

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, February 05, 2015, 112-N of the Capitol.

All members were present except:

Representative James Todd – 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:

Ronald Nelson

Others in attendance:

[See Attached List](#)

Chairperson Barker advised the committee that the schedule for next week may change so that those who want to can attend the funeral of Representative Dennis Hedke's wife in Wichita.

Bill introductions

Chairperson Barker called for bill introductions.

Representative Becky Hutchins introduced a bill dealing with the Kansas State Board of Education and local school board conflicts of interest. The bill was accepted.

Representative Becky Hutchins introduced a conceptual bill which deals with appellate judges. The bill was accepted.

Representative Blaine Finch introduced a House Concurrent Resolution which would amend the Kansas Constitution concerning judicial selection. It retains a merit selection panel based on four attorneys, one from each congressional district, five selected by the bar; five selected by the Governor, one of which must be an attorney. Two-thirds of the panel will have to agree to send any name to the governor. The nominee goes through senate confirmation after the Governor makes his pick. It constitutionalizes the Kansas Court of Appeals and puts the retirement age of appellate judges at 75. The bill was accepted.

Representative Erin Davis introduced a conceptual bill relating to DUI administrative hearings. The bill was accepted.

Luke Bell on behalf of the Kansas Realtors Association introduced a bill relating to Kansas commercial liens. The bill was accepted.

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.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Thursday, February 05, 2015, 112-N of the Capitol.

Hearing on: HB2114 — Relating to subpoena of nonparty business records.

Chairperson Barker opened the hearing on **HB2114**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

Chairperson Barker recognized Ronald Nelson as a proponent of **HB2114** ([Attachment 1](#)). Questions were asked by Representative John Carmichael relating to how this would affect subpoenas being issued during inquisitions in criminal matters, as well as subpoenas that may be issued by state agencies in the civil context regarding licensure or other administrative matters. There also have been instances where subpoenas have been issued for individuals' medical records in criminal and/or administrative proceedings. He wants to know if those individuals have any standing to receive notification or are able to challenge the subpoena of those records.

Representative Erin Davis advised that she does support this bill with regard to civil cases because she believes non-parties should be notified when their records are being subpoenaed. However, she has been working with the Kansas County and District Attorney Association to either prepare a balloon amendment to this bill dealing with the criminal aspect or to put something in the criminal code. It is not their intention to give notice to someone under investigation in a criminal investigation.

Chairperson Barker directed the committee's attention to the written proponent testimony of Michael Lucansky ([Attachment 2](#)) and Joe Molina of the Kansas Bar Association ([Attachment 3](#)). There were no opponents or neutrals.

Chairperson Barker closed the hearing on **HB2114**.

Possible action on bills previously heard
HB2022 -- Qualifications for office of sheriff.

Chairperson Barker told the committee to open their files on **HB2022**.

*Representative Blaine Finch moved to report **HB2022** favorably for passage, seconded by Representative Leslie Osterman.*

*Representative Blaine Finch made a motion to amend **HB2022**, seconded by Representative Mark Kahrs.*

Representative Finch provided the committee with a balloon amendment ([Attachment 4](#)) and explained what it does. There was no discussion.

*Representative Blaine Finch closed on the amendment to **HB2022**. A vote was taken, and the amendment was favorably passed.*

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.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Thursday, February 05, 2015, 112-N of the Capitol.

Representative Blaine Finch moved to report HB2022, as amended, favorably for passage, seconded by Representative John Whitmer. **HB2022**, as amended, passed favorably.

Chairperson Barker asked Representative John Whitmer to carry **HB2022**.

Chairperson Barker called for a motion regarding the minutes of January 20 and January 21, 2015.

Representative John Carmichael moved that the minutes of January 20 and January 21, 2015 be approved, seconded by Representative Stephen Alford. The minutes were approved.

Chairperson Barker reminded the committee that the next meeting is scheduled for February 9, 2015, but asked them to check their emails to see if the schedule changes.

The meeting was adjourned at 3:57 p.m.