

KANSAS DISTRICT MAGISTRATE JUDGES ASSOCIATION
SENATE JUDICIARY COMMITTEE – SENATE BILL 59
JANUARY 28, 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, had 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 address those concerns. While the changes may look extensive, the bill essentially restores most of the language removed last year. 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 cannot hear certain cases unless we have the consent of the parties.

I am often asked what kind of cases I handle. In the past, I have given a list of the general types of cases and stated it is easier to describe the cases that 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. Along with Sheila Hochhauser, President of our Association, we stand for questions.

Respectfully submitted,

Guy R. Steier

Legislative Chair, KDMJA

Amendment proposed by
Kansas District Magistrate Judges
Association 1/28/15

Session of 2015

SENATE BILL No. 59

By Committee on Judiciary

1-22

1 AN ACT concerning district magistrate judges; relating to jurisdiction;
2 appeals; amending K.S.A. 2014 Supp. 20-302b and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 20-302b is hereby amended to read as
7 follows: 20-302b.(a) Subject to assignment pursuant to K.S.A. 20-329, and
8 amendments thereto, a district magistrate judge shall have the jurisdiction
9 and power, in any case in which a violation of the laws of the state is
10 charged, to conduct the trial of traffic infractions, *wildlife and parks*
11 *violations*, cigarette or tobacco infractions or misdemeanor charges, to
12 conduct felony first appearance hearings and the preliminary examination
13 of felony charges and to hear misdemeanor or felony arraignments. Except
14 as otherwise *specifically provided in this section*, ~~in civil cases~~, a district
15 magistrate judge shall have jurisdiction over actions filed under the code
16 of civil procedure for limited actions, K.S.A. 61-2801 et seq., and
17 amendments thereto, and concurrent jurisdiction, powers and duties with a
18 district judge. ~~Except as otherwise specifically provided in this subsection~~
19 ~~and subsection (b) section, in all other civil cases, a district magistrate~~
20 ~~judge shall have jurisdiction over any civil action not filed under the code~~
21 ~~of civil procedure for limited actions only with the consent of the parties.~~
22 ~~A district magistrate judge shall have jurisdiction over uncontested actions~~
23 ~~for divorce. Except with consent of the parties, or as otherwise specifically~~
24 ~~provided in this section, a district magistrate judge shall not have~~
25 ~~jurisdiction or cognizance over the following actions:~~

26 (1) Any action, other than an action seeking judgment for an
27 unsecured debt not sounding in tort and arising out of a contract for the
28 provision of goods, services or money, in which the amount in controversy,
29 exclusive of interests and costs, exceeds \$10,000. The provisions of this
30 subsection shall not apply to actions filed under the code of civil
31 procedure for limited actions, K.S.A. 61-2801 et seq., and amendments
32 thereto. In actions of replevin, the affidavit in replevin or the verified
33 petition fixing the value of the property shall govern the jurisdiction.
34 Nothing in this paragraph shall be construed as limiting the power of a
35 district magistrate judge to hear any action pursuant to the Kansas
36 probate code or to issue support orders as provided by subsection (a)(6);

in all other
civil matters.

and
uncontested
divorces.