

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 24, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Randy Hearrell, Kansas Judicial Council
Honorable Stephen Hill, Chair, Kansas Judicial Council Performance Advisory Committee
Honorable Gary Rulon, Chief Judge, Kansas Court of Appeals
Doug Smith, Kansas Credit Attorneys Association

Chairman O'Neal opened the hearing on **HB 2612 - establishing the commission on judicial performance; evaluations of judges and justices; increasing docket fees.**

Randy Hearrell, Kansas Judicial Council, explained that the proposed bill is really framework for the commission with the details and rules to be worked out after the commission has been established. The Judicial Council undertook studying the issue of judicial evaluations in 2004. They determined that any judicial evaluation program should be structured and implemented as to not impair judicial independence and the process should also be free from political, ideological and issue-oriented considerations.

The goal of judicial evaluations would be to improve the performance of judges and justices and provide information to voters in retention districts to assist them in making informed decisions about judges & justices before voting. Once the data is collected the information would be distributed in voters guides, in mailings, on the internet and to individual judges for self-improvement.

It was suggested that the authority over the development & implementation of a judicial performance commission be placed with the Kansas Judicial Council. The commission would be funded by a \$2.00 increase in docket fees. (Attachment 1)

Mr. Hearrell suggested that page 1, line 39 of the bill should read "... Kansas judge of the district court and..."

Honorable Stephen Hill, Chair, Kansas Judicial Council Performance Advisory Committee, believed that any information provided to the public that helps them make an informed decisions on judges & justices is good information. Feedback is a great way for those who are on the bench to determine whether they need to improve their performance or not. (Attachment 2)

Honorable Gary Rulon, Chief Judge, Kansas Court of Appeals, commented that all members of the Appellant Court recognize this legislation as being important and endorses it unanimously. (Attachment 3) He did state that it was his personal belief that the docket fee increase was not the best funding source because the evaluation system will benefit all the citizens of Kansas not just those who use the court system.

Randy Hearrell stated that if the provisions to increase docket fees was struck from the bill he would have not problem suggesting that it come from the state general fund.

Committee members voiced their concern that the Supreme Court might not approve the rules and therefore would shut down the commission.

Written testimony in support of the bill was provided by the:
Kansas Bar Association (Attachment 4)
Kansas Supreme Court (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 24, 2006 in Room 313-S of the Capitol.

Kansas District Magistrate Judge's Association (Attachment 6)
Kansas District Judge's Association (Attachment 7)

While Doug Smith, Kansas Credit Attorneys Association, supported the creation of the commission and doing judicial performance reviews, he was concerned with the increase in docket fees to fund the program. He suggested that the funding should run through the state general fund. (Attachment 8)

The hearing on **HB 2612** was closed.

HB 2555 - criminal justice recodification, rehabilitation and restoration project committee

Representative Loyd made the motion to report **HB 2555** favorably for passage. Representative Crow seconded the motion.

Representative Loyd made the substitute motion to report **HB 2555** favorably for passage and be placed on the consent calender because of its noncontroversial nature. Representative Owens seconded the motion. The motion carried.

HB 2608 - Kansas health policy authority hearings conducted in accordance with the Kansas administrative procedure act

Representative Loyd made the motion to report **HB 2608** favorably for passage and be placed on the consent calender because of its noncontroversial nature. Representative Owens seconded the motion. The motion carried.

HB 2609 - small claims; forms set forth by judicial council not office of judicial administration

Representative Crow made the motion to report **HB 2609** favorably for passage and be placed on the consent calender because of its noncontroversial nature. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for 3:30 p.m. on Wednesday, January 25, 2006 in room 313-S.