



**Testimony of Adam Smith, Wallace County Commissioner
Vice-President of Kansas Legislative Policy Group
Before the House Judiciary Committee
RE: House Bill No. 2016 and 2113
February 7, 2013**

Member Counties

*Barber
Barton
Clark
Cloud
Ellis
Finney
Gove
Grant
Gray
Hamilton
Harper
Haskell
Hodgeman
Lane
Logan
Meade
Morton
Ness
Norton
Rawlins
Rice
Russell
Seward
Scott
Sheridan
Stanton
Stevens
Thomas
Trego
Wallace
Wichita*

Dear Chairman Kinzer and Members of the Committee:

The Kansas Legislative Policy Group (KLP) is providing testimony in opposition to House Bill No. 2016 and 2113. KLP is a non-partisan, non-profit corporation of elected commissioners from 31 rural Kansas counties. I appreciate the opportunity to submit remarks on this issue, because our members recognize that it is of great importance for legislative committees to hear from constituent groups on matters before them.

Our member counties have no issue with the Court's desire to operate efficiently and dispense justice in a timely manner. Our counties are concerned with House Bill Nos. 2016 and 2113, both which seek to eliminate the statutory provisions for no less than one judge to reside in each Kansas county.

The Court has long had the authority to move judicial resources as needed on a temporary basis and the Court has used that authority throughout the years. KLP believes the Court can continue the practice of temporary assignment of District Magistrate Judges and free up District Judges to hear more complex legal matters thus creating efficiency in the judicial system. The Court's may say they lack clear authority to temporarily assign district magistrates to another county, KLP suggests clear statutory language authorizing the temporary reassignment of judicial resources. By doing so, the State would save money on personnel costs and only travel and lodging expenses would require funding as compared to a new judicial position.

Rural counties are not immune from crime and often the need for access to a judge is immediate in order to request search warrants, arrest warrants and to also address other urgent matters requiring consent from a judge. In smaller rural counties with limited resources law enforcement personnel may not have the human resources to send a law enforcement officer to another county, potentially a long distance away to appear before a judge in order to request a search warrant.

Under the dual funding system established for Kansas courts, the State provides the personnel expenses and counties are required provide the operating expenses, that includes office space, equipment and the needed maintenance.

In one of the legislative proposals (HB 2016), counties, which lose their resident judge, are still responsible for the operation costs. However, if the county desires to maintain that resident judicial position the county can fund it. (The Supreme Court's Blue Ribbon Commission found that Magistrate Judges should be employees of the judicial system, not employed by the county that they preside in.) In some KLPG counties, targeted for elimination of a judge, retaining the judicial magistrate position will mean a tax increase of several mills. While the counties likely to receive the benefit of an additional judge have a much broader tax base to draw from and the financial impact would be a fraction of impact to a rural community. If rural counties want it we can pay for it, but if urban counties want it they don't, the logic seems reversed.

All counties are potentially facing additional funding requirements from the Court through e-filing (hardware acquisition), electronic service of process (service document printing) and other funding matters that will come before the legislature.

We encourage this Committee to reject House Bill No. 2016 and 2113.

Thank you for your consideration and the opportunity to present these remarks.

Adam Smith

Wallace County Commissioner,
Vice-President of Kansas Legislative Policy Group