

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, January 22, 2015, 112-N of the Capitol.

All members were present except:

Representative Annie Kuether – Excused

Representative Pam Curtis – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Katherine Goyette, Office of Revisor of Statutes

Jason Thompson, Office of Revisor of Statutes

Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Lance Kinzer, former Representative

Larry Heyka

Professor Stephen Ware

Brant Laue, Chief Counsel to the Governor

Kris Kobach, Secretary of State

Gerald Green, Kansas Bar Association

Lynn Johnson, Kansas Association for Justice

Professor Martin Dickinson

Janis McMillen, Kansas League of Women Voters

Professor Jeffrey Jackson

Mark Katz, Kansas Association of Defense Counsel

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker recognized Senator Dennis Pyle. He introduced a concurrent resolution amending Article 3, Subsection 5(c) of the Kansas Constitution regarding the retention of judges. This will raise the retention requirement to two-thirds of the vote of the people to retain a judge in office. The bill was accepted.

Representative Erin Davis introduced a bill relating to the Financial Privacy Act. The bill was accepted.

Representative Erin Davis introduced a bill regarding notice to non-party business record subpoenas. The bill was accepted.

Representative Les Mason introduced a bill relating to crimes, punishment and procedure on DUI's. The bill was accepted.

CONTINUATION SHEET

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Kathy Taylor on behalf of the Kansas Bankers Association introduced a bill amending Article 4A, relating to wire transfers. The bill was accepted.

Presentation on:

Chairperson Barker opened the informational hearing on judicial selection reform.

Chairperson Barker recognized former Representative Lance Kinzer who gave testimony in favor of judicial selection reform ([Attachment 1](#)).

Chairperson Barker advised the committee that he would like all questions held until all of the proponents have testified.

Testimony was given by Larry Heyka in support of judicial selection reform ([Attachment 2](#)).

Chairperson Barker recognized Professor Stephen Ware as a proponent of judicial selection reform ([Attachment 3](#)).

Brant Laue, Chief Counsel to the Governor, testified as a proponent of judicial selection reform ([Attachment 4](#)).

Chairperson Barker recognized Kris Kobach, Secretary of State, who testified as a proponent ([Attachment 5](#)).

Chairperson Barker directed the committee's attention to the written proponent testimony of Rodger Woods, for Americans for Prosperity ([Attachment 6](#)); Felita Kahrs, Supreme Court Nominating Commission member ([Attachment 7](#)); Kathy Ostrowski, Kansans for Life ([Attachment 8](#)); Clayton Barker, Kansas Republican Party ([Attachment 9](#)); and Derek Schmidt, Kansas Attorney General ([Attachment 10](#)). Chairperson Barker asked the Committee if they wanted to ask questions now or wait until the opponents had testified. It was the consensus of the committee to wait until everyone had testified.

Chairperson Barker recognized Gerald Green, on behalf of the Kansas Bar Association, as an opponent to judicial selection reform ([Attachment 11](#)).

Chairperson Barker stated that the committee should ask questions of Former Chairperson Kinzer since he has to leave early. Questions were asked by Representative James Todd relating to the rationale for the Senate handling the confirmation proceedings rather than the House. Representative Leslie Osterman had a question concerning the role of the court.

Chairperson Barker then asked the committee to submit any additional questions in writing to the conferees in order to have time to hear the testimony of each remaining conferee.

CONTINUATION SHEET

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Chairperson Barker then recognized Lynn Johnson, on behalf of the Kansas Association for Justice, as an opponent of judicial selection reform ([Attachment 12](#)).

Professor Martin Dickinson testified as an opponent of judicial selection reform ([Attachment 13](#)).

Janis McMillen, on behalf of the Kansas League of Women Voters, testified as an opponent of judicial selection reform ([Attachment 14](#)).

Chairperson Barker then recognized Professor Jeffrey Jackson as an opponent of judicial selection reform ([Attachment 15](#)).

Mark Katz presented testimony on behalf of the Kansas Association of Defense Counsel in opposition to judicial selection reform ([Attachment 16](#)).

Chairperson Barker directed the committee to the written opponent testimony of Anne Burke ([Attachment 17](#)).

Chairperson Barker opened the floor for questions to the conferees. He noted that the committee members could also visit with the conferees following the hearing.

Representative John Carmichael asked questions of Secretary of State Kris Kobach relating to his statement that the judges on the Kansas Supreme Court and Court of Appeals are inferior. Mr. Kobach gave three examples of poorly worded Kansas Supreme Court decisions -- Montoy, Carr, and Taylor.

Chairperson Barker closed the hearing. The next committee meeting will be held on January 26, 2015. The meeting was adjourned at 5:00 p.m.