

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Wednesday, February 11, 2015, 112-N of the Capitol.

All members were present

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:

Gerald Green, Kansas Bar Association
Lynn Johnson, Kansas Association for Justice
Mark Katz, Kansas Association of Defense Counsel

Others in attendance:

[See Attached List](#)

Hearing on: HCR5004 — Constitutional amendment revising article 3, relating to the judiciary; providing for direct partisan election of supreme court justices and court of appeals judges; abolishing the supreme court nominating commission.

Chairperson Barker announced that he was opening the hearings on both **HCR5004** and **HCR5005**. There was an informational hearing on January 22, 2015, and he would encourage the committee members to review the testimony from that hearing. Additional testimony has also been submitted for today's hearing, although much of it is the same. The only proponent to **HCR5004** and **HCR5005** is Clayton Barker on behalf of the Kansas Republican Party, and his testimony is written only ([Attachment 1](#)). There is also written proponent testimony from Attorney General Derek Schmidt ([Attachment 2](#)); Brant Laue, Chief Counsel to the Governor ([Attachment 3](#)); Secretary of State Kris Kobach ([Attachment 4](#)); former Representative Lance Kinzer ([Attachment 5](#)); Professor Stephen Ware ([Attachment 6](#)); Rodger Woods, Kansans for Prosperity ([Attachment 7](#)); Jeanne Gawdun, Kansans for Life ([Attachment 8](#)); Felita Kahrs, Member, Supreme Court Nominating Commission ([Attachment 9](#)); and Larry Heyka ([Attachment 10](#)). There are some opponents who will be testifying today, as well as some written testimony which has been submitted.

Jason Thompson, Office of Revisor of Statutes, gave an overview of **HCR5004** and **HCR5005**. Questions were asked by Representative John Carmichael concerning **HCR5004** and by Representative John Rubin regarding **HCR5005**.

Chairperson Barker recognized Gerald Green, President of the Kansas Bar Association, as an opponent to **HCR5004** and **HCR5005** ([Attachment 11](#)). Questions were addressed to Mr. Green by Representatives John Rubin, John Whitmer, and Mark Kahrs.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Wednesday, February 11, 2015, 112-N of the Capitol.

Lynn Johnson testified as an opponent to **HCR5004** and **HCR5005** on behalf of the Kansas Association for Justice ([Attachment 12](#)). Questions were asked by Representatives John Whitmer, Mark Kahrs, and John Rubin.

Mark Katz, on behalf of the Kansas Association of Defense Counsel, testified in opposition to **HCR5004** and **HCR 5005** ([Attachment 13](#)). Comments and questions were directed to Mr. Katz by Representatives Annie Kuether, Craig McPherson, Travis Couture-Lovelady, and Kyle Hoffman.

Chairperson Barker then allowed the committee to ask questions of any of the opponents. Questions were asked of Gerald Green by Vice-Chairperson Charles Macheers and Representatives Leslie Osterman and Becky Hutchins. Representatives John Whitmer, and Travis Couture-Lovelady asked questions of Lynn Johnson. Representative John Rubin asked questions of Lynn Johnson and Gerald Green. Representative John Carmichael asked questions of Gerald Green and Mark Katz.

Chairperson Barker stated that there is also written testimony in opposition to **HCR5004** and **HCR5005** by Representative John Carmichael ([Attachment 14](#)); Professor Jeffrey Jackson ([Attachment 15](#)); Tom Krebs for the Kansas Association of School Boards ([Attachment 16](#)); Janis McMillen for the Kansas League of Women Voters ([Attachment 17](#)); Anne Burke, Chair of the Kansas Supreme Court Nominating Commission ([Attachment 18](#)); Jennifer Hill, President of the Wichita Bar Association ([Attachment 19](#)); Professor Martin Dickinson ([Attachment 20](#)); and Tim Owens of Mainstream Coalition ([Attachment 21](#)).

Chairperson Barker closed the hearing on **HCR5004** and **HCR5005**.

Hearing on: HCR5005 — Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.

The hearing on **HCR5005** was held in conjunction with **HCR5004** so all testimony is contained in the minutes on **HCR5004**.

Chairperson Barker closed the hearing on **HCR5005**.

The meeting was adjourned at 5:17 p.m. The next meeting is scheduled for February 12, 2015.