associate district judge positions in Saline county.

(29) In the 29th judicial district, there shall be seven associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

Sec. 16. K.S.A. 20-2901 is hereby amended to read as follows: 20-2901. (a) The proposition of ~~adopting or rejecting the nonpartisan~~ the method of selecting judges of the district court shall be submitted to the qualified electors in each judicial district, as authorized by section 6 of article 3 of the Kansas constitution, when a petition therefor is submitted to the secretary of state in accordance with this section. In the case of a petition for the adoption of ~~such the~~ nonpartisan method of selection, the form of the proposition shall be as follows following shall appear on the petition:

"The present method of electing judges of the district court in this judicial district shall be discontinued and there is hereby adopted in this judicial district the nonpartisan method of selection of judges of the district court authorized by article 3 of the Kansas constitution and prescribed by article 20 of chapter 20 of the Kansas Statutes Annotated which provides that whenever a vacancy shall occur in the office of judge of the district court, a successor shall be appointed by the governor upon nominations by a district judicial nominating commission; and that each judge

(continued)

of the district court shall be subject to retention in office by a vote of the electors of a judicial district, and subjecting each judge of the district court in this judicial district to the constitutional restrictions on his or her political activities. We request an election to determine whether judges of the district court in this district shall continue to be elected or shall be appointed by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters."

In the case of a petition for the rejection of such the nonpartisan method of selection, the form of the proposition shall be as follows following shall appear on the petition:

"The present method of selection and retention of judges of the district court is hereby rejected, and hereafter the voters shall elect a person to fill any vacancy in the office of judge of the district court which is caused by the expiration of a judge's term of office. We request an election to determine whether judges of the district court in this district shall continue to be appointed by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters or shall be elected."

(b) The proposition of the method of selecting judges of the district court shall be submitted to the qualified electors in: (1) Any newly established judicial district which consists of all or parts of two or more previously established districts which used different methods of selecting judges of the district court; and (2) any judicial district to which new territory is attached if any portion of such territory was transferred from a district which used a method of selecting its judges which is different from the method used in any other district from which any portion of the territory was transferred or the district to which the territory is attached. The secretary of state shall cause the proposition to be placed on the ballot at a special election to be held April 6, 1982, for the purpose of voting on the proposition. Such election shall be held and notice thereof given in the manner provided for question submitted elections.

(c) The proposition on the ballot at any election held pursuant to this section shall be as follows:

"Judges of the district court in the _____ judicial district shall be selected as follows: (vote for only one of the following methods)

1. For election of judges of the district court by the voters.

2. For nonpartisan appointment of judges of the district court by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters."

(d) If a majority of the votes cast and counted on the proposition of adopting such is in favor of the nonpartisan method in any judicial district shall be in favor thereof of selection, the provisions of this act shall govern the selection and retention of judges of the district court in such the judicial district, notwithstanding any other law providing for the election of judges of the district court, until such time as the proposition of the method of selection of the judges of the district court is resubmitted to the voters of the judicial district and a different method of selection is approved by the voters as provided by this section. If a majority of the votes cast and counted in any judicial district are against adopting, or are in favor of rejecting, the nonpartisan selection is in favor of election of judges of the district court, vacancies in the office of judge of the district court in such the judicial district shall be filled in the manner provided by law for the filling of such vacancies in judicial districts that have not adopted such nonpartisan method, until such time as the proposition for such nonpartisan method shall be resubmitted to and approved by the electors of the judicial district, as provided herein in which judges of the district court are elected, until such time as the proposition of the method of selection of the judges of the district court is resubmitted to the voters of the judicial district and a different method of selection is approved by the voters as provided by this section.

(e) (e) Except as provided in subsection (b), the proposition of adopting or rejecting the nonpartisan the method of selecting judges of the district court may be resubmitted to the electors in any such judicial district not more often than once every four (4) years; whenever there shall be submitted to the secretary of state a petition signed by qualified electors of the judicial district, equal in number to not less than five percent (5%) 5% of the electors of

the judicial district who voted for the office of secretary of state at the last preceding general election. In such event, the secretary of state shall cause the proposition as stated in subsection (a) (c) to be placed on the ballot at the next succeeding general election in an even-numbered year which occurs more than ninety (90) 90 days after the date such petition is filed with the secretary of state.

(f) It shall be the duty of the state board of canvassers to canvass the votes in each judicial district voting on the proposition of adopting or rejecting the nonpartisan the method of selection of judges of the district court in the manner prescribed by K.S.A. 25-3206. Upon completion of the final canvass and certification of the results, the secretary of state shall transmit a copy of the results for each such judicial district to the chief justice of the supreme court. Upon receipt thereof, the chief justice shall notify the clerk of the supreme court and the board of county commissioners of each county in a judicial district which voted in favor of the nonpartisan method of selection of their respective duties under this act, and the chief justice shall designate a chairman chairperson of the commission for each such judicial district, as provided in K.S.A. 20-2903.

(e) Whenever a judicial district approves the proposition of nonpartisan selection of judges of the district court as provided herein, the boundaries of such judicial district shall not be changed without provision being made for reconstituting the district judicial nominating commission established in such judicial district pursuant to K.S.A. 20-2903.

(g) Not less than 60 days after the special election provided for by subsection (b), the board of county commissioners of each county in which the election is held shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county in conducting the election. Payment for the expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of the payment, the county treasurer shall deposit the entire amount in the county election fund, if there is one, and in the county general fund, if there is not.

If any other election is held on the same day as the election provided for by subsection (b), direct costs attributable to the other election shall not be reimbursed by the state pursuant to this subsection.

The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.

(h) The county election officer of any county in which an election will be held pursuant to subsection (b) shall not include any office of judge of the district court in the notice required to be published pursuant to K.S.A. 25-204 before the 1982 state primary election. All subsequent notices for the state primary or general election in 1982 shall include the office of judge of the district court if the office is required by law to be included and if, at the election pursuant to subsection (b), it is determined that the judges of the district court of the county will be elected.

New Sec. 17. (a) Whenever the proposition of the method of selection of judge of the district court is submitted to the voters, the form of the ballot shall be as provided in K.S.A. 20-2901 and amendments thereto.

(b) This section shall be part of and supplemental to chapter 25 of the Kansas Statutes Annotated.

Sec. 18. K.S.A. 20-2913 is hereby amended to read as follows: 20-2913. (a) In the event that If a vacancy occurs in the office of judge of the district court in a judicial district, subsequent to the general election at which the proposition of nonpartisan method of selection of judges of the district court was approved and prior to the time the district judicial nominating commission for such the judicial district is constituted, the departmental justice for such the judicial district shall provide, where necessary, for the assignment of one (1) or more judges pursuant to K.S.A. 20-319, to serve in such the judicial district until such time as a judge shall be appointed to fill such vacancy pursuant to K.S.A. 20-2909, 20-2910 and 20-2911, and amendments thereto.

(b) Whenever the supreme court, pursuant to statute, shall certify certifies to the chairperson of the district judicial nominating commission in a judicial district that an additional judge

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and an additional division of the district court are needed in such judicial district, ~~said~~ the chairperson shall call a meeting of the nominating commission for the purpose of nominating persons for appointment to ~~such~~ the new judgeship. ~~Such~~ Nominations and the appointment of ~~such~~ the judge shall be made in the manner prescribed by K.S.A. 20-2909, 20-2910 and 20-2911, and amendments thereto. *The term of office of any judge so appointed shall commence his or her term of office on July 15 next following the date of certification of the need for an additional judge.*

(c) Whenever the proposition of ~~nonpartisan the method of~~ selection of judges of the district court is resubmitted to the electors of a judicial district for the purpose of rejecting the same, as provided in subsection ~~(e)~~ (e) of K.S.A. 20-2901 and ~~amendments thereto~~, and a majority of the votes cast and counted on such proposition ~~shall be in favor of rejecting nonpartisan selection~~ election of judges of the district court, the district judicial nominating commission in such judicial district shall be abolished on the date the results of the final canvass of votes is certified pursuant to subsection ~~(d)~~ (f) of K.S.A. 20-2901 and ~~amendments thereto~~. The rejection of nonpartisan selection of judges of the district court in a judicial district shall not affect the term of office of any person serving as judge of the district court in ~~such~~ the judicial district at the time of the general election at which ~~such~~ proposition is adopted, ~~nor shall it nonpartisan selection is rejected~~. The rejection of nonpartisan selection shall not affect the term of office of any person retained in office as judge of the district court at ~~such~~ the election; ~~but whenever~~. If the electors of ~~such~~ the judicial district also ~~shall~~ vote at ~~such~~ the election against retaining in office any judge of the district court, the office of ~~such~~ that judge shall become vacant on the second Monday in January next following the election. ~~Any such, and the~~ vacancy shall be filled in the manner provided by K.S.A. 25-312a.

New Sec. 19. (a) Upon the first vacancy occurring in an associate district judge position in the 19th judicial district, the supreme court shall eliminate the position and certify its elimination as provided in K.S.A. 20-354.

(b) Upon the first vacancy occurring after the effective date of this act in an associate district judge position in the 11th judicial district, the supreme court shall eliminate the position and certify its elimination as provided in K.S.A. 20-354.

New Sec. 20. On or before December 1 of each year, the chief justice of the supreme court shall submit to the chairpersons of the committees on judiciary of the house of representatives and of the senate a report of all associate district judge and district magistrate judge positions created or eliminated, and all district judge positions created, pursuant to K.S.A. 20-352, 20-353, 20-354 or 20-355, during the twelve-month period ending the preceding October 1.

Sec. 21. K.S.A. 4-201, 20-338, 20-2901 and 20-2913 and K.S.A. 1981 Supp. 4-204, 4-212, 4-214, 4-215, 4-216, 4-218, 4-220, 4-222 and 4-224 are hereby repealed.

Sec. 22. On and after July 1, 1982, K.S.A. 20-338, as amended by section 14 of this act, is hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 11, 1981.

Senate adopted Conference Committee report February 9, 1982.

ROSS O. DOYEN
President of the Senate.

LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended April 2, 1981.
House adopted Conference Committee report February 4, 1982.

WENDELL LADY
Speaker of the House.

GENEVA SEWARD
Chief Clerk of the House.

APPROVED February 19, 1982.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 19th day of February, 1982.

JACK H. BRIER
Secretary of State.

(SEAL)

SENATE BILL No. 773

AN ACT concerning district courts; relating to the method of selection and retention of certain judges; amending K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203; K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203 and by section 1 of this act; K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203; K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203 and by section 3 of this act; K.S.A. 20-336; K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203; K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203 and by section 7 of this act; K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203 and by sections 7 and 8 of this act; K.S.A. 20-2901, as amended by section 16 of 1982 Senate Bill No. 203; and K.S.A. 20-2908; and repealing the existing sections; also repealing K.S.A. 20-338, as amended by sections 14 and 15 of 1982 Senate Bill No. 203.

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

Section 1. K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203, is hereby amended to read as follows: 4-214. The counties of Butler, Greenwood and Elk and Chautauqua shall constitute the 13th judicial district. There shall be two district judges of the district court of the district and two divisions of the court which shall be designated as division number one and division number two. The district judge of division number one shall be a resident of Greenwood or Elk a county in the district other than Butler county and the district judge of division number two shall be a resident of Butler county. There shall be elected by the electors of the 13th judicial district a district judge of division number one and a district judge of division number two.

Sec. 2. On and after January 11, 1983, K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203 and by section 1 of this act, is hereby amended to read as follows: 4-214. The counties of Butler, Greenwood, and Elk and Chautauqua shall constitute the 13th judicial district. There shall be two district judges of the district court of the district and two divisions of the court which shall be designated as division number one and division number two. The district judge of division number one shall be a resident of a county in the district other than Butler Greenwood or Elk county and the district judge of division number two shall be a resident of Butler county. There shall be elected by the electors of the 13th judicial district a district judge of division number one and a district judge of division number two.

Sec. 3. K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203, is hereby amended to read as follows: 4-215. The counties county of Montgomery and Chautauqua shall constitute the 14th judicial district. There shall be one district judge of the district court of the district, and that judge shall hold court in the cities of Coffeyville and Independence in Montgomery county and the city of Sedan in Chautauqua county. The district magistrate judge holding office in position one in Chautauqua county in the 13th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the term for which elected and shall serve as district magistrate judge of the 14th judicial district for that term and until a successor is appointed or elected and qualified. The district judge shall be a resident of Montgomery county.

Sec. 4. On and after January 11, 1983, K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203 and by section 3 of this act, is hereby amended to read as follows: 4-215. The county counties of Montgomery and Chautauqua shall constitute the 14th judicial district. There shall be one district judge of the district court of the district, and that judge shall hold

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court in the cities of Coffeyville and Independence in Montgomery county. The district judge shall be a resident of Montgomery county and the city of Sedan in Chautauqua county. The district magistrate judge holding office in position one in Chautauqua county in the 13th judicial district, as the district was constituted on the day before the effective date of this act, shall continue to hold office for the term for which elected and shall serve as district magistrate judge of the 14th judicial district for that term and until a successor is appointed or elected and qualified.

New Sec. 5. (a) The following judges shall be eligible for retention in office by election at the general election to be held in November, 1982, in the same manner as if the electors of their judicial districts had approved the nonpartisan method of selection of judges of the district court:

(1) The district magistrate judge holding office in position three in Norton county in the 17th judicial district.

(2) The district magistrate judge holding office in position one in Gove county in the 23rd judicial district.

(b) The vacancy occurring on expiration of the term of office on January 10, 1983, in district magistrate judge position two in Rooks county in the 23rd judicial district shall be filled at the general election to be held in November, 1982, in the same manner as if the electors of the district had approved the election method of selection of judges of the district court.

Sec. 6. K.S.A. 20-336 is hereby amended to read as follows: 20-336. (a) At the general election held in November of 1976 any candidate for the election to the office of associate district judge or district magistrate judge shall possess the qualifications prescribed by law for the incumbent judge of a court of limited jurisdiction who is declared eligible for election to such office by subsection (b) of K.S.A. 20-330;

(b) In any judicial district which has approved the proposition of non-partisan selection of district judges, the provisions of K.S.A. 20-2008, and any amendments thereto, shall govern the retention of persons in office in associate district judge and district magistrate judge positions at the general election immediately preceding the expiration of the term of office of any associate district judge or district magistrate judge who was elected at the November, 1976, general election;

(c) From and after January 10, 1977, any person who is elected, retained in office or appointed as a district magistrate judge or associate district judge shall have the qualifications prescribed for such office by K.S.A. 20-334;

(d) (a) In any judicial district which has not approved the proposition of nonpartisan selection of district court judges, election laws applicable to the election of county officers shall govern every election of district magistrate judges; and. Each district magistrate judge shall be elected by the electors of the county where the judge's position is located.

(b) Election laws applicable to the election of district judges shall govern every election of associate district judges. Each associate district judge shall be elected by the electors of the judicial district.

Sec. 7. K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203, is hereby amended to read as follows: 20-338.

(a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county and two associate district judge positions in Leavenworth county.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be two associate district judge positions in the district, with position one in Franklin county and position two in Anderson county. There shall be four district magistrate judge positions in the district, with position one in Allen county, position two in Coffey county, position three in Osage county and position four in Woodson county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county. There shall be two associate district judge positions in the district, with position one in Linn county and position two in Miami county.

(7) In the seventh judicial district, there shall be an associate district judge position in Douglas county.

(8) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county. There shall be two associate district judge positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be two associate district judge positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the 11th judicial district, there shall be two district magistrate judge positions in the district, with position one in Cherokee county and position two in Wilson county. There shall be four associate district judge positions in the district, subject to the provisions of section 19 of 1981 Senate Bill No. 203.

(12) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the 13th judicial district, there shall be one associate district judge position in Butler county. There shall be two three district magistrate judge positions in the district, with position one in Chautauqua county, position two in Elk county and position two three in Greenwood county.

(14) In the 14th judicial district, there shall be two associate district judge positions in Montgomery county and one district magistrate judge position in Chautauqua county.

(15) In the 15th judicial district, there shall be one associate district judge position in Sherman county. There shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(16) In the 16th judicial district, there shall be one associate district judge position in Ford county. There shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(18) In the 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the 19th judicial district, there shall be three associate district judge positions in Cowley county, subject to the provisions of section 19 of 1981 Senate Bill No. 203.

(20) In the 20th judicial district, there shall be one associate district judge position in Barton county. There shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(21) In the 21st judicial district, there shall be one district magistrate judge position in Clay county and one associate district judge position in Riley county.

(22) In the 22nd judicial district, there shall be three district magistrate judge positions in the district, with position one in Doniphan county, position two in Marshall county and position three in Nemaha county. There shall be one associate district judge position in Brown county.

(23) In the 23rd judicial district, there shall be one associate

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district judge position in Ellis county. There shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county, and position three in Trego county.

(24) In the 24th judicial district, there shall be six district magistrate judge positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(25) In the 25th judicial district, there shall be five district magistrate judge positions in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county. There shall be one associate district judge position in Finney county.

(26) In the 26th judicial district, there shall be one associate district judge position in Seward county. There shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

(27) In the 27th judicial district, there shall be two associate district judge positions in Reno county.

(28) In the 28th judicial district, there shall be one district magistrate judge position in Ottawa county and two associate district judge positions in Saline county.

(29) In the 29th judicial district, there shall be seven associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

Sec. 8. On and after July 1, 1982, K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203 and by section 7 of this act, is hereby amended to read as follows: 20-338. (a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county and two associate district judge positions in Leavenworth county.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be two associate district judge positions in the district, with position one in Franklin county and position two in Anderson county. There shall be four district magistrate judge positions in the district, with position one in Allen county, position two in Coffey county, position three in Osage county and position four in Woodson county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county. There shall be two associate district judge positions in the district, with position one in Linn county and position two in Miami county.

(7) In the seventh judicial district, there shall be ~~an~~ two associate district judge ~~position~~ positions in Douglas county.

(8) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county. There shall be two associate district judge positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be two associate district judge positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the 11th judicial district, there shall be two district magistrate judge positions in the district, with position one in Cherokee county and position two in Wilson county. There shall be four associate district judge positions in the district, subject to the provisions of section 19 of 1981 Senate Bill No. 203.

(12) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the 13th judicial district, there shall be one associate district judge position in Butler county. There shall be three district magistrate judge positions in the district, with position one in Chautauqua county, position two in Elk county and position three in Greenwood county.

(14) In the 14th judicial district, there shall be two associate district judge positions in Montgomery county.

(15) In the 15th judicial district, there shall be one associate district judge position in Sherman county. There shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(16) In the 16th judicial district, there shall be one associate district judge position in Ford county. There shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(18) In the 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the 19th judicial district, there shall be ~~three~~ two associate district judge positions in Cowley county; ~~subject to the provisions of section 19 of 1981 Senate Bill No. 203.~~

(20) In the 20th judicial district, there shall be one associate district judge position in Barton county. There shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(21) In the 21st judicial district, there shall be one district magistrate judge position in Clay county and one associate district judge position in Riley county.

(22) In the 22nd judicial district, there shall be three district magistrate judge positions in the district, with position one in Doniphan county, position two in Marshall county and position three in Nemaha county. There shall be one associate district judge position in Brown county.

(23) In the 23rd judicial district, there shall be one associate district judge position in Ellis county. There shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county, and position three in Trego county.

(24) In the 24th judicial district, there shall be six district magistrate judge positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(25) In the 25th judicial district, there shall be five district magistrate judge positions in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county. There shall be ~~one~~ two associate district judge ~~position~~ positions in Finney county.

(26) In the 26th judicial district, there shall be one associate district judge position in Seward county. There shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position

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three in Morton county, position four in Stanton county and position five in Stevens county.

(27) In the 27th judicial district, there shall be two associate district judge positions in Reno county.

(28) In the 28th judicial district, there shall be one district magistrate judge position in Ottawa county and two associate district judge positions in Saline county.

(29) In the 29th judicial district, there shall be seven associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

Sec. 9. On and after January 11, 1983, K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203 and by sections 7 and 8 of this act, is hereby amended to read as follows: 20-338. (a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county and two associate district judge positions in Leavenworth county.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be two associate district judge positions in the district, with position one in Franklin county and position two in Anderson county. There shall be four district magistrate judge positions in the district, with position one in Allen county, position two in Coffey county, position three in Osage county and position four in Woodson county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county. There shall be two associate district judge positions in the district, with position one in Linn county and position two in Miami county.

(7) In the seventh judicial district, there shall be two associate district judge positions in Douglas county.

(8) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county. There shall be two associate district judge positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be two associate district judge positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the 11th judicial district, there shall be two district magistrate judge positions in the district, with position one in Cherokee county and position two in Wilson county. There shall be four associate district judge positions in the district, subject to the provisions of section 19 of 1981 Senate Bill No. 203.

(12) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the 13th judicial district, there shall be one associate district judge position in Butler county. There shall be three two district magistrate judge positions in the district, with position one in ~~Chautauqua county~~, position two in Elk county and position three two in Greenwood county.

(14) In the 14th judicial district, there shall be two associate

district judge positions in Montgomery county and one district magistrate judge position in Chautauqua county.

(15) In the 15th judicial district, there shall be one associate district judge position in Sherman county. There shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(16) In the 16th judicial district, there shall be one associate district judge position in Ford county. There shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(18) In the 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the 19th judicial district, there shall be two associate district judge positions in Cowley county.

(20) In the 20th judicial district, there shall be one associate district judge position in Barton county. There shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

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(23) In the 23rd judicial district, there shall be one associate district judge position in Ellis county. There shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county, and position three in Trego county.

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(26) In the 26th judicial district, there shall be one associate district judge position in Seward county. There shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

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(29) In the 29th judicial district, there shall be seven associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

Sec. 10. K.S.A. 20-2901, as amended by section 16 of 1982
(continued)

Senate Bill No. 203, is hereby amended to read as follows: 20-2901. (a) The proposition of the method of selecting judges of the district court shall be submitted to the qualified electors in each judicial district, as authorized by section 6 of article 3 of the Kansas constitution, when a petition therefor is submitted to the secretary of state in accordance with this section. In the case of a petition for the adoption of the nonpartisan method of selection, the following shall appear on the petition:

"We request an election to determine whether judges of the district court in this district shall continue to be elected or shall be appointed by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters."

In the case of a petition for the rejection of the nonpartisan method of selection, the following shall appear on the petition:

"We request an election to determine whether judges of the district court in this district shall continue to be appointed by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters or shall be elected."

(b) The proposition of the method of selecting judges of the district court shall be submitted to the qualified electors in: (1) Any newly established judicial district which consists of all or parts of two or more previously established districts which used different methods of selecting judges of the district court; and (2) any judicial district to which new territory is attached if any portion of such territory was transferred from a district which used a method of selecting its judges which is different from the method used in any other district from which any portion of the territory was transferred or the district to which the territory is attached; and (3) *Montgomery and Chautauqua counties to determine the method of selection of judges of the district court in the 14th judicial district as the district will be constituted on and after January 11, 1983.* The secretary of state shall cause the proposition to be placed on the ballot at a special election to be held April 6, 1982, for the purpose of voting on the proposition. Such election shall be held and notice thereof given in the manner provided for question submitted elections the general election to be held in November, 1982.

(c) The proposition on the ballot at any election held pursuant to this section shall be as follows:

"Judges of the district court in the ____ judicial district shall be selected as follows: (vote for only one of the following methods)

1. For election of judges of the district court by the voters.
2. For nonpartisan appointment of judges of the district court by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters."

(d) *Except as provided in subsection (e),* if a majority of the votes cast and counted on the proposition is in favor of the nonpartisan method of selection, the provisions of this act shall govern the selection and retention of judges of the district court in the judicial district, notwithstanding any other law providing for the election of judges of the district court, until such time as the proposition of the method of selection of the judges of the district court is resubmitted to the voters of the judicial district and a different method of selection is approved by the voters as provided by this section. *Except as provided in subsection (e),* if a majority of the votes cast and counted is in favor of election of judges of the district court, vacancies in the office of judge of the district court in the judicial district shall be filled in the manner provided by law for the filling of such vacancies in judicial districts in which judges of the district court are elected, until such time as the proposition of the method of selection of the judges of the district court is resubmitted to the voters of the judicial district and a different method of selection is approved by the voters as provided by this section.

(e) *The provisions of section 5 shall govern the filling of the positions enumerated in that section upon vacancies occurring on January 10, 1983, by reason of expiration of the terms of office for those positions.*

(f) Except as provided in subsection (b), the proposition of the method of selecting judges of the district court may be resubmitted to the electors in any judicial district not more often than once every four years, whenever there shall be submitted to the secre-

tary of state a petition signed by qualified electors of the judicial district, equal in number to not less than 5% of the electors of the judicial district who voted for the office of secretary of state at the last preceding general election. In such event, the secretary of state shall cause the proposition as stated in subsection (c) to be placed on the ballot at the next succeeding general election in an even-numbered year which occurs more than 90 days after the date such petition is filed with the secretary of state.

(f) (g) It shall be the duty of the state board of canvassers to canvass the votes in each judicial district voting on the proposition of the method of selection of judges of the district court in the manner prescribed by K.S.A. 25-3206. Upon completion of the final canvass and certification of the results, the secretary of state shall transmit a copy of the results for each such judicial district to the chief justice of the supreme court. Upon receipt thereof, the chief justice shall notify the clerk of the supreme court and the board of county commissioners of each county in a judicial district which voted in favor of the nonpartisan method of selection of their respective duties under this act, and the chief justice shall designate a chairperson of the commission for each such judicial district, as provided in K.S.A. 20-2903.

(g) *Not less than 60 days after the special election provided for by subsection (b), the board of county commissioners of each county in which the election is held shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county in conducting the election. Payment for the expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of the payment, the county treasurer shall deposit the entire amount in the county election fund, if there is one, and in the county general fund, if there is not.*

If any other election is held on the same day as the election provided for by subsection (b), direct costs attributable to the other election shall not be reimbursed by the state pursuant to this subsection.

The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.

(h) *The county election officer of any county in which an election will be held pursuant to subsection (b) shall not include any office of judge of the district court in the notice required to be published pursuant to K.S.A. 25-204 before the 1982 state primary election. All subsequent notices for the state primary or general election in 1982 shall include the office of judge of the district court if the office is required by law to be included and if, at the election pursuant to subsection (b), it is determined that the judges of the district court of the county will be elected.*

Sec. 11. K.S.A. 20-2908 is hereby amended to read as follows: 20-2908. Following the approval of nonpartisan selection of judges of the district court in a judicial district as provided in K.S.A. 20-2901 and amendments thereto, there shall not be an election or reelection of a judge of the district court at any succeeding general election, but any judge of the district court in such the judicial district whose term of office expires on the second Monday in January next following any such succeeding general election shall be eligible to succeed himself or herself for retention in office as provided herein in this section. Not less than sixty (60) 60 days prior to the holding of the general election next preceding the expiration of his or her the judge's term of office, any such the judge may file in the office of the secretary of state a declaration of candidacy for election to succeed himself or herself retention in office. If a declaration is not so filed, the position held by such the judge shall be vacant upon the expiration of his or her the judge's term of office. If such a declaration is filed, his or her the judge's name shall be submitted at the next general election to the electors of the judicial district, if the judge is a district or associate district judge, or to the electors of the county, if the judge is a district magistrate judge. The name shall be submitted on a separate judicial ballot, without party designation, reading substantially as follows:

(continued)

"Shall _____
(Here insert name of judge.)

(Here insert the title of the court.)

be retained in office?"

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

Wherever a majority of those voting on the question of retaining any judge in office shall vote against ~~such~~ retention, the secretary of state, following the final canvass of votes on ~~such the~~ question, shall certify the results to the chief justice of the supreme court. Any ~~such the~~ judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the district court in ~~such the~~ judicial district prior to the expiration of four (4) years after the expiration of ~~such the judge's~~ term of office.

Election laws applicable to the general elections of other state officers shall apply to elections upon the question of retention of judges of the district court pursuant to this section, to the extent that ~~the same are not in conflict with and they~~ are consistent with the provisions of this act.

Sec. 12. K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203; K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203; K.S.A. 20-336; K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203; K.S.A. 20-2901, as amended by section 16 of 1982 Senate Bill No. 203; and K.S.A. 20-2908 are hereby repealed.

Sec. 13. On and after July 1, 1982, K.S.A. 20-338, as amended by sections 14 and 15 of 1982 Senate Bill No. 203, and K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203 and by section 7 of this act, are hereby repealed.

Sec. 14. On and after January 11, 1983, K.S.A. 1981 Supp. 4-214, as amended by section 3 of 1982 Senate Bill No. 203 and by section 1 of this act; K.S.A. 1981 Supp. 4-215, as amended by section 4 of 1982 Senate Bill No. 203 and by section 3 of this act; and K.S.A. 20-338, as amended by section 14 of 1982 Senate Bill No. 203, and by sections 7 and 8 of this act, are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 18, 1982.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE February 19, 1982.

WENDELL LADY
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED February 19, 1982.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 19th day of February, 1982.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

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