

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 59

As Amended by House Committee on Judiciary

Brief*

SB 59, as amended, would clarify the jurisdiction of district magistrate judges, by:

- Adding jurisdiction over wildlife, parks, and tourism violations;
- Reorganizing provisions within the statute related to jurisdiction in uncontested actions for divorce and jurisdiction in other civil cases and rewording to clarify these provisions;
- Rewording language related to reassignment of a petition or motion requesting termination of parental rights to match language in the Revised Kansas Code for Care of Children; and
- Adding a list of specific actions over which district magistrate judges would not have jurisdiction without consent of the parties, including:
 - Actions in which the amount in controversy exceeds \$10,000, with some exceptions;
 - Actions for official misconduct;
 - Actions for specific performance for real estate;
 - Certain actions involving real estate;
 - Actions to foreclose real estate mortgages or to establish and foreclose liens on real estate;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Contested actions for divorce, separate maintenance, or custody of minor children; and
- *Habeas corpus*, receiverships, declaratory judgments, *mandamus* and *quo warranto*, injunctions, class actions, and actions for commitment of sexually violent predators.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator King.

In the Senate Committee, representatives of the Kansas District Magistrate Judges Association and Kansas Judicial Branch testified in support of the bill. A representative of the Kansas District Judges Association testified as an opponent to the bill with a suggested amendment. The conferees stated that 2014 Senate Sub. for HB 2065 was enacted to extend magistrate judge jurisdiction, but issues have arisen in implementing the bill's provisions.

The Senate Committee adopted an amendment presented as a compromise between the parties that reorganized some of the language and added a list of specific actions over which a district magistrate judge would not have jurisdiction without consent of the parties. (A similar list was removed from the statute by the 2014 bill.)

In the House Committee on Judiciary, representatives of the Kansas District Judges Association and Kansas District Magistrate Judges Association testified in favor of the bill. Written testimony supporting the bill was received from representatives of the Kansas Supreme Court and Kansas Bar Association.

The House Committee adopted an amendment clarifying wording related to wildlife, parks, and tourism violations.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration and Kansas Department of Wildlife, Parks and Tourism indicates the bill would have no fiscal effect.