

January 29, 2013

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2016 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2016 is respectfully submitted to your committee.

HB 2016 would provide that the Supreme Court could eliminate district magistrate judges under certain specified conditions. Under the provisions of the bill, if the Supreme Court determines that the continuation of a district magistrate judge position is unnecessary due to the annual caseload of that judge being less than 600 cases (not including traffic cases) and that the remaining judges of the judicial district could assume the entire judicial workload of the district, the Court would certify the elimination and reassignment of the district magistrate judge position either to the Secretary of State in judicial districts in which judges are elected, or to the chairperson of the district judicial nominating commission in judicial districts which have approved nonpartisan selection of district court judges. The Supreme Court would designate any district magistrate judge positions to be eliminated no later than one year prior to the end of the term the judge is serving.

This bill would repeal the “one judge per county” statute which requires that, in each county, there shall be at least one judge of the district court who is a resident of and has the judges’ principal office in that county. In counties where district magistrate judge positions have been eliminated, the chief judge would assign a district magistrate judge from another county in the judicial district to be the district magistrate judge for the county from which the position was eliminated, so that one judge would serve both counties. Judges assigned to more than one county would be elected or retained by the electors in the counties to which they have been assigned.

Counties from which district magistrate judge positions had been eliminated would remain responsible for all expenses incurred as that county’s share of the operations of the district court with the judicial district. Counties could retain district magistrate judge positions by paying the salary of the district magistrate judge. If the Supreme Court determines it would

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January 29, 2013

Page 2—HB 2016

effectively expedite the business of the district court in any judicial district, a district judge position could be eliminated and an additional district magistrate judge position or positions could be created. The elimination and creation of judicial positions would be reported to the Secretary of State and to the chairperson of the District Judicial Nominating Commission in judicial districts which have approved nonpartisan selection of judges.

While passage of HB 2016 would have no net fiscal effect on the budget of the Judicial Branch, it would allow for better distribution of resources and better management of districts with higher caseloads. Because the bill provides that the county would be responsible for the costs if the county commission elected to retain district magistrate judge positions which had been eliminated or reassigned, passage of the bill would cause increases in costs to that county.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary