

Approved

Date: January 24, 2001

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:38a.m. on January 23, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Senator James Barnett
Natalie Haag, Chief Counsel, Office of the Governor
Elwaine Pomeroy, Kansas Credit Attorneys Association (KCAA)
Judge Terry Bullock, 3rd Judicial District, Shawnee County
Fred Logan, Attorney and Co-Chair, Kansans for an Independent Judiciary(KIJ)

Others attending: see attached list

Minutes of the January 18, 2001 meeting were approved on a motion by Senator Oleen, seconded by Senator Adkins. Carried.

Conferee Barnett requested introduction of a conceptual bill which would amend current law governing DUI prosecution to include "inhalants" as a DUI drug. (no attachment) Following brief discussion, Senator Umbarger moved to introduce the bill, Senator Schmidt seconded. Carried.

Conferee Haag requested introduction of the following two "clean-up" bills: make required publication in current law read "publication of only those procedures which are required by law"; and amend current law so that the governor may designate a person to sign warrants or requisitions for transport of prisoners across the state line. (no attachment) Senator Donovan moved to introduce the bill, Senator Goodwin seconded. Carried.

Conferee Pomeroy requested introduction of a bill which would amend the current statute defining wage garnishment by deleting the portion which prohibits a judgement creditor from using wage garnishment to enforce any claim which has been assigned. He summarized his purposes for requesting the bill. (attachment 1) Following discussion Senator Pugh moved to introduce the bill, Senator Umbarger seconded. Carried.

SCR 1604—proposition to amend the Kansas Constitution, relating to the sections on nonpartisan selection of district judges and the creation of commission for evaluating judicial performance

Conferee Bullock testified as a proponent of **SCR 1604**. He discussed the uniqueness of the judiciary when compared to the legislative and executive branches both of whom have constituencies who have elected them and he discussed the need for judges to be independent of political influence and accountable to voters. He urged Committee to enact this resolution so that litigating Kansas citizens would feel they are bringing their cases before fair and impartial judges. (attachment 2)

Conferee Logan testified as a proponent of **SCR 1604**. He stated that KIJ supports the recommendation of the Kansas Justice Commission to adopt a constitutional amendment that would require non-partisan appointment of judges on a statewide basis and provide for a formal Kansas Judicial Evaluation Commission which would prepare and make available to the public evaluations of each judge prior to each judicial retention election. He explained the resolution and discussed why he felt it represents the best public policy for the state especially in terms of restoring public confidence in the judicial system. (attachment 3) Lengthy discussion followed.

Written testimony supporting **SCR 1604** was submitted by Jack Focht, Appleseed Center for Law and Justice. (attachment 4)

The meeting adjourned at 10:30 a.m. The next regular meeting is January 24, 2001.