

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Tuesday, March 08, 2016, 112-N of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Senator Jeff King
Honorable Dan Creitz, Kansas District Judges Association
Larry Zimmerman, Kansas Credit Attorneys Association

Others in attendance:

[See Attached List](#)

Hearing on: HB2687 — Supreme court general administrative authority over judicial branch.

Chairperson Barker opened the hearing on **HB2687**. The Chairperson advised the Committee that **HB2687** and **SB440** are mirror bills that will be taken up together today. **SB440** was passed by the Senate and assigned to this Committee, and **HB2687** was introduced in House Appropriations a couple of weeks ago. The testimony will be the same on both bills.

Jason Thompson, Revisor, provided an overview. He noted that he has prepared three memos for the Committee. The first one relates to the Solomon v. State case and separation of powers ([Attachment 1](#)); the second one lists all the statutes that are repealed by **HB2687** and **SB440** ([Attachment 2](#)); and the last memorandum lists the statutes repealed by **HB2705** and **SB454** ([Attachment 3](#)). The Solomon ruling struck down the whole law since it contained a non-severability clause. As a result, the law reverts back to what it was in 2013. That law now has to be revived so it can be repealed or amended. Everything that will now be done will be a constitutional enactment. Representative Craig McPherson had a question.

The Revisor then gave an overview on **HB2687**, which is the same as **SB440**. He noted that the provision in **SB440** concerning impeachment was stricken from the floor and is no longer in the bill. Questions were asked by Representatives John Whitmer, John Rubin, Craig McPherson, and Leslie Osterman related to whether it was more appropriate for the Legislature to determine the salaries of the Judicial Branch or to give that authority to the supreme court.

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Chairperson Barker recognized Senator Jeff King to discuss both **HB2687** and **SB440**. Senator King addressed the issue of salaries and how they should be administered. He also discussed how the bill came about and the logic used by the Senate in **SB440**. The selection of chief judges, the **Solomon** decision, and the separation of powers were also discussed. Questions were asked by Chairperson Barker and Representatives Janice Pauls, John Carmichael, Annie Kuether, John Whitmer, Blaine Finch, and Leslie Osterman.

Chairperson Barker recognized the Honorable Dan Creitz who provided neutral testimony on behalf of the Kansas District Judges Association (**Attachment 4**). Questions were asked by Representatives Kyle Hoffman, James Todd, and Charles Macheers.

Chairperson Barker noted that there was written neutral testimony from Nancy Dixon on behalf of the Kansas Supreme Court (**Attachment 5**).

The hearing was closed on **HB2687** and **SB440**.

Hearing on: SB440 — Substitute for SB 440 by Committee on Judiciary – Supreme court general administrative authority over judicial branch.

The testimony and discussion on **SB440** is contained under **HB2687** above.

Hearing on: HB2705 — Amending court docket fees and charges.

Chairperson Barker opened the hearing on **HB2705**. He recognized Senator Jeff King to discuss **HB2705**. This bill is a continuation of the separation of powers discussion. The **Solomon** decision made it clear that the legislature has to do something with docket fees. A uniform approach needs to be established. The administration of docket fees for the purpose of raising revenue for the courts is a core function of the administration of the Judicial Branch. The Senate Judiciary Committee felt that the setting of those fees would be better exercised by the court itself in performing its own administrative function, giving them the flexibility of setting their own fees. At the federal level, the government sets a \$350 fee for docketing a case, but after that leaves the setting of fees entirely to the Judicial Branch. That approach works well at the federal level. What **HB2705** proposes is almost identical to the federal system. Representatives John Whitmer and Mark Kahrs had questions.

Chairperson Barker recognized the Honorable Dan Creitz, Chief Judge, 31st Judicial District, who provided neutral testimony on **HB2705** (**Attachment 6**). Chairperson Barker had some questions.

Larry Zimmerman for the Kansas Credit Attorneys Association testified as a neutral to **HB2705** (**Attachment 7**). Questions were asked by Representatives Randy Powell, Leslie Osterman, Kyle Hoffman, and Dennis Highberger.

Chairperson Barker advised the Committee that there was written neutral testimony from Nancy Dixon for the Kansas Supreme Court (**Attachment 8**) and written opponent testimony from Drew Graham for

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Credit Management ([Attachment 9](#)).

Chairperson Barker closed the hearing on **HB2705**.

Possible action on bills previously heard

HB2553 - Increasing municipal court assessments and directing to the commission on peace officers' standards and training.

*Representative John Whitmer made a motion to recommend **HB2553** favorably for passage, seconded by Representative Erin Davis.*

*After seeing there was no discussion, a vote was taken. **HB2553** passed.*

SB376 - Amending law enforcement duties concerning missing person reports.

*Vice-Chairperson Charles Macheers moved that **SB376** be recommended favorably for passage, seconded by Representative Randy Powell.*

*There being no discussion, **SB376** was favorably passed.*

SB415 - Legislative review of exceptions to disclosure of public records.

*Representative Janice Pauls moved that **SB415** be recommended favorably for passage, seconded by Representative John Whitmer.*

*Representative Janice Pauls moved to amend **SB415** to allow the disclosure of charitable gaming licensee information, seconded by Representative Erin Davis.*

Jason Thompson, Revisor, provided an overview of the amendment ([Attachment 10](#)).

Representative John Carmichael expressed concern about inserting charitable gaming into this open records bill. Representative Pauls stated that there is no way this can be turned into a gaming bill since the subject in **SB415** is open records.

Chairperson Barker adjourned the meeting at 5:13 p.m.