

Journal of the House

SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 20, 2015, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.
The roll was called with 115 members present.
Reps. Gallagher and Kuether were excused on verified illness.
Reps. Curtis, Edmonds, Goico, Henry, Merrick, Sawyer, Schwab and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Matt Zimmerman, pastor, St. Margaret's Episcopal Church, Lawrence, and guest of Rep. Sloan:

Gracious and Sovereign God, from the primal elements you brought forth the human race and blessed us with memory, reason and skill. You also blessed us with forgiveness, compassion and caring. In these times we find ourselves fraught with conflict with those in other lands of whom we have little knowledge or understanding. Events here at home cause us to wonder how well we know each other; too often the art of compromise gives way to hurtful feuding.

Help us all remember and reclaim the virtue of humility that enables us to continue to listen to one another in the midst of strife; the humility that keeps us faithful during the difficult and arduous times without weakening or seeking escape; the humility that gives birth to endurance and desire for the right and the just way of things.

I pray your blessing, O Lord, upon these women and men as they engage in the work you have called them to do. Bless their memory with forgiveness, their reason with compassion, and their skill with your caring.

All this I ask in your Holy Name, Amen.

The Pledge of Allegiance was led by Rep. Wolfe Moore.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Ballard are spread upon the Journal:

Reverend Martin Luther King, Jr. Remembrance 50 years later....

Fifty years ago, Dr. King led thousands of marchers across the Edmund Pettus Bridge in Selma, Alabama on March 21, 1965. The movie Selma recently opened in theatres, across the country and has been nominated for Best Picture.

On August 6, 1965, President Lyndon B. Johnson signed the Voting Rights Act into law.

The series of programs and events presented in observance of Reverend Martin Luther King marked the 46th year the nation has celebrated the legacy of the civil rights leader, who was assassinated April 4, 1968. In 1994, Congress designated the Martin Luther King, Jr. federal holiday as a national holiday.

Dr. King delivered a speech outside Detroit, describing two Americas: one that is prosperous, safe, and full of opportunity and hope, and another that is fearful, grinding and with a new obstacle around each corner. Fifty years later, Reverend King's description of two Americas still resonates today, though we have come a long way towards his dream and many would not believe the changes and the progress we have made in our country. But we all know, as a country, that we must do better. The people we love, and who love us are counting on us. The community where we live and work are counting on us. The people we serve are counting on us.

Dr. King put himself, his faith and his trust in God and caring people, into a peaceful, nonviolent revolution to bring about change. We must continue to work together to create "one" America. "Dr. King's inclusive legacy must live on inside each of us." We can make a difference, not because we are forced to but because we want to and we can.

I will close with a quote from Dr. Martin Luther King, Jr.: "*Darkness Cannot Drive Out Darkness; Only Light Can Do That. Hate Cannot Drive Out Hate; Only Love Can Do That.*"

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2045, AN ACT concerning social welfare; relating to eligibility requirements for the Kansas program of medical assistance; amending K.S.A. 2014 Supp. 39-709 and repealing the existing section, by Representative Ward.

HB 2046, AN ACT repealing K.S.A. 2014 Supp. 65-6230; concerning the health care compact, by Representative Ward.

HB 2047, AN ACT enacting the patient empowerment act; concerning developmental disabilities; relating to the I/DD waiver program, by Representative Ward.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2038**.

Education: **HB 2034, HB 2035**.

Energy and Environment: **HB 2036, HB 2037**.

Health and Human Services: **HB 2041, HB 2042, HB 2043**.

Judiciary: **HB 2039, HB 2040**.

Transportation: **HB 2033, HB 2044**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2014** from Committee on Agriculture and Natural Resources and referral to Committee on Agriculture and Natural Resources Budget.

Also, the withdrawal of **HB 2007** from Committee on Corrections and Juvenile Justice and rereferral to Committee on Federal and State Affairs.

MESSAGE FROM THE GOVERNOR

**Executive Reorganization Order No. 43
By Governor Sam Brownback
January 16, 2015**

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 43 to both houses of the Kansas Legislature. Simultaneous with this Order, I am transmitting the accompanying Governor's Message.

This reorganization affects operations at the Kansas Department of Health and Environment and the Kansas Department for Children and Families.

Beginning July 1, 2015 the Department for Children and Families will assume foster care licensing responsibilities that currently fall under KDHE. DCF is responsible for child welfare services in Kansas. Placing that responsibility under DCF will help streamline the process and further the agency's ability to monitor the entire foster care system and serve those in need.

This Executive Reorganization Order also transfers Medicaid eligibility processing duties from DCF to KDHE on January 1, 2016. KDHE is the State Medicaid agency and currently has employees in the Division of Health Care Finance with knowledge

and expertise in Medicaid eligibility. Combining the current KDHE and DCF work groups that manage Medicaid eligibility will improve service by reducing the Kansas Medicaid Payment Error Rate Measurement by coordinating staff training and ensuring uniform implementation of policy and processing changes.

This will be a positive change for both agencies and the State of Kansas. The reorganization will allow DCF to better monitor the entire foster care system. It will also enhance the coordination between when a client applies for Medicaid, is determined eligible and receives medical services.

My administration looks forward to working with the Kansas Legislature on this and other solutions to provide better service to the citizens of Kansas.

Executive Reorganization Order No. 43

By Governor Sam Brownback

Section 1. a) The department of health and environment was established by K.S.A. 75-5601 *et seq.*

(b) Within the department of health and environment there are three divisions: division of public health, the division of environment and the division of health care finance.

(c) Within the division of public health there are various bureaus and programs which carry out and administer the multiple functions of the department.

(d) Included among those bureaus of the division of public health is the bureau of family health. Within the bureau of family health there is the child placing agency and residential programs section. Among other functions, this bureau licenses and regulates foster care and other residential facilities.

(e) The department for children and families was established by K.S.A. 75-5301 *et seq.*

(f) Within the department for children and families there is an economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services.

(g) Except as otherwise provided by this order, beginning January 1, 2016 all the powers, duties and functions of the department for children and families, economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services are hereby transferred to and imposed upon the department for health and environment and the secretary of the department of health and environment.

(h) Except as otherwise provided by this order, beginning July 1, 2015 all the powers, duties and functions of the department of health and environment, division of public health section for child placing agencies and residential facilities which, among other things, licenses and regulates foster care and other residential facilities are hereby

transferred to and imposed upon the Kansas department for children and families and the secretary of the department for children and families.

(i) The department for children and families shall be the successor in every way to the powers, duties and functions of the bureau of family health, child placing agency and residential programs section in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred power, duties and functions by or under the authority of the department of health and environment, division of public health, bureau of family health, child placing agency and residential programs section shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

(j) The department of health and environment shall be the successor in every way to the powers, duties and functions of the department for children and families concerning duties and functions of the department for children and families, economic and employment services section that determines eligibility for services under Title XIX of the Social Security Act (Medicaid) and eligibility for state funded medical services in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred power, duties and functions by or under the authority of the department for children and families, economic and employment services section that, among other functions, determines eligibility for services under Title XIX of the Social Security Act, known as Medicaid and eligibility for services for state funded medical services, that pertains to determining eligibility for Medicaid and state funded medical services shall be deemed to have the same force and effect as if performed by the department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Section 2. (a) The department for children and families or designees appointed by the secretary shall be the successor in every way to the powers, duties, and functions of any state agency department, board, commission or council, providing services and creating systems in order to comply with the provisions of any laws or regulations affecting the department of health and environment, division of public health, bureau of family health, child placing and residential programs. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department for children and families shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties and functions were vested prior to the date of this order.

(b) The department of health and environment or designees appointed by the secretary shall be the successor in every way to the powers, duties, and functions of any state agency department, board, commission or council, providing services and creating systems in order to comply with the provisions of any laws or regulations affecting the department for children and families, eligibility and employment services section which pertains to determining eligibility for Medicaid services. Every act performed in the

exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties and functions were vested prior to the date of this order.

(c) Wherever the department of health and environment, pertaining to the duties or functions of the child placing agency and residential programs section division of public health, bureau of family health, or words of like effect is referred to or designated by statute, contract, memorandum, agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department for children and families, such reference or designation shall be deemed to apply to the department for children and families.

(d) Wherever the department for children and families, economic and employment services section that determines eligibility for services under Title XIX of the Social Security Act (Medicaid) and state funded medical services, or words of like effect are referred to or designated by statute, contract, memorandum, agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment, such reference or designation shall be deemed to apply to the department of health and environment.

(e) All rules and regulations, orders and directives of the Kansas department of health and environment which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of the department for children and families respective to the duties that the secretary for children and families is assuming by this order.

(f) All rules and regulations, orders and directives of the Kansas department for children and families which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of the department of health and environment respective to the duties that the secretary of health and environment is assuming by this order.

Section 3. (a) The balance of all funds or accounts thereof appropriated or reappropriated for the Kansas department of health and environment or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department for children and families respective to the powers, duties and functions transferred by this order.

(b) The balance of all funds or accounts thereof appropriated or reappropriated for the Kansas department for children and families or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment respective to the powers, duties and functions transferred by this order.

(c) Liability for the accrued compensation or salaries of officers and employees who are transferred to the department for children and families under this order shall be assumed and paid by the department for children and families, respective to the powers, duties and functions transferred by this order.

(d) Liability for the accrued compensation or salaries of officers and employees who are transferred to the department of health and environment under this order shall be assumed and paid by the department of health and environment, respective to the powers, duties and functions transferred by this order.

Section 4. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department for children and families and the department of health and environment shall respectively succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred by this order.

Section 5. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The Court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Section 6. (a) All officers and employees of the Kansas department of health and environment, who immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department of health and environment who are determined by the secretary of the Kansas department for children and families and the secretary of the Kansas department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department for children and families, respective to the powers, duties and functions transferred to the department by this order. All classified officers and employees so transferred shall retain their status as classified employees.

(b) All officers and employees of the Kansas department for children and families, who immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department for children and families who are

determined by the secretary of the Kansas department of health and environment and the secretary of the Kansas department for children and families to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department of health and environment, respective to the powers, duties and functions transferred to the department by this order. All classified officers and employees so transferred shall retain their status as classified employees.

(c) Officer and employees of the Kansas department of health and environment and officers and employees of the Kansas department for children and families transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolitions of classified service positions under Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by either the Kansas department of health and environment or the Kansas department for children and families prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas department of health and environment and the Kansas department for children and families, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Section 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2015, unless disapproved by either house of the Kansas legislature as provided by subsection 6 of article 1 of the Constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE at The Capitol in Topeka
under the Great Seal of the
State of Kansas this 16th day
of January, 2015.

BY THE GOVERNOR:
SAM BROWNBACK

KRIS W. KOBACH
Secretary of State
ERIC RUCKER
Assistant Secretary of State

COMMUNICATIONS FROM STATE OFFICERS

From Lana Gordon, Secretary of Labor, Kansas Department of Labor, 2014 Annual Report.

From the Kansas Corporation Commission, Abandoned Oil and Gas Well Status Report and the Remediation Site Status Report for 2015.

From Brianna Landon, Policy Analyst and Legislative Liaison, Kansas Department of Health and Environment, KDHE Division of Environment Reports. They are also available at: <http://www.kdheks.gov/testimony/index.htm>

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were thereupon introduced and read by title:

HB 2048, AN ACT concerning crimes, punishment and criminal procedure; relating to search warrants; amending K.S.A. 2014 Supp. 22-2502 and repealing the existing section, by Committee on 2014 Special Committee on Judiciary.

HB 2049, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of controlled substances; amending K.S.A. 2014 Supp. 21-5706 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2050, AN ACT concerning crimes, punishment and criminal procedure; relating to probation and postrelease supervision; violation sanctions; amending K.S.A. 2014 Supp. 22-3716 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2051, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; good time and program credits; amending K.S.A. 2014 Supp. 21-6821 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2052, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; nonprison sanctions; amending K.S.A. 2014 Supp. 21-6810 and 21-6824 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2053, AN ACT concerning crimes, punishment and criminal procedure; relating

to calculation of criminal history; correction of sentence; amending K.S.A. 22-3504 and K.S.A. 2014 Supp. 21-6810 and 21-6811 and repealing the existing sections, by Committee on 2014 Special Committee on Judiciary.

HB 2054, AN ACT enacting the public speech protection act, by Committee on 2014 Special Committee on Judiciary.

HB 2055, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; out-of-state misdemeanors; amending K.S.A. 2014 Supp. 21-6811 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2056, AN ACT concerning crimes, punishment and criminal procedure; relating to community corrections; use of risk assessment tool; amending K.S.A. 2014 Supp. 75-5291 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2057, AN ACT concerning crimes, punishment and criminal procedure; relating to review and appeal of convictions resulting in a sentence of death; limitations and procedure for motions attacking sentence filed by prisoners; additional procedures for prisoners under sentence of death; amending K.S.A. 60-1507 and K.S.A. 2014 Supp. 21-6619 and repealing the existing sections, by Committee on Judiciary.

HB 2058, AN ACT concerning hospitals; relating to designated lay caregivers; duties; policies and procedures, by Committee on Children and Seniors.

HB 2059, AN ACT concerning water; related to the diversion of water; chief engineer; amending K.S.A. 82a-706b and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2060, AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire compact, by Committee on Agriculture and Natural Resources.

HB 2061, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; state conservation commission; powers and duties thereof; amending K.S.A. 2014 Supp. 2-1904 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2062, AN ACT concerning crimes and punishment; relating to blackmail; breach of privacy; amending K.S.A. 2014 Supp. 21-5428 and 21-6101 and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **HCR 5004**—

By Committee on Judiciary

HCR 5004--A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of

Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"Article 3.—JUDICIAL

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be coextensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement, resignation or removal of a justice, shall be filled by election at the next general election. Such election shall be partisan and from the state as a whole. Except as otherwise provided in this section, election laws applicable to other state officers elected from the state as a whole shall apply to the nomination and election of justices of the supreme court. Each justice of the supreme court elected as provided by law shall hold office for a term of six years which term shall commence on the second Monday in January following the general election. Justices of the supreme court may seek reelection.

(b) Each justice in office at the time this amendment takes effect shall hold office for the term for which such justice was retained in office by election, or hold

office for the initial term for which such justice was appointed, and until a successor is elected and qualified. The office which such justice holds shall be open upon the expiration of such justice's term of office, or upon the retirement, resignation or removal of such justice, whichever occurs first. Such justice shall be eligible for election to such office in the manner prescribed in this section, unless by law such justice is compelled to retire or such justice retired, resigned or was removed from such office.

"§ 6. Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the court of appeals and any position to be open thereon as a result of enlargement of the court, or the retirement, resignation or removal of a judge, shall be filled by election at the next general election. Such election shall be partisan and from the state as a whole. Except as otherwise provided in this section, election laws applicable to other state officers elected from the state as a whole shall apply to the nomination and election of judges of the court of appeals. Each judge of the court of appeals elected as provided by law shall hold office for a term of six years which term shall commence on the second Monday in January following the general election. Judges of the court of appeals may seek reelection.

(b) Each judge in office at the time this amendment takes effect shall hold office for the term for which such judge was retained in office by election, or hold office for the initial term for which such judge was appointed, and until a successor is elected and qualified. The office which such judge holds shall be open upon the expiration of such judge's term of office, or upon the retirement, resignation or removal of such judge, whichever occurs first. Such judge shall be eligible for election to such office in the manner prescribed in this section, unless by law such judge is compelled to retire or such judge retired, resigned or was removed from such office.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by certain judges. No judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable

to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution, to do away with the supreme court nominating commission and to provide for election of justices of the supreme court and judges of the court of appeals. Future justices and judges would be elected in partisan, statewide elections. Each justice and judge elected would hold office for a term of six years and would be allowed to seek reelection.

"A vote for this proposition would cause justices of the supreme court and judges of the court of appeals to be elected in partisan, statewide elections for terms of six years.

"A vote against this proposition would continue the current system in which justices of the supreme court are appointed by the governor from a list of three individuals submitted by the supreme court nominating commission and judges of the court of appeals are appointed by the governor, with the consent of the senate."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or

appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the election in August in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5005**—

By Committee on Judiciary

HCR 5005--A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"Article 3.—JUDICIAL

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each

year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(3) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each justice of the supreme court appointed pursuant to subsection (a)

and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any justice of the supreme court, the justice may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the justice shall be vacant upon the expiration of the justice's term of office. If such declaration is filed, the justice's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall (Here insert name of justice.), Justice of the Supreme Court, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the justice in office, the position which the justice holds shall be vacant upon the expiration of the justice's term of office. Otherwise, unless the justice is removed for cause, the justice shall remain in office for the regular term of six years from the second Monday in January following the election. At the expiration of each term, unless by law the justice is compelled to retire, the justice shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the justice's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such justice who has not been retained in office pursuant to this section shall not be eligible for appointment to the office of justice of the supreme court prior to the expiration of six years after the expiration of the justice's term of office.

"§ 6. Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with

the consent of the senate, of a person possessing the qualifications of office.

(3) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(4) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(5) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each judge of the court of appeals appointed pursuant to subsection (a) and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall (Here insert name of

judge.), Judge of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for the regular term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

(d) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by justices and certain judges. No justice of the supreme court who is appointed or retained under the procedure of section 5 of this article, nor any judge of the court of appeals who is appointed or retained under the procedure of section 6 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of

such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution and to do away with the supreme court nominating commission. The governor will appoint a qualified person, or if the governor fails to act, the chief justice of the supreme court would appoint a qualified person, and such person's appointment would be required to be confirmed by the senate. A procedure is established whereby senate confirmation would occur within 60 days of receiving the appointment. If the senate does not confirm the appointment by a majority vote, the governor would then appoint another qualified person, and such person's appointment would again go to the senate for confirmation. The same appointment and confirmation procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 60 days, it will be considered that the senate has confirmed the appointment.

"A vote for this proposition would provide a procedure whereby the governor or chief justice would appoint a person to be a supreme court justice or court of appeals judge and the senate, by majority vote, would confirm the appointment of the supreme court justice or court of appeals judge.

"A vote against this proposition would continue in effect the current provision whereby the supreme court nominating commission nominates three persons for the office of the supreme court or court of appeals and the governor appoints one of such persons."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5006**—

By Committee on Judiciary

HCR 5006--A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or

rejection: Article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"Article 3.—JUDICIAL

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. (a) The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

(b) Justices of the supreme court: (1) Shall hold their offices during good behavior; (2) shall be subject to the retirement, discipline and removal for cause provisions of section 12 of article 3 of the constitution of the state of Kansas; and (3) shall not be subject to a retention election.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement of an incumbent, shall be filled by appointment by the governor, with the consent of the senate, of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.

(2) In event of the failure of the governor to make the appointment within 60 days from the time the names of the nominees are submitted to the governor, the chief justice of the supreme court shall make the appointment from such nominees,

with the consent of the senate.

(b) Whenever a vacancy occurs, will occur or position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(c) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 30 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 30-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 30 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office, whose name has been submitted to the governor by the supreme court nominating commission, and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(d) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as the "supreme court nominating commission." Such commission shall be organized as hereinafter provided.

(e) The supreme court nominating commission shall be composed as follows: Three members shall be appointed by the speaker of the house of representatives, three members shall be appointed by the president of the senate and three members shall be appointed by the governor. All members shall be residents of Kansas. At least one member appointed by the speaker of the house of representatives, at least one member appointed by the president of the senate and at least one member appointed by the governor shall be members of the bar in good standing and licensed in Kansas. The governor shall appoint one of the nine members of the supreme court nominating commission to serve as such commission's chairperson.

(f) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.

(g) No member of the supreme court nominating commission shall, while a member, hold any other public office by appointment or any official position in a

political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.

(h) No justice of the supreme court serving on the supreme court on the date of ratification of this amendment by the electors of the state shall be required to stand for a retention election in order to be retained in office on such date or anytime thereafter.

"§ 6. Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement of an incumbent, shall be filled by appointment by the governor, with the consent of the senate, of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established by section 5 of this article.

(3) In event of the failure of the governor to make the appointment within 60 days from the time the names of the nominees are submitted to the governor, the chief justice of the supreme court shall make the appointment from such nominees, with the consent of the senate.

(b) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(c) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 30 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 30-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 30 days after the senate vote on the previous appointee, shall

appoint another person possessing the qualifications of office, whose name has been submitted to the governor by the supreme court nominating commission, and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(d) Judges of the court of appeals: (1) Shall hold their offices during good behavior; (2) shall be subject to the retirement, discipline and removal for cause provisions of section 12 of article 3 of the constitution of the state of Kansas; and (3) shall not be subject to a retention election.

(e) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(f) No judge of the court of appeals serving on the court of appeals on the date of ratification of this amendment by the electors of the state shall be required to stand for a retention election in order to be retained in office on such date or anytime thereafter.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the

supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by justices and certain judges. No justice of the supreme court who is appointed under the procedure of section 5 of this article, nor any judge of the court of appeals who is appointed under the procedure of section 6 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner

removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution, to change the procedure for selecting supreme court justices and court of appeals judges and to change the membership of the nonpartisan supreme court nominating commission. The nonpartisan supreme court nominating commission membership would be changed to include appointments by the speaker of the house of representatives and the president of the senate. The gubernatorial appointments to the commission would be reduced from four members to three members. The members of the bar would no longer elect members of the commission. The commission would continue to nominate three persons for appointment by the governor. The governor would appoint one of such persons to the office of justice of the supreme court or judge of the court of appeals, and such person's appointment would be required to be consented to by the senate. A procedure is established whereby senate consent would occur within 30 days of receiving the appointment. If the senate does not consent by a majority vote, the governor would then select an appointment which would again go to the senate for consent. The same appointment and consent procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 30 days, it will be considered that the senate has consented to the appointment. Further, the supreme court justices and court of appeals judges would hold their offices during good behavior, be subject to the retirement, discipline and removal for cause provisions of section 12 of article 3 of the Kansas constitution and would no longer be subject to a retention election.

"A vote for this proposition would place the law concerning the court of appeals into the constitution and provide a procedure whereby a modified supreme court nominating commission would nominate three qualified persons to the governor for each vacant office of justice of the supreme court or judge of the court of appeals. The governor or chief justice would appoint one of such persons to the office of justice of the supreme court or judge of the court of appeals and the senate, by majority vote, would consent to the appointment. The supreme court justices and court of appeals judges would hold their offices during good behavior, be subject to the retirement, discipline and removal for cause provisions of section 12 of article 3 of the Kansas constitution and would no longer be subject to a retention election.

"A vote against this proposition would leave the law concerning the court of appeals in the Kansas statutes and continue in effect the current procedure whereby the governor appoints judges of the court of appeals, with the consent of the senate. It would also continue in effect the current procedure whereby the supreme court nominating commission nominates three persons for the office of

justice of the supreme court and the governor appoints one of such persons, with no senate consent required. Further, the justices of the supreme court would continue to hold six-year terms and be subject to retention elections."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the election in August in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Wilson to replace Rep. Sawyer on Committee on Rules and Journal on January 20 only.

Also, the appointment of Rep. Trimmer to replace Rep. Winn on Committee on Education on January 20, 21, 22, 23 only.

REPORT ON ENROLLED RESOLUTIONS

HR 6001, HR 6002, HR 6003, HR 6005 reported correctly enrolled and properly signed on January 20, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, January 21, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

