

Approved 4-25-86
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

8:30 a.m./~~noon~~ on April 24, 19 86 in room 522-S of the Capitol.

All members were present except: Senators Frey, Hoferer, Burke, Gaines, Langworthy, Parrish and Steineger.

Committee staff present: Mary Hack, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Jerry Sloan, Office of Judicial Administrator
Marjorie Van Buren, Office of Judicial Administrator
Representative Lee Hamm

House Bill 2825 - Change of district magistrate judge to district judge in Pratt county.

Jerry Sloan, Office of Judicial Administrator, testified the 30th Judicial District is a five-county district, with the heaviest caseload in Sumner and Pratt counties. Currently, Pratt county has a district judge and a magistrate judge. The proposal is to convert the magistrate judge position in Pratt county to a law judge, since the district is experiencing difficulty with caseload outside the jurisdiction of a magistrate judge. The magistrate judge is now in the process of taking disability. A copy of his testimony is attached (See Attachment I).

Marjorie Van Buren, Office of Judicial Administrator, explained the present district magistrate judge at Pratt has been ill, and has not been able to attend to his duties since early last fall. When he retires, a vacancy would be created and the transition from district magistrate judge to district judge could be effected smoothly. Copies of her handout is attached (See Attachments II).

Representative Lee Hamm, prime sponsor of the bill, explained the need for the bill was due to the increased cases in Sumner and Pratt counties. He said the administrative judge in Pratt has promised to take care of the problem if a judge is added. The chairman inquired if the new judge must reside in Pratt county? Representative Hamm replied the present judge could come from any of the five counties. The present district judge is from Pratt county and that is the administrative judge.

During committee discussion, Jerry Sloan explained in the five county area, magistrates move around to handle the caseload problems, and part of the judge time is on the road.

Senator Burke moved to report the bill favorably. Senator Gaines seconded the motion. Following further committee discussion, the motion carried.

The meeting adjourned.

The 30th Judicial District is a five-county district, with the heaviest caseload in Sumner and Pratt counties. Currently, Pratt County has a district judge and a magistrate judge. The immediate proposal is to convert the magistrate judge position in Pratt County to a law judge, since the district is experiencing difficulty with caseload outside the jurisdiction of a magistrate judge. The conversion would be effective at such time as the district magistrate position becomes vacant.

The 30th District had the largest year-to-year percentage increase in case filings of any district in the State. Civil and criminal case filings were up 24% in '85 over '84. Over half of this increase occurred in Pratt and Barber counties. The number of pending cases also had increased sharply--up 30% in FY 85 over FY 84, which is a reflection of the fact that the district had difficulty coping with the increase in filings.

Caseload in Pratt County is of sufficient size to require two judges, thus the main question is whether the second judge is a magistrate or law judge. The conversion would permit a needed upgrading of judicial resources in Pratt County. Additionally, the law-judge position is needed to assist in handling the major caseload in Barber County. Currently, major cases in three counties--Barber, Harper, and Kingman--are heard predominantly by the associate district judge from Harper County. The district has experienced difficulty, because of caseload demands, in keeping the dockets current in these three counties, but in particular in Barber County.

The conversion, if approved, would give Pratt County the same judicial staffing pattern now present in Sumner County. Caseload in Pratt is only slightly smaller than Sumner, but the difference would allow some use of the law judge in other counties of the district, especially Barber County.

Attachment

S. Jud.
4/8/86
A-I

30th Judicial District
FILINGS

	<u>FY 84</u>	<u>FY 85</u>	<u>% of Change</u>
<u>Barber County</u> ✓			
Chapter 60	96	114	+18.9
Chapter 61	67	150	+124.0
Domestic Relations	49	74	+51.0
Felonies	23	40	+73.9
Misdemeanors	43	45	+4.7
TOTAL	278	423	+52.2 →
<u>Harper County</u> ✓			
Chapter 60	42	63	+50.0
Chapter 61	23	25	+8.7
Domestic Relations	55	50	-9.0
Felonies	27	24	-11.1
Misdemeanors	34	68	+100.0
TOTAL	181	230	+27.1 →
<u>Kingman County</u>			
Chapter 60	52	63	+21.2
Chapter 61	36	29	-19.4
Domestic Relations	54	66	+22.2
Felonies	17	12	-29.4
Misdemeanors	43	36	-16.3
TOTAL	202	206	+2.0
<u>Pratt County</u> ✓			
Chapter 60	116	143	+23.3
Chapter 61	128	184	+43.8
Domestic Relations	100	96	-4.0
Felonies	117	86	-26.5
Misdemeanors	140	236	+68.6
TOTAL	601	745	+24.0 →
<u>Sumner County</u>			
Chapter 60	146	204	+39.7
Chapter 61	145	189	+30.3
Domestic Relations	151	187	+23.8
Felonies	89	81	-9.0
Misdemeanors	170	173	+1.8
TOTAL	701	834	+19.0
DISTRICT TOTALS	1,963	2,438	+24.2



4-24-86

SUPREME COURT OF KANSAS
KANSAS JUDICIAL CENTER

ROBERT H. MILLER
JUSTICE

TOPEKA 66612

913 296-5348

March 11, 1986

Honorable Mike Hayden
Speaker of the House of Representatives
Statehouse
Topeka, Kansas 66612

RE: H.B. 2825, Introduced by Representatives Hamm and Wunsch and concerning the 30th Judicial District

Dear Mr. Speaker:

Pratt County and the 30th Judicial District are within my judicial department, so I am particularly interested in HB 2825. The caseload in Pratt County has increased dramatically. I am sure the need for this change was documented and well established in hearings before your able Judiciary Committee, which recently reported the bill out favorably. I was advised this morning that some question has arisen as to the need for Judicial Council approval.

At the request of the House Ways and Means Committee, a Judicial Council subcommittee (of which I believe you were a member) studied all of the judicial districts of the state from 1979 to 1981, and recommended certain redistricting. That study was a basis for the extensive redistricting in the northwest and southeast portions of the state enacted by the 1982 Legislature. (Chapters 129 and 130, 1982 Session Laws.) In its 1981 report, the Council recommended the phasing out of two judgeships, one in Cowley County and one in Montgomery County, both as the result of redistricting. Changes in individual judgeships, however, has for the most part been regarded as a local problem, and has been handled by the Legislature, following local requests or Supreme Court recommendations, or both. The minor changes in the 1st and 6th Judicial Districts by Chapter 105, 1985 Session Laws,

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is an example. Also, Section 11 of Chapter 105, 1983 Session Laws, provides for the conversion of a district magistrate judgeship to a district judgeship in Atchison County, similar to the New Section 3 of present House Bill 2825. Neither the 1983 nor the 1985 acts were prompted by Judicial Council action.

I spoke today with Justice Dave Prager, chairman of the Judicial Council, and he agrees that single judgeship changes, such as is proposed by HB 2825, are not appropriate subjects for Judicial Council studies. The Council will not meet until April 11, 1986, much too late to be of any help at this session.

The present district magistrate judge at Pratt has been ill, and has not been able to attend to his duties since early last fall. Should he retire, a vacancy would be created and under New Section 3 of HB 2825, the transition from district magistrate judge to district judge could be effected smoothly. The folks out there really need this change, and I am sure it would be appreciated not only in Pratt but in surrounding counties. We sincerely hope that the bill can be acted upon at this session.

If you need further information, please call me.

With kindest personal regards and best wishes, I am

Sincerely,



Robert H. Miller

RHM:dc



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

March 5, 1986

House Judiciary Committee
Testimony of Marjorie J. Van Buren

House Bill 2825

The 30th Judicial District is a five-county district, with the heaviest caseload in Sumner and Pratt counties. Currently, Pratt County has a district judge and a district magistrate judge. House Bill 2825 provides for converting the district magistrate judge position in Pratt County to a district judge, since the district is experiencing difficulty with caseload outside the jurisdiction of a district magistrate judge. The conversion would be effective at such time as the district magistrate position becomes vacant.

The 30th District had the largest year-to-year percentage increase in case filings of any district in the State. Major civil (regular Chapter 60, domestic relations, and limited actions) and criminal case filings were up 24% in '85 over '84. Over half of this increase occurred in Pratt and Barber counties. The number of pending cases in these areas also had increased sharply--up 30% in FY 85 over FY 84, reflecting the fact that the district had difficulty coping with the increase in filings.

Caseload in Pratt County is of sufficient size to require two judges, thus the main question is whether the second judge is a district magistrate judge or a district judge. The conversion would permit a needed broadening of judicial resources in Pratt County. Additionally, the district judge position is needed to assist in handling the caseload in Barber County which falls outside a district magistrate judge's jurisdiction. Currently, most of these cases in three counties--Barber, Harper, and Kingman--are heard by the associate district judge from Harper County. The district has experienced difficulty, because of the caseload demands, in keeping the dockets current in these three counties, but in particular in Barber County.

The conversion, if approved, would give Pratt County the same judicial staffing pattern now present in Sumner County, but the difference would allow some use of the district judge in other counties of the district, especially Barber County.

MJVB:myb
Attachments

A-II

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State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612-1507

(913) 296-2256

February 10, 1986

To: Gary Stotts, Acting Director of the Budget
From: Jerry Sloan, Budget and Fiscal Officer
Re: House Bill 2825

This bill would change the position district magistrate judge in Pratt County to a district judge upon a vacancy in the district magistrate judgeship.

Currently, the cost of a district judgeship including fringe benefits is \$63,208. The cost of a district magistrate judgeship is \$30,083. Thus, the total annual fiscal impact of this bill would be \$33,125. However, this cost would not begin to accrue until there was a vacancy in the district magistrate judgeship.

JS:myb