

**HOUSE BILL No. 2411**

By Committee on Appropriations

3-13

1 AN ACT concerning courts; relating to appellate court jurisdiction;  
2 abolishing the court of appeals; establishing the court of criminal  
3 appeals and the court of civil appeals; amending K.S.A. 9-1907, 12-  
4 811, 13-1228h, 17-6906, 19-3517, 20-101, 20-139, 20-158, 20-163, 20-  
5 1a14, 20-205, 20-207, 20-208, 20-211, 20-310b, 20-2201, 20-2616, 20-  
6 3208, 22-2202, 22-2514, 22-2804, 22-4507, 24-702, 25-3206, 48-2922,  
7 48-2923, 48-2924, 48-2925, 48-2926, 48-2928, 60-1301, 60-2101, 60-  
8 3201, 60-3208, 66-118a, 66-118g, 68-527a, 74-601, 75-3216, 77-609,  
9 77-623 and 77-627 and K.S.A. 2014 Supp. 7-121b, 20-1a15, 20-302b,  
10 20-2601, 20-2622, 20-3021, 20-3202, 20-3301, 21-5207, 21-5905, 21-  
11 6619, 21-6628, 21-6702, 22-3402, 22-3601, 22-3602, 22-3604, 22-  
12 3612, 22-4701, 26-504, 38-2382, 44-556, 45-217, 46-234, 55-1410, 60-  
13 223, 60-1501, 60-1505, 60-2102, 61-3902, 65-3008a, 65-3013, 65-  
14 4211, 72-64b03, 74-2426, 74-8762, 74-8813, 74-8815, 75-430, 75-702,  
15 75-3120h, 75-3120l, 75-3692, 75-37,135 and 82a-1505 and repealing  
16 the existing sections; also repealing K.S.A. 20-3001, 20-3012, 20-3013,  
17 20-3014, 20-3015, 20-3016, 20-3018 and 20-3019 and K.S.A. 2014  
18 Supp. 20-3002, 20-3006, 20-3010, 20-3011, 20-3017 and 20-3020.

19

20 *Be it enacted by the Legislature of the State of Kansas:*

21 New Section 1. (a) On and after August 31, 2016, the court of appeals  
22 created by K.S.A. 20-3001 is hereby abolished.

23 (b) On August 31, 2016, nine judges of the court of appeals will be  
24 converted to judges of the court of criminal appeals and such judges shall  
25 serve on the court of criminal appeals created by section 2, and  
26 amendments thereto. On August 31, 2016, five judges will be converted to  
27 judges of the court of civil appeals and such judges shall serve on the court  
28 of civil appeals created by section 3, and amendments thereto. Prior to  
29 August 31, 2016, the chief judge of the court of appeals shall determine  
30 which judges of the court of appeals will be converted to such positions.

31 New Sec. 2. (a) On August 31, 2016, there shall be and is hereby  
32 established a court of record which shall be known as the court of criminal  
33 appeals. The court of criminal appeals shall be a part of the court of justice  
34 in which the judicial power of the state is vested by section 1 of article 3 of  
35 the constitution of the state of Kansas and shall be subject to the general  
36 administrative authority of the supreme court. The court of criminal

1 appeals shall have such jurisdiction over appeals in criminal cases as may  
2 be prescribed by law, and shall have such original jurisdiction as may be  
3 necessary to the complete determination of any cause on review. During  
4 the pendency of any appeal, the court of criminal appeals, on such terms as  
5 may be just, may make an order suspending further proceedings in the  
6 court below, until the decision of the court of criminal appeals.

7 (b) The court of criminal appeals shall be the final court of appellate  
8 review in cases under the court's jurisdiction.

9 (c) The court of criminal appeals judges shall elect a judge of the  
10 court of criminal appeals to serve as chief judge of such court. The  
11 procedure for such election shall be determined by the court of criminal  
12 appeals. The chief judge shall exercise such administrative powers as may  
13 be prescribed by law or by rule of the supreme court.

14 (d) For the purposes of hearing and determining cases, the judges of  
15 the court of criminal appeals may sit together or in panels. A hearing panel  
16 shall consist of three judges. For convenience in administration, each panel  
17 may be numbered, and the chief judge from time to time shall make  
18 assignments of judges among such panels. The chief judge may sit as a  
19 member of a panel and shall preside over such panel. When the chief judge  
20 is not a member of a hearing panel, the chief judge shall appoint a member  
21 of the panel to preside.

22 New Sec. 3. (a) On August 31, 2016, there shall be and is hereby  
23 established a court of record which shall be known as the court of civil  
24 appeals. The court of civil appeals shall be a part of the court of justice in  
25 which the judicial power of the state is vested by section 1 of article 3 of  
26 the constitution of the state of Kansas and shall be subject to the general  
27 administrative authority of the supreme court. The court of civil appeals  
28 shall have such jurisdiction over appeals in civil cases and from  
29 administrative bodies and officers of the state as may be prescribed by law,  
30 and shall have such original jurisdiction as may be necessary to the  
31 complete determination of any cause on review. During the pendency of  
32 any appeal, the court of civil appeals, on such terms as may be just, may  
33 make an order suspending further proceedings in the court below, until the  
34 decision of the court of civil appeals.

35 (b) The court of civil appeals shall be the final court of appellate  
36 review in matters under the court's jurisdiction, except in matters for which  
37 the supreme court has appellate jurisdiction.

38 (c) The court of civil appeals judges shall elect a judge of the court of  
39 civil appeals to serve as chief judge of such court. The procedure for such  
40 election shall be determined by the court of civil appeals. The chief judge  
41 shall exercise such administrative powers as may be prescribed by law or  
42 by rule of the supreme court.

43 (d) For the purposes of hearing and determining cases, the judges of

1 the court of civil appeals shall sit together.

2 New Sec. 4. (a) The court of criminal appeals created by section 2,  
3 and amendments thereto, shall consist of nine judges whose positions shall  
4 be numbered one to nine. The court of civil appeals created by section 3,  
5 and amendments thereto, shall consist of five judges whose positions shall  
6 be numbered one to five.

7 (b) Judges of the court of criminal appeals and judges of the court of  
8 civil appeals shall be appointed in the manner provided by section 5, and  
9 amendments thereto. Each such judge shall receive an annual salary in the  
10 amount prescribed by law. No such judge may receive additional  
11 compensation for official services performed by the judge. Each such  
12 judge shall be reimbursed for expenses incurred in the performance of the  
13 judge's official duties in the same manner and to the same extent justices  
14 of the supreme court are reimbursed for such expenses.

15 (c) The supreme court may assign judges of the court of criminal  
16 appeals and judges of the court of civil appeals to serve temporarily on the  
17 supreme court.

18 New Sec. 5. (a) (1) On and after August 31, 2016, any vacancy  
19 occurring in the office of any judge of the court of criminal appeals or the  
20 office of any judge of the court of civil appeals and any position to be open  
21 on either court as a result of enlargement of such court, or the retirement or  
22 failure of an incumbent to file such judge's declaration of candidacy to be  
23 retained in office as hereinafter required, or failure of a judge to be elected  
24 to be retained in office, shall be filled by appointment by the governor,  
25 with the consent of the senate, of a person possessing the qualifications of  
26 office.

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

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

35 (4) Whenever a vacancy in the office of judge of the court of criminal  
36 appeals or the office of judge of the court of civil appeals exists at the time  
37 the appointment to fill such vacancy is made pursuant to this section, the  
38 appointment shall be effective at the time it is made, but where an  
39 appointment is made pursuant to this section to fill a vacancy which will  
40 occur at a future date, such appointment shall not take effect until such  
41 date.

42 (b) No person appointed pursuant to this section shall assume the  
43 office of judge of the court of criminal appeals or the office of judge of the

1 court of civil appeals until the senate, by an affirmative vote of the  
2 majority of all members of the senate then elected or appointed and  
3 qualified, consents to such appointment. The senate shall vote to consent  
4 to any such appointment not later than 60 days after such appointment is  
5 received by the senate. If the senate is not in session and will not be in  
6 session within the 60-day time limitation, the senate shall vote to consent  
7 to any such appointment not later than 20 days after the senate begins its  
8 next session. In the event a majority of the senate does not vote to consent  
9 to the appointment, the governor, within 60 days after the senate vote on  
10 the previous appointee, shall appoint another person possessing the  
11 qualifications of office and such subsequent appointment shall be  
12 considered by the senate in the same procedure as provided in this section.  
13 The same appointment and consent procedure shall be followed until a  
14 valid appointment has been made. No person who has been previously  
15 appointed but did not receive the consent of the senate shall be appointed  
16 again for the same vacancy. If the senate fails to vote on an appointment  
17 within the time limitation imposed by this subsection, the senate shall be  
18 deemed to have given consent to such appointment.

19 (c) Persons who were appointed as judges of the court of appeals  
20 pursuant to K.S.A. 20-3005 or K.S.A. 2014 Supp. 20-3020, prior to their  
21 repeal, or appointed as judges of the court of criminal appeals or judges of  
22 the court of civil appeals pursuant to this section, shall commence the  
23 duties of office upon appointment and consent, and each judge shall have  
24 all the rights, privileges, powers and duties prescribed by law for the office  
25 of judge of the court of criminal appeals or the office of judge of the court  
26 of civil appeals.

27 (d) Judges of the court of criminal appeals and judges of the court of  
28 civil appeals shall possess the qualifications prescribed by law for justices  
29 of the supreme court.

30 New Sec. 6. (a) Not less than 60 days prior to the holding of the  
31 general election next preceding the expiration of the term of any judge of  
32 the court of criminal appeals or judge of the court of civil appeals, the  
33 judge may file in the office of the secretary of state a declaration of  
34 candidacy for retention in office. If a declaration is not filed as provided in  
35 this section, the position held by the judge shall be vacant upon the  
36 expiration of the judge's term of office. If such declaration is filed, the  
37 judge's name shall be submitted at the next general election to the electors  
38 of the state on a separate judicial ballot, without party designation, reading  
39 substantially as follows:

40 "Shall (Here insert name of judge.), Judge of the Court of (Here insert  
41 Criminal or Civil.) Appeals, be retained in office?"

42 (b) If a majority of those voting on the question votes against  
43 retaining the judge in office, the position which the judge holds shall be

1 vacant upon the expiration of the judge's term of office. Otherwise, unless  
2 the judge is removed for cause, the judge shall remain in office for a term  
3 of four years from the second Monday in January following the election.  
4 At the expiration of each term, unless by law the judge is compelled to  
5 retire, the judge shall be eligible for retention in office by election in the  
6 manner prescribed in this section.

7 (c) If a majority of those voting on the question votes against the  
8 judge's retention, the secretary of state, following the final canvass of votes  
9 on the question, shall certify the results to the clerk of the supreme court.  
10 Any such judge who has not been retained in office pursuant to this section  
11 shall not be eligible for nomination or appointment to the office of judge  
12 of the court of criminal appeals or judge of the court of civil appeals prior  
13 to the expiration of four years after the expiration of the judge's term of  
14 office.

15 (d) Election laws applicable to the general election of other state  
16 officers shall apply to elections upon the question of retention of judges  
17 pursuant to this section, to the extent that they are not in conflict with and  
18 are consistent with the provisions of this section.

19 New Sec. 7. (a) Any person appointed to the office of judge of the  
20 court of criminal appeals or judge of the court of civil appeals to fill a  
21 vacancy or appointed by reason of the expiration of a term of office, shall  
22 serve until the second Monday in January following the next general  
23 election which occurs after one year in office and shall be eligible to be  
24 retained in office for a full term of four years as provided in section 6, and  
25 amendments thereto, for the retention of judges first appointed to such  
26 court.

27 (b) If a majority of the votes cast and counted at such election is in  
28 favor of retaining such judge in office, the judge shall remain in office for  
29 a regular term of four years from the second Monday in January next  
30 following such election. Thereafter, such judge shall be subject to retention  
31 in office as provided in section 6, and amendments thereto. If a majority of  
32 the votes cast and counted at such election is against retaining such judge  
33 in office, such judge's position shall become vacant on the second Monday  
34 in January next following the election, and a successor shall be appointed  
35 pursuant to section 5, and amendments thereto. If such judge does not  
36 declare such judge's candidacy for election to be retained in office, such  
37 judge's position shall be vacant on the second Monday in January next  
38 following such election.

39 New Sec. 8. (a) The court of criminal appeals and the court of civil  
40 appeals shall sit and maintain principal offices in the city of Topeka, and it  
41 shall be the duty of the secretary of administration to provide a courtroom  
42 and other suitable quarters in Topeka for the use of each court and each  
43 court's staff.

1 (b) Any hearing panel of the court of civil appeals may hold court in  
2 the courthouse of any county for the purpose of hearing oral arguments in  
3 cases before such court. When a panel of such court sits in any location  
4 other than in Topeka, the chief judge of the judicial district in which the  
5 panel is sitting shall assign a courtroom to the hearing panel for its use  
6 while sitting, shall provide suitable office space for use by the members of  
7 the panel and shall provide such other personnel as may be needed by the  
8 panel.

9 New Sec. 9. Each judge of the court of criminal appeals and the court  
10 of civil appeals may appoint a law clerk and also may appoint one  
11 secretary or stenographer. The persons so appointed shall serve at the  
12 pleasure of the judge appointing them. Subject to the approval of the chief  
13 justice of the supreme court, the court of criminal appeals and the court of  
14 civil appeals may employ such other clerical personnel as may be  
15 necessary to carry out the duties and functions of the court. The  
16 compensation of all persons appointed or employed under this section  
17 shall be fixed in accordance with a pay plan adopted by the supreme court.  
18 Such pay plan shall contain a schedule of salary and wage ranges and steps  
19 designed for such purpose.

20 New Sec. 10. (a) The clerk of the supreme court shall be clerk of the  
21 court of criminal appeals and the court of civil appeals, and it shall be such  
22 clerk's duty to enter of record all orders, judgments, decrees and  
23 proceedings of the court of criminal appeals and the court of civil appeals,  
24 to issue all process required by law or ordered by such court and to  
25 perform such other duties as may be required of such clerk by the court of  
26 criminal appeals or the court of civil appeals or by law.

27 (b) The supreme court shall adopt rules prescribing the standards and  
28 procedures governing the writing and publication of the opinions of the  
29 court of criminal appeals and the court of civil appeals. The supreme court  
30 reporter shall be reporter of the court of criminal appeals and the court of  
31 civil appeals and shall publish such opinions of the courts as may be  
32 required by rule of the supreme court.

33 (c) The state judicial administrator shall provide to the court of  
34 criminal appeals and the court of civil appeals such administrative services  
35 as may be directed by the supreme court.

36 New Sec. 11. (a) (1) The court of criminal appeals, prior to final  
37 determination of any case before such court, may request that such case be  
38 transferred to the supreme court for its review and final determination by  
39 certifying to the supreme court that the case is within the jurisdiction of the  
40 supreme court and one or more issues in such case are not within the  
41 jurisdiction of the court of criminal appeals.

42 (2) The court of civil appeals, prior to final determination of any case  
43 before such court, may request that such case be transferred to the supreme

1 court for its review and final determination by certifying to the supreme  
2 court that the case is within the jurisdiction of the supreme court and one  
3 or more issues in such case are not within the jurisdiction of the court of  
4 civil appeals.

5 (b) Any certification of findings and request for transfer of a case  
6 pursuant to subsection (a) shall be made in the manner and form  
7 prescribed by rules of the supreme court. The supreme court shall consider  
8 such certification and may accept the case for review and final  
9 determination or may decline jurisdiction and order that the case be  
10 determined by the appropriate court of appeals.

11 New Sec. 12. (a) (1) Within 30 days after the date the notice of appeal  
12 has been served on the appellee in any case appealed to the court of  
13 criminal appeals, any party to such case may file a motion with the clerk of  
14 the court of criminal appeals, requesting that such case be transferred to  
15 the supreme court for review and final determination by such court. Such  
16 motion may be made only if the party alleges that one or more issues in  
17 such case are not within the jurisdiction of the court of criminal appeals  
18 and that such issues are within the jurisdiction of the supreme court. Such  
19 motion shall be made in the manner and form prescribed by rules of the  
20 supreme court.

21 (2) The clerk of the court of criminal appeals promptly shall submit  
22 any motion made pursuant to this section to the supreme court. The  
23 supreme court shall consider such motion and may accept the case for  
24 review and final determination or may decline jurisdiction and order that  
25 the case be determined by the court of criminal appeals.

26 (3) A party's failure to file a motion in accordance with this section  
27 shall be deemed a waiver of any objection by such party to the jurisdiction  
28 of the court of criminal appeals.

29 (b) (1) Within 30 days after the date the notice of appeal has been  
30 served on the appellee in any case appealed to the court of civil appeals,  
31 any party to such case may file a motion with the clerk of the court of civil  
32 appeals, requesting that such case be transferred to the supreme court for  
33 review and final determination by such court. Such motion may be made  
34 only if the party alleges that one or more issues in such case are not within  
35 the jurisdiction of the court of civil appeals and that such issues are within  
36 the jurisdiction of the supreme court. Such motion shall be made in the  
37 manner and form prescribed by rules of the supreme court.

38 (2) The clerk of the court of civil appeals promptly shall submit any  
39 motion made pursuant to this section to the supreme court. The supreme  
40 court shall consider such motion and may accept the case for review and  
41 final determination or may decline jurisdiction and order that the case be  
42 determined by the court of civil appeals.

43 (3) A party's failure to file a motion in accordance with this section

1 shall be deemed a waiver of any objection by such party to the jurisdiction  
2 of the court of civil appeals.

3 New Sec. 13. (a) Any case within the jurisdiction of the court of  
4 criminal appeals or the court of civil appeals which is erroneously  
5 docketed in the supreme court shall be transferred by the supreme court to  
6 the appropriate court of appeals. Any case within the jurisdiction of the  
7 court of criminal appeals or the court of civil appeals and in which notice  
8 of appeal to the supreme court was filed prior to August 31, 2016, may be  
9 transferred to the appropriate court of appeals by the supreme court. No  
10 case docketed in the supreme court, the court of criminal appeals or the  
11 court of civil appeals shall be dismissed solely for the reason of having  
12 been filed in the wrong court, but shall be transferred by the supreme court  
13 to the court which the supreme court determines to have jurisdiction. Any  
14 such case shall be considered timely and properly filed in the court to  
15 which it is transferred.

16 (b) Any party aggrieved by a decision of the court of criminal appeals  
17 or the court of civil appeals may file a motion with such court for a  
18 rehearing, in accordance with rules of the supreme court, but such motion  
19 shall not be a condition precedent to a review of such decision by the  
20 supreme court. Any such party may petition the supreme court for review  
21 within 30 days after the date of such decision if supreme court review is  
22 authorized by law. The procedures governing petitions for review shall be  
23 prescribed by rules of the supreme court, and the review of any such  
24 decision shall be at the discretion of the supreme court. While neither  
25 controlling nor fully measuring the court's discretion, the following shall  
26 be considered in determining whether review will be granted: (1) The  
27 general importance of the question presented; (2) the existence of a  
28 conflict between the decision sought to be reviewed and a prior decision of  
29 the supreme court, or of another panel of the court of appeals; (3) the need  
30 for exercising the supreme court's supervisory authority; and (4) the final  
31 or interlocutory character of the judgment, order or ruling sought to be  
32 reviewed.

33 (c) At any time on its own motion, the supreme court may order the  
34 court of criminal appeals or the court of civil appeals to transfer any case  
35 before such court to the supreme court for review and final determination  
36 if such case is within the supreme court's original jurisdiction or appellate  
37 jurisdiction as provided by law.

38 Sec. 14. K.S.A. 2014 Supp. 7-121b is hereby amended to read as  
39 follows: 7-121b. (a) Subject to ~~subsection (b)~~ of K.S.A. 40-3411(b), and  
40 amendments thereto, whenever a civil action is commenced by filing a  
41 petition or whenever a pleading states a claim in a district court for  
42 damages for personal injuries or death arising out of the rendering of or the  
43 failure to render professional services by any health care provider,



1 compensation for reasonable attorney fees to be paid by each litigant in the  
2 action shall be approved by the judge after an evidentiary hearing and  
3 prior to final disposition of the case by the district court. Compensation for  
4 reasonable attorney fees for services performed in an appeal of a judgment  
5 in any such action to the court of *civil* appeals shall be approved after an  
6 evidentiary hearing by the chief judge or by the presiding judge of the  
7 panel hearing the case. ~~Compensation for reasonable attorney fees for~~  
8 ~~services performed in an appeal of a judgment in any such action to the~~  
9 ~~supreme court shall be approved after an evidentiary hearing by the~~  
10 ~~departmental justice for the department in which the appeal originated.~~ In  
11 determining the reasonableness of such compensation, the judge or justice  
12 shall consider the following:

13 (1) The time and labor required, the novelty and difficulty of the  
14 questions involved and the skill requisite to perform the legal service  
15 properly.

16 (2) The likelihood, if apparent to the client, that the acceptance of the  
17 particular employment will preclude other employment by the attorney.

18 (3) The fee customarily charged in the locality for similar legal  
19 services.

20 (4) The amount involved and the results obtained.

21 (5) The time limitations imposed by the client or by the  
22 circumstances.

23 (6) The nature and length of the professional relationship with the  
24 client.

25 (7) The experience, reputation and ability of the attorney or attorneys  
26 performing the services.

27 (8) Whether the fee is fixed or contingent.

28 (b) As used in this section:

29 (1) "Health care provider" means a person licensed to practice any  
30 branch of the healing arts, a person who holds a temporary permit to  
31 practice any branch of the healing arts, a person engaged in a postgraduate  
32 training program approved by the state board of healing arts, a licensed  
33 medical care facility, a health maintenance organization, a licensed dentist,  
34 a licensed professional nurse, a licensed practical nurse, a licensed  
35 optometrist, a licensed podiatrist, a licensed pharmacist, a professional  
36 corporation organized pursuant to the professional corporation law of  
37 Kansas by persons who are authorized by such law to form such a  
38 corporation and who are health care providers as defined by this  
39 subsection, a licensed physical therapist or an officer, employee or agent  
40 thereof acting in the course and scope of such person's employment or  
41 agency; and

42 (2) "professional services" means those services which require  
43 licensure, registration or certification by agencies of the state for the

1 performance thereof.

2 Sec. 15. K.S.A. 9-1907 is hereby amended to read as follows: 9-1907.  
3 The federal deposit insurance corporation or its successor, hereby is  
4 authorized and empowered to be and act without bond as receiver or  
5 liquidator of any insolvent or critically undercapitalized bank, the deposits  
6 in which are to any extent insured by such corporation, and which bank  
7 shall have been closed. In the event of any such closing of any bank the  
8 commissioner may tender to the insurance corporation the appointment as  
9 receiver or liquidator of such bank, and if the insurance corporation  
10 accepts the appointment then such insurance corporation shall have and  
11 possess all the powers and privileges and shall assume all the duties and  
12 requirements provided by the laws of this state with respect to a state  
13 receiver or liquidator, respectively, of a bank, its depositors and other  
14 creditors, and shall be subject to the jurisdiction of the ~~district courts and~~  
15 ~~supreme court~~ of Kansas.

16 Sec. 16. K.S.A. 12-811 is hereby amended to read as follows: 12-811.  
17 In any city wherein the franchise of a corporation supplying water, natural  
18 or artificial gas, electric light or power, heat, or operating a street railway,  
19 has expired or will expire before the completion of the proceedings  
20 contemplated by this section, unless an earlier date is fixed by the  
21 franchise, the governing body may by resolution declare it necessary and  
22 for the interest of such city to acquire control and operate any such plant.  
23 Upon the passage of such resolution an application may be presented in  
24 writing to the district court of the county in which such city is located,  
25 which shall set forth the action of the ~~said~~ city relative thereto, and a copy  
26 of the resolution so passed by the city, and praying for the appointment of  
27 commissioners to ascertain and determine the value of such plant.

28 Thereupon, a time shall be fixed for the hearing thereof, of which either  
29 at least ~~ten~~ 10 days' notice shall be given in writing, or at least ~~thirty~~ 30  
30 days' notice shall be given by publication once in the official city paper, to  
31 the person, company or corporation owning ~~said~~ such plant and to all  
32 persons having or claiming liens on such property: *Provided, except* that  
33 publication in the city paper shall not be made until an affidavit has been  
34 filed showing that actual service of notice cannot be made and that a  
35 diligent effort has been made to obtain such service, and ~~said~~ such court  
36 shall make an order granting such application, and provide for the  
37 appointment and selection of three commissioners, one of whom shall be  
38 selected by the city, and one by the person, company, or corporation  
39 owning such plant, and the third shall be designated by the judge of the  
40 court, who shall be an expert engineer; and the ~~said~~ commissioners shall  
41 take an oath to faithfully, honestly and to the best of their skill and ability,  
42 appraise and ascertain the fair cash value of ~~said~~ such plant and the  
43 appurtenances ~~thereunto~~ belonging or in any way appertaining to same;

1 but in the determination of such value ~~said~~ *the* commissioners shall not  
2 take into account the value of the franchise or contract given or granted by  
3 ~~said such~~ city to such person, company or corporation.

4 The ~~said~~ commissioners shall carefully examine ~~said such~~ plant and  
5 may examine experts and persons familiar with the cost, construction and  
6 reproduction cost of such plant, and resort to any other means by which  
7 they may arrive at the value thereof, and the city or the person, company  
8 or corporation owning such plant may produce such testimony before ~~said~~  
9 *the* commissioners as in their judgment seems necessary and desirable.  
10 ~~Said~~ *The* commissioners shall make their report in writing under oath and  
11 file the same with the clerk of the district court. Each party shall have ~~ten~~  
12 *10* days from the filing of ~~said such~~ report to file exceptions thereto.  
13 Thereupon at a time to be fixed by the court, of which each party shall  
14 have ~~ten~~ *10* days' notice in writing, a hearing shall be had upon the ~~said~~  
15 report and the exceptions thereto, and the court ~~thereupon~~ shall confirm,  
16 reject or modify ~~said the~~ report, and its decision therein shall be a final  
17 order from which an appeal may be taken to the supreme court. If any city  
18 by a majority vote of the electors voting upon the proposition at an  
19 election called and held according to law shall elect to take the property at  
20 the amount so ascertained, the governing body is hereby authorized to  
21 enact a proper ordinance providing for the issue of bonds according to law  
22 to be sold and the proceeds thereof used for the purchase of such plant.

23 If the city elects to pay the award of ~~said such~~ commissioners as  
24 approved by the district court it may do so at any time within six months  
25 from the date of final order of the district court on the report of the  
26 commissioners if no appeal ~~to the supreme court~~ *is* taken, or from the  
27 final judgment in case thereafter an appeal is determined, by paying the  
28 amount of the award to the clerk of the district court, and thereupon the  
29 title, right and possession of such plant and appurtenances shall vest  
30 absolutely in the city and the city shall have the right to enter into and take  
31 possession thereof. The court shall make all orders necessary to protect  
32 such city in the possession of the property and plant. When the purchase  
33 money is paid into court for such plant, it shall be paid out only upon the  
34 order of the court. If there are any liens or encumbrances upon such plant,  
35 the nature and extent thereof shall be ascertained by the court after fixing a  
36 time for the hearing, of which all parties in interest shall have sufficient  
37 notice. The ascertained liens and encumbrances shall first be paid out of  
38 the ~~said~~ fund and the balance to the person, company or corporation  
39 owning such plant.

40 Sec. 17. K.S.A. 13-1228h is hereby amended to read as follows: 13-  
41 1228h. The ~~state~~ court of *civil* appeals shall have jurisdiction of appeals  
42 from decisions of the district court made pursuant to this section. Appellate  
43 proceedings shall have precedence in the court of *civil* appeals.

1 Notwithstanding the provisions of K.S.A. 60-2101, *and amendments*  
2 *thereto*, the state supreme court shall not have appellate jurisdiction of  
3 decisions of the district court or ~~state~~ court of *civil* appeals rendered  
4 pursuant to this section. Except as provided by this section, the procedure  
5 upon appeal shall be the same as in other civil actions.

6 Sec. 18. K.S.A. 17-6906 is hereby amended to read as follows: 17-  
7 6906. (a) The clerk of the district court, immediately upon the expiration  
8 of the time fixed for the filing of claims, in compliance with the provisions  
9 of K.S.A. 17-6905, and amendments thereto, shall notify the receiver of  
10 the filing of the claims, and the receiver, within 30 days after receiving the  
11 notice, shall inspect the claims, and if the receiver or any creditor shall not  
12 be satisfied with the validity or correctness of the same, or any of them,  
13 the receiver shall forthwith notify the creditors whose claims are disputed  
14 of such decision. The receiver shall require all creditors whose claims are  
15 disputed to submit themselves to such examination in relation to their  
16 claims as the receiver shall direct, and the creditors shall produce such  
17 books and papers relating to their claims as shall be required. The receiver  
18 shall have power to examine, under oath or affirmation, all witnesses  
19 produced before the receiver touching the claims, and shall recommend to  
20 the court the allowance or disallowance of the claims, or any part thereof,  
21 and notify the claimants of such determination.

22 (b) The court shall approve, disapprove or modify the  
23 recommendations of the receiver and shall cause notice thereof to be given  
24 to the claimants. Within 30 days after receipt of such notice, any creditor  
25 or claimant dissatisfied with the court's determination shall have the right  
26 to a hearing thereon. The court, after hearing, shall determine the rights of  
27 the parties. Any party aggrieved thereby may appeal to the ~~supreme~~ court  
28 *of civil appeals* as a matter of right from the order or decree expressing  
29 such determination.

30 Sec. 19. K.S.A. 19-3517 is hereby amended to read as follows: 19-  
31 3517. In any water district so created and established as provided for in  
32 this act, the water district board may by resolution, declare it necessary for  
33 the benefit and interest of the water district to negotiate a purchase or  
34 otherwise acquire, control and operate such water supply and distribution  
35 system.

36 Upon the passage of such resolution, a certified copy shall be filed with  
37 the county clerk of the county in which a greatest portion of such water  
38 district is situated with a certificate of service stating that a copy of such  
39 resolution has been served on the secretary of the corporation owning such  
40 water supply and distribution system serving the water district, following  
41 which the water district board and the owner of the water supply *and*  
42 distribution system may negotiate a written agreement providing and  
43 setting forth terms, conditions and arrangements mutually agreeable to the

1 water district board and the owner of ~~said such~~ water supply and  
 2 distribution system pursuant to which the water district may purchase and  
 3 acquire the existing water supply and distribution system: ~~Provided, except~~  
 4 that such purchase and acquisition shall not be made until and unless the  
 5 question of making such purchase and acquisition shall have been  
 6 submitted to a vote of the legal electors residing in the water district at a  
 7 special election and a majority of those voting on the question shall have  
 8 declared by their votes to be in favor of such purchase and acquisition; and  
 9 such election shall be called, noticed, held and canvassed in like manner as  
 10 provided in K.S.A. 19-3507 and 19-3508, *and amendments thereto*, for  
 11 elections to issue revenue bonds for such water district except as herein  
 12 otherwise provided; and that at any such election the question of the  
 13 issuance of revenue bonds may also be submitted but such question, if so  
 14 submitted, shall be submitted and voted on as a separate proposition. A  
 15 copy of such negotiated agreement shall be published as a part of the  
 16 notice of the special election at which the question of the purchase and  
 17 acquisition of the existing water supply and distribution system pursuant  
 18 thereto is to be voted upon. The proposition shall be stated on the ballot  
 19 and submitted to the qualified electors in substantially the following form:

20  
 21 Water district No. \_\_\_\_\_ of \_\_\_\_\_ county, shall be  
 22 authorized to acquire by purchase, in accordance with the terms of the  
 23 negotiated agreement published in connection with the notice of this  
 24 election, the water supply and distribution system of

25 \_\_\_\_\_  
 26 (Here insert name of owner of water supply and distribution system)  
 27 at an estimated aggregate cost to the water district of \_\_\_\_\_  
 28 dollars.

29 Yes   
 30 No

31 If the proposition to purchase and acquire ~~said such~~ water supply and  
 32 distribution system in accordance with the negotiated agreement is not  
 33 approved by a majority of the votes cast at the special election when such  
 34 question is submitted to a vote of the electors or, if the water district board  
 35 is unable to negotiate an agreement to purchase and acquire the existing  
 36 water supply and distribution system which is agreeable to ~~said the~~ board,  
 37 a written petition shall be presented by the water district board to the  
 38 district court of the county in which the greatest portion of such water  
 39 district is located, which shall set forth the action of ~~said such~~ water  
 40 district board relative thereto, and the resolution so adopted by the water  
 41 district board and shall contain a prayer for the appointment of appraisers  
 42 if necessary to ascertain and determine the value of such water supply and  
 43 distribution system. Thereupon a time and place shall be fixed by the court

1 for the hearing thereof, notice of which shall be given by the clerk of the  
2 court at least ~~ten (10)~~ 10 days prior thereto, in writing to the person,  
3 partnership, company or corporation owning ~~said~~ such water supply and  
4 distribution system and to all persons of record having or claiming liens on  
5 such property and by causing a notice thereof to be published once a week  
6 for three ~~(3)~~ consecutive weeks in a newspaper of general circulation in  
7 the county in which the water district is located, the last publication to be  
8 not less than three ~~(3)~~ nor more than ~~ten (10)~~ 10 days prior to such hearing.

9 At ~~said~~ such hearing, the court or the judge thereof, in which ~~said~~ such  
10 petition is filed, shall examine ~~said~~ such petition and determine whether  
11 the petitioner has the power of eminent domain, and if found in the  
12 affirmative, such finding shall be entered in the record and the court or  
13 judge thereof shall thereupon make an order granting such petition. The  
14 court or judge thereof shall thereupon appoint three ~~(3)~~ appraisers, one ~~(1)~~  
15 of whom shall be a licensed hydraulic engineer. The three ~~(3)~~ appraisers  
16 shall take an oath to faithfully, honestly and to the best of their skill and  
17 ability, appraise and ascertain the fair cash value of ~~said~~ such water supply  
18 and distribution system and all appurtenances thereunto belonging or in  
19 any way appertaining. The ~~said~~ appraisers shall carefully examine ~~said~~ the  
20 water supply and distribution system and may examine experts and  
21 persons familiar with the cost of construction and reproduction of such  
22 plant, and may resort to any other means by which they may arrive at the  
23 value thereof, and at a hearing the time and place of which shall be fixed  
24 by majority vote of the three ~~(3)~~ appraisers, who shall give written notice  
25 of such hearing to the water district board and to the person, partnership,  
26 company or corporation owning such water supply and distribution system  
27 and the water district board and the person, partnership, company or  
28 corporation owning such water supply and distribution system or either of  
29 them may produce such testimony before ~~said~~ the appraisers as in their  
30 judgment seems material, necessary and desirable: ~~Provided, except that~~  
31 ~~said~~ the appraisers may by majority vote terminate any such hearing of  
32 testimony. ~~Said~~ The appraisers shall make their report in writing under  
33 oath and file the same with the clerk of the district court. Thereupon, at a  
34 time and place to be fixed by the court, a hearing shall be had upon ~~said~~  
35 the report and the exceptions thereto. The clerk of the *district* court shall  
36 give written notice of ~~said~~ the hearing to the water district board and to the  
37 person, partnership, company or corporation owning any such water  
38 supply and distribution system. All exceptions to the appraisers' report  
39 must be in writing and filed with the clerk of the district court ~~ten (10)~~ 10  
40 days prior to the time fixed for the hearing of *the* same. Thereupon, the  
41 court shall confirm, reject or modify ~~said~~ such report and its decision shall  
42 be a final order from which an appeal may be taken to the supreme court.  
43 If the water district board elects to pay the award of ~~said~~ the appraisers as

1 approved by the district court, it may do so at any time within six ~~(6)~~  
2 months, from the date of the final order of the district court on the  
3 appraisers' report, if no appeal to the supreme court is taken, or from the  
4 date of final judgment in case an appeal is thereafter determined, by  
5 paying the amount of the award to the clerk of the court and thereupon the  
6 title and right of possession of such water supply and distribution system  
7 and appurtenances thereto belonging or in any way appertaining shall vest  
8 absolutely in the water district and ~~said~~ such water district shall be entitled  
9 to immediate possession thereof and all remedies provided by law for the  
10 security of such title and possession.

11 When and if the purchase money is paid into the court for such water  
12 supply and distribution system it shall be paid out only upon the order of  
13 the court. If there are any liens or encumbrances upon such plant, the  
14 nature and extent thereof shall be ascertained by the court after fixing a  
15 time for the hearing, of which all parties in interest shall have sufficient  
16 notice. The ascertained liens and encumbrances shall first be paid out of  
17 the ~~said~~ fund and the balance to the person, partnership, company or  
18 corporation owning such plant. If the water district board shall not within  
19 six ~~(6)~~ months comply with all of the terms of the final order of the district  
20 court or appeal therefrom, judgment for the cost of such proceedings,  
21 including appraisers' fees, which the court shall have power to fix, shall be  
22 entered against ~~said~~ such water district. No condemnation proceedings  
23 instituted under the provisions of this act for the acquisition of an existing  
24 water supply and distribution system shall be maintained unless all of the  
25 real and personal property of such existing water supply and distribution  
26 system is included therein. If the water district board acquires the  
27 properties of a privately owned water district and supply system for and in  
28 the name of the water district by purchase, pursuant to a negotiated  
29 agreement, or otherwise it may assume in behalf of the district any  
30 outstanding indebtedness secured by a lien against ~~said~~ such properties.

31 Sec. 20. K.S.A. 20-101 is hereby amended to read as follows: 20-101.  
32 The supreme court shall be a court of record, and in addition to the original  
33 jurisdiction conferred by the constitution *and otherwise conferred by law*,  
34 shall have ~~such~~ appellate jurisdiction ~~as may be provided by law~~ over all  
35 *matters for which the court has original jurisdiction and matters as*  
36 *otherwise provided by law*; and during the pendency of any appeal *within*  
37 *such jurisdiction*, on such terms as may be just, may make an order  
38 suspending further proceedings in any court below, until the decision of  
39 the supreme court. As provided by section 1 of article 3 of the *constitution*  
40 *of the state of Kansas* ~~constitution~~, the supreme court shall have general  
41 administrative authority over all courts in this state, and the supreme court  
42 and each justice thereof shall have such specific powers and duties in  
43 exercising ~~said~~ such administrative authority as may be prescribed by law.

1 The chief justice shall be the spokesman for the supreme court and shall  
2 exercise the court's general administrative authority over all courts of this  
3 state. The chief justice shall have the responsibility for executing and  
4 implementing the administrative rules and policies of the supreme court,  
5 including supervision of the personnel and financial affairs of the court  
6 system, and delegate such of this responsibility and authority to personnel  
7 in the state judicial department as may be necessary for the effective and  
8 efficient administration of the court system.

9 Sec. 21. K.S.A. 20-139 is hereby amended to read as follows: 20-139.  
10 From time to time, the chief justice of the Kansas supreme court may order  
11 conferences of justices of the supreme court and judges of the district  
12 court, *court of criminal appeals* and court of *civil* appeals on matters  
13 relating to the administration of justice. The actual and necessary expenses  
14 of the justices of the supreme court and judges of the district court and  
15 court of appeals incurred in connection with attending such conferences  
16 shall be paid, subject to the provisions of K.S.A. 75-3216, and  
17 *amendments thereto*.

18 Sec. 22. K.S.A. 20-158 is hereby amended to read as follows: 20-158.  
19 The chief justice of the supreme court shall be responsible for the  
20 preparation of the budget for the judicial branch of state government, with  
21 such assistance as the chief justice may require from the judicial  
22 administrator, the chief judge of the court of *criminal* appeals, *the chief*  
23 *judge of the court of civil appeals* and the chief judge of each judicial  
24 district. Each district court and ~~the~~ *each* court of appeals shall submit their  
25 budget requests to the chief justice in such form and at such time as the  
26 chief justice may require. The chief justice shall submit to the legislature  
27 the annual budget request for the judicial branch of state government for  
28 inclusion in the annual budget document for appropriations for the  
29 judiciary. Such budget shall be prepared and submitted in the manner  
30 provided by K.S.A. 75-3716 and 75-3717, and amendments thereto. Such  
31 budget shall include the request for expenditures for retired justices and  
32 judges performing judicial services or duties under K.S.A. 20-2616, and  
33 amendments thereto, as a separate item therein.

34 Sec. 23. K.S.A. 20-163 is hereby amended to read as follows: 20-163.  
35 (a) The official station of each justice of the supreme court, *judge of the*  
36 *court of criminal appeals* and judge of the court of *civil* appeals shall be  
37 the county seat of the county where the justice or judge maintains an actual  
38 abode in which the justice or judge customarily lives.

39 (b) The chief judge of the judicial district in which a justice of the  
40 supreme court, *judge of the court of criminal appeals* or judge of the court  
41 of *civil* appeals has the justice's or judge's official station, shall provide  
42 suitable office space upon request by the justice or judge for use by the  
43 justice or judge and the justice's or judge's staff personnel. Such office



1 space shall be in or adjacent to the district court courtrooms and offices at  
2 the official station of the justice or judge. Notwithstanding the foregoing  
3 provisions, no office space shall be provided by the chief judge of the third  
4 judicial district.

5 (c) Each justice of the supreme court, *judge of the court of criminal*  
6 *appeals* and judge of the court of *civil* appeals, upon appointment and from  
7 time to time thereafter as changes occur, shall notify the judicial  
8 administrator in writing of the justice's or judge's official station, if other  
9 than the city of Topeka.

10 (d) Notwithstanding the other provisions of this section, all mileage  
11 and other allowances for official travel for justices of the supreme court,  
12 *judges of the court of criminal appeals* and judges of the court of *civil*  
13 appeals shall be determined from Topeka, Kansas.

14 Sec. 24. K.S.A. 20-1a14 is hereby amended to read as follows: 20-  
15 1a14. (a) There is hereby established in the state treasury the judicial  
16 branch nonjudicial salary initiative fund.

17 (b) All moneys credited to the judicial branch nonjudicial salary  
18 initiative fund shall be used for compensation of nonjudicial officers and  
19 employees of the district courts, court of *criminal* appeals, *court of civil*  
20 *appeals* and the supreme court and shall not be expended for compensation  
21 of judges or justices of the judicial branch. Moneys in the fund shall be  
22 used only to pay for that portion of the cost of salaries and wages of  
23 nonjudicial personnel of the judicial branch, including associated employer  
24 contributions, which shall not exceed the difference between the amount of  
25 expenditures that would be required under the judicial branch pay plan for  
26 nonjudicial personnel in effect prior to the effective date of this act and the  
27 amount of expenditures required under the judicial branch pay plan for  
28 nonjudicial personnel after the cost-of-living adjustments and the  
29 adjustments for upgrades in pay rates for nonjudicial personnel approved  
30 by the chief justice of the Kansas supreme court for fiscal year 2001. For  
31 fiscal years commencing on and after June 30, 2001, moneys in such fund  
32 shall be used only for the amount attributable to maintenance of the  
33 judicial branch pay plan for nonjudicial personnel for such adjustments  
34 and upgrades approved by the chief justice of the supreme court for fiscal  
35 year 2001.

36 (c) All expenditures from the judicial branch nonjudicial salary  
37 initiative fund shall be made in accordance with appropriation acts and  
38 upon warrants of the director of accounts and reports issued pursuant to  
39 payrolls approved by the chief justice of the Kansas supreme court or by a  
40 person or persons designated by the chief justice.

41 (d) The enactment of this legislation shall not be considered a  
42 statement of legislative intent to endorse future state general fund  
43 financing for ensuing fiscal years for the proposed nonjudicial pay plan

1 contained in the report to the Kansas supreme court by the nonjudicial  
2 salary initiative entitled nonjudicial employee compensation submitted to  
3 the 2000 legislature.

4 Sec. 25. K.S.A. 2014 Supp. 20-1a15 is hereby amended to read as  
5 follows: 20-1a15. (a) There is hereby established in the state treasury the  
6 judicial branch nonjudicial salary adjustment fund.

7 (b) All moneys credited to the judicial branch nonjudicial salary  
8 adjustment fund shall be used for compensation of nonjudicial officers and  
9 employees of the district courts, court of *criminal* appeals, court of *civil*  
10 *appeals* and the supreme court and shall not be expended for compensation  
11 of judges or justices of the judicial branch. Moneys in the fund shall be  
12 used only to pay for that portion of the cost of salaries and wages of  
13 nonjudicial personnel of the judicial branch, including associated employer  
14 contributions, which shall not exceed the difference between the amount of  
15 expenditures that would be required under the judicial branch pay plan for  
16 nonjudicial personnel in effect prior to the effective date of this act and the  
17 amount of expenditures required under the judicial branch pay plan for  
18 nonjudicial personnel after the cost-of-living adjustments and the  
19 adjustments for upgrades in pay rates for nonjudicial personnel approved  
20 by the chief justice of the Kansas supreme court for fiscal year 2015. For  
21 fiscal years commencing on and after June 30, 2016, moneys in such fund  
22 shall be used only for the amount attributable to maintenance of the  
23 judicial branch pay plan for nonjudicial personnel for such adjustments  
24 and upgrades approved by the chief justice of the supreme court for fiscal  
25 year 2015.

26 (c) On or before the 10<sup>th</sup> day of each month, the director of accounts  
27 and reports shall transfer from the state general fund to the judicial branch  
28 nonjudicial salary adjustment fund interest earnings based on:

29 (1) The average daily balance of moneys in the judicial branch  
30 nonjudicial salary adjustment fund for the preceding month; and

31 (2) the net earnings rate of the pooled money investment portfolio for  
32 the preceding month.

33 (d) All expenditures from the judicial branch nonjudicial salary  
34 adjustment fund shall be made in accordance with appropriation acts and  
35 upon warrants of the director of accounts and reports issued pursuant to  
36 payrolls approved by the chief justice of the Kansas supreme court or by a  
37 person or persons designated by the chief justice.

38 Sec. 26. K.S.A. 20-205 is hereby amended to read as follows: 20-205.  
39 The cases decided by the supreme court of this state which the court deem  
40 of sufficient importance to be published and those of the court of *criminal*  
41 *appeals and the court of civil appeals* which are to be published pursuant  
42 to rule of the supreme court shall be prepared by the reporter and delivered  
43 to the director of printing, who shall as speedily as possible print and

1 publish such number of copies of each volume of the reports as shall be  
2 specified by the reporter, and deliver the same to the state law librarian. No  
3 volume shall contain less than ~~seven hundred and fifty (750)~~ 750 pages,  
4 including the index.

5 Sec. 27. K.S.A. 20-207 is hereby amended to read as follows: 20-207.  
6 The director of printing shall hereafter deliver the whole number of copies  
7 of reports of the supreme court, *court of criminal appeals* and court of  
8 *civil* appeals required to be published to the state law librarian as soon as  
9 completed; and when the whole edition of any volume shall be so  
10 delivered, the librarian shall certify that fact to the secretary of state, who  
11 shall thereupon ascertain the amount due the director of printing therefor,  
12 and audit and certify the same to the director of accounts and reports for  
13 payment.

14 Sec. 28. K.S.A. 20-208 is hereby amended to read as follows: 20-208.  
15 (a) When the reports of the decisions of the supreme court, *court of*  
16 *criminal appeals* or court of *civil* appeals are delivered, the state law  
17 librarian shall use as many thereof as may be necessary to maintain  
18 reasonable and equitable exchanges of such reports for law books and  
19 other legal publications of the other states, territories, countries, societies  
20 and institutions, for use in the supreme court law library. As used ~~herein~~ *in*  
21 *this section*, "Kansas reports" shall mean the reports of the decisions of the  
22 supreme court, *court of criminal appeals* and court of *civil* appeals. The  
23 state law librarian shall distribute copies of the Kansas reports without  
24 charge, as follows:

25 (1) The supreme court, *the court of criminal appeals*, the court of  
26 *civil* appeals and the office of the attorney general shall receive the number  
27 of copies necessary to conduct the official business of such office, as  
28 certified to the state law librarian by the head or executive officer of the  
29 respective agencies;

30 (2) the office of each elected state official, other than those  
31 specifically provided for herein, shall receive one copy;

32 (3) the law library of the school of law of the university of Kansas  
33 shall receive 30 copies to maintain its sets of Kansas reports and for  
34 exchange purposes, and the law library of the school of law of Washburn  
35 university of Topeka shall receive 30 copies to maintain its sets of Kansas  
36 reports and for exchange purposes;

37 (4) the state library and the libraries of Emporia state university, Fort  
38 Hays state university, Pittsburg state university, Kansas state university,  
39 and Wichita state university shall receive two copies to maintain its set of  
40 Kansas reports;

41 (5) the United States district court for the district of Kansas shall  
42 receive six copies;

43 (6) the office of each judge of the district court shall each receive one

1 copy;

2 (7) the Lansing correctional facility and the Hutchinson correctional  
3 facility shall each receive one copy for the use of inmates at such  
4 institutions and one copy for the use of the legal advisor at such  
5 institutions;

6 (8) the library of congress shall receive two copies in order to  
7 complete the copyright of ~~said~~ such reports;

8 (9) one copy shall be deposited with the appropriate office of the  
9 United States post office in order to obtain a postal permit for mailing such  
10 reports;

11 (10) a personal copy of the reports shall be presented to each justice  
12 of the supreme court, each judge of the *court of criminal appeals* and court  
13 of *civil* appeals, the clerk of the supreme court, the supreme court reporter,  
14 and the judicial administrator of the district courts. Also, a personal copy  
15 shall be sent to any retired supreme court justice, judge of the court of  
16 appeals, *judge of the court of criminal appeals*, *judge of the court of civil*  
17 *appeals*, district judge or associate district judge, if such retired judge or  
18 justice files with the clerk of the supreme court annually a certificate  
19 stating that such judge or justice is not engaged in the active practice of  
20 law and is willing to accept judicial assignments; and

21 (11) the legislative coordinating council shall receive the number of  
22 copies necessary to conduct the official business of the legislative branch  
23 of government, as certified to the state law librarian by the legislative  
24 coordinating council.

25 (b) Except as otherwise specifically provided in ~~paragraph (10) of~~  
26 subsection (a)(10), all copies of the Kansas reports distributed pursuant to  
27 subsection (a) or purchased by any governmental agency or subdivision  
28 shall become the property of such office, agency or subdivision, which  
29 shall be accountable therefor, and the state law librarian shall not distribute  
30 any reports to any others or for any other purpose, but shall be responsible  
31 for the remaining volumes of ~~said~~ such reports, which shall be sold at the  
32 per volume price fixed by the supreme court under this section for each  
33 current volume, plus the amount fixed by the supreme court under this  
34 section for the cost of postage and handling, and the per volume price  
35 fixed by the supreme court under this section for each noncurrent volume  
36 which has not been reprinted, plus the amount fixed by the supreme court  
37 under this section for the cost of postage and handling. The supreme court  
38 shall have authority to order printed such additional copies of the reports  
39 of the supreme court as in its judgment will be necessary to supply the  
40 demand upon the state law librarian for the same. The state law librarian  
41 shall sell any noncurrent volume which is reprinted at the per volume price  
42 fixed by the supreme court under this section, plus the amount fixed by the  
43 supreme court under this section for the cost of postage and handling. All

1 purchases of reports shall be made by payment in advance. The supreme  
2 court shall fix the per volume price for copies of these Kansas reports sold  
3 under this section to recover the costs of printing and binding such  
4 volumes and shall fix the amount to be charged in connection with the sale  
5 of each of such volumes to cover the costs of postage and handling  
6 applicable thereto. The supreme court shall revise all such prices from time  
7 to time as necessary for the purposes of covering or recovering such costs.

8 (c) It shall be the duty of the director of printing, under the direction  
9 of the supreme court, to make and preserve for future use proofs, matrices,  
10 plates, computer tapes or impressions of all volumes of the reports of the  
11 supreme court and such other publications as the supreme court may  
12 designate. The director of printing shall not make or permit to be made any  
13 proofs, matrices, plates, computer tapes or impressions of any book  
14 published by the judicial branch of the state government except for the use  
15 of the state, as herein provided, and all proofs, matrices, plates, computer  
16 tapes or impressions so made for any book published by the judicial  
17 branch of the state government shall be the exclusive property of the state,  
18 except that the director of printing may grant a revocable license to any  
19 nonprofit corporation whereby such corporation may utilize the services of  
20 equipment and personnel under the supervision of the director of printing  
21 for the purpose of converting reports of the Kansas supreme court, *the*  
22 *Kansas court of criminal appeals* and the Kansas court of *civil* appeals  
23 to machine readable form for use by such corporation in providing  
24 computerized legal research services, subject to protection of the state's  
25 copyright as to any purpose unnecessary for such computerized legal  
26 research.

27 Sec. 29. K.S.A. 20-211 is hereby amended to read as follows: 20-211.  
28 The state law librarian shall have authority to order advance sheets of the  
29 reports of the supreme court, *court of criminal appeals* and court of *civil*  
30 appeals to be printed for distribution and temporary use until the reports  
31 themselves are issued. Upon such order it shall be the duty of the reporter,  
32 as soon as possible after they are filed, to prepare for publication, and of  
33 the director of printing immediately thereafter to print the syllabi and  
34 decisions of the court in the same form the permanent report will bear, but  
35 upon inexpensive paper and to be bound in paper. The number of copies of  
36 each issue shall be specified in the order. When issued they shall be  
37 delivered to the state law librarian, to be distributed in the manner  
38 provided in K.S.A. 20-208, *and amendments thereto*, for distributing  
39 copies of the Kansas reports, except that no copies of advance sheets shall  
40 be delivered to a law library for exchange purposes. The remaining copies  
41 shall be sold at the per copy price fixed by the supreme court under this  
42 section, plus the amount fixed by the supreme court under this section for  
43 the cost of postage and handling. ~~Said~~ *The* librarian may sell subscriptions

1 to the current advance sheets and permanent report together for the  
2 subscription price fixed by the supreme court under this section, plus the  
3 amount fixed by the supreme court under this section for the cost of any  
4 postage and handling, the same to be paid in advance and if any one  
5 person, firm, association or corporation shall subscribe for ~~two hundred~~  
6 ~~(200)~~ 200 or more copies of any bound volume and the advance sheets  
7 thereto, the state law librarian may sell subscriptions to such persons, firm,  
8 associations and corporations to the advance sheets and permanent report  
9 together for a reduced subscription price fixed by the supreme court under  
10 this section, plus the amount fixed by the supreme court under this section  
11 for the cost of postage and handling, the same to be paid in advance. Upon  
12 order of the court any opinion may be withheld from publication in the  
13 advance sheets until such time as it may designate. The increased prices  
14 provided for in this section shall apply to current reports and advance  
15 sheets commencing with volume 224, and subscriptions for earlier  
16 volumes and advance sheets, or purchases of advance sheets of earlier  
17 volumes, shall be at the rate prescribed by this section prior to this  
18 amendment. All copies of advance sheets distributed pursuant to this  
19 section or purchased by any governmental agency or subdivision may be  
20 removed from the inventory of such office, agency or subdivision upon  
21 publication of the volume of the Kansas reports for which such advance  
22 sheets were issued. The supreme court shall fix the per copy prices,  
23 subscription prices, and reduced subscription prices for advance sheets and  
24 permanent reports sold under this section to recover the costs of printing  
25 and binding such advance sheets and permanent reports and shall fix the  
26 amount to be charged in connection with the sale and distribution of such  
27 advance sheets and permanent reports under this section to cover the costs  
28 of postage and handling applicable thereto. The supreme court shall revise  
29 all such prices from time to time as necessary for the purposes of covering  
30 or recovering such costs.

31 Sec. 30. K.S.A. 2014 Supp. 20-302b is hereby amended to read as  
32 follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329,  
33 and amendments thereto, a district magistrate judge shall have the  
34 jurisdiction and power, in any case in which a violation of the laws of the  
35 state is charged, to conduct the trial of traffic infractions, cigarette or  
36 tobacco infractions or misdemeanor charges, to conduct felony first  
37 appearance hearings and the preliminary examination of felony charges  
38 and to hear misdemeanor or felony arraignments. Except as otherwise  
39 provided, in civil cases, a district magistrate judge shall have jurisdiction  
40 over actions filed under the code of civil procedure for limited actions,  
41 K.S.A. 61-2801 et seq., and amendments thereto, and concurrent  
42 jurisdiction, powers and duties with a district judge. Except as otherwise  
43 specifically provided in this subsection and subsection (b), in all other civil

1 cases, a district magistrate judge shall have jurisdiction over any civil  
2 action not filed under the code of civil procedure for limited actions only  
3 with the consent of the parties. A district magistrate judge shall have  
4 jurisdiction over uncontested actions for divorce.

5 (b) Notwithstanding the provisions of subsection (a), in the absence,  
6 disability or disqualification of a district judge, a district magistrate judge  
7 may:

8 (1) Grant a restraining order, as provided in K.S.A. 60-902, and  
9 amendments thereto;

10 (2) appoint a receiver, as provided in K.S.A. 60-1301, and  
11 amendments thereto; and

12 (3) make any order authorized by K.S.A. 23-2707, and amendments  
13 thereto.

14 (c) (1) All actions or proceedings before a district magistrate judge  
15 regularly admitted to practice law in Kansas shall be on the record if such  
16 actions or proceedings would be on the record before a district judge.

17 (2) In accordance with the limitations and procedures prescribed by  
18 law, and subject to any rules of the supreme court relating thereto, any  
19 appeal permitted to be taken from an order or final decision of a district  
20 magistrate judge: (A) who is not regularly admitted to practice law in  
21 Kansas shall be tried and determined de novo by a district judge, except  
22 that in civil cases where a record was made of the action or proceeding  
23 before the district magistrate judge, the appeal shall be tried and  
24 determined on the record by a district judge; and (B) who is regularly  
25 admitted to practice law in Kansas shall be to the court of *criminal* appeals  
26 *or the court of civil appeals, as appropriate.*

27 (d) Except as provided in subsection (e), upon motion of a party, the  
28 chief judge may reassign an action from a district magistrate judge to a  
29 district judge.

30 (e) Upon motion of a party for a petition or motion filed under the  
31 Kansas code for care of children requesting termination of parental rights  
32 pursuant to K.S.A. 2014 Supp. 38-2361 through 38-2367, and amendments  
33 thereto, the chief judge shall reassign such action from a district magistrate  
34 judge to a district judge.

35 Sec. 31. K.S.A. 20-310b is hereby amended to read as follows: 20-  
36 310b. (a) Upon stipulation of the parties to an action, the court may order  
37 the action to be heard and determined by a temporary judge who is a  
38 retired justice of the supreme court, retired judge of the court of appeals,  
39 *retired judge of the court of criminal appeals, retired judge of the court of*  
40 *civil appeals* or retired judge of the district court. Such temporary judge  
41 shall be sworn and empowered to act as judge in the action until its final  
42 determination.

43 (b) Any action before a temporary judge pursuant to this section shall

1 be conducted in the same manner as any other action before a judge of the  
2 district court and any order entered by such temporary judge may be  
3 appealed and enforced in the same manner as a similar order of a judge of  
4 the district court.

5 (c) If a person acting as temporary judge pursuant to this section is a  
6 retired district magistrate judge, the powers and jurisdiction of such  
7 temporary judge shall be limited to the powers and jurisdiction of a district  
8 magistrate judge and appeals of orders of such temporary judge shall be  
9 governed by the laws governing appeals from orders of district magistrate  
10 judges.

11 (d) The court shall fix the compensation of a temporary judge acting  
12 pursuant to this section and such compensation shall be charged against  
13 any or all parties to the action, or paid out of any fund or subject matter of  
14 the action which is in the custody of the court, as directed by the court.

15 Sec. 32. K.S.A. 20-2201 is hereby amended to read as follows: 20-  
16 2201. (a) A judicial council is hereby established and created which shall  
17 be an independent agency in the judicial branch of government, shall  
18 submit its budget separately and may adopt its own pay plan and personnel  
19 rules.

20 (b) The judicial council shall be composed of one justice of the  
21 supreme court, *one judge of the court of criminal appeals*, one judge of the  
22 court of *civil* appeals, two district judges of different judicial districts, four  
23 resident lawyers, the chairperson of the judiciary committee of the house  
24 of representatives or the chairperson's ~~designate~~ *designee*, and the  
25 chairperson of the judiciary committee of the senate.

26 (c) All members except the members of the legislature shall be  
27 appointed by the chief justice of the supreme court for a term of four years  
28 and until a successor shall have been appointed and qualified.

29 (d) The terms of the members of the legislature, and all other  
30 members, shall terminate upon such member ceasing to belong to the class  
31 from which such member was appointed.

32 (e) All vacancies except those of the members of the legislature shall  
33 be filled by appointment by the chief justice for the unexpired term. Upon  
34 vacancy, the places of the members of the legislature shall be filled by  
35 their successors.

36 Sec. 33. K.S.A. 2014 Supp. 20-2601 is hereby amended to read as  
37 follows: 20-2601. As used in K.S.A. 20-2601 et seq., and amendments  
38 thereto, unless the context otherwise requires:

39 (a) "Fund" means the Kansas public employees retirement fund  
40 created by K.S.A. 74-4921, and amendments thereto;

41 (b) "retirement system for judges" means the system provided for in  
42 the acts contained in article 26 of chapter 20 of the Kansas Statutes  
43 Annotated, and ~~any acts amendatory thereof or supplemental~~ *amendments*



1 thereto;

2 (c) "judge" means any duly elected or appointed justice of the  
3 supreme court, judge of the court of appeals, *judge of the court of criminal*  
4 *appeals*, *judge of the court of civil appeals* or judge of any district court of  
5 Kansas, who serves in such capacity on and after the effective date of this  
6 act and commencing with the first day of the first payroll period of the  
7 fiscal year ending June 30, 1994, any district magistrate judge who makes  
8 an election as provided in K.S.A. 20-2620, and amendments thereto, or  
9 who is elected or appointed on or after July 1, 1993;

10 (d) "member" means a judge who is making the required  
11 contributions to the fund, or any former judge who has made the required  
12 contributions to the fund and has not received a refund of the judge's  
13 accumulated contributions;

14 (e) "prior service" means all the periods of time any judge has served  
15 in such capacity prior to the effective date of this act except that district  
16 magistrate judges who have service credit under the Kansas public  
17 employees retirement system must make application to the board and,  
18 subject to the provisions of K.S.A. 74-49,123, and amendments thereto,  
19 make payment as required by the board to transfer service credit from the  
20 Kansas public employees retirement system to the retirement system for  
21 judges;

22 (f) "current service" means the period of service any judge serves in  
23 such capacity from and after the effective date of this act;

24 (g) "military service" means service of any judge for which  
25 retirement benefit credit must be given as provided in the uniformed  
26 services employment and reemployment rights act of 1994, as in effect on  
27 July 1, 2008;

28 (h) "total years of service" means the total number of years served as  
29 a judge, including prior service, military service and current service as  
30 defined by this section, computed to the nearest quarter;

31 (i) "salary" means the statutory salary of a judge;

32 (j) "final average salary" means that determined as provided in  
33 ~~subsection (b) of~~ K.S.A. 20-2610(b), and amendments thereto;

34 (k) "beneficiary" means any natural person or persons or estate  
35 designated by a judge in the latest designation of beneficiary received in  
36 the retirement system office to receive any benefits as provided for by this  
37 act. Except as provided in subsection (n), if there is no named beneficiary  
38 living at the time of the judge's death, any benefits provided for by this act  
39 shall be paid to: (1) The judge's surviving spouse; (2) the judge's  
40 dependent child or children; (3) the judge's dependent parent or parents;  
41 (4) the judge's nondependent child or children; (5) the judge's  
42 nondependent parent or parents; or (6) the estate of the deceased member;  
43 in the order of preference as specified in this subsection. Designations of

1 beneficiaries by a member who is a member of more than one retirement  
2 system made on or after July 1, 1987, shall be the basis of any benefits  
3 payable under all systems unless otherwise provided by law;

4 (l) "annuity" means a series of equal monthly payments, payable at  
5 the end of each calendar month during the life of a retired judge, of which  
6 payments the first payment shall be made as of the end of the calendar  
7 month in which such annuity was awarded and the last payment shall be at  
8 the end of the calendar month in which such judge dies. The first payment  
9 shall include all amounts accrued since the effective date of the award of  
10 annuities, including a pro rata portion of the monthly amount of any  
11 fraction of a month elapsing between the effective date of such annuity and  
12 the end of the calendar month in which such annuity began;

13 (m) "board" means the board of trustees of the Kansas public  
14 employees retirement system;

15 (n) "trust" means an express trust created by any trust instrument,  
16 including a will, and designated by a member to receive benefits and other  
17 amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and  
18 amendments thereto, instead of a beneficiary. A designation of a trust shall  
19 be filed with the board. If there is a designated trust at the time of the  
20 member's death, all benefits and other amounts payable under K.S.A. 20-  
21 2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the  
22 trust instead of the member's beneficiary. If no will is admitted to probate  
23 within six months after the death of the member or no trustee qualifies  
24 within such six months or if the designated trust fails, for any reason  
25 whatsoever, any benefits and other amounts payable under K.S.A. 20-  
26 2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the  
27 member's beneficiary and any payments so made shall be a full discharge  
28 and release to the retirement system for judges from any further claims;

29 (o) "accumulated contributions" means the sum of all contributions  
30 by a member to the retirement system for judges which are credited to the  
31 member's account, with interest allowed thereon after June 30, 1982;

32 (p) "federal internal revenue code" means the federal internal revenue  
33 code of 1954 or 1986, as in effect on July 1, 2008, and as applicable to a  
34 governmental plan; and

35 (q) except as otherwise provided in K.S.A. 20-2601 et seq., and  
36 amendments thereto, words and phrases used in K.S.A. 20-2601 et seq.,  
37 and amendments thereto, shall have the same meanings ascribed to them  
38 as are defined in K.S.A. 74-4902, and amendments thereto.

39 Sec. 34. K.S.A. 20-2616 is hereby amended to read as follows: 20-  
40 2616. (a) Any retired justice of the supreme court, retired judge of the  
41 court of appeals, *retired judge of the court of criminal appeals*, *retired*  
42 *judge of the court of civil appeals*, retired district judge or retired associate  
43 district judge may be designated and assigned to perform such judicial

1 service and duties as such retired justice or judge is willing to undertake.  
2 Designation and assignment of a retired justice or judge in connection with  
3 any matter pending in the supreme court shall be made by the supreme  
4 court. Designation and assignment of a retired justice or judge in  
5 connection with any matter pending in any other court, including any court  
6 located within the judicial district in which the justice or judge resides, or  
7 to perform any other judicial service or duties shall be made by the chief  
8 justice of the supreme court. Any such judicial service or duties shall  
9 include necessary preparation and other out-of-court judicial service for  
10 hearings or for deciding matters or cases in conjunction with the judicial  
11 services and duties assigned under this section. Any designation and  
12 assignment may be revoked in the same manner and all such designations  
13 and assignments and revocations shall be filed of record in the office of the  
14 clerk of the court to which such assignment is made.

15 (b) A retired justice or judge so designated and assigned to perform  
16 judicial service or duties shall have the power and authority to hear and  
17 determine all matters covered by the assignment.

18 (c) Except as otherwise provided in this section, each retired justice  
19 or judge who performs judicial service or duties under this section shall  
20 receive: (1) Per diem compensation at the rate of per diem compensation  
21 in effect under K.S.A. 46-137a, and amendments thereto;; (2) a per diem  
22 subsistence allowance at the per diem subsistence allowance rate in effect  
23 under K.S.A. 46-137a, and amendments thereto;; (3) a mileage allowance  
24 at the rate fixed under K.S.A. 75-3203a, and amendments thereto;; and (4)  
25 all actual and necessary expenses for other than subsistence or travel,  
26 including necessary stenographic assistance, as may be incurred in  
27 performing such service or duties.

28 (d) No retired justice or judge shall be entitled to receive per diem  
29 compensation under this section for any day in a fiscal year after the date  
30 that the total of: (1) The amount of per diem compensation earned under  
31 this section during that fiscal year; and (2) the amount of the retirement  
32 annuity payable to such retired justice or judge for that fiscal year under  
33 the retirement system for judges, becomes equal to or more than the  
34 amount of the current annual salary of a district judge paid by the state  
35 under K.S.A. 75-3120g, and amendments thereto, but such retired justice  
36 or judge shall receive the subsistence allowance, mileage allowance and  
37 actual and necessary expenses as provided under this section after such  
38 date.

39 (e) As used in this section, a retired justice or judge shall not include  
40 those justices or judges who were not retained in office, were not reelected  
41 to office, have been impeached from office or removed by the supreme  
42 court from office.

43 Sec. 35. K.S.A. 2014 Supp. 20-2622 is hereby amended to read as

1 follows: 20-2622. (a) On and after July 1, 1995, a retirant who retires as  
2 provided in K.S.A. 20-2608, and amendments thereto, may return to  
3 temporary judicial duties while receiving service retirement benefits. Upon  
4 written agreement with the Kansas supreme court, such retirant shall be  
5 available to perform assigned judicial duties for not more than 104 days or  
6 40% of each year. Notwithstanding the provisions of law in effect on the  
7 retirement date of a retirant, such retirant shall receive a stipend, payable  
8 monthly, equal to 25% of the current monthly salary of judges or justices  
9 serving in the same position as that held by the retirant at the time of  
10 retirement. Such agreement shall be for a period of not more than two  
11 years. A retirant may enter into subsequent agreements, except that the  
12 aggregate of these agreements shall not exceed 15 years. The supreme  
13 court is hereby authorized and may pay on behalf of such retirant the  
14 amount specified by the Kansas state employees health care commission  
15 under K.S.A. 75-6508, and amendments thereto, as if the retirant is serving  
16 as a full-time employee of the judicial branch and participating in the state  
17 health care benefits program to provide for such participation of the  
18 retirant. Any retirant entering into a written agreement with the Kansas  
19 supreme court to be available to perform assigned judicial duties for less  
20 than 104 days or 40% of each year for a proportionally reduced stipend  
21 shall be considered as if the retirant is serving under a part-time  
22 appointment as an employee of the judicial branch and participating in the  
23 state health care benefits program to provide for such participation of the  
24 employee and the supreme court may pay on behalf of the retirant the  
25 amount specified by the Kansas state employees health care commission  
26 and K.S.A. 75-6508, and amendments thereto.

27 (b) If a written agreement is entered into pursuant to the provisions of  
28 subsection (a), and notice is received by the chief justice of the refusal of  
29 the retirant to accept a temporary assignment without just cause, the  
30 written agreement shall be terminated.

31 (c) Nothing in this act shall be construed to require a retirant of the  
32 retirement system for judges to enter into an agreement to perform  
33 temporary judicial duties.

34 (d) Nothing in this act shall be construed to limit the supreme court's  
35 ability to make judicial assignments pursuant to the provisions of K.S.A.  
36 20-310b and 20-2616, and amendments thereto; and the stipend provided  
37 by this act shall not be counted toward the annual limitation on  
38 compensation provided in K.S.A. 20-2616, and amendments thereto.

39 (e) Any retirant who has fulfilled the requirements of an agreement  
40 entered into pursuant to this act may continue to accept judicial  
41 assignments and shall be compensated for such subsequent assignments in  
42 accordance with the provisions of K.S.A. 20-310b and 20-2616, and  
43 amendments thereto.

1 (f) If an assignment given to a retirant in accordance with this act will  
2 require the retirant to exceed the 104 day limitation provided in subsection  
3 (a), the retirant shall be compensated in accordance with the provisions of  
4 K.S.A. 20-2616, and amendments thereto.

5 (g) For purposes of this act, "retirant" shall include any justice of the  
6 Kansas supreme court, judge of the Kansas court of appeals, *judge of the*  
7 *Kansas court of criminal appeals*, *judge of the Kansas court of civil*  
8 *appeals* and district judge of any district court of Kansas who retired  
9 pursuant to the provisions of the retirement system for judges. Retirant  
10 shall not include any district magistrate judge.

11 Sec. 36. K.S.A. 2014 Supp. 20-3021 is hereby amended to read as  
12 follows: 20-3021. (a) (1) On and after ~~July 1, 2014~~ *August 31, 2016*, any  
13 party filing an appeal with the *court of criminal appeals* or court of *civil*  
14 *appeals* shall pay a fee in the amount of \$145 to the clerk of the supreme  
15 court.

16 (2) On and after July 1, 2014, any party filing an appeal with the  
17 supreme court shall pay a fee in the amount of \$145 to the clerk of the  
18 supreme court.

19 (b) A poverty affidavit may be filed in lieu of a fee as established in  
20 K.S.A. 60-2001, and amendments thereto.

21 (c) The fee shall be the only costs assessed in each case to services of  
22 the clerk of the supreme court. The clerk of the supreme court shall remit  
23 all revenues received from this section to the state treasurer, in accordance  
24 with the provisions of K.S.A. 75-4215, and amendments thereto, for  
25 deposit in the state treasury. The fee shall be disbursed in accordance with  
26 K.S.A. 20-362, and amendments thereto.

27 (d) Except as provided further, the fee established in this section shall  
28 be the only fee collected or moneys in the nature of a fee collected for the  
29 docket fee. Such fee shall only be established by an act of the legislature  
30 and no other authority is established by law or otherwise to collect a fee.  
31 On and after July 1, 2014, through July 1, 2015, the supreme court may  
32 impose an additional charge, not to exceed \$10 per fee, to fund the costs of  
33 non-judicial personnel.

34 (e) The state of Kansas and all municipalities in this state, as defined  
35 in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying  
36 such fee.

37 Sec. 37. K.S.A. 2014 Supp. 20-3202 is hereby amended to read as  
38 follows: 20-3202. (a) The commission shall consist of ~~thirteen~~ *13* members  
39 appointed by the judicial council. The council shall appoint commission  
40 members of outstanding competence and reputation. Six members of the  
41 commission shall be non-lawyers and six members of the commission  
42 shall be lawyers, justices or judges. The judicial council shall appoint the  
43 chair of the commission, who shall be a lawyer, justice or judge. At least

1 one non-lawyer commission member and at least one lawyer, justice or  
2 judge commission member shall reside in each congressional district. The  
3 rules of the commission shall provide that the terms of the commission  
4 members are staggered.

5 (b) For the purposes of K.S.A. 20-3201 through 20-3207, and  
6 amendments thereto, the commission shall not be subject to the Kansas  
7 open meetings act as provided in K.S.A. 75-4317 et seq., and amendments  
8 thereto.

9 (c) As used in K.S.A. 20-3201 through 20-3207, and amendments  
10 thereto:

11 (1) "Lawyer" means an attorney registered as active pursuant to  
12 supreme court rule.

13 (2) "Judge" means: A current or retired Kansas judge of the district  
14 court; *a current or retired judge of the Kansas court of criminal appeals; a*  
15 *current or retired judge of the Kansas court of civil appeals;* and a ~~current~~  
16 ~~or~~ retired judge of the Kansas court of appeals.

17 (3) "Justice" means a current or retired justice of the Kansas supreme  
18 court.

19 Sec. 38. K.S.A. 20-3208 is hereby amended to read as follows: 20-  
20 3208. On and after July 1, 2007, a retired justice of the supreme court,  
21 retired judge of the court of appeals, *retired judge of the court of criminal*  
22 *appeals, retired judge of the court of civil appeals* or retired judge of the  
23 district court who retired pursuant to the retirement system for judges as  
24 provided pursuant to the provisions of K.S.A. 20-2601 et seq., and  
25 amendments thereto, may enter into a written agreement as provided in  
26 this section to perform services for the commission on judicial  
27 performance while receiving service retirement benefits pursuant to the  
28 provisions of the retirement system for judges. Such retired justice or  
29 judge shall enter into a written agreement with the judicial council,  
30 established pursuant to the provisions of K.S.A. 20-2201, and amendments  
31 thereto, to perform duties assigned by the judicial council to assist the  
32 commission in the judicial performance evaluation process prescribed  
33 pursuant to the provisions of K.S.A. 20-3201 et seq., and amendments  
34 thereto. Such retired justice or judge shall be available to perform assigned  
35 duties for not more than 104 days or 40% of each year. Notwithstanding  
36 the provisions of law in effect on the retirement date of a retired justice or  
37 judge, such justice or judge shall receive a stipend, payable monthly, equal  
38 to 25% of the monthly salary of such retired justice or judge at the time of  
39 retirement of such retired justice or judge. Such agreement shall be for a  
40 period of not more than two years. A retired justice or judge may enter into  
41 subsequent agreements. The judicial council is hereby authorized and may  
42 pay on behalf of such retired justice or judge the amount specified by the  
43 Kansas state employees health care commission under the provisions of

1 K.S.A. 75-6508, and amendments thereto, as if the retired justice or judge  
2 is serving as a full-time employee of the judicial council and participating  
3 in the state health care benefits program to provide for such participation  
4 of the retired justice or judge. Any retired justice or judge entering into a  
5 written agreement with the judicial council to be available to perform  
6 assigned duties pursuant to this section for less than 104 days or 40% of  
7 each year for a proportionally reduced stipend shall be considered as if the  
8 retired justice or judge is serving under a part-time appointment as an  
9 employee of the judicial council and participating in the state health care  
10 benefits program to provide for such participation of the retired justice or  
11 judge, and the judicial council may pay on behalf of the retired justice or  
12 judge the amount specified by the Kansas state employees health care  
13 commission under the provisions of K.S.A. 75-6508, and amendments  
14 thereto. The monthly stipend provided by this act shall not be counted  
15 toward the annual limitation on compensation provided in K.S.A. 20-2616,  
16 and amendments thereto. A retired justice or judge who has fulfilled the  
17 requirements of an agreement entered into pursuant to this section may  
18 accept judicial assignments and be compensated in accordance with the  
19 provisions of K.S.A. 20-310b, 20-2616 and 20-2622, and amendments  
20 thereto. If an assignment given to a retired justice or judge pursuant to the  
21 provisions of this section will require the retired justice or judge to exceed  
22 the service limit provided in this section, the retired justice or judge shall  
23 be compensated in accordance with the provisions of K.S.A. 20-2616, and  
24 amendments thereto.

25 Sec. 39. K.S.A. 2014 Supp. 20-3301 is hereby amended to read as  
26 follows: 20-3301. (a) (1) A district court shall enter and file its decision on  
27 motions and non-jury trials within 120 days after the matter is submitted  
28 for decision.

29 (2) If the district court does not enter and file its decision on a  
30 submitted matter within 120 days of submission, all counsel shall, within  
31 130 days after the matter is submitted for decision, file with the court a  
32 joint request that such decision be entered without further delay. A copy of  
33 such request shall be sent to the chief judge of the judicial district and  
34 made available to the public.

35 (3) Within 30 days after the filing of a joint request, the district court  
36 shall enter its decision or advise the parties in writing of the date by which  
37 the decision will be entered. A copy of such written advice shall be filed in  
38 the case, sent to the chief judge of the judicial district and made available  
39 to the public.

40 (4) In the event the district court fails to enter its decision or to advise  
41 the parties of an intended decision date as required by subsection (a)(3), all  
42 counsel shall then file a joint request with the chief judge of the judicial  
43 district to establish an intended decision date. A copy of such request shall

1 be filed in the case and made available to the public.

2 (5) Upon receipt of a request under subsection (a)(4), the chief judge  
3 of the judicial district shall, after consultation with the judge to whom the  
4 matter is assigned, establish a firm intended decision date by which the  
5 district court's decision shall be made. Such setting of a final intended  
6 decision date shall be in writing, filed in the case, served on the parties and  
7 made available to the public.

8 (b) (1) The court of *criminal* appeals shall render and file its decision  
9 on motions and appeals within 180 days after the matter is submitted for  
10 decision.

11 (2) If the court of *criminal* appeals does not enter and file its decision  
12 on a submitted matter within 180 days of submission, all counsel shall,  
13 within 190 days after the matter is submitted for decision, file with the  
14 court a joint request that such decision be entered without further delay. A  
15 copy of such request shall be sent to the chief judge of the court of  
16 *criminal* appeals and made available to the public.

17 (3) Within 30 days after the filing of a joint request, the court of  
18 *criminal* appeals shall enter its decision or advise the parties in writing of  
19 the date by which the decision will be entered. A copy of such written  
20 advice shall be filed in the case, sent to the chief judge of the court of  
21 *criminal* appeals and made available to the public.

22 (4) In the event the court of *criminal* appeals fails to enter its decision  
23 or to advise the parties of an intended decision date as required by  
24 subsection (b)(3), all counsel shall then file a joint request with the chief  
25 judge of the court of *criminal* appeals to establish an intended decision  
26 date. A copy of such request shall be filed in the case and made available  
27 to the public.

28 (5) Upon receipt of a request under subsection (b)(4), the chief judge  
29 of the court of *criminal* appeals shall, after consultation with the judge or  
30 judges to whom the matter is assigned, establish a firm intended decision  
31 date by which the court's decision shall be made. Such setting of a final  
32 intended decision date shall be in writing, filed in the case, served on the  
33 parties and made available to the public.

34 (c) (1) *The court of civil appeals shall render and file its decision on*  
35 *motions and appeals within 180 days after the matter is submitted for*  
36 *decision.*

37 (2) *If the court of civil appeals does not enter and file its decision on*  
38 *a submitted matter within 180 days of submission, all counsel shall, within*  
39 *190 days after the matter is submitted for decision, file with the court a*  
40 *joint request that such decision be entered without further delay. A copy of*  
41 *such request shall be sent to the chief judge of the court of civil appeals*  
42 *and made available to the public.*

43 (3) *Within 30 days after the filing of a joint request, the court of civil*



1 *appeals shall enter its decision or advise the parties in writing of the date*  
 2 *by which the decision will be entered. A copy of such written advice shall*  
 3 *be filed in the case, sent to the chief judge of the court of civil appeals and*  
 4 *made available to the public.*

5 *(4) In the event the court of civil appeals fails to enter its decision or*  
 6 *to advise the parties of an intended decision date as required by*  
 7 *subsection (c)(3), all counsel shall then file a joint request with the chief*  
 8 *judge of the court of civil appeals to establish an intended decision date. A*  
 9 *copy of such request shall be filed in the case and made available to the*  
 10 *public.*

11 *(5) Upon receipt of a request under subsection (c)(4), the chief judge*  
 12 *of the court of civil appeals shall, after consultation with the judge or*  
 13 *judges to whom the matter is assigned, establish a firm intended decision*  
 14 *date by which the court's decision shall be made. Such setting of a final*  
 15 *intended decision date shall be in writing, filed in the case, served on the*  
 16 *parties and made available to the public.*

17 ~~(e)~~ (d) (1) The supreme court shall render and file its decision on  
 18 motions and appeals within 180 days after the matter is submitted for  
 19 decision.

20 (2) If the supreme court does not enter and file its decision on a  
 21 submitted matter within 180 days of submission, all counsel shall, within  
 22 190 days after the matter is submitted for decision, file with the court a  
 23 joint request that such decision be entered without further delay. A copy of  
 24 such request shall be sent to the chief justice and made available to the  
 25 public.

26 (3) Within 30 days after the filing of a joint request, the supreme  
 27 court shall enter its decision or advise the parties in writing of the date by  
 28 which the decision will be entered. A copy of such written advice shall be  
 29 filed in the case, sent to the chief justice and made available to the public.

30 (4) In the event the supreme court fails to enter its decision or to  
 31 advise the parties of an intended decision date as required by subsection  
 32 ~~(e)(3)~~ (d)(3), all counsel shall then file a joint request with the chief justice  
 33 to establish an intended decision date. A copy of such request shall be filed  
 34 in the case and made available to the public.

35 (5) Upon receipt of a request under subsection ~~(e)(4)~~ (d)(4), the chief  
 36 justice shall, after consultation with the justice or justices to whom the  
 37 matter is assigned, establish a firm intended decision date by which the  
 38 court's decision shall be made. Such setting of a final intended decision  
 39 date shall be in writing, filed in the case, served on the parties and made  
 40 available to the public.

41 ~~(d)~~ (e) For the purposes of this section:

42 (1) A motion shall be deemed submitted for decision on the date the:  
 43 (A) Court announces on the record in open court, at the conclusion of the

1 hearing thereon, that the matter is submitted for decision; or (B) last  
 2 memorandum or other document is permitted to be filed. If no oral  
 3 argument is conducted on the motion, a motion shall be deemed submitted  
 4 for decision as of the date the last memorandum or other document is  
 5 permitted to be filed.

6 (2) A non-jury trial shall be deemed submitted for decision on the  
 7 date the: (A) District court announces on the record in open court, at the  
 8 conclusion of the trial, that the matter is submitted for decision; or (B) last  
 9 memorandum or other document is permitted to be filed.

10 (3) An appeal shall be deemed submitted for decision on the date the:  
 11 (A) Court announces on the record in open court, at the conclusion of oral  
 12 argument, that the matter is submitted for decision; or (B) last  
 13 memorandum or other document is permitted to be filed. If no oral  
 14 argument is conducted, an appeal shall be deemed submitted for decision  
 15 as of the date the case is considered on a non-argued calendar.

16 Sec. 40. K.S.A. 2014 Supp. 21-5207 is hereby amended to read as  
 17 follows: 21-5207. (a) A person's ignorance or mistake as to a matter of  
 18 either fact or law, except as provided in K.S.A. 2014 Supp. 21-5204, and  
 19 amendments thereto, is a defense if it negates the existence of the culpable  
 20 mental state which the statute prescribes with respect to an element of the  
 21 crime.

22 (b) A person's reasonable belief that such person's conduct does not  
 23 constitute a crime is a defense if:

24 (1) The crime is defined by an administrative regulation or order  
 25 which is not known to such person and has not been published in the  
 26 Kansas administrative regulations or an annual supplement thereto, as  
 27 provided by law; and such person could not have acquired such knowledge  
 28 by the exercise of due diligence pursuant to facts known to such person;

29 (2) such person acts in reliance upon a statute which later is  
 30 determined to be invalid;

31 (3) such person acts in reliance upon an order or opinion of the  
 32 *Kansas court of criminal appeals, the Kansas supreme court of Kansas* or  
 33 a United States appellate court later overruled or reversed; or

34 (4) such person acts in reliance upon an official interpretation of the  
 35 statute, regulation or order defining the crime made by a public officer or  
 36 agency legally authorized to interpret such statute.

37 (c) Although a person's ignorance or mistake of fact or law, or  
 38 reasonable belief, as described in subsection (b), is a defense to the crime  
 39 charged, such person may be convicted of an included crime of which such  
 40 person would be guilty if the fact or law were as such person believed it to  
 41 be.

42 Sec. 41. K.S.A. 2014 Supp. 21-5905 is hereby amended to read as  
 43 follows: 21-5905. (a) Interference with the judicial process is:

- 1 (1) Communicating with any judicial officer in relation to any matter  
2 which is or may be brought before such judge, magistrate, master or juror  
3 with intent to improperly influence such officer;
- 4 (2) committing any of the following acts, with intent to influence,  
5 impede or obstruct the finding, decision, ruling, order, judgment or decree  
6 of such judicial officer or prosecutor on any matter then pending before the  
7 officer or prosecutor:
- 8 (A) Communicating in any manner a threat of violence to any judicial  
9 officer or any prosecutor;
- 10 (B) harassing a judicial officer or a prosecutor by repeated  
11 vituperative communication; or
- 12 (C) picketing, parading or demonstrating near such officer's or  
13 prosecutor's residence or place of abode;
- 14 (3) picketing, parading or demonstrating in or near a building housing  
15 a judicial officer or a prosecutor with intent to impede or obstruct the  
16 finding, decision, ruling, order, judgment or decree of such judicial officer  
17 or prosecutor on any matter then pending before the officer or prosecutor;
- 18 (4) knowingly accepting or agreeing to accept anything of value as  
19 consideration for a promise:
- 20 (A) Not to initiate or aid in the prosecution of a person who has  
21 committed a crime; or
- 22 (B) to conceal or destroy evidence of a crime;
- 23 (5) knowingly or intentionally in any criminal proceeding or  
24 investigation:
- 25 (A) Inducing a witness or informant to withhold or unreasonably  
26 delay in producing any testimony, information, document or thing;
- 27 (B) withholding or unreasonably delaying in producing any  
28 testimony, information, document or thing after a court orders the  
29 production of such testimony, information, document or thing;
- 30 (C) altering, damaging, removing or destroying any record, document  
31 or thing, with the intent to prevent it from being produced or used as  
32 evidence; or
- 33 (D) making, presenting or using a false record, document or thing  
34 with the intent that the record, document or thing, material to such  
35 criminal proceeding or investigation, appear in evidence to mislead a  
36 justice, judge, magistrate, master or law enforcement officer;
- 37 (6) when performed by a person summoned or sworn as a juror in any  
38 case:
- 39 (A) Intentionally soliciting, accepting or agreeing to accept from  
40 another any benefit as consideration to wrongfully give a verdict for or  
41 against any party in any proceeding, civil or criminal;
- 42 (B) intentionally promising or agreeing to wrongfully give a verdict  
43 for or against any party in any proceeding, civil or criminal; or

- 1 (C) knowingly receiving any evidence or information from anyone in
- 2 relation to any matter or cause for the trial of which such juror has been or
- 3 will be sworn, without the authority of the court or officer before whom
- 4 such juror has been summoned, and without immediately disclosing the
- 5 same to such court or officer; or
- 6 (7) knowingly making available by any means personal information
- 7 about a judge or the judge's immediate family member, if the
- 8 dissemination of the personal information poses an imminent and serious
- 9 threat to the judge's safety or the safety of such judge's immediate family
- 10 member, and the person making the information available knows or
- 11 reasonably should know of the imminent and serious threat.
- 12 (b) Interference with the judicial process as defined in:
- 13 (1) Subsection (a)(1) is a severity level 9, nonperson felony;
- 14 (2) subsection (a)(2) and (a)(3) is a class A nonperson misdemeanor;
- 15 (3) subsection (a)(4) is a:
- 16 (A) Severity level 8, nonperson felony if the crime is a felony; or
- 17 (B) class A nonperson misdemeanor if the crime is a misdemeanor;
- 18 (4) subsection (a)(5) is a:
- 19 (A) Severity level 8, nonperson felony if the matter or case involves a
- 20 felony; or
- 21 (B) class A nonperson misdemeanor if the matter or case involves a
- 22 misdemeanor;
- 23 (5) subsection (a)(6)(A) is a severity level 7, nonperson felony;
- 24 (6) subsection (a)(6)(B) or (a)(6)(C) is a severity level 9, nonperson
- 25 felony; and
- 26 (7) subsection (a)(7) is a:
- 27 (A) Class A person misdemeanor, except as provided in subsection
- 28 (b)(7)(B); and
- 29 (B) severity level 9, person felony upon a second or subsequent
- 30 conviction.
- 31 (c) Nothing in this section shall limit or prevent the exercise by any
- 32 court of this state of its power to punish for contempt.
- 33 (d) As used in this section:
- 34 (1) "Immediate family member" means a judge's spouse, child, parent
- 35 or any other blood relative who lives in the same residence as such judge.
- 36 (2) "Judge" means any duly elected or appointed justice of the
- 37 supreme court, *judge of the court of criminal appeals*, judge of the court of
- 38 *civil appeals*, judge of any district court of Kansas, district magistrate
- 39 judge or municipal court judge.
- 40 (3) "Personal information" means a judge's home address, home
- 41 telephone number, personal mobile telephone number, pager number,
- 42 personal e-mail address, personal photograph, immediate family member
- 43 photograph, photograph of the judge's home, and information about the

1 judge's motor vehicle, any immediate family member's motor vehicle, any  
2 immediate family member's place of employment, any immediate family  
3 member's child care or day care facility and any immediate family  
4 member's public or private school that offers instruction in any or all of the  
5 grades kindergarten through 12.

6 Sec. 42. K.S.A. 2014 Supp. 21-6619 is hereby amended to read as  
7 follows: 21-6619. (a) A judgment of conviction resulting in a sentence of  
8 death shall be subject to automatic review by and appeal to the ~~supreme~~  
9 ~~court of Kansas~~ *court of criminal appeals* in the manner provided by the  
10 applicable statutes and rules of the supreme court governing appellate  
11 procedure. The review and appeal shall be expedited in every manner  
12 consistent with the proper presentation thereof and given priority pursuant  
13 to the statutes and rules of the supreme court governing appellate  
14 procedure.

15 (b) The ~~supreme court of Kansas~~ *court of criminal appeals* shall  
16 consider the question of sentence as well as any errors asserted in the  
17 review and appeal and shall be authorized to notice unassigned errors  
18 appearing of record if the ends of justice would be served thereby.

19 (c) With regard to the sentence, the court shall determine:

20 (1) Whether the sentence of death was imposed under the influence of  
21 passion, prejudice or any other arbitrary factor; and

22 (2) whether the evidence supports the findings that an aggravating  
23 circumstance or circumstances existed and that any mitigating  
24 circumstances were insufficient to outweigh the aggravating  
25 circumstances.

26 (d) The court shall be authorized to enter such orders as are necessary  
27 to effect a proper and complete disposition of the review and appeal.

28 Sec. 43. K.S.A. 2014 Supp. 21-6628 is hereby amended to read as  
29 follows: 21-6628. (a) In the event the term of imprisonment for life  
30 without the possibility of parole or any provision of K.S.A. 2014 Supp. 21-  
31 6626 or 21-6627, and amendments thereto, authorizing such term is held to  
32 be unconstitutional by the *Kansas court of criminal appeals*, the ~~Kansas~~  
33 ~~supreme court of Kansas~~ or the United States supreme court, the court  
34 having jurisdiction over a person previously sentenced shall cause such  
35 person to be brought before the court and shall modify the sentence to  
36 require no term of imprisonment for life without the possibility of parole  
37 and shall sentence the defendant to the maximum term of imprisonment  
38 otherwise provided by law.

39 (b) In the event a sentence of death or any provision of chapter 252 of  
40 the 1994 Session Laws of Kansas authorizing such sentence is held to be  
41 unconstitutional by the *Kansas court of criminal appeals*, the ~~Kansas~~  
42 ~~supreme court of Kansas~~ or the United States supreme court, the court  
43 having jurisdiction over a person previously sentenced shall cause such

1 person to be brought before the court and shall modify the sentence and  
2 resentence the defendant as otherwise provided by law.

3 (c) In the event the mandatory term of imprisonment or any provision  
4 of chapter 341 of the 1994 Session Laws of Kansas authorizing such  
5 mandatory term is held to be unconstitutional by the *Kansas court of*  
6 *criminal appeals, the Kansas supreme court of Kansas* or the United States  
7 supreme court, the court having jurisdiction over a person previously  
8 sentenced shall cause such person to be brought before the court and shall  
9 modify the sentence to require no mandatory term of imprisonment and  
10 shall sentence the defendant as otherwise provided by law.

11 Sec. 44. K.S.A. 2014 Supp. 21-6702 is hereby amended to read as  
12 follows: 21-6702. (a) Whenever any person has been found guilty of a  
13 crime and the court finds that an adequate presentence investigation cannot  
14 be conducted by resources available within the judicial district, including  
15 mental health centers and mental health clinics, the court may require that  
16 a presentence investigation be conducted by the Topeka correctional  
17 facility or by the state security hospital. If the offender is sent to the  
18 Topeka correctional facility or the state security hospital for a presentence  
19 investigation under this section, the correctional facility or hospital may  
20 keep the offender confined for a maximum of 60 days, except that an  
21 inmate may be held for a longer period of time on order of the secretary, or  
22 until the court calls for the return of the offender. While held at the Topeka  
23 correctional facility or the state security hospital the defendant may be  
24 treated the same as any person committed to the secretary of corrections or  
25 secretary for aging and disability services for purposes of maintaining  
26 security and control, discipline, and emergency medical or psychiatric  
27 treatment, and general population management except that no such person  
28 shall be transferred out of the state or to a federal institution or to any other  
29 location unless the transfer is between the correctional facility and the state  
30 security hospital. The correctional facility or the state security hospital  
31 shall compile a complete mental and physical evaluation of such offender  
32 and shall make its findings and recommendations known to the court in the  
33 presentence report.

34 (b) Except as provided in subsection (c), whenever any person has  
35 been found guilty of a crime, the court may adjudge any of the following:

36 (1) Commit the defendant to the custody of the secretary of  
37 corrections or, if confinement is for a term less than one year, to jail for the  
38 term provided by law;

39 (2) impose the fine applicable to the offense;

40 (3) release the defendant on probation subject to such conditions as  
41 the court may deem appropriate, including orders requiring full or partial  
42 restitution. In felony cases, the court may include confinement in a county  
43 jail not to exceed 60 days, which need not be served consecutively, as a

1 condition of an original probation sentence and up to 60 days in a county  
2 jail upon each revocation of the probation sentence;

3 (4) suspend the imposition of the sentence subject to such conditions  
4 as the court may deem appropriate, including orders requiring full or  
5 partial restitution. In felony cases, the court may include confinement in a  
6 county jail not to exceed 60 days, which need not be served consecutively,  
7 as a condition of suspension of sentence;

8 (5) assign the defendant to a community correctional services  
9 program subject to the provisions of K.S.A. 75-5291, and amendments  
10 thereto, and such conditions as the court may deem appropriate, including  
11 orders requiring full or partial restitution;

12 (6) assign the defendant to a conservation camp for a period not to  
13 exceed six months;

14 (7) assign the defendant to a house arrest program pursuant to K.S.A.  
15 2014 Supp. 21-6609, and amendments thereto;

16 (8) order the defendant to attend and satisfactorily complete an  
17 alcohol or drug education or training program as provided by ~~subsection~~  
18 ~~(e)~~ of K.S.A. 2014 Supp. 21-6602(c), and amendments thereto;

19 (9) order the defendant to pay the administrative fee authorized by  
20 K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

21 (10) impose any appropriate combination of subsections (b)(1)  
22 through (b)(9).

23 In addition to or in lieu of any of the above, the court shall order the  
24 defendant to submit to and complete an alcohol and drug evaluation, and  
25 pay a fee therefor, when required by ~~subsection (d)~~ of K.S.A. 2014 Supp.  
26 21-6602(d), and amendments thereto.

27 In addition to any of the above, the court shall order the defendant to  
28 reimburse the state general fund for all or a part of the expenditures by the  
29 state board of indigents' defense services to provide counsel and other  
30 defense services to the defendant. In determining the amount and method  
31 of payment of such sum, the court shall take account of the financial  
32 resources of the defendant and the nature of the burden that payment of  
33 such sum will impose. A defendant who has been required to pay such sum  
34 and who is not willfully in default in the payment thereof may at any time  
35 petition the court which sentenced the defendant to waive payment of such  
36 sum or any unpaid portion thereof. If it appears to the satisfaction of the  
37 court that payment of the amount due will impose manifest hardship on the  
38 defendant or the defendant's immediate family, the court may waive  
39 payment of all or part of the amount due or modify the method of  
40 payment. The amount of attorney fees to be included in the court order for  
41 reimbursement shall be the amount claimed by appointed counsel on the  
42 payment voucher for indigents' defense services or the amount prescribed  
43 by the board of indigents' defense services reimbursement tables as

1 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

2 In imposing a fine the court may authorize the payment thereof in  
3 installments. In releasing a defendant on probation, the court shall direct  
4 that the defendant be under the supervision of a court services officer. If  
5 the court commits the defendant to the custody of the secretary of  
6 corrections or to jail, the court may specify in its order the amount of  
7 restitution to be paid and the person to whom it shall be paid if restitution  
8 is later ordered as a condition of parole or conditional release.

9 The court in committing a defendant to the custody of the secretary of  
10 corrections shall fix a maximum term of confinement within the limits  
11 provided by law. In those cases where the law does not fix a maximum  
12 term of confinement for the crime for which the defendant was convicted,  
13 the court shall fix the maximum term of such confinement. In all cases  
14 where the defendant is committed to the custody of the secretary of  
15 corrections, the court shall fix the minimum term within the limits  
16 provided by law.

17 (c) Whenever any juvenile felon, as defined in K.S.A. 38-16,112,  
18 prior to its repeal, has been found guilty of a class A or B felony, the court  
19 shall commit the defendant to the custody of the secretary of corrections  
20 and may impose the fine applicable to the offense.

21 (d) (1) Except when an appeal is taken and determined adversely to  
22 the defendant as provided in subsection (d)(2), at any time within 120 days  
23 after a sentence is imposed, after probation or assignment to a community  
24 correctional services program has been revoked, the court may modify  
25 such sentence, revocation of probation or assignment to a community  
26 correctional services program by directing that a less severe penalty be  
27 imposed in lieu of that originally adjudged within statutory limits and shall  
28 modify such sentence if recommended by the Topeka correctional facility  
29 unless the court finds and sets forth with particularity the reasons for  
30 finding that the safety of members of the public will be jeopardized or that  
31 the welfare of the inmate will not be served by such modification.

32 (2) If an appeal is taken and determined adversely to the defendant,  
33 such sentence may be modified within 120 days after the receipt by the  
34 clerk of the district court of the mandate from the supreme court or court  
35 of *criminal* appeals.

36 (e) The court shall modify the sentence at any time before the  
37 expiration thereof when such modification is recommended by the  
38 secretary of corrections unless the court finds and sets forth with  
39 particularity the reasons for finding that the safety of members of the  
40 public will be jeopardized or that the welfare of the inmate will not be  
41 served by such modification. The court shall have the power to impose a  
42 less severe penalty upon the inmate, including the power to reduce the  
43 minimum below the statutory limit on the minimum term prescribed for



1 the crime of which the inmate has been convicted. The recommendation of  
2 the secretary of corrections, the hearing on the recommendation and the  
3 order of modification shall be made in open court. Notice of the  
4 recommendation of modification of sentence and the time and place of the  
5 hearing thereon shall be given by the inmate, or by the inmate's legal  
6 counsel, at least 21 days prior to the hearing to the county or district  
7 attorney of the county where the inmate was convicted. After receipt of  
8 such notice and at least 14 days prior to the hearing, the county or district  
9 attorney shall give notice of the recommendation of modification of  
10 sentence and the time and place of the hearing thereon to any victim of the  
11 inmate's crime who is alive and whose address is known to the county or  
12 district attorney or, if the victim is deceased, to the victim's next of kin if  
13 the next of kin's address is known to the county or district attorney. Proof  
14 of service of each notice required to be given by this subsection shall be  
15 filed with the court.

16 (f) After such defendant has been assigned to a conservation camp  
17 but prior to the end of 180 days, the chief administrator of such camp shall  
18 file a performance report and recommendations with the court. The court  
19 shall enter an order based on such report and recommendations modifying  
20 the sentence, if appropriate, by sentencing the defendant to any of the  
21 authorized dispositions provided in subsection (b), except to reassign such  
22 person to a conservation camp as provided in subsection (b)(6).

23 (g) This section shall not deprive the court of any authority conferred  
24 by any other Kansas statute to decree a forfeiture of property, suspend or  
25 cancel a license, remove a person from office, or impose any other civil  
26 penalty as a result of conviction of crime.

27 (h) An application for or acceptance of probation, suspended sentence  
28 or assignment to a community correctional services program shall not  
29 constitute an acquiescence in the judgment for purpose of appeal, and any  
30 convicted person may appeal from such conviction, as provided by law,  
31 without regard to whether such person has applied for probation,  
32 suspended sentence or assignment to a community correctional services  
33 program.

34 (i) When it is provided by law that a person shall be sentenced  
35 pursuant to K.S.A. 21-4628, prior to its repeal, the provisions of this  
36 section shall not apply.

37 (j) The provisions of this section shall apply to crimes committed  
38 before July 1, 1993.

39 Sec. 45. K.S.A. 22-2202 is hereby amended to read as follows: 22-  
40 2202. (1) "Appellate court" means the ~~supreme court or~~ court of *criminal*  
41 appeals, ~~depending on the context in which the term is used and the~~  
42 ~~respective jurisdiction of those courts over appeals in criminal cases, as~~  
43 ~~provided in K.S.A. 22-3601, and amendments thereto.~~

1 (2) "Appearance bond" means an agreement, with or without security,  
2 entered into by a person in custody by which the person is bound to  
3 comply with the conditions specified in the agreement.

4 (3) "Arraignment" means the formal act of calling the defendant  
5 before a court having jurisdiction to impose sentence for the offense  
6 charged, informing the defendant of the offense with which the defendant  
7 is charged, and asking the defendant whether the defendant is guilty or not  
8 guilty.

9 (4) "Arrest" means the taking of a person into custody in order that  
10 the person may be forthcoming to answer for the commission of a crime.  
11 The giving of a notice to appear is not an arrest.

12 (5) "Bail" means the security given for the purpose of insuring  
13 compliance with the terms of an appearance bond.

14 (6) "Bind over" means require a defendant to appear and answer  
15 before a district judge having jurisdiction to try the defendant for the  
16 felony with which the defendant is charged.

17 (7) "Charge" means a written statement presented to a court accusing  
18 a person of the commission of a crime and includes a complaint,  
19 information or indictment.

20 (8) "Complaint" means a written statement under oath of the essential  
21 facts constituting a crime, except that a citation or notice to appear issued  
22 by a law enforcement officer pursuant to and in compliance with K.S.A. 8-  
23 2106, and amendments thereto, or a citation or notice to appear issued  
24 pursuant to and in compliance with K.S.A. 32-1049, *and amendments*  
25 *thereto*, shall be deemed a valid complaint if it is signed by the law  
26 enforcement officer.

27 (9) "Custody" means the restraint of a person pursuant to an arrest or  
28 the order of a court or magistrate.

29 (10) "Detention" means the temporary restraint of a person by a law  
30 enforcement officer.

31 (11) "Indictment" means a written statement, presented by a grand  
32 jury to a court, which charges the commission of a crime.

33 (12) "Information" means a verified written statement signed by a  
34 county attorney or other authorized representative of the state of Kansas  
35 presented to a court, which charges the commission of a crime. An  
36 information verified upon information and belief by the county attorney or  
37 other authorized representative of the state of Kansas shall be sufficient.

38 (13) "Law enforcement officer" means any person who by virtue of  
39 office or public employment is vested by law with a duty to maintain  
40 public order or to make arrests for violation of the laws of the state of  
41 Kansas or ordinances of any municipality thereof or with a duty to  
42 maintain or assert custody or supervision over persons accused or  
43 convicted of crime, and includes court services officers, parole officers and

1 directors, security personnel and keepers of correctional institutions, jails  
2 or other institutions for the detention of persons accused or convicted of  
3 crime, while acting within the scope of their authority.

4 (14) "Magistrate" means an officer having power to issue a warrant  
5 for the arrest of a person charged with a crime and includes justices of the  
6 supreme court, *judges of the court of criminal appeals*, judges of the court  
7 of *civil* appeals and judges of district courts.

8 (15) "Notice to appear" means a written request, issued by a law  
9 enforcement officer, that a person appear before a designated court at a  
10 stated time and place.

11 (16) "Preliminary examination" means a hearing before a magistrate  
12 on a complaint or information to determine if a felony has been committed  
13 and if there is probable cause to believe that the person charged committed  
14 it.

15 (17) "Prosecuting attorney" means any attorney who is authorized by  
16 law to appear for and on behalf of the state of Kansas in a criminal case,  
17 and includes the attorney general, an assistant attorney general, the county  
18 or district attorney, an assistant county or district attorney and any special  
19 prosecutor whose appearance is approved by the court. In the case of  
20 prosecution for violation of a city ordinance, also, "prosecuting attorney"  
21 means the city attorney or any assistant city attorney.

22 (18) "Search warrant" means a written order made by a magistrate  
23 directed to a law enforcement officer commanding the officer to search the  
24 premises described in the search warrant and to seize property described or  
25 identified in the search warrant.

26 (19) "Summons" means a written order issued by a magistrate  
27 directing that a person appear before a designated court at a stated time  
28 and place and answer to a charge pending against the person.

29 (20) "Warrant" means a written order made by a magistrate directed  
30 to any law enforcement officer commanding the officer to arrest the person  
31 named or described in the warrant.

32 Sec. 46. K.S.A. 22-2514 is hereby amended to read as follows: 22-  
33 2514. This act shall be a part of and supplemental to the code of criminal  
34 procedure. As used in this act:

35 (1) "Wire communication" means any aural transfer made in whole or  
36 in part through the use of facilities for the transmission of communications  
37 by the aid of wire, cable or other like connection between the point of  
38 origin and the point of reception, including the use of such connection in a  
39 switching station, furnished or operated by any person engaged in  
40 providing or operating such facilities for the transmission of intrastate,  
41 interstate or foreign communications. Wire communication shall include  
42 any electronic storage of such communication;

43 (2) "oral communication" means any oral communication uttered by a

1 person exhibiting an expectation that such communication is not subject to  
2 interception under circumstances justifying such expectation, but such  
3 term does not include any electronic communication;

4 (3) "intercept" means the aural or other acquisition of the contents of  
5 any wire, oral or electronic communication through the use of any  
6 electronic, mechanical or other device;

7 (4) "persons" means any individual, partnership, association, joint  
8 stock company, trust or corporation, including any official, employee or  
9 agent of the United States or any state or any political subdivision thereof;

10 (5) "investigative or law enforcement officer" means any law  
11 enforcement officer who is empowered by the law of this state to conduct  
12 investigations of or to make arrests for offenses enumerated in this act,  
13 including any attorney authorized by law to prosecute or participate in the  
14 prosecution of such offenses and agents of the United States federal bureau  
15 of investigation, drug enforcement administration, marshals service, secret  
16 service, treasury department, customs service, justice department and  
17 internal revenue service;

18 (6) "contents" when used with respect to any wire, oral or electronic  
19 communication, includes any information concerning the substance,  
20 purport or meaning of such communication;

21 (7) "aggrieved person" means a person who was a party to any  
22 intercepted wire, oral or electronic communication or a person against  
23 whom the interception was directed;

24 (8) "judge of competent jurisdiction" means ~~a justice of the supreme~~  
25 ~~court~~ *judge of the court of criminal appeals*, a judge of the court of *civil*  
26 appeals or any district judge, but does not include a district magistrate  
27 judge;

28 (9) "electronic, mechanical or other device" means any device or  
29 apparatus which can be used to intercept a wire, oral or electronic  
30 communication other than:

31 (a) Any telephone or telegraph instrument, equipment or facility, or  
32 any component thereof; (i) Furnished to the subscriber or user by a  
33 provider of wire or electronic communication service in the ordinary  
34 course of its business and being used by the subscriber or user in the  
35 ordinary course of its business or furnished by such subscriber or user for  
36 connection to the facilities of such service and used in the ordinary course  
37 of its business; or (ii) being used by a provider of wire or electronic  
38 communication service in the ordinary course of its business, or by an  
39 investigative or law enforcement officer in the ordinary course of the  
40 officer's duties; or

41 (b) a hearing aid or similar device being used to correct subnormal  
42 hearing to not better than normal;

43 (10) "communication common carrier" means common carrier, as

1 defined by ~~section 153(h) of title 47 of the United States Code~~ *47 U.S.C. §*  
2 *153(h)*;

3 (11) "electronic communication" means any transfer of signs, signals,  
4 writing, images, sounds, data or intelligence of any nature transmitted in  
5 whole or in part by a wire, radio, electromagnetic, photoelectronic or  
6 photo-optical system but does not include:

7 (a) Any wire or oral communication;

8 (b) any communication made through a tone-only paging device; or

9 (c) any communication from a tracking device, as defined in ~~section~~  
10 ~~3117, chapter 205 of title 18, United States Code~~ *18 U.S.C. § 3117*;

11 (12) "user" means any person or entity who:

12 (a) Uses an electronic communication service; and

13 (b) is duly authorized by the provider of such service to engage in  
14 such use;

15 (13) "electronic communications system" means any wire, radio,  
16 electromagnetic, photo-optical or photoelectronic facilities for the  
17 transmission of electronic communications, and any computer facilities or  
18 related electronic equipment for the electronic storage of such  
19 communications;

20 (14) "electronic communication service" means any service which  
21 provides to users thereof the ability to send or receive wire or electronic  
22 communications;

23 (15) "readily accessible to the general public" means, with respect to  
24 a radio communication, that such communication is not:

25 (a) Scrambled or encrypted;

26 (b) transmitted using modulation techniques whose essential  
27 parameters have been withheld from the public with the intention of  
28 preserving the privacy of such communication;

29 (c) carried on a subcarrier or other signal subsidiary to a radio  
30 transmission;

31 (d) transmitted over a communication system provided by a common  
32 carrier, unless the communication is a tone-only paging system  
33 communication; or

34 (e) transmitted on frequencies allocated under part 25, subpart D, E or  
35 F of part 74, or part 94 of the rules of the federal communications  
36 commission, unless, in the case of a communication transmitted on a  
37 frequency allocated under part 74 that is not exclusively allocated to  
38 broadcast auxiliary services, the communication is a two-way voice  
39 communication by radio;

40 (16) "electronic storage" means:

41 (a) Any temporary, intermediate storage of a wire or electronic  
42 communication incidental to the electronic transmission thereof; and

43 (b) any storage of such communication by an electronic

1 communication service for purposes of backup protection of such  
2 communication; and

3 (17) "aural transfer" means a transfer containing the human voice at  
4 any point between and including the point of origin and the point of  
5 reception.

6 Sec. 47. K.S.A. 22-2804 is hereby amended to read as follows: 22-  
7 2804. (1) A person who has been convicted of a crime and is either  
8 awaiting sentence or has filed a notice of appeal may be released by the  
9 district court under the conditions provided in K.S.A. 22-2802, and  
10 amendments thereto, if the court or judge finds that the conditions of  
11 release will reasonably assure that the person will not flee or pose a danger  
12 to any other person or to the community.

13 (2) A person who has been convicted of a crime and has filed a notice  
14 of appeal to the ~~supreme court~~ or court of *criminal* appeals shall make  
15 application to be released to the court whose judgment is appealed from or  
16 to a judge thereof. If an application to such court or judge has been made  
17 and denied or action on the application did not afford the relief sought by  
18 the applicant, the applicant may make an application for release to the  
19 appellate court. An application to the appellate court or a ~~justice~~ or judge  
20 thereof shall state the disposition of the application made by the district  
21 court or judge. Any application made under this subsection shall be heard  
22 after reasonable notice to the prosecuting attorney. Such notice shall be  
23 given not less than one day prior to the hearing. Any appearance bond  
24 which may be required under this subsection shall be filed in the court  
25 from which the appeal was taken.

26 (3) A person who has been convicted of a crime before a district  
27 magistrate judge may, upon taking an appeal to a district judge, apply to be  
28 released as provided herein. If the application is made before the case has  
29 been referred to the chief judge for assignment, the conditions of release  
30 shall be determined by the district magistrate judge from whom the appeal  
31 is taken. If the application is made thereafter, the chief judge or the district  
32 judge to whom the case has been assigned shall determine the conditions  
33 of release. Any appearance bond which may be required under this  
34 subsection shall be deposited in the court where it is fixed.

35 Sec. 48. K.S.A. 2014 Supp. 22-3402 is hereby amended to read as  
36 follows: 22-3402. (a) If any person charged with a crime and held in jail  
37 solely by reason thereof shall not be brought to trial within 150 days after  
38 such person's arraignment on the charge, such person shall be entitled to be  
39 discharged from further liability to be tried for the crime charged, unless  
40 the delay shall happen as a result of the application or fault of the  
41 defendant or a continuance shall be ordered by the court under subsection  
42 (e).

43 (b) If any person charged with a crime and held to answer on an

1 appearance bond shall not be brought to trial within 180 days after  
2 arraignment on the charge, such person shall be entitled to be discharged  
3 from further liability to be tried for the crime charged, unless the delay  
4 shall happen as a result of the application or fault of the defendant, or a  
5 continuance shall be ordered by the court under subsection (e).

6 (c) If any trial scheduled within the time limitation prescribed by  
7 subsection (a) or (b) is delayed by the application of or at the request of the  
8 defendant, the trial shall be rescheduled within 90 days of the original trial  
9 deadline.

10 (d) After any trial date has been set within the time limitation  
11 prescribed by subsection (a), (b) or (c), if the defendant fails to appear for  
12 the trial or any pretrial hearing, and a bench warrant is ordered, the trial  
13 shall be rescheduled within 90 days after the defendant has appeared in  
14 court after apprehension or surrender on such warrant. However, if the  
15 defendant was subject to the 180-day deadline prescribed by subsection (b)  
16 and more than 90 days of the original time limitation remain, then the  
17 original time limitation remains in effect.

18 (e) For those situations not otherwise covered by subsection (a), (b)  
19 or (c), the time for trial may be extended for any of the following reasons:

20 (1) The defendant is incompetent to stand trial. If the defendant is  
21 subsequently found to be competent to stand trial, the trial shall be  
22 scheduled as soon as practicable and in any event within 90 days of such  
23 finding;

24 (2) a proceeding to determine the defendant's competency to stand  
25 trial is pending. If the defendant is subsequently found to be competent to  
26 stand trial, the trial shall be scheduled as soon as practicable and in any  
27 event within 90 days of such finding. However, if the defendant was  
28 subject to the 180-day deadline prescribed by subsection (b) and more than  
29 90 days of the original time limitation remain, then the original time  
30 limitation remains in effect. The time that a decision is pending on  
31 competency shall never be counted against the state;

32 (3) there is material evidence which is unavailable; that reasonable  
33 efforts have been made to procure such evidence; and that there are  
34 reasonable grounds to believe that such evidence can be obtained and trial  
35 commenced within the next succeeding 90 days. Not more than one  
36 continuance may be granted the state on this ground, unless for good cause  
37 shown, where the original continuance was for less than 90 days, and the  
38 trial is commenced within 120 days from the original trial date; or

39 (4) because of other cases pending for trial, the court does not have  
40 sufficient time to commence the trial of the case within the time fixed for  
41 trial by this section. Not more than one continuance of not more than 30  
42 days may be ordered upon this ground.

43 (f) In the event a mistrial is declared, a motion for new trial is granted

1 or a conviction is reversed on appeal to the ~~supreme court~~ or court of  
2 *criminal* appeals, the time limitations provided for herein shall commence  
3 to run from the date the mistrial is declared, the date a new trial is ordered  
4 or the date the mandate of the ~~supreme court~~ or court of *criminal* appeals  
5 is filed in the district court.

6 (g) If a defendant, or defendant's attorney in consultation with the  
7 defendant, requests a delay and such delay is granted, the delay shall be  
8 charged to the defendant regardless of the reasons for making the request,  
9 unless there is prosecutorial misconduct related to such delay. If a delay is  
10 initially attributed to the defendant, but is subsequently charged to the state  
11 for any reason, such delay shall not be considered against the state under  
12 subsections (a), (b) or (c) and shall not be used as a ground for dismissing  
13 a case or for reversing a conviction unless not considering such delay  
14 would result in a violation of the constitutional right to a speedy trial or  
15 there is prosecutorial misconduct related to such delay.

16 (h) When a scheduled trial is scheduled within the period allowed by  
17 subsections (a), (b) or (c) and is delayed because a party has made or filed  
18 a motion, or because the court raises a concern on its own, the time  
19 elapsing from the date of the making or filing of the motion, or the court's  
20 raising a concern, until the matter is resolved by court order shall not be  
21 considered when determining if a violation under subsections (a), (b) or (c)  
22 has occurred. If the resolution of such motion or concern by court order  
23 occurs at a time when less than 30 days remains under the provisions of  
24 subsections (a), (b) or (c), the time in which the defendant shall be brought  
25 to trial is extended 30 days from the date of the court order.

26 (i) If the state requests and is granted a delay for any reason provided  
27 in this statute, the time elapsing because of the order granting the delay  
28 shall not be subsequently counted against the state if an appellate court  
29 later determines that the district court erred by granting the state's request  
30 unless not considering such delay would result in a violation of the  
31 constitutional right to a speedy trial or there is prosecutorial misconduct  
32 related to such delay.

33 Sec. 49. K.S.A. 2014 Supp. 22-3601 is hereby amended to read as  
34 follows: 22-3601. (a) Any appeal permitted to be taken from a district  
35 court's final judgment in a criminal case shall be taken to the court of  
36 *criminal* appeals, except in those cases reviewable by law in the district  
37 court ~~or in which a direct appeal to the supreme court is required~~.  
38 Whenever an interlocutory appeal is permitted in a criminal case in the  
39 district court, such appeal shall be taken to the court of *criminal* appeals.

40 ~~(b) Any appeal permitted to be taken from a district court's final~~  
41 ~~judgment in a criminal case shall be taken directly to the supreme court in~~  
42 ~~the following cases:~~

43 ~~(1) Any case in which a statute of this state or of the United States~~



1 has been held unconstitutional;

2 (2) ~~any case in which the defendant has been convicted of a class A~~  
3 ~~felony;~~

4 (3) ~~any case in which a maximum sentence of life imprisonment has~~  
5 ~~been imposed, unless the maximum sentence has been imposed pursuant to~~  
6 ~~K.S.A. 21-4643, prior to its repeal, or K.S.A. 2014 Supp. 21-6627, and~~  
7 ~~amendments thereto; and~~

8 (4) ~~except as provided further, any case in which the crime was~~  
9 ~~committed on or after July 1, 1993, and the defendant has been convicted~~  
10 ~~of an off-grid crime. The provisions of this paragraph shall not apply to~~  
11 ~~any case in which the off-grid crime was:~~

12 (A) ~~Aggravated human trafficking, subsection (c)(2)(B) of K.S.A.~~  
13 ~~2014 Supp. 21-5426, and amendments thereto;~~

14 (B) ~~rape, subsection (b)(2)(B) of K.S.A. 2014 Supp. 21-5503, and~~  
15 ~~amendments thereto;~~

16 (C) ~~aggravated criminal sodomy, subsection (c)(2)(B)(ii) of K.S.A.~~  
17 ~~2014 Supp. 21-5504, and amendments thereto;~~

18 (D) ~~aggravated indecent liberties with a child, subsection (c)(2)(C)(ii)~~  
19 ~~of K.S.A. 2014 Supp. 21-5506, and amendments thereto;~~

20 (E) ~~sexual exploitation of a child, subsection (b)(2)(B) of K.S.A.~~  
21 ~~2014 Supp. 21-5510, and amendments thereto;~~

22 (F) ~~commercial sexual exploitation of a child, subsection (b)(2) of~~  
23 ~~K.S.A. 2014 Supp. 21-6422, and amendments thereto; or~~

24 (G) ~~an attempt, conspiracy or criminal solicitation, as defined in~~  
25 ~~K.S.A. 2014 Supp. 21-5301, 21-5302 or 21-3503, and amendments~~  
26 ~~thereto, of any such felony.~~

27 Sec. 50. K.S.A. 2014 Supp. 22-3602 is hereby amended to read as  
28 follows: 22-3602. (a) Except as otherwise provided, an appeal to the  
29 ~~appellate court having jurisdiction of the appeal~~ *court of criminal appeals*  
30 may be taken by the defendant as a matter of right from any judgment  
31 against the defendant in the district court and upon appeal any decision of  
32 the district court or intermediate order made in the progress of the case  
33 may be reviewed. No appeal shall be taken by the defendant from a  
34 judgment of conviction before a district judge upon a plea of guilty or nolo  
35 contendere, except that jurisdictional or other grounds going to the legality  
36 of the proceedings may be raised by the defendant as provided in K.S.A.  
37 60-1507, and amendments thereto.

38 (b) Appeals to the court of *criminal* appeals may be taken by the  
39 prosecution from cases before a district judge, or a district magistrate  
40 judge who is regularly admitted to practice law in Kansas, as a matter of  
41 right in the following cases, and no others:

42 (1) From an order dismissing a complaint, information or indictment;

43 (2) from an order arresting judgment;

1 (3) upon a question reserved by the prosecution; or

2 (4) upon an order granting a new trial in any case involving a class A  
3 or B felony or for crimes committed on or after July 1, 1993, in any case  
4 involving an off-grid crime.

5 (c) Procedures for appeals by the prosecution enumerated in  
6 subsection (b) shall be as provided in supreme court rules.

7 (d) Appeals to a district judge may be taken by the prosecution from  
8 cases before a district magistrate judge who is not regularly admitted to  
9 practice law in Kansas as a matter of right in the cases enumerated in  
10 subsection (b) and from orders enumerated in K.S.A. 22-3603, and  
11 amendments thereto.

12 (e) Any criminal case on appeal to the court of *criminal* appeals may  
13 be transferred to the supreme court as provided in ~~K.S.A. 20-3016 and 20-~~  
14 ~~3017 sections 11 and 12~~, and amendments thereto, and any party to such  
15 case may petition the supreme court for review of any decision of the court  
16 of *criminal* appeals as provided in ~~subsection (b) of K.S.A. 20-3018~~  
17 ~~section 13~~, and amendments thereto, ~~except that any such party may~~  
18 ~~appeal to the supreme court as a matter of right in any case in which a~~  
19 ~~question under the constitution of either the United States or the state of~~  
20 ~~Kansas arises for the first time as a result of the decision of the court of~~  
21 ~~appeals.~~

22 (f) For crimes committed on or after July 1, 1993, an appeal by the  
23 prosecution or the defendant relating to sentences imposed pursuant to a  
24 presumptive sentencing guidelines system as provided in K.S.A. 21-4701  
25 et seq., prior to their repeal, or the revised Kansas sentencing guidelines  
26 act, article 68 of chapter 21 of the Kansas Statutes Annotated, and  
27 amendments thereto, shall be as provided in K.S.A. 21-4721, prior to its  
28 repeal, or K.S.A. 2014 Supp. 21-6820, and amendments thereto.

29 Sec. 51. K.S.A. 2014 Supp. 22-3604 is hereby amended to read as  
30 follows: 22-3604. (1) Except as provided in subsection (3), a defendant  
31 shall not be held in jail nor subject to an appearance bond during the  
32 pendency of an appeal by the prosecution.

33 (2) The time during which an appeal by the prosecution is pending  
34 shall not be counted for the purpose of determining whether a defendant is  
35 entitled to discharge under K.S.A. 22-3402, and amendments thereto. For  
36 purposes of this section, "an appeal by the prosecution" includes, but is not  
37 limited to, appeals authorized by ~~subsection (b) of K.S.A. 22-3602(b)~~, and  
38 amendments thereto, appeals authorized by K.S.A. 22-3603, and  
39 amendments thereto, and any appeal by the prosecution which seeks  
40 discretionary review in the *Kansas court of criminal appeals*, the *Kansas*  
41 ~~supreme court of Kansas~~ or the United States supreme court. Such an  
42 appeal remains "pending" until final resolution by the court of last resort.

43 (3) A defendant charged with a class A, B or C felony or, if the felony

1 was committed on or after July 1, 1993, an off-grid felony, a nondrug  
2 severity level 1 through 5 felony or a drug severity level 1 through 4  
3 felony crime shall not be released from jail or the conditions of such  
4 person's appearance bond during the pendency of an appeal by the  
5 prosecution. The time during which an appeal by the prosecution is  
6 pending in a class A, B or C felony or, if the felony was committed on or  
7 after July 1, 1993, an off-grid felony, a nondrug severity level 1 through 5  
8 felony or a drug severity level 1 through 4 felony case shall not be counted  
9 for the purpose of determining whether the defendant is entitled to  
10 discharge under K.S.A. 22-3402, and amendments thereto.

11 Sec. 52. K.S.A. 2014 Supp. 22-3612 is hereby amended to read as  
12 follows: 22-3612. (a) In representing the interests of the state in appeals  
13 from criminal actions in the district courts of this state ~~to the supreme~~  
14 ~~court or court of appeals~~ or in other post-conviction actions arising from  
15 criminal prosecutions, the attorney general shall invoke the assistance of  
16 the county or district attorney of the county in which the action originally  
17 commenced. The reasonable costs of such representation shall be allowed  
18 and paid by the board of county commissioners from the county general  
19 fund for any services rendered by such county's county or district attorney  
20 pursuant to this section or by the attorney general pursuant to an  
21 agreement under subsection (b).

22 (b) The attorney general may publish a schedule of such costs to be  
23 charged by the office of attorney general for services rendered by the  
24 attorney general, not to exceed the hourly rate provided in K.S.A. 22-4507,  
25 and amendments thereto. The attorney general may enter into agreements  
26 with any county or district attorney for the payment of such costs and any  
27 such agreement shall supersede, in whole or in part as such agreement may  
28 provide, the schedule of costs published pursuant to this section.

29 (c) All moneys paid to the attorney general pursuant to this section  
30 shall be remitted to the state treasurer in accordance with the provisions of  
31 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
32 remittance, the state treasurer shall deposit the entire amount in the state  
33 treasury to the credit of the criminal appeals cost fund, which is hereby  
34 created. Moneys in the criminal appeals cost fund may be expended by the  
35 attorney general for the purpose of representing the interests of the state in  
36 criminal appeals and post-conviction proceedings. All expenditures from  
37 the criminal appeals cost fund shall be made in accordance with  
38 appropriation acts upon warrants of the director of accounts and reports  
39 issued pursuant to vouchers approved by the attorney general or the  
40 attorney general's designee.

41 Sec. 53. K.S.A. 22-4507 is hereby amended to read as follows: 22-  
42 4507. (a) An attorney, other than a public defender or assistant public  
43 defender or contract counsel, who is appointed by the court to perform

1 services for an indigent person, as provided by article 45 of chapter 22 of  
2 the Kansas Statutes Annotated, and amendments thereto, shall at the  
3 conclusion of such service or any part thereof be entitled to compensation  
4 for such services and to be reimbursed for expenses reasonably incurred by  
5 such person in performing such services. Compensation for services shall  
6 be paid in accordance with standards and guidelines contained in rules and  
7 regulations adopted by the state board of indigents' defense services under  
8 this section.

9 (b) Claims for compensation and reimbursement shall be certified by  
10 the claimant and shall be presented to the court at sentencing. A  
11 supplemental claim may be filed at such later time as the court may in the  
12 interest of justice determine if good cause is shown why the claim was not  
13 presented at sentencing. In accordance with standards and guidelines  
14 adopted by the state board of indigents' defense services under this section,  
15 all such claims shall be reviewed and approved by one or more judges of  
16 the district court before whom the service was performed, or, in the case of  
17 proceedings in the court of *criminal* appeals, by the chief judge of the  
18 court of *criminal* appeals ~~and in the case of proceedings in the supreme~~  
19 ~~court, by the departmental justice for the department in which the appeal~~  
20 ~~originated~~. Each claim shall be supported by a written statement,  
21 specifying in detail the time expended, the services rendered, the expenses  
22 incurred in connection with the case and any other compensation or  
23 reimbursement received. When properly certified and reviewed and  
24 approved, each claim for compensation and reimbursement shall be filed  
25 in the office of the state board of indigents' defense services. If the claims  
26 meet the standards established by the board, the board shall authorize  
27 payment of the claim.

28 (c) Such attorney shall be compensated at the rate of \$80 per hour,  
29 except that:

30 (1) The chief judge of any judicial district may negotiate an hourly  
31 rate less than \$80 per hour for attorneys who voluntarily accept  
32 appointments in that district; or

33 (2) contract counsel shall be compensated at the rate or rates specified  
34 in the contract between the board and the assigned counsel.

35 If the state board of indigents' defense services determines that the  
36 appropriations for indigents' defense services or the moneys allocated by  
37 the board for a county or judicial district will be insufficient in any fiscal  
38 year to pay in full claims filed and reasonably anticipated to be filed in  
39 such year under this section, the board may adopt a formula for prorating  
40 the payment of pending and anticipated claims under this section.

41 (d) The state board of indigents' defense services may make  
42 expenditures for payment of claims filed under this section from  
43 appropriations for the current fiscal year regardless of when the services

1 were rendered.

2 (e) The state board of indigents' defense services shall adopt rules and  
3 regulations prescribing standards and guidelines governing the filing,  
4 processing and payment of claims under this section.

5 (f) An attorney, other than a public defender, assistant public defender  
6 or contract counsel, who is appointed by the court to perform services for  
7 an indigent person and who accesses electronic court records for an  
8 indigent person, as provided by this act, shall be exempt from paying fees  
9 to access electronic court records.

10 Sec. 54. K.S.A. 2014 Supp. 22-4701 is hereby amended to read as  
11 follows: 22-4701. As used in this act, unless the context clearly requires  
12 otherwise:

13 (a) "Central repository" means the criminal justice information  
14 system central repository created by this act and the juvenile offender  
15 information system created pursuant to K.S.A. 2014 Supp. 38-2326, and  
16 amendments thereto.

17 (b) "Criminal history record information" means all data initiated or  
18 collected by a criminal justice agency on a person pertaining to a  
19 reportable event, and any supporting documentation. Criminal history  
20 record information does not include:

21 (1) Data contained in intelligence or investigatory files or police  
22 work-product records used solely for police investigation purposes;

23 (2) wanted posters, police blotter entries, court records of public  
24 judicial proceedings or published court opinions;

25 (3) data pertaining to violations of the traffic laws of the state or any  
26 other traffic law or ordinance, other than vehicular homicide;

27 (4) presentence investigation and other reports prepared for use by a  
28 court in the exercise of criminal jurisdiction or by the governor in the  
29 exercise of the power of pardon, reprieve or commutation; or

30 (5) information regarding the release of defendants from confinement  
31 by the department of corrections or a jail.

32 (c) "Criminal justice agency" means any government agency or  
33 subdivision of any such agency which is authorized by law to exercise the  
34 power of arrest, detention, prosecution, adjudication, correctional  
35 supervision, rehabilitation or release of persons suspected, charged or  
36 convicted of a crime and which allocates a substantial portion of its annual  
37 budget to any of these functions. The term includes, but is not limited to,  
38 the following agencies, when exercising jurisdiction over criminal matters  
39 or criminal history record information:

40 (1) State, county, municipal and railroad police departments, sheriffs'  
41 offices and countywide law enforcement agencies, correctional facilities,  
42 jails and detention centers;

43 (2) the offices of the attorney general, county or district attorneys and

1 any other office in which are located persons authorized by law to  
2 prosecute persons accused of criminal offenses;

3 (3) the district courts, the court of *criminal* appeals, ~~the supreme~~  
4 ~~court~~, the municipal courts and the offices of the clerks of these courts;

5 (4) the Kansas sentencing commission;

6 (5) the prisoner review board; and

7 (6) the juvenile justice authority.

8 (d) "Criminal justice information system" means the equipment (,  
9 including computer hardware and software), facilities, procedures,  
10 agreements and personnel used in the collection, processing, preservation  
11 and dissemination of criminal history record information.

12 (e) "Director" means the director of the Kansas bureau of  
13 investigation.

14 (f) "Disseminate" means to transmit criminal history record  
15 information in any oral or written form. The term does not include:

16 (1) The transmittal of such information within a criminal justice  
17 agency;

18 (2) the reporting of such information as required by this act; or

19 (3) the transmittal of such information between criminal justice  
20 agencies in order to permit the initiation of subsequent criminal justice  
21 proceedings against a person relating to the same offense.

22 (g) "Reportable event" means an event specified or provided for in  
23 K.S.A. 22-4705, and amendments thereto.

24 Sec. 55. K.S.A. 24-702 is hereby amended to read as follows: 24-702.

25 (a) Upon the filing of the petition for drainage, as provided in K.S.A. 24-  
26 701, and amendments thereto, in the office of the clerk of the district court,  
27 the clerk shall enter a minute of the filing of such petition in the civil  
28 appearance docket of the court and shall fix a time for the hearing of such  
29 petition by the court, which shall not be less than 45 days nor more than 60  
30 days after the filing of such petition. The clerk shall issue a notice directed  
31 to all persons, corporations and municipalities named in the petition as  
32 occupants or owners of lands, easements or other property to be affected  
33 by such drainage, other than the petitioners themselves, which notice shall  
34 be written or printed, and shall set forth the route of the proposed drain, as  
35 described in the petition, the fact of the filing and pendency of the petition,  
36 and the time when such petition will be heard.

37 (b) The notice, when issued by the clerk, shall be delivered to the  
38 sheriff of the county, and it shall be the duty of the sheriff to cause to be  
39 published in some newspaper printed and published in the county in which  
40 such drain is proposed to be established a copy of the notice, which notice  
41 shall be published and proof of publication made in the same manner as is  
42 provided by law for the publication of summons for nonresident  
43 defendants in civil action, the first publication of such notice to be at least

1 41 days prior to the day fixed for the hearing of such petition. All persons  
2 appearing at the hearing of such petition, and all persons, corporations or  
3 municipalities named in the notice published shall thereafter be deemed to  
4 have notice of all steps taken in such proceedings. If it appears to the  
5 court, at the time fixed for the hearing of such petition, that the publication  
6 has been given, the court shall consider such petition and hear any  
7 demurrer or written objection to the sufficiency of the petition offered by  
8 any person named in such petition, or by any other person who shall  
9 satisfy the court, by such showing as the court may require, that such  
10 person has an interest that will be affected by such drainage. All questions  
11 arising at the hearing of such petition shall be heard and determined by the  
12 court.

13 (c) If the court finds the petition defective, the same may be amended,  
14 by leave or order of the court, and if not so amended may be dismissed at  
15 the cost of the petitioner or petitioners. If, upon the hearing of such  
16 petition, the court finds and determines such petition to be sufficient, the  
17 court shall appoint two discreet citizens of the county, who, together with a  
18 civil engineer, who need not be a resident of the county, also to be  
19 appointed by the court, shall be commissioners to manage, control and  
20 conduct such proposed drainage, and shall fix a bond to be given by such  
21 commissioners, in such sum as the court may deem requisite, and such  
22 petition shall be referred to such commissioners for their action thereon.  
23 Before entering upon their duties as such commissioners, they shall give a  
24 joint and several bond to the state of Kansas in the sum fixed by the court,  
25 with one or more good and sufficient sureties thereon, to be approved by  
26 the judge of the court, conditioned for the faithful performance of their  
27 duties as such commissioners, and that they will faithfully account for and  
28 pay over all moneys that may come into their hands as such  
29 commissioners, and shall take and subscribe an oath before the clerk of the  
30 court that they will support the constitution of the United States and the  
31 constitution of the state of Kansas, and faithfully perform the duties of  
32 commissioners of drainage in such proceeding, and obey and perform all  
33 of the orders and directions of the court made therein. All objections to the  
34 petition or to any drainage commissioner not made before the reference of  
35 the petition to the drainage commissioners shall be deemed waived.

36 (d) The court shall have the power in the interest of justice to adjourn  
37 the hearing of such petition from time to time, in order that all persons  
38 interested may have an opportunity to be heard before the reference of  
39 such petition to the drainage commissioners. In the order of the court  
40 appointing such drainage commissioners, the court shall fix a time and  
41 place for the meeting of the drainage commissioners, and a time when they  
42 shall file their preliminary report. The clerk shall deliver to the  
43 commissioners a certified copy of the petition and of the order of their

1 appointment, and they shall meet accordingly. The drainage  
2 commissioners shall make a personal inspection of the land described in  
3 the petition, and of all other lands likely to be affected by the proposed  
4 work. The commissioner who is an engineer shall make the necessary  
5 surveys for the purpose of ascertaining the facts from which to make their  
6 report, and such commissioners shall, within a reasonable time allowed  
7 and fixed by the court, make to the court a preliminary report in which  
8 such commissioners shall show:

9 (1) The source or head and general direction and outlet of the drain  
10 and of each arm or branch thereof, and average width and the depth, what  
11 part is to be opened and what part is to be tiled, if any, and whether it is to  
12 be dug by shovel, dredge or otherwise.

13 (2) A description of all lands which will be affected by the proposed  
14 drainage, with the names and residence of the owners, if known, and if not,  
15 so stating; also the name of any city, school district or other public  
16 corporation or highway or street not named in the petition which will be  
17 affected by such drainage.

18 (3) Whether such drainage is practicable and will be sufficient  
19 properly to drain the lands to be affected.

20 (4) Whether, when accomplished, the proposed drainage will improve  
21 the public health, benefit any public highway or grounds in the county, or  
22 any street or public grounds of any city therein, or be of public utility.

23 (e) Such report of the drainage commissioners, in all subsequent  
24 proceedings, shall be prima facie evidence of the facts therein stated. In  
25 case any lands not named in the petition and not owned by any person who  
26 has appeared in the petition are named in the second item of such  
27 preliminary report of the commissioners, notice of such report, setting out  
28 the substance thereof, shall be issued by the clerk, and shall be served and  
29 published by the sheriff in the same manner as provided for notice of the  
30 hearing of the petition. Any petitioner, landowner, corporation or  
31 municipality named in the petition, or who has appeared thereto, shall have  
32 20 days from the filing of such preliminary report within which to file any  
33 exceptions thereto. Any landowner not named in the petition and whose  
34 lands are not described therein, but who is named in such report and lands  
35 therein described, and any city, school district or other municipality so  
36 brought in, shall have the same time for filing exceptions to such  
37 preliminary report as is required to be given of the time and place of the  
38 hearing of the petition.

39 (f) If the court, on examination of the preliminary report of the  
40 commissioners, finds that such drainage is not practicable, and will not be  
41 sufficient to properly drain the lands to be affected by it, or that it will not  
42 improve the public health, nor benefit any public highway or grounds in  
43 the county, or streets or public ground in any city, or be of public utility, or



1 if  $\frac{2}{3}$  of the landowners affected, as shown by such preliminary report,  
2 within 20 days after the filing of such report, remonstrates against the  
3 construction of such proposed drain, the petition shall be dismissed. The  
4 court shall enter judgment against the petitioner or petitioners for all costs  
5 and expenses, including all compensation of the drainage commissioners.  
6 But if the court finds affirmatively as to each of such items, and if no  
7 remonstrance signed by  $\frac{2}{3}$  of the persons to be affected by such drainage is  
8 filed, the court shall refer the petition back to the drainage commissioners,  
9 with directions to proceed with the work and make their final report, as  
10 provided in K.S.A. 24-705, and amendments thereto. Such order and  
11 judgment of the court in dismissing the petition or in referring it back to  
12 the drainage commissioners for a final report, and of prior rulings and  
13 orders of the court in relation to such drainage, shall be conclusive, unless  
14 proceedings in error be prosecuted therefrom ~~to the supreme court~~, as  
15 hereinafter provided. Any person, corporation or municipality who is  
16 aggrieved by such judgment or dismissal or order of reference, or by any  
17 prior ruling or order of the court, may at the time of the ruling of the court  
18 on the preliminary report of the commissioners prosecute proceedings in  
19 error to the supreme court for the purpose of reversing any judgment, order  
20 or ruling of the court by which the party may feel aggrieved, by filing a  
21 written notice of such appeal within three days after the final order of the  
22 court made on the hearing of the preliminary report, and by filing with the  
23 clerk of the court, within 30 days thereafter, a bond, the amount to be fixed  
24 by the order of the court, or of the judge in vacation, conditioned that such  
25 person prosecuting error will pay all costs, expenses, damages and loss  
26 occasioned by such party proceeding in error, and by perfecting such party  
27 proceedings in error by filing in the supreme court such party's petition in  
28 error, with a case-made or transcript of the record thereof attached, within  
29 90 days after the rendition of the judgment and the order of the court upon  
30 the hearing of the preliminary report of the commissioners.

31 (g) All parties affected by such proceedings shall take notice of such  
32 proceeding in error and be bound thereby, and all proceedings in the matter  
33 of such drainage shall be stayed until the determination of such proceeding  
34 in error. The rule of procedure for extending time for making a case, for  
35 suggesting amendments thereto and for settling and signing the same shall  
36 be the same as in ordinary civil actions. No appeal from the judgment or  
37 orders of the court made upon the hearing of the preliminary report of the  
38 commissioners shall be taken unless the same shall be perfected within 90  
39 days after such judgment or order, but upon perfecting such proceeding in  
40 error, all previous orders and rulings of the court, made at any time in the  
41 proceedings, may be reviewed.

42 Sec. 56. K.S.A. 25-3206 is hereby amended to read as follows: 25-  
43 3206. (a) The state board of canvassers shall make the final canvass of

1 national and state primary and general elections. Such board shall also  
2 make the final canvass of elections upon constitutional amendments and  
3 all questions submitted to election on a statewide basis, including  
4 questions on retention in office of justices of the supreme court, *judges of*  
5 *the court of criminal appeals*, judges of the court of *civil* appeals and  
6 judges of the district court.

7 (b) For the purpose of canvassing elections specified in subsection  
8 (a), the state board of canvassers shall meet on the call of the secretary of  
9 state, in the secretary's office, as soon as convenient after the tabulation of  
10 the returns is made. In the case of general elections, the meeting shall be  
11 called not later than December 1 next following such election, except  
12 when such date falls on Sunday, then not later than the following day, and  
13 may recess from time to time until the canvass is completed.

14 (c) The state board of canvassers shall, upon the abstracts on file in  
15 the office of secretary of state, proceed to make final canvass of any  
16 election for officers specified in subsection (a). The state board of  
17 canvassers shall certify a statement which shall show the names of the  
18 persons receiving votes for any of such offices, and the whole number  
19 received by each, distinguishing the districts and counties in which they  
20 were voted.

21 (d) The state board of canvassers shall, upon the abstracts on file in  
22 the office of the secretary of state, proceed to make final canvass and  
23 determination of the result of statewide question submitted elections. The  
24 state board of canvassers shall certify a statement of the number of votes  
25 on each question and the result thereof.

26 (e) The state board of canvassers shall certify such statements to be  
27 correct, and the members shall subscribe their names thereto, and the  
28 board shall determine what persons have been elected to such offices and  
29 the members shall endorse and subscribe on the statement a certificate of  
30 such determination and deliver them to the secretary of state.

31 Sec. 57. K.S.A. 2014 Supp. 26-504 is hereby amended to read as  
32 follows: 26-504. (a) If the judge to whom the proceeding has been  
33 assigned finds from the petition: (1) The plaintiff has the power of eminent  
34 domain; and (2) the taking is necessary to the lawful corporate purposes of  
35 the plaintiff, the judge shall entertain suggestions from any party in interest  
36 relating to the appointment of appraisers and the judge shall enter an order  
37 appointing three disinterested residents of the county in which the petition  
38 is filed, at least two of the three of whom shall have experience in the  
39 valuation of real estate, to view and appraise the value of the lots and  
40 parcels of land found to be necessary, and to determine the damages and  
41 compensation to the interested parties resulting from the taking. Such  
42 order shall also fix the time for the filing of the appraisers' report at a time  
43 not later than 45 days after the entry of such order except for good cause

1 shown, the court may extend the time for filing by a subsequent order. The  
2 granting of an order determining that the plaintiff has the power of eminent  
3 domain and that the taking is necessary to the lawful corporate purposes of  
4 the plaintiff shall not be considered a final order for the purpose of appeal  
5 ~~to the supreme court~~, but an order denying the petition shall be considered  
6 ~~such~~ a final order.

7 (b) Appeals to the ~~supreme~~ court of *civil appeals* may be taken from  
8 any final order under the provisions of this act. Such appeals shall be  
9 prosecuted in like manner as other appeals and shall take precedence over  
10 other cases, except cases of a like character and other cases in which  
11 preference is granted by statute.

12 Sec. 58. K.S.A. 2014 Supp. 38-2382 is hereby amended to read as  
13 follows: 38-2382. (a) An appeal from a district magistrate judge who is not  
14 regularly admitted to practice law in Kansas shall be to a district judge.  
15 The appeal shall be by trial de novo unless the parties agree to a de novo  
16 review on the record of the proceedings. The appeal shall be heard within  
17 30 days from the date the notice of appeal was filed.

18 (b) Appeals from a district judge, or a district magistrate judge who is  
19 regularly admitted to practice law in Kansas, shall be to the court of  
20 *criminal appeals*.

21 (c) Procedure on appeal shall be governed by article 21 of chapter 60  
22 of the Kansas Statutes Annotated, and amendments thereto.

23 Sec. 59. K.S.A. 2014 Supp. 44-556 is hereby amended to read as  
24 follows: 44-556. (a) Any action of the board pursuant to the workers  
25 compensation act, other than the disposition of appeals of preliminary  
26 orders or awards under K.S.A. 44-534a, and amendments thereto, shall be  
27 subject to review in accordance with the Kansas judicial review act by  
28 appeal directly to the court of *civil appeals*. Any party may appeal from a  
29 final order of the board by filing an appeal with the court of *civil appeals*  
30 within 30 days of the date of the final order. When an appeal has been filed  
31 pursuant to this section, an appellee may file a cross appeal within 20 days  
32 after the date upon which the appellee was served with notice of the  
33 appeal. Such review shall be upon questions of law.

34 (b) Commencement of an action for review by the court of *civil*  
35 appeals shall not stay the payment of compensation due for the ten-week  
36 period next preceding the board's decision and for the period of time after  
37 the board's decision and prior to the decision of the court of *civil appeals*  
38 on review.

39 (c) If review is sought on any order entered under the workers  
40 compensation act prior to October 1, 1993, such review shall be in  
41 accordance with the provisions of K.S.A. 44-551 and this section, and any  
42 other applicable procedural provisions of the workers compensation act, as  
43 all such provisions existed prior to amendment by this act on July 1, 1993.

1 (d) (1) If compensation, including medical benefits, temporary total  
2 disability benefits or vocational rehabilitation benefits, has been paid to the  
3 worker by the employer or the employer's insurance carrier during the  
4 pendency of review under this section and the amount of compensation  
5 awarded by the board is reduced or totally disallowed by the decision on  
6 the appeal or review, the employer and the employer's insurance carrier,  
7 except as otherwise provided in this section, shall be reimbursed from the  
8 workers compensation fund established in K.S.A. 44-566a, and  
9 amendments thereto, for all amounts of compensation so paid which are in  
10 excess of the amount of compensation that the worker is entitled to as  
11 determined by the final decision on review. The director shall determine  
12 the amount of compensation paid by the employer or insurance carrier  
13 which is to be reimbursed under this subsection (d)(1), and the director  
14 shall certify to the commissioner of insurance the amount so determined.  
15 Upon receipt of such certification, the commissioner of insurance shall  
16 cause payment to be made to the employer or the employer's insurance  
17 carrier in accordance therewith.

18 (2) If any temporary or permanent partial disability or temporary or  
19 permanent total disability benefits have been paid to the worker by the  
20 employer or the employer's insurance carrier during the pendency of  
21 review under this section and the amount of compensation awarded for  
22 such benefits by the board is reduced by the decision on the appeal or  
23 review and the balance of compensation due the worker exceeds the  
24 amount of such reduction, the employer and the employer's insurance  
25 carrier shall receive a credit which shall be applied as provided in this  
26 subsection (d)(2) for all amounts of such benefits which are in excess of  
27 the amount of such benefits that the worker is entitled to as determined by  
28 the final decision on review or appeal. If a lump-sum amount of  
29 compensation is due and owing as a result of the decision of the court of  
30 *civil* appeals, the credit under this subsection (d)(2) shall be applied first  
31 against such lump-sum amount. If there is no such lump-sum amount or if  
32 there is any remaining credit after a credit has been applied to a lump-sum  
33 amount due and owing, such credit shall be applied against the last  
34 compensation payments which are payable for a period of time after the  
35 final decision on review or appeal so that the worker continues to receive  
36 compensation payments after such final decision until no further  
37 compensation is payable after the credit has been satisfied. The credit  
38 allowed under this subsection (d)(2) shall not be applied so as to stop or  
39 reduce benefit payments after such final decision, but shall be used to  
40 reduce the period of time over which benefit payments are payable after  
41 such final decision. The provisions of this subsection (d)(2) shall be  
42 applicable in all cases under the workers compensation act in which a final  
43 award is issued by an administrative law judge on or after July 1, 1990.

1 (e) If compensation, including medical benefits, temporary total  
2 disability benefits or vocational rehabilitation benefits, has been paid to the  
3 worker by the employer, the employer's insurance carrier or the workers  
4 compensation fund during the pendency of review under this section, and  
5 pursuant to K.S.A. 44-534a or K.S.A. 44-551, and amendments thereto,  
6 and the employer, the employer's insurance carrier or the workers  
7 compensation fund, which was held liable for and ordered to pay all or  
8 part of the amount of compensation awarded by the administrative law  
9 judge or board, is held not liable by the final decision on review by either  
10 the board or an appellate court for the compensation paid or is held liable  
11 on such appeal or review to pay an amount of compensation which is less  
12 than the amount paid pursuant to the award, then the employer, employer's  
13 insurance carrier or workers compensation fund shall be reimbursed by the  
14 party or parties which were held liable on such review to pay the amount  
15 of compensation to the worker that was erroneously ordered paid. The  
16 director shall determine the amount of compensation which is to be  
17 reimbursed to each party under this subsection, if any, in accordance with  
18 the final decision on the appeal or review and shall certify each such  
19 amount to be reimbursed to the party required to pay the amount or  
20 amounts of such reimbursement. Upon receipt of such certification, the  
21 party required to make the reimbursement shall pay the amount or amounts  
22 required to be paid in accordance with such certification. No worker shall  
23 be required to make reimbursement under this subsection or subsection  
24 (d).

25 (f) As used in subsections (d) and (e), "~~employers'~~ *employer's*  
26 insurance carrier" includes any qualified group-funded workers  
27 compensation pool under K.S.A. 44-581 through 44-591, and amendments  
28 thereto, or a group-funded pool under the Kansas municipal group-funded  
29 pool act which includes workers compensation and employers' liability  
30 under the workers compensation act.

31 (g) In any case in which any review is sought under this section and  
32 in which the compensability is not an issue to be decided on review,  
33 medical compensation shall be payable and shall not be stayed pending  
34 such review. The worker may proceed under K.S.A. 44-510k, and  
35 amendments thereto, and may have a hearing in accordance with that  
36 statute to enforce the provisions of this subsection.

37 Sec. 60. K.S.A. 2014 Supp. 45-217 is hereby amended to read as  
38 follows: 45-217. As used in the open records act, unless the context  
39 otherwise requires:

40 (a) "Business day" means any day other than a Saturday, Sunday or  
41 day designated as a holiday by the congress of the United States, by the  
42 legislature or governor of this state or by the respective political  
43 subdivision of this state.

1 (b) "Clearly unwarranted invasion of personal privacy" means  
2 revealing information that would be highly offensive to a reasonable  
3 person, including information that may pose a risk to a person or property  
4 and is not of legitimate concern to the public.

5 (c) "Criminal investigation records" means records of an  
6 investigatory agency or criminal justice agency as defined by K.S.A. 22-  
7 4701, and amendments thereto, compiled in the process of preventing,  
8 detecting or investigating violations of criminal law, but does not include  
9 police blotter entries, court records, rosters of inmates of jails or other  
10 correctional or detention facilities or records pertaining to violations of  
11 any traffic law other than vehicular homicide as defined by K.S.A. 21-  
12 3405, prior to its repeal, or K.S.A. 2014 Supp. 21-5406, and amendments  
13 thereto.

14 (d) "Custodian" means the official custodian or any person designated  
15 by the official custodian to carry out the duties of custodian of this act.

16 (e) "Official custodian" means any officer or employee of a public  
17 agency who is responsible for the maintenance of public records,  
18 regardless of whether such records are in the officer's or employee's actual  
19 personal custody and control.

20 (f) (1) "Public agency" means the state or any political or taxing  
21 subdivision of the state or any office, officer, agency or instrumentality  
22 thereof, or any other entity receiving or expending and supported in whole  
23 or in part by the public funds appropriated by the state or by public funds  
24 of any political or taxing subdivision of the state.

25 (2) "Public agency" shall not include:

26 (A) Any entity solely by reason of payment from public funds for  
27 property, goods or services of such entity; (B) any municipal judge, judge  
28 of the district court, *judge of the court of criminal appeals*, judge of the  
29 court of *civil* appeals or justice of the supreme court; or (C) any officer or  
30 employee of the state or political or taxing subdivision of the state if the  
31 state or political or taxing subdivision does not provide the officer or  
32 employee with an office which is open to the public at least 35 hours a  
33 week.

34 (g) (1) "Public record" means any recorded information, regardless of  
35 form or characteristics, which is made, maintained or kept by or is in the  
36 possession of any public agency including, but not limited to, an  
37 agreement in settlement of litigation involving the Kansas public  
38 employees retirement system and the investment of moneys of the fund.

39 (2) "Public record" shall not include records which are owned by a  
40 private person or entity and are not related to functions, activities,  
41 programs or operations funded by public funds or records which are made,  
42 maintained or kept by an individual who is a member of the legislature or  
43 of the governing body of any political or taxing subdivision of the state.

1 (3) "Public record" shall not include records of employers related to  
2 the employer's individually identifiable contributions made on behalf of  
3 employees for workers compensation, social security, unemployment  
4 insurance or retirement. The provisions of this subsection shall not apply  
5 to records of employers of lump-sum payments for contributions as  
6 described in this subsection paid for any group, division or section of an  
7 agency.

8 (h) "Undercover agent" means an employee of a public agency  
9 responsible for criminal law enforcement who is engaged in the detection  
10 or investigation of violations of criminal law in a capacity where such  
11 employee's identity or employment by the public agency is secret.

12 Sec. 61. K.S.A. 2014 Supp. 46-234 is hereby amended to read as  
13 follows: 46-234. No elected state officer shall within one year after the  
14 expiration of such officer's last term receive any civil appointment to a  
15 state office which was created by law during the last term for which such  
16 person had been elected, and all such appointments shall be void. Upon  
17 resignation by an elected state officer, such person may be appointed to  
18 any elective state office to fill a vacancy. As used in this section, the term  
19 "civil appointment to a state office" shall not include an additional district  
20 judge position created by K.S.A. 20-355, and amendments thereto, ~~or an~~  
21 ~~additional court of appeals judge position created by K.S.A. 20-3002, and~~  
22 ~~amendments thereto.~~

23 Sec. 62. K.S.A. 48-2922 is hereby amended to read as follows: 48-  
24 2922. (a) The judge advocate general shall establish a court of military  
25 review which shall be composed of one or more panels, and each such  
26 panel shall be composed of not less than three appellate military judges.  
27 For the purpose of reviewing court-martial cases, the court may sit in  
28 panels or as a whole in accordance with rules prescribed under subsection  
29 (f). Any decision of a panel may be reconsidered by the court sitting as a  
30 whole in accordance with such rules. Appellate military judges who are  
31 assigned to a court of military review may be commissioned officers or  
32 civilians, each of whom must be a member of a bar of a federal court or  
33 the highest court of a state. The judge advocate general shall designate as  
34 chief judge one of the appellate military judges of the court of military  
35 review established by the judge advocate general. The chief judge shall  
36 determine on which panels of the court the appellate judges assigned to the  
37 court will serve and which military judge assigned to the court will act as  
38 the senior judge on each panel.

39 (b) The judge advocate general shall refer to a court of military  
40 review the record in each case of trial by court-martial in which:

41 (1) The sentence, as approved, extends to dismissal of a  
42 commissioned officer, dishonorable or bad-conduct discharge or  
43 confinement for three or more months; and

1 (2) the right to appellate review has not been waived or an appeal has  
2 not been withdrawn under K.S.A. 48-2917, *and amendments thereto*.

3 (c) In a case referred to it, the court of military review may act only  
4 with respect to the findings and sentence as approved by the convening  
5 authority. It may affirm only such findings of guilty and the sentence, or  
6 such part or amount of the sentence, as it finds correct in law and fact and  
7 determines, on the basis of the entire record, should be approved. In  
8 considering the record, it may weigh the evidence, judge the credibility of  
9 witnesses and determine controverted questions of fact, recognizing that  
10 the trial court saw and heard the witnesses.

11 (d) If the court of military review sets aside the findings and sentence,  
12 it may, except where the setting aside is based on lack of sufficient  
13 evidence in the record to support the findings, order a rehearing. If it sets  
14 aside the findings and sentence and does not order a rehearing, it shall  
15 order that the charges be dismissed.

16 (e) The judge advocate general shall, unless there is to be further  
17 action by the governor, the adjutant general, *or* the Kansas court of  
18 *criminal* appeals ~~or the Kansas supreme court~~, instruct the convening  
19 authority to take action in accordance with the decision of the court of  
20 military review. If the court of military review has ordered a rehearing but  
21 the convening authority finds a rehearing impracticable, the convening  
22 authority shall dismiss the charges.

23 (f) The governor shall prescribe uniform rules of procedure for courts  
24 of military review and shall periodically formulate policies and procedure  
25 in regard to review of court-martial cases in the office of the judge  
26 advocate general and by courts of military review.

27 (g) No member of a court of military review shall be required or, on  
28 the member's own initiative, be permitted to prepare, approve, disapprove,  
29 review or submit, with respect to any other member of the same or another  
30 court of military review, an effectiveness, fitness or efficiency report, or  
31 any other report or document used in whole or in part for the purpose of  
32 determining whether a member of the armed forces is qualified to be  
33 advanced in grade, or in determining the assignment or transfer of a  
34 member of the armed forces, or in determining whether a member of the  
35 armed forces shall be retained on active duty.

36 (h) No member of a court of military review shall be eligible to  
37 review the record of any trial if such member served as investigating  
38 officer in the case or served as a member of the court-martial before which  
39 such trial was conducted, or served as military judge, trial or defense  
40 counsel or reviewing officer of such trial.

41 Sec. 63. K.S.A. 48-2923 is hereby amended to read as follows: 48-  
42 2923. (a) The Kansas court of *criminal* appeals shall review the record in:

43 (1) All cases reviewed by a court of military review which the judge



1 advocate general orders sent to the *Kansas* court of *criminal* appeals for  
2 review; and

3 (2) all cases reviewed by a court of military review in which, upon  
4 petition of the accused and on good cause shown, the *Kansas* court of  
5 *criminal* appeals has granted a review.

6 (b) The accused may petition the *Kansas* court of *criminal* appeals for  
7 review of a decision of a court of military review within 60 days from the  
8 earlier of:

9 (1) The date on which the accused is notified of the decision of the  
10 court of military review; or

11 (2) the date on which a copy of the decision of the court of military  
12 review, after being served on appellate counsel of record for the accused, if  
13 any, is deposited in the United States mails for delivery by first class  
14 certified mail to the accused at an address provided by the accused or, if no  
15 such address has been provided by the accused, at the latest address listed  
16 for the accused in the accused's official service record. The *Kansas* court  
17 of *criminal* appeals shall act upon such a petition promptly in accordance  
18 with the rules of the court.

19 (c) In any case reviewed by it, the *Kansas* court of *criminal* appeals  
20 may act only with respect to the findings and sentence as approved by the  
21 convening authority and as affirmed or set aside as incorrect in law by the  
22 court of military review. In a case which the judge advocate general orders  
23 sent to the *Kansas* court of *criminal* appeals, that action need be taken only  
24 with respect to the issues raised by the judge advocate general. In a case  
25 reviewed upon petition of the accused, that action need be taken only with  
26 respect to issues specified in the grant of review. The *Kansas* court of  
27 *criminal* appeals shall take action only with respect to matters of law.

28 (d) If the *Kansas* court of *criminal* appeals sets aside the findings and  
29 sentence, it may, except where the setting aside is based on lack of  
30 sufficient evidence in the record to support the findings, order a rehearing.  
31 If it sets aside the findings and sentence and does not order a rehearing, it  
32 shall order that the charges be dismissed.

33 (e) After it has acted on a case, the *Kansas* court of *criminal* appeals  
34 may direct the judge advocate general to return the record to the court of  
35 military review for further review in accordance with the decision of the  
36 court. Otherwise, unless there is to be further action by the governor, the  
37 judge advocate general shall instruct the convening authority to take action  
38 in accordance with that decision. If the court has ordered a rehearing, but  
39 the convening authority finds a rehearing impracticable, the convening  
40 authority may dismiss the charges.

41 Sec. 64. K.S.A. 48-2924 is hereby amended to read as follows: 48-  
42 2924. (a) The record of trial in each general court-martial that is not  
43 otherwise reviewed under K.S.A. 48-2922, and amendments thereto, shall

1 be examined in the office of the judge advocate general if there is a finding  
2 of guilty and the accused does not waive or withdraw the accused's right to  
3 appellate review under K.S.A. 48-2917, *and amendments thereto*. If any  
4 part of the findings or sentence is found to be unsupported in law or if  
5 reassessment of the sentence is appropriate, the judge advocate general  
6 may modify or set aside the findings or sentence or both. If the judge  
7 advocate general so directs, the record shall be reviewed by a court of  
8 military review under K.S.A. 48-2922, *and amendments thereto*, but in  
9 that event there may be no further review by the Kansas court of *criminal*  
10 appeals except under ~~subsection (b)(2) of K.S.A. 48-2923(b)(2), and~~  
11 *amendments thereto*.

12 (b) The findings or sentence, or both, in a court-martial case not  
13 reviewed under subsection (a) or under K.S.A. 48-2922, *and amendments*  
14 *thereto*, may be modified or set aside, in whole or in part, by the judge  
15 advocate general on the ground of newly discovered evidence, fraud on the  
16 court, lack of jurisdiction over the accused or the offense, error prejudicial  
17 to the substantial rights of the accused, or the appropriateness of the  
18 sentence. If such a case is considered upon application of the accused, the  
19 application must be filed in the office of the judge advocate general by the  
20 accused on or before the last day of the two-year period beginning on the  
21 date the sentence is approved under ~~subsection (e) of K.S.A. 48-2916(c),~~  
22 *and amendments thereto*, unless the accused establishes good cause for  
23 failure to file within that time.

24 (c) If the judge advocate general sets aside the findings or sentence,  
25 the judge advocate general may, except when the setting aside is based on  
26 lack of sufficient evidence in the record to support the findings, order a  
27 rehearing. If the judge advocate general sets aside the findings and  
28 sentence and does not order a rehearing, the judge advocate general shall  
29 order that the charges be dismissed. If the judge advocate general orders a  
30 rehearing but the convening authority finds a rehearing impractical, the  
31 convening authority shall dismiss the charges.

32 Sec. 65. K.S.A. 48-2925 is hereby amended to read as follows: 48-  
33 2925. (a) The judge advocate general shall detail in the judge advocate  
34 general's office one or more commissioned officers as appellate  
35 government counsel, and one or more commissioned officers as appellate  
36 defense counsel, who are qualified under ~~subsection (b)(2) of K.S.A. 48-~~  
37 ~~2905(b)(2), and amendments thereto.~~

38 (b) Appellate government counsel shall represent the state of Kansas  
39 before the court of military review or the Kansas court of *criminal* appeals  
40 when directed to do so by the judge advocate general. ~~Appellate~~  
41 ~~government counsel may represent the state before the Kansas supreme~~  
42 ~~court in cases arising under this chapter when requested to do so by the~~  
43 ~~attorney general.~~

1 (c) Appellate defense counsel shall represent the accused before the  
2 court of military review; *or* the Kansas court of *criminal* appeals—~~or the~~  
3 ~~Kansas supreme court~~.

4 (1) When requested by the accused; *or*

5 (2) when the state is represented by counsel.

6 (d) The accused has the right to be represented before the court of  
7 military review; *or* the Kansas court of *criminal* appeals;—~~or the Kansas~~  
8 ~~supreme court~~ by civilian counsel if provided by the accused and at the  
9 accused's own expense.

10 (e) Military appellate counsel shall also perform such other functions  
11 in connection with the review of court-martial cases as the judge advocate  
12 directs.

13 Sec. 66. K.S.A. 48-2926 is hereby amended to read as follows: 48-  
14 2926. (a) If, in the case of a commissioned officer, the sentence of a court-  
15 martial extends to dismissal, that part of the sentence providing for  
16 dismissal may not be executed until approved by the adjutant general. In  
17 such a case, the governor may commute, remit or suspend the sentence, or  
18 any part of the sentence, as the governor sees fit. In time of war or national  
19 emergency, the governor may commute a sentence of dismissal to  
20 reduction to any enlisted grade. A person so reduced may be required to  
21 serve for the duration of the war or emergency and six months thereafter.

22 (b) (1) If a sentence extends to dismissal, or a dishonorable or bad-  
23 conduct discharge and if the right of the accused to appellate review is not  
24 waived, and an appeal is not withdrawn, under K.S.A. 48-2917, *and*  
25 *amendments thereto*, that part of the sentence extending to dismissal or a  
26 dishonorable or bad-conduct discharge may not be executed until there is a  
27 final judgment as to the legality of the proceedings and, with respect to  
28 dismissal, approval under subsection (a) as appropriate. A judgment as to  
29 legality of the proceedings is final in such cases when review is completed  
30 by a court of military review and:

31 (A) The time for the accused to file a petition for review by the  
32 Kansas court of *criminal* appeals has expired and the accused has not filed  
33 a timely petition for such review and the case is not otherwise under  
34 review by that court;

35 (B) such a petition is rejected by the Kansas court of *criminal*  
36 appeals; *or*

37 (C) review is completed in accordance with the judgment of the  
38 Kansas court of *criminal* appeals.

39 (2) If a sentence extends to dismissal or a dishonorable or bad-  
40 conduct discharge and if the right of the accused to appellate review is  
41 waived, or an appeal is withdrawn, under K.S.A. 48-2917, *and*  
42 *amendments thereto*, that part of the sentence extending to dismissal or a  
43 bad-conduct or dishonorable discharge may not be executed until review

1 of the case by a judge advocate, and any action on that review, under  
 2 K.S.A. 48-2920, *and amendments thereto*, is completed. Any other part of  
 3 a court-martial sentence may be ordered executed by the convening  
 4 authority or other person acting on the case under K.S.A. 48-2916, *and*  
 5 *amendments thereto*, when approved by such person under that section.

6 (c) The convening authority or other person acting on the case under  
 7 K.S.A. 48-2916, *and amendments thereto*, may suspend the execution of  
 8 any sentence or part thereof.

9 Sec. 67. K.S.A. 48-2928 is hereby amended to read as follows: 48-  
 10 2928. At any time within two years after approval by the convening  
 11 authority of a court-martial sentence, the accused may petition the judge  
 12 advocate general for a new trial on the grounds of newly discovered  
 13 evidence or fraud on the court. If the accused's case is pending before a  
 14 court of military review or before the Kansas court of *criminal* appeals, the  
 15 judge advocate general shall refer the petition to the appropriate court for  
 16 action. Otherwise the judge advocate general shall act upon the petition.

17 Sec. 68. K.S.A. 2014 Supp. 55-1410 is hereby amended to read as  
 18 follows: 55-1410. Any action of the commission under the Kansas natural  
 19 gas pricing act is subject to review by the ~~supreme~~ court of *civil appeals* in  
 20 accordance with the Kansas judicial review act. Such review shall be taken  
 21 in the same manner and time as allowed by law for actions for review by  
 22 the court of *civil* appeals of orders of the commission which relate to rate  
 23 hearings.

24 Sec. 69. K.S.A. 2014 Supp. 60-223 is hereby amended to read as  
 25 follows: 60-223. (a) *Prerequisites*. One or more members of a class may  
 26 sue or be sued as representative parties on behalf of all members only if:  
 27 (1) The class is so numerous that joinder of all members is impracticable;  
 28 (2) there are questions of law or fact common to the class; (3) the claims or  
 29 defenses of the representative parties are typical of the claims or defenses  
 30 of the class; and (4) the representative parties will fairly and adequately  
 31 protect the interests of the class.

32 (b) *Types of class actions*. A class action may be maintained if the  
 33 prerequisites of subsection (a) are satisfied and if:

34 (1) Prosecuting separate actions by or against individual members  
 35 would create a risk of: (A) Inconsistent or varying adjudications with  
 36 respect to individual class members that would establish incompatible  
 37 standards of conduct for the party opposing the class; or (B) adjudications  
 38 with respect to individual class members that as a practical matter, would  
 39 be dispositive of the interests of the other members not parties to the  
 40 individual adjudications or would substantially impair or impede their  
 41 ability to protect their interests; ~~or~~

42 (2) the party opposing the class has acted or refused to act on grounds  
 43 that apply generally to the class, so that final injunctive relief or

1 corresponding declaratory relief is appropriate respecting the class as a  
2 whole; or

3 (3) the court finds that the questions of law or fact common to class  
4 members predominate over any questions affecting only individual  
5 members, and that a class action is superior to other available methods for  
6 fairly and efficiently adjudicating the controversy. The matters pertinent to  
7 these findings include: (A) The class member's interest in individually  
8 controlling the prosecution or defense of separate actions; (B) the extent  
9 and nature of any litigation concerning the controversy already begun by  
10 or against class members; (C) the desirability or undesirability of  
11 concentrating the litigation of the claims in the particular forum; and (D)  
12 the likely difficulties in managing a class action.

13 (c) *Certification order; notice to class members; judgment; issues*  
14 *classes; subclasses.* (1) *Certification order.* (A) *Time to issue.* At an early  
15 practicable time after a person sues or is sued as a class representative, the  
16 court must determine by order whether to certify the action as a class  
17 action.

18 (B) *Defining the class; appointing class counsel.* An order that  
19 certifies a class action must define the class and the class claims, issues or  
20 defenses, and must appoint class counsel under subsection (g).

21 (C) *Altering or amending the order.* An order that grants or denies  
22 class certification may be altered or amended before final judgment.

23 (2) *Notice.* (A) *For subsection (b)(1) or (b)(2) classes.* For any class  
24 certified under subsection (b)(1) or (b)(2), the court may direct appropriate  
25 notice to the class.

26 (B) *For subsection (b)(3) classes.* For any class certified under  
27 subsection (b)(3), the court must direct to class members the best notice  
28 that is practicable under the circumstances, including individual notice to  
29 all members who can be identified through reasonable effort. The notice  
30 must clearly and concisely state in plain, easily understood language:

31 (i) The nature of the action;  
32 (ii) the definition of the class certified;  
33 (iii) the class claims, issues or defenses;  
34 (iv) that a class member may enter an appearance through an attorney  
35 if the member so desires;

36 (v) that the court will exclude from the class any member who  
37 requests exclusion;

38 (vi) the time and manner for requesting exclusion; and

39 (vii) the binding effect of a class judgment on members under  
40 subsection (c)(3).

41 (3) *Judgment.* Whether or not favorable to the class, the judgment in a  
42 class action must:

43 (A) In an action maintained as a class action under subsection (b)(1)

1 or (b)(2), include and describe those whom the court finds to be class  
2 members; and

3 (B) in an action maintained as a class action under subsection (b)(3),  
4 include and specify or describe those to whom the notice provided in  
5 subsection (c)(2) was directed, who have not requested exclusion, and  
6 whom the court finds to be class members.

7 (4) *Particular issues*. When appropriate, an action may be brought or  
8 maintained as a class action with respect to particular issues.

9 (5) *Subclasses*. When appropriate, a class may be divided into  
10 subclasses that are each treated as a class under this section.

11 (d) *Conducting the action*. (1) *In general*. In conducting an action  
12 under this section, the court may issue orders that:

13 (A) Determine the course of proceedings or prescribe measures to  
14 prevent undue repetition or complication in presenting evidence or  
15 argument;

16 (B) require, to protect class members and fairly conduct the action,  
17 giving appropriate notice to some or all class members of:

18 (i) Any step in the action;

19 (ii) the proposed extent of the judgment; or

20 (iii) the members' opportunity to signify whether they consider the  
21 representation fair and adequate, to intervene and present claims or  
22 defenses, or to otherwise come into the action;

23 (C) impose conditions on the representative parties or on intervenors;

24 (D) require that the pleadings be amended to eliminate allegations  
25 about representation of absent persons and that the action proceed  
26 accordingly; or

27 (E) deal with similar procedural matters.

28 (2) *Combining and amending orders*. An order under subsection (d)  
29 (1) may be altered or amended from time to time and may be combined  
30 with an order under K.S.A. 60-216, and amendments thereto.

31 (e) *Settlement, voluntary dismissal or compromise*. The claims, issues  
32 or defenses of a certified class may be settled, voluntarily dismissed or  
33 compromised only with the court's approval. The following procedures  
34 apply to a proposed settlement, voluntary dismissal or compromise:

35 (1) The court must direct notice in a reasonable manner to all class  
36 members who would be bound by the proposal;

37 (2) if the proposal would bind class members, the court may approve  
38 it only after a hearing and on finding that it is fair, reasonable and  
39 adequate;

40 (3) the parties seeking approval must file a statement identifying any  
41 agreement made in connection with the proposal;

42 (4) if the class action was previously certified under subsection (b)  
43 (3), the court may refuse to approve a settlement unless it affords a new

1 opportunity to request exclusion to individual class members who had an  
2 earlier opportunity to request exclusion, but did not do so; and

3 (5) any class member may object to the proposal if it requires court  
4 approval under this subsection (e); the objection may be withdrawn only  
5 with the court's approval.

6 (f) *Appeals*. The court of *civil* appeals may permit an appeal from an  
7 order granting or denying class action certification under this section if  
8 application is made to the court within 14 days after the order is entered.  
9 An appeal does not stay proceedings in the district court unless the district  
10 judge or the court of *civil* appeals so orders.

11 (g) *Class counsel*. (1) *Appointing class counsel*. Unless a statute  
12 provides otherwise, a court that certifies a class must appoint class  
13 counsel. In appointing class counsel, the court:

14 (A) Must consider:

15 (i) The work counsel has done in identifying or investigating potential  
16 claims in the action;

17 (ii) counsel's experience in handling class actions, other complex  
18 litigation and the types of claims asserted in the action;

19 (iii) counsel's knowledge of the applicable law; and

20 (iv) the resources that counsel will commit to representing the class;

21 (B) may consider any other matter pertinent to counsel's ability to  
22 fairly and adequately represent the interests of the class;

23 (C) may order potential class counsel to provide information on any  
24 subject pertinent to the appointment and to propose terms for ~~attorney's~~  
25 *attorney* fees and nontaxable costs;

26 (D) may include in the appointing order provisions about the award  
27 of ~~attorney's~~ *attorney* fees or nontaxable costs under subsection (h); and

28 (E) may make further orders in connection with the appointment.

29 (2) *Standard for appointing class counsel*. When one applicant seeks  
30 appointment as class counsel, the court may appoint that applicant only if  
31 the applicant is adequate under subsection (g)(1) and (g)(4). If more than  
32 one adequate applicant seeks appointment, the court must appoint the  
33 applicant best able to represent the interests of the class.

34 (3) *Interim counsel*. The court may designate interim counsel to act  
35 on behalf of a putative class before determining whether to certify the  
36 action as a class action.

37 (4) *Duty of class counsel*. Class counsel must fairly and adequately  
38 represent the interests of the class.

39 (h) ~~Attorney's Attorney fees and nontaxable costs~~. In a certified class  
40 action, the court may award reasonable ~~attorney's~~ *attorney* fees and  
41 nontaxable costs that are authorized by law or by the parties' agreement.  
42 The following procedures apply:

43 (1) A claim for an award must be made by motion, subject to the

1 provisions of this subsection, at a time the court sets. Notice of the motion  
2 must be served on all parties and, for motions by class counsel, directed to  
3 class members in a reasonable manner;

4 (2) a class member, or a party from whom payment is sought, may  
5 object to the motion;

6 (3) the court may hold a hearing and must find the facts and state its  
7 legal conclusions under ~~subsection (a)~~ of K.S.A. 60-252(a), and  
8 amendments thereto; and

9 (4) the court may refer issues related to the amount of the award to a  
10 special master as provided in K.S.A. 60-253, and amendments thereto.

11 Sec. 70. K.S.A. 60-1301 is hereby amended to read as follows: 60-  
12 1301. A justice of the supreme court, a *judge of the court of criminal*  
13 *appeals*, a judge of the court of *civil* appeals or a district judge, or in the  
14 district judge's absence from the county a district magistrate judge, shall  
15 have authority to appoint a receiver in conformity with the provisions of  
16 K.S.A. 60-1302 and 60-1303, and amendments thereto, whose duty it shall  
17 be to keep, preserve, and manage all property and protect any business or  
18 business interest entrusted to the receiver pending the determination of any  
19 proceeding in which such property or interest may be affected by the final  
20 judgment. A person who has an interest in property or in the outcome of  
21 the proceeding shall not be appointed or continued as a receiver if  
22 objection is made thereto by another interested party unless the judge finds  
23 and rules that such objection is arbitrary or unreasonable.

24 Sec. 71. K.S.A. 2014 Supp. 60-1501 is hereby amended to read as  
25 follows: 60-1501. (a) Subject to the provisions of K.S.A. 60-1507, and  
26 amendments thereto, any person in this state who is detained, confined or  
27 restrained of liberty on any pretense whatsoever, and any parent, guardian,  
28 or next friend for the protection of infants or allegedly incapacitated or  
29 incompetent persons, physically present in this state may prosecute a writ  
30 of habeas corpus in the supreme court, court of *criminal* appeals or the  
31 district court of the county in which such restraint is taking place. No  
32 docket fee shall be required, as long as the petitioner complies with the  
33 provisions of ~~subsection (b)~~ of K.S.A. 60-2001(b), and amendments  
34 thereto.

35 (b) Except as provided in K.S.A. 60-1507, and amendments thereto,  
36 an inmate in the custody of the secretary of corrections shall file a petition  
37 for writ pursuant to subsection (a) within 30 days from the date the action  
38 was final, but such time is extended during the pendency of the inmate's  
39 timely attempts to exhaust such inmate's administrative remedies.

40 (c) Except as provided in K.S.A. 60-1507, and amendments thereto, a  
41 patient in the custody of the secretary for aging and disability services  
42 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall file a  
43 petition for writ pursuant to subsection (a) within 30 days from the date the



1 action was final, but such time is extended during the pendency of the  
2 patient's timely attempts to exhaust such patient's administrative remedies.

3 Sec. 72. K.S.A. 2014 Supp. 60-1505 is hereby amended to read as  
4 follows: 60-1505. (a) *Summary proceedings*. The judge shall proceed in a  
5 summary way to hear and determine the cause and may do so regardless of  
6 whether the person restrained is present. If the plaintiff is an inmate in the  
7 custody of the secretary of corrections and the motion and the files and  
8 records of the case conclusively show that the inmate is entitled to no  
9 relief, the writ shall be dissolved at the cost of the inmate.

10 (b) *Infectious diseases*. When any person is restrained because of an  
11 alleged infectious or communicable disease, the judge may appoint at least  
12 one competent physician to make an examination of such person and  
13 report findings to the judge.

14 (c) *Temporary orders*. The judge may make an order for the  
15 temporary custody of the party and any other temporary orders during the  
16 pendency of the proceeding that justice may require.

17 (d) *Judgment*. If the court determines that the restraint is not  
18 wrongful, the writ shall be dissolved at the cost of the plaintiff. If the  
19 restraint is found to be wrongful, the judgment shall be either that the  
20 person shall be released, or that custody shall be transferred to some other  
21 person rightfully entitled thereto, and the court may make such other  
22 orders as justice and equity or the welfare of a minor physically present in  
23 the state may require. In cases in which the person restrained is a minor, or  
24 other incompetent or incapacitated, at the time of rendering judgment at  
25 the request of any person adversely affected thereby, the judge shall stay  
26 the enforcement of the judgment for a period of not to exceed 48 hours to  
27 permit the filing of an appeal, and the judge may provide for the temporary  
28 custody of the person during such stay in such manner as the judge sees fit.  
29 Enforcement of the judgment after the taking of any appeal may be stayed  
30 on such terms and conditions, including such provisions for custody during  
31 pendency of the appeal, as the judge shall prescribe. If the state, in open  
32 court, announces its intention to appeal from an order discharging a  
33 prisoner, the judge shall stay the enforcement of the judgment for a period  
34 not more than 24 hours to permit the filing of an appeal.

35 (e) (1) *The record*. In habeas corpus proceedings involving  
36 extradition to another state, when written notice of appeal from a judgment  
37 or an order is filed, the transcript shall be prepared within 21 days after the  
38 notice of appeal is filed and sent to the appellate court for review. The  
39 appellate court may shorten or extend the time for filing the record if there  
40 is a reasonable explanation for the need for such action. When the record is  
41 received by the appellate court, the court shall set the time for filing of  
42 briefs, if briefs are desired, and shall set the appeal for submission.

43 (2) *Hearing*. Such cases, taken to the court of *criminal* appeals by

1 appeal, shall be heard at the earliest practicable time. The appellant need  
2 not be personally present, and such appeal shall be heard and determined  
3 upon the law and the facts arising upon record. No incidental question  
4 which may have arisen on the hearing of the application before the court  
5 shall be reviewed.

6 (3) *Orders on appeal.* In such cases, the appellate court shall render  
7 such judgment and make such orders as the law and the nature of the case  
8 may require, and may make such orders relative to the costs in the case as  
9 may seem right, allowing costs and fixing the amount, or allowing no cost  
10 at all.

11 Sec. 73. K.S.A. 60-2101 is hereby amended to read as follows: 60-  
12 2101. (a) (1) The court of *civil* appeals shall have jurisdiction to hear  
13 appeals from district courts, except in those cases reviewable by law in the  
14 district court and in those cases where a direct appeal to the supreme court  
15 is required by law. The court of *civil* appeals also shall have jurisdiction to  
16 hear appeals from administrative decisions where a statute specifically  
17 authorizes an appeal directly to the court of appeals from an administrative  
18 body or office. ~~In any case properly before it,~~ The court of *civil* appeals  
19 shall have jurisdiction to correct, modify, vacate or reverse any act, order  
20 or judgment of a district court *in order* to assure that any such act, order or  
21 judgment is just, legal and free of abuse.

22 (2) *The court of criminal appeals shall have jurisdiction to hear*  
23 *appeals from district courts, except in those cases reviewable by law in the*  
24 *district court. The court of criminal appeals shall have jurisdiction to*  
25 *correct, modify, vacate or reverse any act, order or judgment of a district*  
26 *court in order to assure that any such act, order or judgment is just, legal*  
27 *and free of abuse.*

28 (3) Appeals from the district court to the court of *criminal* appeals in  
29 criminal cases shall be subject to the provisions of K.S.A. 22-3601 and 22-  
30 3602, and amendments thereto, and appeals from the district court to the  
31 court of *civil* appeals in civil actions shall be subject to the provisions of  
32 K.S.A. 60-2102, and amendments thereto.

33 (b) ~~The supreme court shall have jurisdiction to correct, modify,~~  
34 ~~vacate or reverse any act, order or judgment of a district court or court of~~  
35 ~~appeals in order to assure that any such act, order or judgment is just, legal~~  
36 ~~and free of abuse. An appeal from a final judgment of a district court in~~  
37 ~~any civil action in which a statute of this state or of the United States has~~  
38 ~~been held unconstitutional shall be taken directly to the supreme court.~~  
39 ~~Direct appeals from the district court to the supreme court in criminal~~  
40 ~~cases shall be as prescribed by K.S.A. 22-3601 and 22-3602, and~~  
41 ~~amendments thereto. Cases appealed to the court of criminal appeals or~~  
42 ~~the court of civil appeals may be transferred to the supreme court as~~  
43 ~~provided in K.S.A. 20-3016 and 20-3017 sections 11 and 12, and~~

1 amendments thereto, and any decision of *the court of criminal appeals* or  
2 the court of *civil* appeals shall be subject to review by the supreme court as  
3 provided in ~~subsection (b) of K.S.A. 20-2018~~ *section 13*, and amendments  
4 thereto, ~~except that any party may appeal from a final decision of the court~~  
5 ~~of appeals to the supreme court, as a matter of right, whenever a question~~  
6 ~~under the constitution of either the United States or the state of Kansas~~  
7 ~~arises for the first time as a result of such decision.~~

8 (c) As used in the code of civil procedure, the term "appellate court"  
9 means the supreme court or court of *civil* appeals, depending on the  
10 context in which such term is used and the respective jurisdiction of such  
11 courts over appeals in civil actions as provided in this section and K.S.A.  
12 60-2102, and amendments thereto.

13 (d) A judgment rendered or final order made by a political or taxing  
14 subdivision, or any agency thereof, exercising judicial or quasi-judicial  
15 functions may be reversed, vacated or modified by the district court on  
16 appeal. If no other means for perfecting such appeal is provided by law, it  
17 shall be sufficient for an aggrieved party to file a notice that such party is  
18 appealing from such judgment or order with such subdivision or agency  
19 within 30 days of its entry, and then causing true copies of all pertinent  
20 proceedings before such subdivision or agency to be prepared and filed  
21 with the clerk of the district court in the county in which such judgment or  
22 order was entered. The clerk shall thereupon docket the same as an action  
23 in the district court, which court shall then proceed to review the same,  
24 either with or without additional pleadings and evidence, and enter such  
25 order or judgment as justice shall require. A docket fee shall be required  
26 by the clerk of the district court as in the filing of an original action.

27 Sec. 74. K.S.A. 2014 Supp. 60-2102 is hereby amended to read as  
28 follows: 60-2102. (a) *Appeal to court of civil appeals as matter of right.*  
29 Except for any order or final decision of a district magistrate judge who is  
30 not regularly admitted to practice law in Kansas, the appellate jurisdiction  
31 of the court of *civil* appeals may be invoked by appeal as a matter of right  
32 from:

33 (1) An order that discharges, vacates or modifies a provisional  
34 remedy.

35 (2) An order that grants, continues, modifies, refuses or dissolves an  
36 injunction, or an order that grants or refuses relief in the form of  
37 mandamus, quo warranto or habeas corpus.

38 (3) An order that appoints a receiver or refuses to wind up a  
39 receivership or to take steps to accomplish the purposes thereof, such as  
40 directing sales or other disposal of property, or an order involving the tax  
41 or revenue laws, the title to real estate, the constitution of this state or the  
42 constitution, laws or treaties of the United States.

43 (4) A final decision in any action, except in an action where a direct

1 appeal to the supreme court is required by law. In any appeal or cross  
 2 appeal from a final decision, any act or ruling from the beginning of the  
 3 proceedings shall be reviewable.

4 (b) *Appeal to supreme court as matter of right.* The appellate  
 5 jurisdiction of the supreme court may be invoked by appeal as a matter of  
 6 right from:

7 ~~(1) A preliminary or final decision in which a statute of this state has~~  
 8 ~~been held unconstitutional as a violation of Article 6 of the constitution of~~  
 9 ~~the state of Kansas pursuant to K.S.A. 2014 Supp. 72-64b03, and~~  
 10 ~~amendments thereto. Any appeal filed pursuant to this subsection (b)(1)~~  
 11 ~~shall be filed within 30 days of the date the preliminary or final decision is~~  
 12 ~~filed.~~

13 (2) a final decision of the district court in any action challenging the  
 14 constitutionality of or arising out of any provision of the Kansas expanded  
 15 lottery act, any lottery gaming facility management contract or any  
 16 racetrack gaming facility management contract entered into pursuant to the  
 17 Kansas expanded lottery act.

18 (c) *Other appeals.* When a district judge, or a district magistrate  
 19 judge who is regularly admitted to practice law in Kansas, in making in a  
 20 civil action an order not otherwise appealable under this section, is of the  
 21 opinion that such order involves a controlling question of law as to which  
 22 there is substantial ground for difference of opinion and that an immediate  
 23 appeal from the order may materially advance the ultimate termination of  
 24 the litigation, the judge shall so state in writing in such order. The court of  
 25 *civil* appeals may thereupon, in its discretion, permit an appeal to be taken  
 26 from such order, if application is made to it within 14 days after the entry  
 27 of the order under such terms and conditions as the supreme court fixes by  
 28 rule. Application for an appeal pursuant to this subsection shall not stay  
 29 proceedings in the district court unless the judge of the district court or an  
 30 appellate court or a judge thereof so orders.

31 Sec. 75. K.S.A. 60-3201 is hereby amended to read as follows: 60-  
 32 3201. (a) *Except as provided in subsection (b),* the Kansas supreme court  
 33 may answer questions of law certified to it by the supreme court of the  
 34 United States, a court of appeals of the United States, a United States  
 35 district court or the highest appellate court or the intermediate appellate  
 36 court of any other state, when requested by the certifying court if there are  
 37 involved in any proceeding before it questions of law of this state which  
 38 may be determinative of the cause then pending in the certifying court and  
 39 as to which it appears to the certifying court there is no controlling  
 40 precedent in the decisions of the supreme court ~~and the~~ *or the appropriate*  
 41 *court of appeals of this state.*

42 (b) *If a question of law certified to the Kansas supreme court is not a*  
 43 *question within the supreme court's original jurisdiction or appellate*

1 *jurisdiction as provided by law, the supreme court shall refer such*  
2 *question to the appropriate court of appeals. The appropriate court of*  
3 *appeals may answer such question.*

4 Sec. 76. K.S.A. 60-3208 is hereby amended to read as follows: 60-  
5 3208. The supreme court, *the court of criminal appeals* or the court of  
6 *civil* appeals of this state, on its own motion or the motion of any party,  
7 may order certification of questions of law to the highest court of any state  
8 when it appears to the certifying court that there are involved in any  
9 proceeding before the court questions of law of the receiving state which  
10 may be determinative of the cause then pending in the certifying court and  
11 it appears to the certifying court that there are no controlling precedents in  
12 the decisions of the highest court or intermediate appellate courts of the  
13 receiving state.

14 Sec. 77. K.S.A. 2014 Supp. 61-3902 is hereby amended to read as  
15 follows: 61-3902. (a) All appeals from orders, rulings, decisions or  
16 judgments of district magistrate judges who are not regularly admitted to  
17 practice law in Kansas under the code of civil procedure for limited  
18 actions shall be taken in the manner provided in ~~subsection (a)~~ of K.S.A.  
19 60-2103a(a), and amendments thereto. All appeals from orders, rulings,  
20 decisions or judgments of district judges, or district magistrate judges who  
21 are regularly admitted to practice law in Kansas, under the code of civil  
22 procedure for limited actions shall be taken in the manner provided in  
23 ~~subsections (a) and (b)~~ of K.S.A. 60-2103(a) and (b), and amendments  
24 thereto. Notwithstanding the foregoing provisions of this subsection, if  
25 judgment has been rendered in an action for forcible detainer and the  
26 defendant desires to appeal from that portion of the judgment granting  
27 restitution of the premises, notice of appeal shall be filed within seven  
28 days after entry of judgment. The notice of appeal shall specify the party  
29 or parties taking the appeal; the order, ruling, decision or judgment  
30 appealed from; and the court to which the appeal is taken.

31 (b) The provisions of K.S.A. 60-2001, and amendments thereto, shall  
32 apply to appeals pursuant to this section.

33 (c) An appeal from an action heard by a district magistrate judge who  
34 is not regularly admitted to practice law in Kansas shall be taken to a  
35 district judge of the county. An appeal from an action heard by a district  
36 judge, or a district magistrate judge who is regularly admitted to practice  
37 law in Kansas, shall be taken to the court of *civil* appeals.

38 Sec. 78. K.S.A. 2014 Supp. 65-3008a is hereby amended to read as  
39 follows: 65-3008a. (a) No permit shall be issued, modified, renewed or  
40 reopened without first providing the public an opportunity to comment and  
41 request a public hearing on the proposed permit action. The request for a  
42 public hearing on the issuance of a permit shall set forth the basis for the  
43 request and a public hearing shall be held if, in the judgment of the

1 secretary, there is sufficient reason.

2 (b) The secretary shall affirm, modify or reverse the decision on such  
3 permit after the public comment period or public hearing, and shall affirm  
4 the issuance of any permit the terms and conditions of which comply with  
5 all requirements established by rules and regulations promulgated pursuant  
6 to the Kansas air quality act. Any person who participated in the public  
7 comment process or the public hearing who otherwise would have  
8 standing under K.S.A. 77-611, and amendments thereto, shall have  
9 standing to obtain judicial review of the secretary's final action on the  
10 permit pursuant to the Kansas judicial review act in the court of *civil*  
11 appeals. Any such person other than the applicant for or holder of the  
12 permit shall not be required to have exhausted administrative remedies in  
13 order to be entitled to review. The court of *civil* appeals shall have original  
14 jurisdiction to review any such final agency action. The record before the  
15 court of *civil* appeals shall be confined to the agency record for judicial  
16 review and consist of the documentation submitted to or developed by the  
17 secretary in making the final permit decision, including the permit  
18 application and any addenda or amendments thereto, the permit summary,  
19 the draft permit, all written comments properly submitted to the secretary,  
20 all testimony presented at any public hearing held on the permit  
21 application, all responses by the applicant or permit holder to any written  
22 comments or testimony, the secretary's response to the public comments  
23 and testimony and the final permit.

24 (c) When determined appropriate by the secretary, the procedures set  
25 out in subsection (a) may be required prior to the issuance, modification,  
26 renewal or reopening of an approval.

27 Sec. 79. K.S.A. 2014 Supp. 65-3013 is hereby amended to read as  
28 follows: 65-3013. (a) Any person who owns or is in control of any plant,  
29 building, structure, process or equipment may apply to the secretary for a  
30 variance from rules and regulations governing the quality, nature, duration  
31 or extent of emissions. The application shall be accompanied by such  
32 information and data as the secretary may reasonably require. The  
33 secretary may grant such variance if the secretary finds that:

34 (1) The emissions occurring or proposed to occur do not endanger or  
35 tend significantly to endanger human health or safety; and

36 (2) compliance with the rules and regulations from which variance is  
37 sought would produce serious hardships without equal or greater benefits  
38 to the public.

39 (b) No variance shall be granted pursuant to this section except after  
40 public hearing on due notice and until the secretary has considered the  
41 relative interests of the applicant, other owners of property likely to be  
42 affected by the discharges, and the general public.

43 (c) Any variance or renewal thereof shall be granted within the

1 requirements of subsection (a) and for time periods and under conditions  
2 consistent with the reasons therefor, and within the following limitations:

3 (1) If the variance is granted on the ground that there is no practicable  
4 means known or available for the adequate prevention, abatement or  
5 control of the air pollution involved, it shall be only until the necessary  
6 means for prevention, abatement or control become known and available  
7 and subject to the taking of any substitute or alternate measures that the  
8 secretary may prescribe.

9 (2) If the variance is granted on the ground that compliance with the  
10 particular requirement or requirements from which variance is sought will  
11 necessitate the taking of measures which, because of their extent or cost,  
12 must be spread over a considerable period of time, it shall be for a period  
13 not to exceed such reasonable time as the secretary finds is requisite for  
14 the taking of the necessary measures. A variance granted on the ground  
15 specified herein shall contain a timetable for the taking of action in an  
16 expeditious manner and shall be conditioned on adherence to such  
17 timetable.

18 (3) If the variance is granted on the ground that it is justified to  
19 relieve or prevent hardship of a kind other than that provided for in  
20 subsections (c)(1) and (2), it shall be for not more than one year.

21 (d) Any variance granted pursuant to this section may be renewed on  
22 terms and conditions and for periods which would be appropriate on initial  
23 granting of a variance. If complaint is made to the secretary on account of  
24 the variance, no renewal thereof shall be granted, unless following public  
25 hearing on the complaint on due notice, the secretary finds that renewal is  
26 justified. No renewal shall be granted except on application therefor. Any  
27 such application shall be made at least 60 days prior to the expiration of  
28 the variance. Immediately upon receipt of an application for renewal the  
29 secretary shall give public notice of such application in accordance with  
30 rules and regulations of the secretary.

31 (e) A variance or renewal shall not be a right of the applicant or  
32 holder thereof but shall be in the discretion of the secretary. Within 15 days  
33 after the secretary's written decision to grant or deny a variance or renewal  
34 thereof, the applicant or holder of a variance or renewal may file a request  
35 for a hearing with the secretary. Such hearing shall be conducted in  
36 accordance with the Kansas administrative procedure act. However, any  
37 person who participated in the public comment process or the public  
38 hearing or who otherwise would have standing under K.S.A. 77-611, and  
39 amendments thereto, and is adversely affected by any final action of the  
40 secretary pursuant to this section shall have standing to obtain judicial  
41 review of the secretary's final action on the variance or renewal in the  
42 court of *civil* appeals. Any such person other than the applicant for or  
43 holder of the permit shall not be required to have exhausted administrative

1 remedies in order to be entitled to review. The court of *civil* appeals shall  
2 have original jurisdiction to review any such final agency action. The  
3 record before the court of *civil* appeals shall be confined to the agency  
4 record for judicial review and consist of the documentation submitted to or  
5 developed by the secretary in making the final variance or renewal  
6 decision, including the variance or renewal application and any addenda or  
7 amendments thereto, the variance or renewal summary, the draft variance  
8 or renewal, all written comments properly submitted to the secretary, all  
9 testimony presented at any public hearing held on the variance or renewal  
10 application, all responses by the applicant or holder of a variance or  
11 renewal to any written comments or testimony, the secretary's response to  
12 the public comments and testimony and the final variance or renewal.

13 (f) Nothing in this section and no variance or renewal granted  
14 pursuant hereto shall be construed to prevent or limit the application of the  
15 emergency provisions and procedures of K.S.A. 65-3012, and amendments  
16 thereto, to any person or any person's property.

17 Sec. 80. K.S.A. 2014 Supp. 65-4211 is hereby amended to read as  
18 follows: 65-4211. (a) Any person aggrieved by a decision of the board, and  
19 affected thereby, shall be entitled to judicial review in accordance with the  
20 provisions of the Kansas judicial review act.

21 (b) Any party may have review of the final judgment or decision of  
22 the district court by appeal to the ~~supreme~~ court of *civil appeals* pursuant  
23 to the Kansas judicial review act.

24 Sec. 81. K.S.A. 66-118a is hereby amended to read as follows: 66-  
25 118a. (a) As used in this act:

26 (1) "Party" means any person, firm, corporation, association,  
27 municipality, taxpayer, municipal organization, mercantile, agricultural or  
28 manufacturing organization or system, public utility or common carrier  
29 interested in any matter pending before the state corporation commission  
30 or in proceedings for review of an order or decision of the commission.

31 (2) "Public utility" means a public utility as defined by K.S.A. 66-  
32 104, and amendments thereto.

33 (b) The court of *civil* appeals shall have exclusive jurisdiction to  
34 review any agency action of the state corporation commission arising from  
35 a rate hearing requested by a public utility or requested by the state  
36 corporation commission when a public utility is a necessary party.  
37 Proceedings for review of other agency actions of the state corporation  
38 commission shall be in accordance with K.S.A. 77-609, and amendments  
39 thereto.

40 (c) In proceedings for review of an agency action of the commission,  
41 the state corporation commission and any public utility which participated  
42 in the agency proceeding and could be bound by the review shall be parties  
43 to the proceedings and shall have all rights and privileges granted by this



1 act to any other party to such proceedings.

2 (d) A proceeding for review timely filed shall not be dismissed but  
3 shall be transferred to the proper court if it is determined to have been  
4 improperly filed: (A) In the court of *civil* appeals for an action not arising  
5 from a rate hearing; or (B) in the district court in accordance with K.S.A.  
6 77-609, and amendments thereto, for an action arising from a rate hearing.

7 Sec. 82. K.S.A. 66-118g is hereby amended to read as follows: 66-  
8 118g. (a) The filing or pendency of the application for review provided for  
9 in this act shall not in itself stay or suspend the operation of any order or  
10 decision of the commission, except as provided in subsection (b), but,  
11 during the pendency of such proceeding the court, in its discretion, may  
12 stay or suspend, in whole or in part, the operation of the order or decision  
13 of the commission. No order staying or suspending an order or decision of  
14 the commission shall be made by any court of this state without five days'  
15 notice and after a hearing. If a stay or suspension is allowed, the order  
16 granting such stay or suspension shall contain a specific finding, based  
17 upon evidence submitted to the court and identified by reference thereto,  
18 that great or irreparable damage would otherwise result to the petitioner  
19 and specifying the nature of the damage.

20 (b) If the court of *civil* appeals does not issue a final order within 120  
21 days after the filing with the clerk of the court of *civil* appeals of an  
22 application for judicial review of an order or decision of the commission in  
23 a public utility rate case, the court of *civil* appeals shall automatically stay  
24 the order or decision of the commission, to the extent provided in this  
25 subsection, when such stay is requested by motion of a public utility that is  
26 a party to the action. The commission's order or decision shall be stayed  
27 only to the extent that the commission did not grant the amount that is  
28 being contested by the public utility on appeal. The public utility may  
29 collect, pursuant to K.S.A. 66-118h, and amendments thereto, rates up to  
30 but not exceeding the amount that is being contested by the public utility  
31 on appeal. The provisions of K.S.A. 66-118h through 66-118k, and  
32 amendments thereto, shall be applicable to orders or decisions stayed  
33 pursuant to this section.

34 Sec. 83. K.S.A. 68-527a is hereby amended to read as follows: 68-  
35 527a. Whenever a dispute arises over the maintenance, improvement  
36 ~~and/or~~ or inspection of roads located on county lines or township lines on  
37 designated county line roads as provided for in K.S.A. 68-507 and 68-527,  
38 *and amendments thereto*, the district court of the county in which the road  
39 is located shall have jurisdiction to hear and settle the dispute. If the  
40 decision involves a designated county line road, the district court of any  
41 county which adjoins such county line road shall have jurisdiction of and it  
42 shall be its duty to hear and settle the dispute. If an action is filed in more  
43 than one district court, the last action filed shall be dismissed on motion.

1 Appeals to the ~~supreme~~ court of *civil appeals* may be taken from the  
 2 decision of the district court.

3 Sec. 84. K.S.A. 2014 Supp. 72-64b03 is hereby amended to read as  
 4 follows: 72-64b03. (a) If a petition is filed in a district court of this state  
 5 alleging a violation of article 6 of the *constitution of the state of* Kansas  
 6 ~~constitution~~, the chief judge of such district court shall notify the chief  
 7 ~~justice of the supreme court~~ *judge of the court of civil appeals* of such  
 8 petition within three business days thereafter.

9 (b) ~~Within three business days of receiving such notice, the chief~~  
 10 ~~justice shall notify the chief judge of the court of appeals.~~ Within 10  
 11 business days of receiving *such* notice ~~by the chief justice~~, the chief judge  
 12 *of the court of civil appeals* shall appoint a panel of three current or retired  
 13 district court judges to preside over such civil action. The chief judge shall  
 14 designate one of such judges to be the presiding judge of the panel. The  
 15 judicial panel shall be considered a court of competent jurisdiction to hear  
 16 and decide the civil action.

17 (c) The judicial panel shall establish venue pursuant to K.S.A. 2014  
 18 Supp. 72-64b04, and amendments thereto.

19 (d) As a part of a remedy, preliminary decision or final decision in  
 20 which a statute or legislative enactment of this state has been held  
 21 unconstitutional as a violation of article 6 of the *constitution of the state of*  
 22 ~~Kansas constitution~~, the judicial panel or any master or other person or  
 23 persons appointed by the panel to hear or determine a cause or controversy  
 24 or to make or enforce any order or remedy ordered by a court pursuant to  
 25 K.S.A. 60-253, and amendments thereto, or any other provision of law,  
 26 shall not have the authority to order a school district or any attendance  
 27 center within a school district to be closed or enjoin the use of all statutes  
 28 related to the distribution of funds for public education.

29 Sec. 85. K.S.A. 74-601 is hereby amended to read as follows: 74-601.

30 (a) There is hereby created the state corporation commission, which shall  
 31 consist of three members appointed by the governor, subject to  
 32 confirmation by the senate as provided in K.S.A. 75-4315b, and  
 33 amendments thereto. Except as provided by K.S.A. 46-2601, *and*  
 34 *amendments thereto*, no person appointed to the commission shall exercise  
 35 any power, duty or function as a member of the commission until  
 36 confirmed by the senate. No more than two members of the commission  
 37 shall belong to the same political party. Each member shall be appointed  
 38 for a term of four years and until a successor has been appointed and  
 39 confirmed. In case of a vacancy in the office of a member of the  
 40 commission, the governor shall appoint a successor to fill the vacancy for  
 41 the unexpired term.

42 (b) The terms of members who are serving on the commission on the  
 43 effective date of this act shall expire on March 15, of the year in which

1 such member's term would have expired under the provisions of this  
2 section prior to amendment by this act. Thereafter, members shall be  
3 appointed for terms of four years and until their successors are appointed  
4 and confirmed.

5 (c) The commission shall elect one of its members as chairperson of  
6 the commission. The chairperson of the commission shall receive an  
7 annual salary in an amount equal to the annual salary prescribed by law for  
8 the chief judge of the court of *civil* appeals, payable monthly. Each other  
9 member of the commission shall receive an annual salary in an amount  
10 equal to the annual salary paid by the state to a judge of the court of *civil*  
11 appeals, other than the chief judge, payable monthly. Each member of the  
12 commission shall devote full time to the duties of the office.

13 (d) The provisions of the Kansas governmental operations  
14 accountability law apply to the state corporation commission and the  
15 commission is subject to audit, review and evaluation under such law.

16 Sec. 86. K.S.A. 2014 Supp. 74-2426 is hereby amended to read as  
17 follows: 74-2426. (a) Orders of the state board of tax appeals on any  
18 appeal, in any proceeding under the tax protest, tax grievance or tax  
19 exemption statutes or in any other original proceeding before the board  
20 shall be rendered and served in accordance with the provisions of the  
21 Kansas administrative procedure act. Notwithstanding the provisions of  
22 ~~subsection (g) of K.S.A. 77-526(g)~~, and amendments thereto, a written  
23 summary decision shall be rendered by the board and served within 14  
24 days after the matter was fully submitted to the board unless this period is  
25 waived or extended with the written consent of all parties or for good  
26 cause shown. Any aggrieved party, within 14 days of receiving the board's  
27 decision, may request a full and complete opinion be issued by the board  
28 in which the board explains its decision. This full opinion shall be served  
29 by the board within 90 days of being requested. If the board has not  
30 rendered a summary decision or a full and complete opinion within the  
31 time periods described in this subsection, and such period has not been  
32 waived by the parties nor can the board show good cause for the delay,  
33 then the board shall refund any filing fees paid by the taxpayer.

34 (b) Final orders of the board shall be subject to review pursuant to  
35 subsection (c) except that the aggrieved party may first file a petition for  
36 reconsideration of that order with the board in accordance with the  
37 provisions of K.S.A. 77-529, and amendments thereto.

38 (c) Any action of the board pursuant to this section is subject to  
39 review in accordance with the Kansas judicial review act, except that:

40 (1) The parties to the action for judicial review shall be the same  
41 parties as appeared before the board in the administrative proceedings  
42 before the board. The board shall not be a party to any action for judicial  
43 review of an action of the board.

1 (2) There is no right to review of any order issued by the board in a  
 2 no-fund warrant proceeding pursuant to K.S.A. 12-110a, 12-1662 et seq.,  
 3 19-2752a, 79-2938, 79-2939 and 79-2951, and amendments thereto, and  
 4 statutes of a similar character.

5 (3) In addition to the cost of the preparation of the transcript, the  
 6 appellant shall pay to the state board of tax appeals the other costs of  
 7 certifying the record to the reviewing court. Such payment shall be made  
 8 prior to the transmission of the agency record to the reviewing court.

9 (4) (A) Any aggrieved person has the right to appeal any final order  
 10 of the board issued after June 30, 2014, by filing a petition with the court  
 11 of *civil* appeals or the district court. Any appeal to the district court shall  
 12 be a trial de novo.

13 (B) Review of orders issued by the board of tax appeals relating to  
 14 the valuation or assessment of property for ad valorem tax purposes or  
 15 relating to the tax protest for which the appellant chooses to be reviewed in  
 16 district court, shall be conducted by the district court of the county in  
 17 which the property is located or, if located in more than one county, the  
 18 district court of any county in which any portion of the property is located.

19 (d) If review of an order of the state board of tax appeals to the court  
 20 of *civil* appeals relating to excise, income or estate taxes, is sought by a  
 21 person other than the director of taxation, such person shall give bond for  
 22 costs at the time the petition is filed. The bond shall be in the amount of  
 23 125% of the amount of taxes assessed or a lesser amount approved by the  
 24 court of *civil* appeals and shall be conditioned on the petitioner's  
 25 prosecution of the review without delay and payment of all costs assessed  
 26 against the petitioner.

27 Sec. 87. K.S.A. 2014 Supp. 74-8762 is hereby amended to read as  
 28 follows: 74-8762. (a) As used in this section:

29 (1) "Affiliated person" means:

30 (A) Any member of the immediate family of a state or local official;  
 31 or

32 (B) any partnership, firm, corporation or limited liability company  
 33 with which a state or local official is associated or in which a state or local  
 34 official has an interest, or any partner, officer, director or employee thereof  
 35 while the state or local official is associated with such partnership, firm,  
 36 corporation or company.

37 (2) "State or local official" means any person who, on or after January  
 38 9, 2006, is:

39 (A) Any state officer or employee required to file a written statement  
 40 of substantial interests pursuant to the state governmental ethics law and  
 41 any other state officer or employee with responsibility for matters affecting  
 42 activities or operations of any lottery gaming facility or racetrack gaming  
 43 facility;

1 (B) the governor or any full-time professional employee of the office  
2 of the governor;

3 (C) any member of the legislature and any full-time professional  
4 employee of the legislature;

5 (D) any justice of the supreme court, *judge of the court of criminal*  
6 *appeals*, judge of the court of *civil* appeals or judge of the district court;

7 (E) the head of any state agency, the assistant or deputy heads of any  
8 state agency, or the head of any division within a state agency; or

9 (F) any member of the governing body of a city or county where a  
10 lottery gaming facility or racetrack gaming facility is located; any  
11 municipal or county judge of such city or county; any city, county or  
12 district attorney of such city or county; and any member of or attorney for  
13 the planning board or zoning board of such city or county and any  
14 professional planner or consultant regularly employed or retained by such  
15 planning board or zoning board.

16 (b) No state or local official or affiliated person shall hold, directly or  
17 indirectly, an interest in, be employed by, represent or appear for a lottery  
18 gaming facility or racetrack gaming facility, or for any lottery gaming  
19 facility manager or racetrack gaming facility manager, or any holding or  
20 intermediary company with respect thereto, in connection with any cause,  
21 application or matter.

22 No state or local official or affiliated person shall represent, appear for  
23 or negotiate on behalf of any person submitting a proposal for a lottery  
24 gaming facility or racetrack gaming facility, or on behalf of any lottery  
25 gaming facility manager or racetrack gaming facility manager, or any  
26 holding or intermediary company with respect thereto, in connection with  
27 any cause, application or matter.

28 (c) No state or local official or affiliated person, within five years  
29 immediately subsequent to the termination of the office or employment of  
30 the official, shall hold, directly or indirectly, an interest in, be employed by  
31 or represent, appear for or negotiate on behalf of any person submitting a  
32 proposal for a lottery gaming facility or racetrack gaming facility, or on  
33 behalf of any lottery gaming facility manager or racetrack gaming facility  
34 manager, in connection with any cause, application or matter, or on behalf  
35 of any holding or intermediary company with respect thereto, in  
36 connection with any phase of development of a lottery gaming facility or  
37 racetrack gaming facility or any other matter whatsoever related to  
38 activities or operations of a lottery gaming facility or racetrack gaming  
39 facility.

40 (d) No state or local official shall solicit or accept, directly or  
41 indirectly, any complimentary service or discount from any person  
42 submitting a proposal for a lottery gaming facility or racetrack gaming  
43 facility, or from any lottery gaming facility manager or racetrack gaming

1 facility manager, which such official knows or has reason to know is other  
2 than a service or discount that is offered to members of the general public  
3 in like circumstance.

4 (e) No state or local official shall influence, or attempt to influence,  
5 by use of official authority, the decision of the Kansas lottery commission,  
6 lottery gaming facility review board or Kansas racing and gaming  
7 commission pursuant to this act; the investigation of a proposal for a  
8 lottery gaming facility or racetrack gaming facility pursuant to this act; or  
9 any proceeding to enforce the provisions of this act or rules and  
10 regulations of the Kansas lottery commission or Kansas racing and gaming  
11 commission. Any such attempt shall be reported promptly to the attorney  
12 general.

13 (f) Willful violation of this section is a class A misdemeanor.

14 Sec. 88. K.S.A. 2014 Supp. 74-8813 is hereby amended to read as  
15 follows: 74-8813. (a) A nonprofit organization may apply to the  
16 commission for an organization license to conduct horse races or an  
17 organization license to conduct greyhound races, or both such licenses. In  
18 addition, an organization license may authorize the licensee to construct or  
19 own a racetrack facility if so provided by the commission. The application  
20 for an organization license shall be filed with the commission at a time and  
21 place prescribed by rules and regulations of the commission. The  
22 application shall specify the days when and the exact location where it  
23 proposes to conduct such races and shall be in a form and include such  
24 information as the commission prescribes. A nonrefundable application fee  
25 in the form of a certified check or bank draft shall accompany the  
26 application. Except as provided pursuant to K.S.A. 74-8814, and  
27 amendments thereto, such fee shall be \$5,000 for each application. If the  
28 application fee is insufficient to pay the reasonable expenses of processing  
29 the application and investigating the applicant's qualifications for  
30 licensure, the commission shall require the applicant to pay to the  
31 commission, at such times and in such form as required by the  
32 commission, any additional amounts necessary to pay such expenses. No  
33 license shall be issued to an applicant until the applicant has paid such  
34 additional amounts in full, and such amounts shall not be refundable  
35 except to the extent that they exceed the actual expenses of processing the  
36 application and investigating the applicant's qualifications for licensure.

37 (b) If an applicant for an organization license is proposing to  
38 construct a racetrack facility, such applicant, at the time of submitting the  
39 application, shall deposit with the commission, in such form as prescribed  
40 by rules and regulations of the commission, the sum of: (1) \$500,000, if  
41 the number of racing days applied for in a racing season is 150 days or  
42 more; (2) \$250,000, if the number of racing days applied for is less than  
43 150 days; or (3) a lesser sum established by the commission, if the

1 applicant meets the qualifications set forth in ~~subsection (a)(1) or (a)(2) of~~  
2 K.S.A. 74-8814(a)(1) or (a)(2), and amendments thereto, or if the  
3 applicant will be conducting races only on the state fairgrounds. Only one  
4 such deposit shall be required for a dual racetrack facility. The executive  
5 director shall remit any deposit received pursuant to this subsection to the  
6 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
7 amendments thereto. Upon receipt of each such remittance, the state  
8 treasurer shall deposit the entire amount in the state treasury to the credit  
9 of the racing applicant deposit fund created by K.S.A. 74-8828, and  
10 amendments thereto. If the application is denied by the commission, the  
11 deposit, and any interest accrued thereon, shall be refunded to the  
12 applicant. If the license is granted by the commission in accordance with  
13 the terms of the application or other terms satisfactory to the applicant, the  
14 deposit, and any interest accrued thereon, shall be refunded to the licensee  
15 upon completion of the racetrack facility in accordance with the terms of  
16 the license. If the licensee fails to complete the racetrack facility in  
17 accordance with the terms of the license, the deposit, and any interest  
18 accrued thereon, shall be forfeited by the applicant.

19 (c) To qualify for an organization license to conduct horse or  
20 greyhound races:

21 (1) The applicant shall be a bona fide, nonprofit organization which,  
22 if applicable, meets the requirements of subsection (d);

23 (2) the applicant shall have, either by itself or through contractual  
24 relationships with other persons or businesses approved by the  
25 commission, the financial capability, manpower and technical expertise, as  
26 determined by the commission, to properly conduct horse races or  
27 greyhound races, or both, and, if applicable, to operate a parimutuel  
28 wagering system;

29 (3) if the applicant is proposing to construct a racetrack facility, the  
30 applicant shall submit detailed plans for the construction of such facility,  
31 including the means and source of financing such construction and  
32 operation, sufficient to convince the commission that such plans are  
33 feasible;

34 (4) submit for commission approval a written copy of each contract  
35 and agreement which the applicant proposes to enter into, including all  
36 those listed in subsection (n), which contracts and agreements shall  
37 conform to the restrictions placed thereon by subsections (n), (o) and (p);

38 (5) the applicant shall propose to conduct races within only one  
39 county, and in such county the majority of the qualified electors have  
40 approved either: (A) The constitutional amendment permitting the conduct  
41 of horse and dog races and parimutuel wagering thereon; or (B) a  
42 proposition permitting horse and dog races and parimutuel wagering  
43 thereon within the boundaries of such county;

1 (6) no director, officer, employee or agent of the applicant shall have  
2 been convicted of any of the following in any court of any state or of the  
3 United States or shall have been adjudicated in the last five years in any  
4 such court of committing as a juvenile an act which, if committed by an  
5 adult, would constitute any of the following: (A) Fixing of horse or  
6 greyhound races; (B) illegal gambling activity; (C) illegal sale or  
7 possession of any controlled substance; (D) operation of any illegal  
8 business; (E) repeated acts of violence; or (F) any felony;

9 (7) no director or officer of the applicant shall be addicted to, and a  
10 user of, alcohol or a controlled substance; and

11 (8) no director or officer of the applicant shall have failed to meet any  
12 monetary or tax obligation to the federal government or to any state or  
13 local government, whether or not relating to the conduct or operation of a  
14 race meet held in this state or any other jurisdiction.

15 (d) To qualify for an organization license to conduct horse or  
16 greyhound races, a nonprofit organization, other than a fair association, a  
17 horsemen's nonprofit organization or a nonprofit organization conducting  
18 races only on the state fair grounds, shall:

19 (1) Distribute all of its net earnings from the conduct of horse and  
20 greyhound races, other than that portion of the net earnings which is  
21 necessary to satisfy the debt service obligations, not otherwise deducted  
22 from net earnings, of an organization licensee owning the racetrack facility  
23 or that portion of the net earnings which is set aside as reasonable reserves  
24 for future improvement, maintenance and repair of the racetrack facility  
25 owned by the organization licensee, only to organizations, other than itself,  
26 which: (A) Have been exempted from the payment of federal income taxes  
27 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,  
28 as in effect July 1, 1987; (B) are domiciled in this state; and (C) expend  
29 the moneys so distributed only within this state;

30 (2) distribute not more than 25% of such net earnings to any one such  
31 organization in any calendar year;

32 (3) not engage in, and have no officer, director or member who  
33 engages in, any prohibited transaction, as defined by section 503(b) of the  
34 federal internal revenue code of 1986, as in effect July 1, 1987; and

35 (4) have no officer, director or member who is not a bona fide  
36 resident of this state.

37 (e) Within 30 days after the date specified for filing, the commission  
38 shall examine each application for an organization license for compliance  
39 with the provisions of this act and rules and regulations of the commission.  
40 If any application does not comply with the provisions of this act or rules  
41 and regulations of the commission, the application may be rejected or the  
42 commission may direct the applicant to comply with the provisions of this  
43 act or rules and regulations of the commission within a reasonable time, as



1 determined by the commission. Upon proof by the applicant of  
2 compliance, the commission may reconsider the application. If an  
3 application is found to be in compliance and the commission finds that the  
4 issuance of the license would be within the best interests of horse and  
5 greyhound racing within this state from the standpoint of both the public  
6 interest and the horse or greyhound industry, as determined solely within  
7 the discretion of the commission, the commission may issue an  
8 organization license to the applicant. The commission shall approve the  
9 issuance of organization licenses for a period established by the  
10 commission but not to exceed 25 years. Such license may provide that  
11 during its term it constitutes an exclusive license within a radius of the  
12 location specified in the license, as determined by the commission. No  
13 racing of any kind regulated by this act shall be conducted by any other  
14 person within the territory covered by such exclusive license without the  
15 written consent of the licensee. For each license issued, the commission  
16 shall specify the location, type, time and date of all races and race  
17 meetings which the commission has approved for the licensee to conduct.  
18 The license shall be issued upon receipt of the license fee and the  
19 furnishing of a surety bond or other financial security approved by the  
20 commission, conditioned on, and in an amount determined by the  
21 commission as sufficient to pay, the licensee's potential financial liability  
22 for unpaid taxes, purses and distribution of parimutuel winnings and  
23 breakage. No organization license shall be transferred to any other  
24 organization or entity.

25 (f) When considering the granting of organization licenses or racing  
26 days between two or more competing applicants, the commission shall  
27 give consideration to the following factors:

28 (1) The character, reputation, experience and financial stability of  
29 those persons within the applicant organizations who will be supervising  
30 the conduct of the races and parimutuel wagering for the organization;

31 (2) the quality of the racing facilities and adjoining accommodations;

32 (3) the amount of revenue that can reasonably be expected to be  
33 generated from state and local taxes, the economic impact for the  
34 respective horse or greyhound breeding industries in Kansas and the  
35 indirect economic benefit to the surrounding area, in the determination of  
36 which economic benefit the commission shall solicit written  
37 recommendations from all interested parties in the surrounding area;

38 (4) the location of the race meetings in relation to the principal  
39 centers of population and the effect of such centers on the ability of the  
40 organizations to sustain a financially sound racing operation; and

41 (5) testimony from interested parties at public hearings to be  
42 conducted in the geographic areas where the applicants would be  
43 conducting their race meetings.

1 (g) Except as otherwise provided pursuant to K.S.A. 74-8814, and  
2 amendments thereto, each organization licensee shall pay a license fee in  
3 the amount of \$200 for each day of racing approved by the commission.  
4 Such fees shall be paid at such times and by such means as prescribed by  
5 rules and regulations of the commission. The commission may authorize  
6 the state treasurer to refund from the state racing fund a fee paid for any  
7 racing day which was canceled with advance notice to and with the  
8 approval of the commission.

9 (h) Organization licensees may apply to the commission for changes  
10 in approved race meetings or dates or for additional race meetings or dates  
11 as needed throughout the terms of their licenses. Application shall be made  
12 upon forms furnished by the commission and shall contain or be  
13 accompanied by such information as the commission prescribes. Upon  
14 approval by the commission, the organization licensee shall pay an  
15 additional license fee for any race days in excess of the number originally  
16 approved and included in the calculation of the initial license fee.

17 (i) All organization licenses shall be reviewed annually by the  
18 commission to determine if the licensee is complying with the provisions  
19 of this act and rules and regulations of the commission and following such  
20 proposed plans and operating procedures as were approved by the  
21 commission. The commission may review an organization license more  
22 often than annually upon its own initiative or upon the request of any  
23 interested party. The commission shall require each organization licensee,  
24 other than a fair association, or horsemen's nonprofit organization, to file  
25 annually with the commission a certified financial audit of the licensee by  
26 an independent certified public accountant, which audit shall be open to  
27 inspection by the public, and may require an organization licensee to  
28 provide any other information necessary for the commission to conduct the  
29 annual or periodic review.

30 (j) Subject to the provisions of subsection (k), the commission, in  
31 accordance with the Kansas administrative procedure act, may suspend or  
32 revoke an organization license or may impose a civil fine not exceeding  
33 \$5,000, or may both suspend such license and impose such fine, for each  
34 of the following violations by a licensee:

35 (1) One or more violations, or a pattern of repeated violations, of the  
36 provisions of this act or rules and regulations of the commission;

37 (2) failure to follow one or more provisions of the licensee's plans for  
38 the financing, construction or operation of a racetrack facility as submitted  
39 to and approved by the commission;

40 (3) failure to maintain compliance with the requirements of  
41 subsection (c) or (d), if applicable, for the initial issuance of an  
42 organization license;

43 (4) failure to properly maintain or to make available to the

1 commission such financial and other records sufficient to permit the  
2 commission to verify the licensee's nonprofit status and compliance with  
3 the provisions of this act or rules and regulations of the commission;

4 (5) providing to the commission any information material to the  
5 issuance, maintenance or renewal of the licensee's license knowing such  
6 information to be false or misleading;

7 (6) failure to meet the licensee's financial obligations incurred in  
8 connection with the conduct of a race meeting; or

9 (7) a violation of K.S.A. 74-8833, and amendments thereto, or any  
10 rules and regulations adopted pursuant to that section.

11 (k) Prior to suspension or revocation of a license pursuant to  
12 subsection (j), the commission shall give written notice of the reason  
13 therefor in detail to the organization licensee and to all facility owner and  
14 facility manager licensees with whom the organization licensee is doing  
15 business. Upon receipt of such notice by all of such licensees, the  
16 organization licensee shall have 30 days in which to cure the alleged  
17 violation, if it can be cured. If the commission finds that the violation has  
18 not been cured upon expiration of the 30 days, or upon a later deadline  
19 granted by the commission, or if the commission finds that the alleged  
20 violation is of such a nature that it cannot be cured, the commission shall  
21 proceed to suspend or revoke the license pursuant to subsection (j).  
22 Nothing in this subsection shall be construed to preclude the commission  
23 from imposing a fine pursuant to subsection (j) even if the violation is  
24 cured within 30 days or such other period as provided by the commission.

25 (l) Prior to the expiration of an organization license, the organization  
26 may apply to the commission for renewal of such license. The renewal  
27 application shall be in a form and include such information as the  
28 commission prescribes. The commission shall grant such renewal if the  
29 organization meets all of the qualifications required for an initial license.  
30 The commission may charge a fee for the processing of the renewal  
31 application not to exceed the application fee authorized for an initial  
32 license.

33 (m) Once an organization license has been issued, no person  
34 thereafter and during the term of such license shall in any manner become  
35 the owner or holder, directly or indirectly, of any shares of stock or  
36 certificates or other evidence of ownership or become a director or officer  
37 of such organization licensee without first having obtained the written  
38 approval of the commission.

39 (n) An organization licensee shall submit to the commission for  
40 approval a copy of each contract and agreement which the organization  
41 licensee proposes to enter into and any proposed modification of any such  
42 contract or agreement, including but not limited to those involving:

43 (1) Any person to be employed by the organization licensee;

1 (2) any person supplying goods and services to the organization  
2 licensee, including management, consulting or other professional services;

3 (3) any lease of facilities, including real estate or equipment or other  
4 personal property; or

5 (4) the operation of any concession within or adjacent to the racetrack  
6 facility.

7 The commission shall reject any such contract or agreement which  
8 violates any provision of this act or rules and regulations of the  
9 commission, which provides for payment of money or other valuable  
10 consideration which is clearly in excess of the fair market value of the  
11 goods, services or facilities being purchased or leased or which, in the case  
12 of a contract or agreement with a facility owner licensee or a facility  
13 manager licensee, would not protect the organization licensee from  
14 incurring losses due to contractual liability.

15 (o) Organization licensees shall not by lease, contract, agreement,  
16 understanding or arrangement of any kind grant, assign or turn over to any  
17 person the parimutuel system of wagering described in K.S.A. 74-8819,  
18 and amendments thereto, or the operation and conduct of any horse or  
19 greyhound race to which such wagering applies, but this subsection shall  
20 not prohibit the organization licensee from contracting with and  
21 compensating others for providing services in connection with the  
22 financing, acquisition, construction, equipping, maintenance and  
23 management of the racetrack facility; the hiring and training of personnel;  
24 the promotion of the facility; operation and conduct of a simulcast race  
25 displayed by a simulcasting licensee; parimutuel wagering at racetrack  
26 facilities; and parimutuel wagering at off-track wagering and intertrack  
27 wagering facilities in other jurisdictions to which live races conducted by  
28 the organization licensee are simulcast.

29 (p) An organization licensee shall not in any manner permit a person  
30 other than such licensee to have a share, percentage or proportion of  
31 money received from parimutuel wagering at the racetrack facility except  
32 as specifically set forth in this act, except that:

33 (1) A facility owner licensee may receive gross percentage rental fees  
34 under a lease if all terms of the lease are disclosed to the commission and  
35 such lease is approved by the commission;

36 (2) a person who has contracted with an organization licensee to  
37 provide one or more of the services permitted by subsection (o) may  
38 receive compensation in the form of a percentage of the money received  
39 from parimutuel wagering if such contract is approved by the commission  
40 and such person is licensed as a facility manager; and

41 (3) a person who has contracted with a simulcasting licensee to allow  
42 such licensee to display a simulcast race conducted by such person may  
43 receive compensation in the form of a percentage of or a fee deducted

1 from the money received by the licensee from parimutuel wagers placed  
2 on such race if such contract is filed with the commission.

3 (q) Directors or officers of an organization licensee are not liable in a  
4 civil action for damages arising from their acts or omissions when acting  
5 as individual directors or officers, or as a board as a whole, of a nonprofit  
6 organization conducting races pursuant to this act, unless such conduct  
7 constitutes willful or wanton misconduct or intentionally tortious conduct,  
8 but only to the extent the directors and officers are not required to be  
9 insured by law or are not otherwise insured against such acts or omissions.  
10 Nothing in this section shall be construed to affect the liability of an  
11 organization licensee for damages in a civil action caused by the negligent  
12 or wrongful acts or omissions of its directors or officers, and a director's or  
13 officer's negligence or wrongful act or omission, while acting as a director  
14 or officer, shall be imputed to the organization licensee for the purpose of  
15 apportioning liability for damages to a third party pursuant to K.S.A. 60-  
16 258a, and amendments thereto.

17 (r) If an applicant for an organization license proposes to construct a  
18 racetrack facility and the commission determines that such license should  
19 be issued to the applicant, the commission shall issue to the applicant an  
20 organization license conditioned on the submission by the licensee to the  
21 commission, within a period of time prescribed by the commission, of a  
22 commitment for financing the construction of the racetrack facility by a  
23 financial institution or other source, subject to approval by the  
24 commission. If such commitment is not submitted within the period of  
25 time originally prescribed by the commission or such additional time as  
26 authorized by the commission, the license shall expire at the end of such  
27 period.

28 (s) If an organization licensee's license authorizes the construction of  
29 a dual racetrack facility, such license shall be conditioned on the  
30 completion of such facility within a time specified by the commission. If,  
31 within the time specified by the commission, the licensee has not  
32 constructed a dual racetrack facility in accordance with the plans  
33 submitted to the commission pursuant to subsection (c)(3), the  
34 commission, in accordance with the Kansas administrative procedure act,  
35 shall:

36 (1) Impose upon the licensee a civil fine equal to 5% of the total  
37 parimutuel pools for all races held at the licensee's facility on and after the  
38 date that racing with parimutuel wagering is first conducted at such facility  
39 and until the date that construction of the dual racetrack facility is  
40 completed and horse racing has begun; and

41 (2) revoke the licensee's license unless the licensee demonstrates  
42 reasonable cause for the failure to complete the facility.

43 (t) Any license granted an organization licensee to conduct races at a

1 dual racetrack facility shall be conditioned on the organization licensee's  
2 conducting live horse races on not less than 20% of the annual racing days  
3 granted the licensee by the commission. If an organization licensee fails to  
4 comply with such condition, the commission may revoke the organization  
5 licensee's license unless the licensee demonstrates reasonable justification  
6 for the failure.

7 (u) The refusal to renew an organization license shall be in  
8 accordance with the Kansas administrative procedure act and shall be  
9 subject to review under the Kansas judicial review act.

10 (v) The grant or denial of an original organization license shall not be  
11 subject to the Kansas administrative procedure act. Such grant or denial  
12 shall be a matter to be determined in the sole discretion of the commission,  
13 whose decision shall be final upon the grant of a license to one of two or  
14 more competing applicants without the necessity of a hearing on the denial  
15 of a license to each other competing applicant. Any action for judicial  
16 review of such decision shall be by appeal to the ~~supreme~~ court *of civil*  
17 *appeals* in accordance with the Kansas judicial review act, except that the  
18 scope of review shall be limited to whether the action of the commission  
19 was arbitrary or capricious or constituted an abuse of discretion. All  
20 competing applicants for the organization license shall be parties to such  
21 appeal. Any such appeal shall have priority over other cases except those  
22 having statutory priority.

23 (w) The commission may adopt rules and regulations regulating  
24 crossover employment between organization licensees and facility  
25 manager licensees and facility owner licensees.

26 Sec. 89. K.S.A. 2014 Supp. 74-8815 is hereby amended to read as  
27 follows: 74-8815. (a) Any person, partnership, corporation or association,  
28 or the state of Kansas or any political subdivision thereof, may apply to the  
29 commission for a facility owner license to construct or own, or both, a  
30 racetrack facility which includes a racetrack and other areas designed for  
31 horse racing or greyhound racing, or both.

32 (b) Any person, partnership, corporation or association may apply to  
33 the commission for a facility manager license to manage a racetrack  
34 facility.

35 (c) A facility owner license or a facility manager license shall be  
36 issued for a period established by the commission but not to exceed 25  
37 years. The application for a facility owner license shall be accompanied by  
38 a nonrefundable fee of \$5,000. An application for a facility manager  
39 license shall be accompanied by a nonrefundable fee of \$5,000. If the  
40 application fee is insufficient to pay the reasonable expenses of processing  
41 the application and investigating the applicant's qualifications for  
42 licensure, the commission shall require the applicant to pay to the  
43 commission, at such times and in such form as required by the

1 commission, any additional amounts necessary to pay such expenses. No  
2 license shall be issued to an applicant until the applicant has paid such  
3 additional amounts in full, and such amounts shall not be refundable  
4 except to the extent that they exceed the actual expenses of processing the  
5 application and investigating the applicant's qualifications for licensure.

6 (d) If an applicant for a facility owner license is proposing to  
7 construct a racetrack facility, such applicant, at the time of submitting the  
8 application, shall deposit with the commission, in such form as prescribed  
9 by rules and regulations of the commission, the sum of: (1) \$500,000, if  
10 the number of racing days applied for by organization licensee applicants  
11 proposing to race at the facility is 150 days or more in a racing season; (2)  
12 \$250,000, if such number of racing days applied for is less than 150 days;  
13 or (3) a lesser sum established by the commission, if the applicant is the  
14 state or a political subdivision of the state. Only one such deposit shall be  
15 required for a dual racetrack facility. The executive director shall remit any  
16 deposit received pursuant to this subsection to the state treasurer in  
17 accordance with the provisions of K.S.A. 75-4215, and amendments  
18 thereto. Upon receipt of each such remittance, the state treasurer shall  
19 deposit the entire amount in the state treasury to the credit of the racing  
20 applicant deposit fund created by K.S.A. 74-8828, and amendments  
21 thereto. If the application is denied by the commission, the deposit, and  
22 any interest accrued thereon, shall be refunded to the applicant. If the  
23 license is granted by the commission in accordance with the terms of the  
24 application or other terms satisfactory to the applicant, the deposit, and any  
25 interest accrued thereon, shall be refunded to the licensee upon completion  
26 of the racetrack facility in accordance with the terms of the license. If the  
27 licensee fails to complete the racetrack facility in accordance with the  
28 terms of the license, the deposit, and any interest accrued thereon, shall be  
29 forfeited by the applicant.

30 (e) A facility owner license shall be granted only to an applicant that  
31 already owns an existing racetrack facility or has submitted with its  
32 application detailed plans for the construction of such facility, including  
33 the means and source of financing such construction and operation  
34 sufficient to convince the commission that such plans are feasible. A  
35 facility manager license shall be granted only to an applicant that has a  
36 facility management contract with an organization licensed pursuant to  
37 K.S.A. 74-8813, and amendments thereto.

38 (f) An applicant for a facility owner license or facility manager  
39 license, or both, shall not be granted a license if there is substantial  
40 evidence that the applicant for the license, or any officer or director,  
41 stockholder, member or owner of or other person having a financial  
42 interest in the applicant:

43 (1) Has been suspended or ordered to cease operation of a parimutuel

1 racing facility in another jurisdiction by the appropriate authorities in that  
2 jurisdiction, has been ordered to cease association or affiliation with such a  
3 racing facility or has been banned from such a racing facility;

4 (2) has been convicted by a court of any state or of the United States  
5 of any criminal act involving fixing or manipulation of parimutuel races,  
6 violation of any law involving gambling or controlled substances or drug  
7 violations involving horses or greyhounds, or has been adjudicated in the  
8 last five years in any such court of committing as a juvenile an act which,  
9 if committed by an adult, would constitute such a criminal act, or if any  
10 employee or agent assisting the applicant in activities relating to  
11 ownership or management of a racetrack facility or to the conduct of races  
12 has been so convicted or adjudicated;

13 (3) has been convicted by a court of any state or of the United States  
14 of any felony involving dishonesty, fraud, theft, counterfeiting, alcohol  
15 violations or embezzlement, or has been adjudicated in the last five years  
16 in any such court of committing as a juvenile an act which, if committed  
17 by an adult, would constitute such a felony, or if any employee or agent  
18 assisting the applicant in activities relating to ownership or management of  
19 a racetrack facility or to the conduct of races has been so convicted or  
20 adjudicated;

21 (4) has not demonstrated financial responsibility sufficient to meet  
22 the obligations being undertaken pursuant to its contract with the  
23 organization licensee;

24 (5) is not in fact the person or entity authorized to or engaged in the  
25 licensed activity;

26 (6) is or becomes subject to a contract or option to purchase under  
27 which 10% or more of the ownership or other financial interest or  
28 membership interest are subject to purchase or transfer, unless the contract  
29 or option has been disclosed to the commission and the commission has  
30 approved the sale or transfer during the license period;

31 (7) has made a statement of a material fact in the application or  
32 otherwise in response to official inquiry by the commission knowing such  
33 statement to be false; or

34 (8) has failed to meet any monetary or tax obligation to the federal  
35 government or to any state or local government, whether or not relating to  
36 the conduct or operation of a race meet held in this state or any other  
37 jurisdiction.

38 (g) No person or entity shall be qualified to hold a facility manager  
39 license if such person or entity, or any director, officer, employee or agent  
40 thereof, is addicted to, and a user of, alcohol or a controlled substance.

41 (h) All facility owner licenses and facility manager licenses shall be  
42 reviewed annually by the commission to determine if the licensee is  
43 complying with the provisions of this act and rules and regulations of the



1 commission and following such proposed plans and operating procedures  
2 as were approved by the commission. The commission may review a  
3 facility owner license or facility manager license more often than annually  
4 upon its own initiative or upon the request of any interested party. The  
5 commission shall require each facility owner licensee and each facility  
6 manager licensee to file annually with the commission a certified financial  
7 audit of the licensee by an independent certified public accountant, which  
8 audit shall be open to inspection by the public, and may require any such  
9 licensee to provide any other information necessary for the commission to  
10 conduct the annual or periodic review.

11 (i) Subject to the provisions of subsection (j), the commission, in  
12 accordance with the Kansas administrative procedure act, may suspend or  
13 revoke a facility owner or facility manager license or may impose a civil  
14 fine not exceeding \$10,000 per failure or violation, or may both suspend  
15 such license and impose such fine, if the commission finds probable cause  
16 to believe that:

17 (1) In the case of a facility owner licensee, the licensee has failed to  
18 follow one or more provisions of the licensee's plans for the financing,  
19 construction or operation of a racetrack facility as submitted to and  
20 approved by the commission; or

21 (2) in the case of either a facility owner licensee or facility manager  
22 licensee, the licensee has violated any of the terms and conditions of  
23 licensure provided by this section or any other provision of this act or any  
24 rule and regulation of the commission.

25 (j) Prior to suspension or revocation of a license pursuant to  
26 subsection (i), the commission shall give written notice of the reason  
27 therefor to the licensee and all other interested parties. The licensee shall  
28 have 30 days from receipt of the notice to cure the alleged failure or  
29 violation, if it can be cured. If the commission finds that the failure or  
30 violation has not been cured upon expiration of the 30 days or upon a later  
31 deadline granted by the commission, or if the alleged violation is of such a  
32 nature that it cannot be cured, the commission may proceed to suspend or  
33 revoke the licensee's license pursuant to subsection (i). Nothing in this  
34 subsection shall be construed to preclude the commission from imposing a  
35 fine pursuant to subsection (i) even if the violation is cured within 30 days  
36 or such other period as provided by the commission.

37 (k) If an applicant for a facility owner license proposes to construct a  
38 racetrack facility and the commission determines that such license should  
39 be issued to the applicant, the commission shall issue to the applicant a  
40 facility owner license conditioned on the submission by the licensee to the  
41 commission, within a period of time prescribed by the commission, of a  
42 commitment for financing the construction of the racetrack facility by a  
43 financial institution or other source, subject to approval by the

1 commission. If such commitment is not submitted within the period of  
2 time originally prescribed by the commission or such additional time as  
3 authorized by the commission, the license shall expire at the end of such  
4 period.

5 (l) If a facility owner licensee's license authorizes the construction of  
6 a dual racetrack facility, such license shall be conditioned on the  
7 completion of such facility within a time specified by the commission. If,  
8 within the time specified by the commission, the licensee has not  
9 constructed a dual racetrack facility in accordance with the plans  
10 submitted to the commission pursuant to subsection (e), the commission,  
11 in accordance with the Kansas administrative procedure act, shall:

12 (1) Impose upon the licensee a civil fine equal to 5% of the total  
13 parimutuel pools for all races held at the licensee's facility on and after the  
14 date that racing with parimutuel wagering is first conducted at such facility  
15 and until the date that construction of the dual racetrack facility is  
16 completed and horse racing has begun; and

17 (2) revoke the licensee's license unless the licensee demonstrates  
18 reasonable cause for the failure to complete the facility.

19 (m) The refusal to renew a facility owner license or a facility manager  
20 license shall be in accordance with the Kansas administrative procedure  
21 act and shall be subject to review under the Kansas judicial review act.

22 (n) The grant or denial of an original facility owner license or facility  
23 manager license shall not be subject to the Kansas administrative  
24 procedure act. Such grant or denial shall be a matter to be determined in  
25 the sole discretion of the commission, whose decision shall be final upon  
26 the grant of a license to one of two or more competing applicants without  
27 the necessity of a hearing on the denial of a license to each other  
28 competing applicant. Any action for judicial review of such decision shall  
29 be by appeal to the ~~supreme~~ court of *civil appeals* in accordance with the  
30 Kansas judicial review act, except that the scope of review shall be limited  
31 to whether the action of the commission was arbitrary or capricious or  
32 constituted an abuse of discretion. All competing applicants for the facility  
33 owner license or facility manager license shall be parties to such appeal.  
34 Any such appeal shall have priority over other cases except those having  
35 statutory priority.

36 (o) The commission may adopt rules and regulations regulating  
37 crossover employment between facility manager licensees and facility  
38 owner licensees and organization licensees.

39 Sec. 90. K.S.A. 2014 Supp. 75-430 is hereby amended to read as  
40 follows: 75-430. (a) The secretary of state shall compile, index and publish  
41 a publication to be known as the Kansas register. Such register shall  
42 contain:

43 (1) All acts of the legislature required to be published in the Kansas

1 register;

2 (2) all executive orders and directives of the governor which are  
3 required to be filed in the office of the secretary of state;

4 (3) summaries of all opinions of the attorney general interpreting acts  
5 of the legislature as prepared by the office of the attorney general;

6 (4) notice of any public comment period on contemplated  
7 modification of an existing rule and regulation, and, in accordance with the  
8 provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and  
9 amendments thereto, all notices of hearings on proposed administrative  
10 rules and regulations and the full text of all administrative rules and  
11 regulations that have been adopted and filed with the secretary of state;

12 (5) the full text of all administrative rules and regulations which have  
13 been adopted and filed in accordance with the provisions of article 4 of  
14 chapter 77 of the Kansas Statutes Annotated, and amendments thereto,  
15 except that the secretary of state may publish a summary of any rule and  
16 regulation together with the address of the state agency from which a copy  
17 of the full text of the proposed rules and regulations may be received, if  
18 such rule and regulation is lengthy and expensive to publish and otherwise  
19 available in published form and a summary will, in the opinion of the  
20 secretary, properly notify the public of the contents of such rule and  
21 regulation;

22 (6) a cumulative index of all administrative rules and regulations  
23 which have been adopted and filed in accordance with the provisions of  
24 article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments  
25 thereto;

26 (7) all notices of hearings of special legislative interim study  
27 committees, descriptions of all prefiled bills and resolutions and  
28 descriptions of all bills and resolutions introduced in the legislature during  
29 any session of the legislature, and other legislative information which is  
30 approved for publication by the legislative coordinating council;

31 (8) the hearings docket of the Kansas supreme court, *the court of*  
32 *criminal appeals* and the court of *civil* appeals;

33 (9) summaries of all orders of the state board of tax appeals which  
34 have statewide application;

35 (10) all advertisements for contracts for construction, repairs,  
36 improvements or purchases by the state of Kansas or any agency thereof  
37 for which competitive bids are required; and

38 (11) any other information which the secretary of state deems to be of  
39 sufficient interest to the general public to merit its publication or which is  
40 required by law to be published in the Kansas register.

41 (b) The secretary of state shall publish such register at regular  
42 intervals, but not less than weekly.

43 (c) Each issue of the register shall contain a table of contents.

1 (d) A cumulative index to all information required by K.S.A. 75-430  
2 through 75-434, and amendments thereto, to be published during the  
3 previous year shall be published at least once each year.

4 (e) The secretary of state may omit from the register any information  
5 the publication of which the secretary deems cumbersome, expensive, or  
6 otherwise inexpedient, if the information is made available in printed or  
7 processed form by the adopting agency on application for it, and if the  
8 register contains a notice stating the general subject matter of the  
9 information and the manner in which a copy of it may be obtained.

10 (f) One copy of each issue of the register shall be made available  
11 without charge on request to each officer, board, commission, and  
12 department of the state having statewide jurisdiction, to each member of  
13 the legislature, to each county clerk in the state, and to the supreme court,  
14 *court of criminal appeals*, court of *civil* appeals and each district court.

15 (g) The secretary of state shall make paper copies of the register  
16 available upon payment of a fee to be fixed by the secretary of state under  
17 K.S.A. 75-433, and amendments thereto.

18 Sec. 91. K.S.A. 2014 Supp. 75-702 is hereby amended to read as  
19 follows: 75-702. The attorney general shall appear for the state, and  
20 prosecute and defend any and all actions and proceedings, civil or  
21 criminal, in the Kansas supreme court, *the Kansas court of criminal*  
22 *appeals*, the Kansas court of *civil* appeals and in all federal courts, in  
23 which the state shall be interested or a party, and shall, when so appearing,  
24 control the state's prosecution or defense. The attorney general shall also,  
25 when required by the governor or either branch of the legislature, appear  
26 for the state and prosecute or defend, in any other court or before any  
27 officer, in any cause or matter, civil or criminal, in which this state may be  
28 a party or interested or when the constitutionality of any law of this state is  
29 at issue and when so directed shall seek final resolution of such issue in  
30 the supreme court of the state of Kansas. The attorney general shall have  
31 authority to prosecute any matter related to a violation of K.S.A. 12-189 or  
32 75-5133, and amendment thereto, related to unlawful acts when the  
33 offender is an officer or employee of a city or county.

34 Sec. 92. K.S.A. 2014 Supp. 75-3120h is hereby amended to read as  
35 follows: 75-3120h. (a) The annual salary of *the chief judge of the court of*  
36 *criminal appeals*, the chief judge of the court of *civil* appeals and each of  
37 the other judges of the *court of criminal appeals* and court of *civil* appeals  
38 shall be paid in equal installments each payroll period in accordance with  
39 this section.

40 (b) Except as otherwise provided in K.S.A. 75-3120I, and  
41 amendments thereto, the annual salary of *the chief judge of the court of*  
42 *criminal appeals* and the chief judge of the court of *civil* appeals shall be  
43 \$122,062.

1 (c) Except as otherwise provided in K.S.A. 75-31201, and  
2 amendments thereto, the annual salary of the other judges of the *court of*  
3 *criminal appeals and court of civil appeals* shall be \$118,971.

4 Sec. 93. K.S.A. 2014 Supp. 75-31201 is hereby amended to read as  
5 follows: 75-31201. (a) Whenever the rates of compensation of the pay plan  
6 for persons in the classified service under the Kansas civil service act are  
7 increased for payroll periods chargeable to fiscal years commencing after  
8 June 30, 1993, the annual salary of the chief justice of the supreme court,  
9 each other justice of the supreme court, *the chief judge of the court of*  
10 *criminal appeals*, the chief judge of the court of *civil appeals*, each other  
11 judge of the *court of criminal appeals and court of appeals*, each district  
12 judge and each district magistrate judge shall be increased by an amount,  
13 adjusted to the nearest dollar, computed by multiplying the average of the  
14 percentage increases in all monthly steps of such pay plan by the annual  
15 salary of the justice or judge which is being received as provided by law  
16 and which is in effect prior to the effective date of such increase in the  
17 rates of compensation of the pay plan for persons in the classified service  
18 under the Kansas civil service act.

19 (b) If increases in the monthly rates of compensation from step  
20 movements of the pay plan for persons in the classified service under the  
21 Kansas civil service act are authorized for the fiscal year ending June 30,  
22 1995, or any fiscal year thereafter, the annual salary of the chief justice of  
23 the supreme court, each other justice of the supreme court, *the chief judge*  
24 *of the court of criminal appeals*, the chief judge of the court of *civil*  
25 *appeals*, each other judge of the *court of criminal appeals and court of*  
26 *civil appeals*, each district judge and each district magistrate judge shall be  
27 increased by an amount, adjusted to the nearest dollar, computed by  
28 multiplying the average percentage increase in the monthly rate of  
29 compensation from step movements on the pay plan for persons in the  
30 classified service under the Kansas civil service act determined under  
31 subsection (c) by the annual salary of the justice or judge which is being  
32 received as provided by law and which is in effect prior to the effective  
33 date of such increase. The increase in the annual salary of each justice or  
34 judge pursuant to this subsection shall take effect on the first day of the  
35 first payroll period which is chargeable to the fiscal year in which such  
36 step movements on the pay plan are authorized to take effect.

37 (c) For purposes of subsection (b), the average percentage increase in  
38 the monthly rate of compensation from step movements on the pay plan  
39 for persons in the classified service under the Kansas civil service act shall  
40 be equal to the percentage certified by the secretary of administration  
41 which equals the estimated average of the percentage increases in all  
42 monthly rates of compensation from step movements on the pay plan for  
43 persons in the classified service under the Kansas civil service act which

1 are authorized to take effect during the fiscal year in which such step  
2 movements on the pay plan are authorized to take effect.

3 (d) If the increase under subsection (a) takes effect on the first day of  
4 the first payroll period of the fiscal year, the percentage rate increases  
5 determined under subsections (a) and (b) shall be added together and such  
6 aggregate percentage increase of compensation under this section shall be  
7 used to increase the rate of compensation of each justice or judge instead  
8 of applying the increases under subsections (a) and (b) separately.

9 (e) The provisions of this section shall not apply to the annual salary  
10 of any district judge nor the salary of any magistrate judge for any payroll  
11 period chargeable to the fiscal year ending June 30, 2007. The provisions  
12 of this section shall apply to the annual salary of each district judge or  
13 magistrate judge for payroll periods chargeable to fiscal years  
14 commencing after June 30, 2007.

15 Sec. 94. K.S.A. 75-3216 is hereby amended to read as follows: 75-  
16 3216. Nothing in article 32 of chapter 75 of Kansas Statutes Annotated,  
17 *and amendments thereto*, shall be construed to limit the expenses when  
18 traveling in-state or out-of-state of the governor, any member of the  
19 legislature, any officer or employee of the legislative branch including the  
20 office of revisor of statutes or legislative research department, any officer  
21 or member of the interstate cooperation commission, any justice of the  
22 supreme court, any judge of the *court of criminal appeals* or court of *civil*  
23 *appeals*, the judicial administrator, the clerk of the supreme court, any  
24 member of the state board of law examiners, any member of the  
25 commission on judicial qualifications, any judge of the district court, any  
26 elective state officer, any appointed state officer or employee when such  
27 appointive officer or employee is required by an elected state officer to  
28 accompany such elected state officer on an official trip or any designated  
29 employee of the governor while representing the governor at an out-of-  
30 state official function.

31 Sec. 95. K.S.A. 2014 Supp. 75-3692 is hereby amended to read as  
32 follows: 75-3692. (a) As used in this section:

33 (1) "Affiliated person" means:

34 (A) Any member of the immediate family of a state or local official;  
35 or

36 (B) any partnership, firm, corporation or limited liability company  
37 with which a state or local official is associated or in which a state or local  
38 official has an interest, or any partner, officer, director or employee thereof  
39 while the state or local official is associated with such partnership, firm,  
40 corporation or company.

41 (2) "State or local official" means any person who is:

42 (A) Any state officer or employee required to file a written statement  
43 of substantial interests pursuant to the state governmental ethics law;

1 (B) the governor or any full-time professional employee of the office  
2 of the governor;

3 (C) any member of the legislature and any full-time professional  
4 employee of the legislature;

5 (D) any justice of the supreme court, *judge of the court of criminal*  
6 *appeals*, judge of the court of *civil* appeals or judge of the district court;

7 (E) the head of any state agency, the assistant or deputy heads of any  
8 state agency, or the head of any division within a state agency; or

9 (F) any member of the governing body of a city in Shawnee county or  
10 the governing body of Shawnee county; any municipal or county judge of  
11 such city or county; any city, county or district attorney of such city or  
12 county; and any member of or attorney for the planning board or zoning  
13 board of such city or county and any professional planner or consultant  
14 regularly employed or retained by such planning board or zoning board.

15 (b) No state or local official or affiliated person shall hold, directly or  
16 indirectly, an interest in, be employed by, represent or appear for any entity  
17 to bid on or purchase any property described in K.S.A. 2014 Supp. 75-  
18 3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments thereto.

19 (c) No state or local official or affiliated person shall represent,  
20 appear for or negotiate on behalf of any person or entity submitting a  
21 proposal to bid on or purchase any property described in K.S.A. 2014  
22 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments  
23 thereto.

24 (d) No state or local official or affiliated person, within five years  
25 immediately subsequent to the termination of the office or employment of  
26 the official, shall hold, directly or indirectly, an interest in, be employed by  
27 or represent, appear for or negotiate on behalf of any person or entity  
28 submitting a proposal to bid on or purchase any property described in  
29 K.S.A. 2014 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and  
30 amendments thereto.

31 (e) No state or local official shall solicit or accept, directly or  
32 indirectly, any complimentary service or discount from any person  
33 submitting a proposal to bid on or purchase any property described in  
34 K.S.A. 2014 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and  
35 amendments thereto, which such official knows or has reason to know is  
36 other than a service or discount that is offered to members of the general  
37 public in like circumstance.

38 (f) No state or local official shall influence, or attempt to influence,  
39 by use of official authority, the decision of the secretary of administration  
40 in selling or conveying any property described in K.S.A. 2014 Supp. 75-  
41 3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments thereto.  
42 Any such attempt shall be reported promptly to the attorney general.

43 (g) Willful violation of this section is a class A misdemeanor.

1       Sec. 96. K.S.A. 2014 Supp. 75-37,135 is hereby amended to read as  
2 follows: 75-37,135. (a) (1) Prior to entering a contract for legal services  
3 where the amount of the fees paid to an attorney or firm of attorneys  
4 reasonably may exceed \$1,000,000, the director of purchases shall submit  
5 the proposed request for proposal to the legislative budget committee.  
6 Within 30 days after submission of such request for proposal, the  
7 committee may hold a public hearing on the proposed request for proposal  
8 and shall issue a report to the director of purchases. The report shall  
9 include any proposed changes to the proposed request for proposal  
10 suggested by the committee. The committee is not authorized to waive the  
11 evidentiary privileges of the state, or any of the persons or entities that  
12 state attorneys are representing or acting in concert with in any litigation  
13 or anticipated litigation. The committee, the director of purchases and their  
14 employees shall take all reasonable steps to protect such privileges. The  
15 director of purchases shall review the report and adopt a final request for  
16 proposal as deemed appropriate in view of the report and shall file the final  
17 request for proposal with the legislative budget committee.

18       (2) If the proposed request for proposal does not contain the changes  
19 proposed by the committee, the director of purchases shall submit with the  
20 final request for proposal a letter stating the reasons why such proposed  
21 changes were not adopted. The director of purchases shall not release the  
22 final request for proposal until at least 10 days after the date of submission  
23 of the final request for proposal to the legislative budget committee.

24       (3) If the legislative budget committee makes no suggested changes  
25 to the proposed request for proposal or fails to report any suggested  
26 changes within 60 days of the submission of the proposed request for  
27 proposal to such committee, the director of purchases may release the  
28 request for proposal.

29       (b) After awarding a contract for legal services where the amount of  
30 the fees paid to an attorney or firm of attorneys reasonably may exceed  
31 \$1,000,000, the director of purchases shall submit the contract to the  
32 legislative budget committee. Within 30 days after submission of such  
33 contract, the committee may hold a public hearing on the contract and  
34 shall issue a report to the director of purchases. The report shall include  
35 any concerns of the committee.

36       (c) The provisions of this section shall not apply in any action in  
37 which the state of Kansas or any state agency, officer or employee is a  
38 defendant and a contract for legal services is to be entered. The director of  
39 purchases shall prepare a report each calendar quarter while such legal  
40 proceeding is in progress. Such report shall include the case citation and  
41 the date upon which the action was filed. The director of purchases shall  
42 submit the report to the legislative coordinating council, the chairperson of  
43 the committee on ways and means of the senate, the chairperson of the



1 committee on appropriations of the house of representatives and the  
2 chairperson of the Kansas performance review board.

3 (d) The director of purchases shall prepare a detailed report at least  
4 once in each calendar quarter of each legal proceeding which has been  
5 completed and for which a contingency fee arrangement was entered. Such  
6 report shall disclose the hours worked on the case, the expenses incurred,  
7 the aggregate fee amount and a breakdown as to the hourly rate, based on  
8 hours worked divided into fee recovered, less expenses. The director of  
9 purchases shall submit the report to the legislative coordinating council,  
10 the chairperson of the committee on ways and means of the senate, the  
11 chairperson of the committee on appropriations of the house of  
12 representatives and the chairperson of the Kansas performance review  
13 board.

14 (e) Reasonable attorney fees to be paid by the state or defendant in an  
15 action where the attorney was hired by the state with a contingency fee  
16 agreement shall be approved by the judge after an evidentiary hearing and  
17 prior to final disposition of the case by the district court. Any individual  
18 may provide information to the court and be heard before the court with  
19 regard to the reasonableness of attorney fees paid by the state or defendant  
20 under the contingency fee agreement. Compensation for reasonable  
21 attorney fees for services performed in an appeal of a judgment in any  
22 such action to the court of *civil* appeals shall be approved after an  
23 evidentiary hearing by the chief judge or by the presiding judge of the  
24 panel hearing the case. Compensation for reasonable attorney fees for  
25 services performed in an appeal of a judgment in any such action to the  
26 supreme court shall be approved after an evidentiary hearing by the  
27 departmental justice for the department in which the appeal originated. In  
28 determining the reasonableness of such compensation, the judge or justice  
29 shall consider the following:

30 (1) The time and labor required, the novelty and difficulty of the  
31 questions involved and the skill requisite to perform the legal service  
32 properly.

33 (2) The likelihood, if apparent to the client, that the acceptance of the  
34 particular employment will preclude other employment by the attorney.

35 (3) The fee customarily charged in the locality for similar legal  
36 services.

37 (4) The amount involved and the results obtained.

38 (5) The time limitations imposed by the client or by the  
39 circumstances.

40 (6) The nature and length of the professional relationship with the  
41 client.

42 (7) The experience, reputation and ability of the attorney or attorneys  
43 performing the services.

1 (8) Whether the fee is fixed or contingent.

2 (f) In the case of any contract for legal services for the board of  
3 trustees of the Kansas public employees retirement system negotiated or to  
4 be negotiated in accordance with the provisions of K.S.A. 75-37,102, and  
5 amendments thereto, where the amount of fees paid to an attorney or to a  
6 firm of attorneys reasonably may exceed \$1,000,000, references to the  
7 "director of purchases" in subsections (a), (b) and (c) of this section shall  
8 be construed to apply to the board of trustees of the Kansas public  
9 employees retirement system and each duty or function prescribed in such  
10 subsections shall be assumed and performed by the board of trustees of the  
11 Kansas public employees retirement system.

12 Sec. 97. K.S.A. 77-609 is hereby amended to read as follows: 77-609.

13 (a) The district court shall conduct judicial review except when:

14 (1) A statute specifically provides for review of an agency action by  
15 appeal directly to the court of *civil* appeals; or

16 (2) otherwise provided by law.

17 (b) Except as otherwise provided by K.S.A. 8-259, 31-144, 44-556,  
18 72-5430a and 74-2426, and amendments thereto, venue is in the county in  
19 which the order or agency action is entered or is effective or the rule and  
20 regulation is promulgated.

21 Sec. 98. K.S.A. 77-623 is hereby amended to read as follows: 77-623.

22 Decisions on petitions for judicial review of agency action are reviewable  
23 by the ~~appellate courts~~ *court of civil appeals* as in other civil cases.

24 Sec. 99. K.S.A. 77-627 is hereby amended to read as follows: 77-627.

25 Decisions on petitions for civil enforcement are reviewable by the  
26 ~~appellate courts~~ *court of civil appeals* as in other civil cases.

27 Sec. 100. K.S.A. 2014 Supp. 82a-1505 is hereby amended to read as  
28 follows: 82a-1505. (a) Any action of the panel is subject to review in  
29 accordance with the Kansas judicial review act.

30 (b) The review proceedings shall have precedence in the district  
31 court. Appellate proceedings shall have precedence in the court of *civil*  
32 appeals ~~and in the state supreme court~~ under such terms and conditions as  
33 the ~~supreme court~~ may fix by rule.

34 Sec. 101. K.S.A. 9-1907, 12-811, 13-1228h, 17-6906, 19-3517, 20-  
35 101, 20-139, 20-158, 20-163, 20-1a14, 20-205, 20-207, 20-208, 20-211,  
36 20-310b, 20-2201, 20-2616, 20-3001, 20-3012, 20-3013, 20-3014, 20-  
37 3015, 20-3016, 20-3018, 20-3019, 20-3208, 22-2202, 22-2514, 22-2804,  
38 22-4507, 24-702, 25-3206, 48-2922, 48-2923, 48-2924, 48-2925, 48-2926,  
39 48-2928, 60-1301, 60-2101, 60-3201, 60-3208, 66-118a, 66-118g, 68-  
40 527a, 74-601, 75-3216, 77-609, 77-623 and 77-627 and K.S.A. 2014 Supp.  
41 7-121b, 20-1a15, 20-302b, 20-2601, 20-2622, 20-3002, 20-3006, 20-3010,  
42 20-3011, 20-3017, 20-3020, 20-3021, 20-3202, 20-3301, 21-5207, 21-  
43 5905, 21-6619, 21-6628, 21-6702, 22-3402, 22-3601, 22-3602, 22-3604,

1 22-3612, 22-4701, 26-504, 38-2382, 44-556, 45-217, 46-234, 55-1410, 60-  
2 223, 60-1501, 60-1505, 60-2102, 61-3902, 65-3008a, 65-3013, 65-4211,  
3 72-64b03, 74-2426, 74-8762, 74-8813, 74-8815, 75-430, 75-702, 75-  
4 3120h, 75-3120l, 75-3692, 75-37,135 and 82a-1505 are hereby repealed.  
5 Sec. 102. This act shall take effect and be in force from and after  
6 August 31, 2016, and its publication in the statute book.