

February 3, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 287 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 287 is respectfully submitted to your committee.

SB 287 would expand the types of cases over which district magistrate judges have jurisdiction to include felony first appearance hearings and misdemeanor arraignments. Under current law, district magistrate judges have jurisdiction over actions filed under the Kansas Code of Civil Procedure for Limited Actions. SB 287 would eliminate the list of civil cases that a district magistrate judge does not have jurisdiction to hear and replace it with a rule which grants jurisdictions over any civil action not filed under the Kansas Code of Civil Procedure for Limited Actions, if the parties to such action provide consent. The bill would also grant district magistrate judges jurisdiction over uncontested actions for divorce.

Under SB 287, all actions or proceedings before a district magistrate judge must be on the record; appeals from an order and final decisions of a district magistrate judge must be made to the Court of Appeals instead of the district court; and various statutes would be amended to reflect that appeals would be made to the Court of Appeals. Finally, district magistrate judges would hold the authority to order a stay of proceedings in situations in which the Court of Appeals has permitted an appeal on certain civil orders issued by the district court, where the order involves a controlling question of law and immediate appeal from the order may materially advance the termination of the litigation.

The Office of Judicial Administration (OJA) indicates that SB 287 could increase the expenditures of the Judicial Branch since it may increase the types and number of cases heard by district magistrate judges; allowing district judges to more quickly attend to felony criminal and civil cases in which the parties have not consented to a district magistrate judge hearing the case. In addition, requiring appeals from an order and final decision of a district magistrate judge to be made to the Court of Appeals, rather than a district judge, would reduce time spent by district

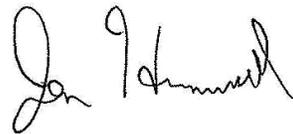
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judges hearing appeals from district magistrate judges. However, this would increase time spent by appellate court judicial and nonjudicial personnel in processing and hearing the cases. The OJA also indicates that the potential for an increased number of appeals would increase revenues from docket fees. Until the courts have an opportunity to operate with the provisions of SB 287 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary