

KANSAS DISTRICT MAGISTRATE JUDGES ASSOCIATION
HOUSE JUDICIARY COMMITTEE – SENATE BILL 59
MARCH 18, 2015

The Kansas District Magistrate Judges Association represents 79 district magistrate judges across the state. While many of us serve in rural counties, there are four (4) magistrate judges in Johnson County, two (2) in Garden City (Finney County), as well as magistrates stationed in Manhattan, Hutchinson and McPherson. We routinely hear cases in almost every county in Kansas. Only 6 of the 31 Judicial Districts do not have a magistrate judge and in those, pro tem judges are often used.

Over the years, the jurisdiction (or authority) of magistrate judges has been expanded. Last year, the legislature passed Senate Substitute for H.B. 2065 in an effort to extend our jurisdiction to include Chapter 60 civil actions with consent of the parties and uncontested divorces. The changes, however, brought unintended consequences and created uncertainty across the state as to whether the legislation actually expanded our jurisdiction or limited it. The judicial districts have not been consistent in their approach.

Senate Bill 59 addresses those concerns. While the changes may look extensive, the bill essentially restores most of the language removed last year, but keeps the expanded jurisdiction. Instead of trying to define what types of cases a magistrate **may** hear, the proposed legislation acknowledges we have concurrent jurisdiction with a district judge, but a magistrate judge cannot hear certain cases unless the parties consent. The list of those types of cases is in the statute. In addition, the bill in sub-section (f) addresses a discrepancy with the child in need of care code.

I am often asked what kind of cases I handle. I usually give them a list of the general types of cases, but state it is easier to describe the cases I cannot hear. This proposed legislation adopts that approach. In essence, we can handle any case filed with the consent of the parties with a few exceptions, such as felony trials. The Chief Judge retains the authority to reassign any case to a district judge.

On behalf of our association, we urge the committee to adopt SB 59. I stand for questions.

Respectfully submitted,

Guy R. Steier
Legislative Chair, KDMJA