

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2429

As Recommended by House Committee on
Judiciary

Brief*

HB 2429 would delete the one judge per county rule in current law. If the Kansas Supreme Court determines that the continuation of a district magistrate judge position (DMJ) is unnecessary due to the yearly average caseload of the DMJ being less than 600 cases and the ability of the remaining judges of the judicial district to assume the workload, the Supreme Court would certify and reassign the DMJ position.

The designation of a DMJ position for elimination would be no later than one year prior to the end of the judge's term. In counties where district magistrate judge positions are eliminated or reassigned, the county commission may elect to retain the position and pay the salary of the current magistrate. The magistrate would retain all of his or her authority, and the salary and other compensation would be set by resolution of the board of county commissioners. The chief judge in the judicial district in which this occurs would annually report the magistrates' dates served and compensation to the Judicial Administrator. In addition, counties from which magistrate judges have been eliminated would remain responsible for all expenses incurred as that county's share of operation of the district court within the judicial district.

Background

No conferees appeared on the bill.

*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>

The fiscal note indicates the Office of Judicial Administration finds that it is unlikely that HB 2429 would have a fiscal effect. The Supreme Court has not developed a methodology for accurately determining a district magistrate judge's annual caseload, or an assessment tool to determine whether the remaining judges in a judicial district may assume the responsibilities of such caseload. Under the bill's provisions, the earliest a position could be determined to be reassigned is January 2012. The actual reassignment of such judge would not occur until January 2013.