

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 16, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Judge Meryl Wilson, 21st Judicial District
Judge Richard M. Smith, Chief Judge 6th Judicial District, President of Kansas District Judges Association
Mike Freelove, Kansas District Magistrate Judges Association
John Miller, Norton County Commissioner, Kansas Legislative Policy Group (KLPG)

Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 423–Supreme court authority to allocate judicial resources, including assignment of judges.**

Mr. Thompson reviewed the bill. He stated the bill concerns the authority of the Kansas Supreme Court to allocate judicial resources and would eliminate the one-judge per county requirement.

Judge Meryl Wilson testified in support of **SB 423**. He stated the bill is the most important piece of legislation relating to the judiciary since 1977. The bill would give the Kansas Supreme Court the authority to allocate district judges and district magistrate judges to judicial districts and to the counties where such judges would serve and maintain an office. If a judicial district has been allocated a total number of judges equal to or greater than the number of counties in the district, there would be at least one resident judge for each county. No courthouse would be closed and the access to courts would not be reduced as a result of the bill. (Attachment 1).

Judge Richard M. Smith testified in support of **SB 423**. He stated the bill is necessary to allocate judicial resources. Even though some of the district court judge positions may be eliminated, the bill is necessary to equalize case loads across the state. (Attachment 2).

In response to a question raised by Senator King, Judge Smith stated the purpose of the bill is to allow for the optimization of resources among judicial districts.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 16, 2012, in Room 548-S of the Capitol.

Senator King wondered if the conferees would oppose an amendment which would provide in judicial districts composed of more than one county that not all justices would be located in a single county. Judge Fleetwood, who was in the audience, stated he was concerned that such an amendment would limit the ability of the Supreme Court to successfully address the situation. He would rather have the bill contain language directing the Court to consider inter-district and intra-district needs when allocating judicial resources.

Mike Freelove testified in opposition to **SB 423**. He stated the bill does not contain a comprehensive plan and there are no checks and balances to assure unfettered judicial access. ([Attachment 3](#)).

John Miller testified in opposition to **SB 423**. He stated KLPG has long supported the one-judge per county requirement. KLPG believes that judges and magistrates have a responsibility to look out for the interests of the county in which they reside. ([Attachment 4](#)).

Written testimony in opposition to **SB 423** was submitted by Larry Zimmerman. ([Attachment 5](#)).

Senator Lynn wondered how the Court was going to address the fact that the method of selection of judges is not the same in all judicial districts.

Chief Justice Nuss, who was in the audience, stated that the decision had been made to keep the legislation simple, and to focus on the elimination of the requirement of one-judge per county. After the elections this year, the Court would have four years to develop a comprehensive plan. He stated the Blue Ribbon Commission and the Supreme Court had been very deliberative in reaching this proposal.

In response to Senator Lynn's concern that the deliberations of the Supreme Court are not subject to the open meetings law, Senator Vratil stated all meetings of the Blue Ribbon Commission were open meetings and notice of the meetings complied with the open meetings law. Senator Vratil also noted that after the Supreme Court develops a comprehensive plan, the legislature could always enact legislation to reinstate the current system or an entirely different system.

In response to a question raised by Senator King, the Chief Justice stated it was not the intent to eliminate the requirement that court be held in certain cities; the intent was to eliminate the one-judge per county requirement. There was no intent to close courthouses.

The Chairman closed the hearings on **SB 423**.

The next meeting is scheduled for February 17, 2012.

The meeting was adjourned at 10:30 a.m.