

HOUSE BILL No. 2002

By Committee on Judiciary

6-23

1 AN ACT concerning courts; establishing the superior court; relating to
2 appellate court jurisdiction; amending K.S.A. 3-709, 12-811, 13-1228h,
3 19-3517, 20-101, 20-139, 20-158, 20-163, 20-1a14, 20-205, 20-207,
4 20-208, 20-211, 20-310b, 20-2201, 20-2616, 20-3016, 20-3018, 20-
5 3208, 22-2514, 22-2804, 22-4507, 24-702, 25-3206, 48-2922, 48-2925,
6 60-1301, 60-2101, 60-3201, 60-3208, 68-527a and 75-3216 and K.S.A.
7 2015 Supp. 7-121b, 9-1905, as amended by section 53 of 2016 Senate
8 Bill No. 390, 20-1a15, 20-2601, 20-2622, 20-3002, 20-3017, 20-3021,
9 20-3202, 21-5207, 21-5905, 21-6619, 21-6628, 21-6702, 22-2202, 22-
10 3402, 22-3601, 22-3602, 22-3604, 22-3612, 22-4701, as amended by
11 section 1 of 2016 Senate Bill No. 362, 26-504, 45-217, as amended by
12 section 10 of 2016 Substitute for Senate Bill No. 22, 55-1410, 60-1501,
13 60-2102, 65-4211, 72-64b03, 74-8762, 74-8813, 74-8815, 75-430, 75-
14 702, 75-31201, 75-3692, 75-37,135 and 82a-1505 and repealing the
15 existing sections; also repealing K.S.A. 2015 Supp. 20-3301.

16

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

18 New Section 1. (a) On July 1, 2017, there shall be and is hereby
19 established a court of record which shall be known as the superior court.
20 The superior court shall be a part of the court of justice in which the
21 judicial power of the state is vested by section 1 of article 3 of the
22 constitution of the state of Kansas and shall be subject to the general
23 administrative authority of the supreme court.

24 (b) The superior court shall consist of seven judges who shall be
25 appointed as provided in section 2, and amendments thereto. All cases
26 shall be heard with not fewer than four judges sitting and the concurrence
27 of a majority of the judges sitting and of not fewer than four judges shall
28 be necessary for a decision.

29 (c) Each judge of the superior court shall receive an annual salary in
30 the amount prescribed by law. No such judge may receive additional
31 compensation for official services performed by the judge. Each such
32 judge shall be reimbursed for expenses incurred in the performance of the
33 judge's official duties in the same manner and to the same extent justices
34 of the supreme court are reimbursed for such expenses.

35 (d) The superior court shall hold one term each year at the seat of
36 government and such other terms at such places as may be provided by

1 law.

2 (e) The superior court shall have such jurisdiction over appeals in
3 civil and criminal cases and from administrative bodies and officers of the
4 state as may be prescribed by law, and shall have such original jurisdiction
5 as may be necessary to the complete determination of any cause on review.
6 The superior court shall also have appellate jurisdiction over all matters for
7 which the supreme court has original jurisdiction. During the pendency of
8 any appeal, the superior court, on such terms as may be just, may make an
9 order suspending further proceedings in the court below, until the decision
10 of the superior court.

11 (f) The superior court shall be the final court of appellate review in
12 cases under the court's jurisdiction.

13 (g) The supreme court may assign judges of the superior court to
14 serve temporarily on the supreme court or the court of appeals.

15 New Sec. 2. (a) (1) On or before January 1, 2017, each of the seven
16 judge positions on the superior court shall be filled by appointment by the
17 governor, with the consent of the senate, of a person possessing the
18 qualifications of office.

19 (2) In the event of the failure of the governor to make the
20 appointment on or before January 1, 2017, the chief justice of the supreme
21 court, with the consent of the senate, shall make the appointment of a
22 person possessing the qualifications of office.

23 (3) Each appointment made pursuant to this subsection shall not take
24 effect until July 1, 2017.

25 (b) (1) On and after July 1, 2017, any vacancy occurring in the office
26 of any judge of the superior court and any position to be open on such
27 court as a result of enlargement of such court, or the retirement or failure
28 of an incumbent to file such judge's declaration of candidacy to be retained
29 in office as hereinafter required, or failure of a judge to be elected to be
30 retained in office, shall be filled by appointment by the governor, with the
31 consent of the senate, of a person possessing the qualifications of office.

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

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

40 (4) Whenever a vacancy in the office of judge of the superior court
41 exists at the time the appointment to fill such vacancy is made pursuant to
42 this subsection, the appointment shall be effective at the time it is made,
43 but where an appointment is made pursuant to this subsection to fill a

1 vacancy which will occur at a future date, such appointment shall not take
2 effect until such date.

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

22 (d) Persons who are appointed as judges of the superior court
23 pursuant to subsection (a) shall commence the duties of office on July 1,
24 2017, and persons who are appointed as judges of the superior court
25 pursuant to subsection (b) shall commence the duties of office upon
26 appointment and consent, and each judge shall have all the rights,
27 privileges, powers and duties prescribed by law for the office of judge of
28 the superior court.

29 (e) Judges of the superior court shall possess the qualifications
30 prescribed by law for justices of the supreme court.

31 New Sec. 3. (a) The initial terms of office for persons who become
32 judges of the superior court pursuant to section 2(a), and amendments
33 thereto, and commence the duties of office on July 1, 2017, shall expire on
34 January 1, 2019. Not less than 60 days prior to the holding of the general
35 election next preceding the expiration of the term of any judge of the
36 superior court, the judge may file in the office of the secretary of state a
37 declaration of candidacy for retention in office. If a declaration is not filed
38 as provided in this section, the position held by the judge shall be vacant
39 upon the expiration of the judge's term of office. If such declaration is
40 filed, the judge's name shall be submitted at the next general election to the
41 electors of the state on a separate judicial ballot, without party designation,
42 reading substantially as follows:

43 "Shall (Here insert name of judge.), Judge of the Superior Court, be

1 retained in office?"

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

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

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

21 New Sec. 4. (a) Any person appointed to the office of judge of the
22 superior court on or after July 1, 2017, to fill a vacancy or appointed by
23 reason of the expiration of a term of office, shall serve until the second
24 Monday in January following the next general election which occurs after
25 one year in office and shall be eligible to be retained in office for a full
26 term of four years as provided in section 3, and amendments thereto, for
27 the retention of judges first appointed to such court.

28 (b) If a majority of the votes cast and counted at such election is in
29 favor of retaining such judge in office, the judge shall remain in office for
30 a regular term of four years from the second Monday in January next
31 following such election. Thereafter, such judge shall be subject to retention
32 in office as provided in section 3, and amendments thereto. If a majority of
33 the votes cast and counted at such election is against retaining such judge
34 in office, such judge's position shall become vacant on the second Monday
35 in January next following the election, and a successor shall be appointed
36 pursuant to section 2, and amendments thereto. If such judge does not
37 declare such judge's candidacy for election to be retained in office, such
38 judge's position shall be vacant on the second Monday in January next
39 following such election.

40 New Sec. 5. (a) The superior court shall sit and maintain its principal
41 offices in the city of Topeka, and it shall be the duty of the secretary of
42 administration to provide a courtroom and other suitable quarters in
43 Topeka for the use of such court and such court's staff.

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

8 New Sec. 6. Each judge of the superior court may appoint a law clerk
9 and also may appoint one secretary or stenographer. The persons so
10 appointed shall serve at the pleasure of the judge appointing them. Subject
11 to the approval of the chief justice of the supreme court, the superior court
12 may employ such other clerical personnel as may be necessary to carry out
13 the duties and functions of the court. The compensation of all persons
14 appointed or employed under this section shall be fixed in accordance with
15 a pay plan adopted by the supreme court. Such pay plan shall contain a
16 schedule of salary and wage ranges and steps designed for such purpose.

17 New Sec. 7. (a) The clerk of the supreme court shall be clerk of the
18 superior court, and it shall be such clerk's duty to enter of record all orders,
19 judgments, decrees and proceedings of the superior court, to issue all
20 process required by law or ordered by such court and to perform such
21 other duties as may be required of such clerk by the superior court or by
22 law.

23 (b) The supreme court shall adopt rules prescribing the standards and
24 procedures governing the writing and publication of the opinions of the
25 superior court. The supreme court reporter shall be reporter of the superior
26 court and shall publish such opinions of the court as may be required by
27 rule of the supreme court.

28 (c) The state judicial administrator shall provide to the superior court
29 such administrative services as may be directed by the supreme court.

30 New Sec. 8. (a) The superior court, prior to final determination of any
31 case before such court, may request that such case be transferred to the
32 supreme court for its review and final determination by certifying to the
33 supreme court that the case is within the jurisdiction of the supreme court
34 and one or more issues in such case are not within the jurisdiction of the
35 superior court.

36 (b) Any certification of findings and request for transfer of a case
37 pursuant to subsection (a) shall be made in the manner and form
38 prescribed by rules of the supreme court. The supreme court shall consider
39 such certification and may accept the case for review and final
40 determination or may decline jurisdiction and order that the case be
41 determined by the superior court.

42 New Sec. 9. (a) Within 30 days after the date the notice of appeal has
43 been served on the appellee in any case appealed to the superior court, any

1 party to such case may file a motion with the clerk of the superior court,
2 requesting that such case be transferred to the supreme court for review
3 and final determination by such court. Such motion may be made only if
4 the party alleges that one or more issues in such case are not within the
5 jurisdiction of the superior court and that such issues are within the
6 jurisdiction of the supreme court. Such motion shall be made in the
7 manner and form prescribed by rules of the supreme court.

8 (b) The clerk of the superior court shall promptly submit any motion
9 made pursuant to this section to the supreme court. The supreme court
10 shall consider such motion and may accept the case for review and final
11 determination or may decline jurisdiction and order that the case be
12 determined by the superior court.

13 (c) A party's failure to file a motion in accordance with this section
14 shall be deemed a waiver of any objection by such party to the jurisdiction
15 of the superior court.

16 New Sec. 10. (a) Any case within the jurisdiction of the superior
17 court which is erroneously docketed in the supreme court shall be
18 transferred by the supreme court to the superior court. Any case within the
19 jurisdiction of the superior court and in which notice of appeal to the
20 supreme court was filed prior to July 1, 2017, shall be transferred to the
21 superior court by the supreme court. No case docketed in the supreme
22 court or the superior court shall be dismissed solely for the reason of
23 having been filed in the wrong court, but shall be transferred by the
24 supreme court to the superior court. Any such case shall be considered
25 timely and properly filed in the superior court.

26 (b) Any party aggrieved by a decision of the superior court may file a
27 motion with such court for a rehearing, in accordance with rules of the
28 supreme court. Any such party may petition the superior court for review
29 within 30 days after the date of such decision if superior court review is
30 authorized by law.

31 New Sec. 11. (a) The annual salary of the chief judge of the superior
32 court and each of the other judges of the superior court shall be paid in
33 equal installments each payroll period in accordance with this section.

34 (b) Except as otherwise provided in K.S.A. 75-31201, and
35 amendments thereto, the annual salary of the chief judge of the superior
36 court shall be \$139,310.

37 (c) Except as otherwise provided in K.S.A. 75-31201, and
38 amendments thereto, the annual salary of other judges of the superior court
39 shall be \$135,905.

40 Sec. 12. On and after July 1, 2017, K.S.A. 3-709 is hereby amended
41 to read as follows: 3-709. (1) Any person aggrieved, or taxpayer affected
42 by, any decision made under the provisions of this act may file within
43 ~~thirty~~ 30 days from the rendition of such decision in the office of the clerk

1 of the district court of the proper county a verified petition setting forth
2 and specifying the grounds for review upon which the petitioner relies and
3 designating the decision sought to be reviewed. The clerk shall forthwith
4 cause written notice of such appeal to be served upon the political
5 subdivision or subdivisions.

6 (2) Upon presentation of such petition, the court shall set it down for
7 hearing and the ~~same~~ *petition* shall be tried de novo as in a civil case, and
8 enforcement of ~~said~~ *such* regulations shall be stayed until ~~said~~ *the* petition
9 is finally determined by the court. Appeals may be taken to the ~~supreme~~
10 *superior* court from any order, ruling or decision as in other civil cases.

11 Sec. 13. On and after July 1, 2017, K.S.A. 2015 Supp. 7-121b is
12 hereby amended to read as follows: 7-121b. (a) Subject to ~~subsection (b)~~
13 ~~of~~ K.S.A. 40-3411(b), and amendments thereto, whenever a civil action is
14 commenced by filing a petition or whenever a pleading states a claim in a
15 district court for damages for personal injuries or death arising out of the
16 rendering of or the failure to render professional services by any health
17 care provider, compensation for reasonable attorney fees to be paid by
18 each litigant in the action shall be approved by the judge after an
19 evidentiary hearing and prior to final disposition of the case by the district
20 court. Compensation for reasonable attorney fees for services performed in
21 an appeal of a judgment in any such action to the court of appeals shall be
22 approved after an evidentiary hearing by the chief judge or by the
23 presiding judge of the panel hearing the case. Compensation for reasonable
24 attorney fees for services performed in an appeal of a judgment in any
25 such action to the ~~supreme~~ *superior* court shall be approved after an
26 evidentiary hearing by the ~~departmental justice for the department in~~
27 ~~which the appeal originated~~ *chief judge*. In determining the reasonableness
28 of such compensation, the judge ~~or justice~~ shall consider the following:

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

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

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

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

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

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

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

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

1 (b) As used in this section:

2 (1) "Health care provider" means a person licensed to practice any
3 branch of the healing arts, a person who holds a temporary permit to
4 practice any branch of the healing arts, a person engaged in a postgraduate
5 training program approved by the state board of healing arts, a licensed
6 medical care facility, a health maintenance organization, a licensed dentist,
7 a licensed professional nurse, a licensed practical nurse, a licensed
8 optometrist, a licensed podiatrist, a licensed pharmacist, a professional
9 corporation organized pursuant to the professional corporation law of
10 Kansas by persons who are authorized by such law to form such a
11 corporation and who are health care providers as defined by this
12 subsection, a licensed physical therapist or an officer, employee or agent
13 thereof acting in the course and scope of such person's employment or
14 agency; and

15 (2) "professional services" means those services which require
16 licensure, registration or certification by agencies of the state for the
17 performance thereof.

18 Sec. 14. On and after July 1, 2017, K.S.A. 2015 Supp. 9-1905, as
19 amended by section 53 of 2016 Senate Bill No. 390, is hereby amended to
20 read as follows: 9-1905. (a) In the event the commissioner appoints a
21 receiver for any bank or trust company, the commissioner shall appoint:

22 (1) The federal deposit insurance corporation; or

23 (2) any individual, partnership, association, limited liability company,
24 corporation or any other business entity which shall have accounting,
25 regulatory, legal or other relevant experience in the field of banking or
26 trust as shall be determined by the commissioner.

27 (b) Any receiver other than the federal deposit insurance corporation
28 shall give such bond as the commissioner deems proper and immediately
29 file in the district court of the county where the bank or trust company is
30 located for liquidation, disposition and dissolution pursuant to the state
31 banking code, the Kansas general corporation code, and as may be ordered
32 by the court.

33 (1) The receiver shall be entitled to reasonable compensation subject
34 to the approval of the district court.

35 (2) Upon written application made within 30 days after the filing in
36 district court, the court may appoint as receiver any person that the holders
37 of more than 60% in amount of the claims against such bank or trust
38 company shall agree upon in writing. The creditors so agreeing may also
39 agree upon the compensation and charges to be paid such receiver. Each
40 receiver so appointed shall make a complete report to the commissioner
41 covering the receiver's acts and proceedings as such.

42 (c) The bank or trust company shall have the right to petition for
43 review of the commissioner's order taking charge, appointment of a special

1 deputy or appointment of a receiver. Such review shall not be subject to
2 the provisions of K.S.A. 77-501 et seq., and amendments thereto. A
3 petition for review shall be filed within 10 days of the commissioner's
4 action. Notwithstanding any provision of law to the contrary, or by order
5 of the court, review shall proceed as expeditiously as possible pursuant to
6 the provisions of K.S.A. 77-601 et seq., and amendments thereto.
7 Notwithstanding any provision of law to the contrary, the decision of the
8 district court may be appealed only to the ~~supreme~~ *superior* court of
9 Kansas. The time within which an appeal may be taken shall be 10 days
10 from final disposition of the district court.

11 Sec. 15. On and after July 1, 2017, K.S.A. 12-811 is hereby amended
12 to read as follows: 12-811. In any city wherein the franchise of a
13 corporation supplying water, natural or artificial gas, electric light or
14 power, heat, or operating a street railway, has expired or will expire before
15 the completion of the proceedings contemplated by this section, unless an
16 earlier date is fixed by the franchise, the governing body may by resolution
17 declare it necessary and for the interest of such city to acquire control and
18 operate any such plant. Upon the passage of such resolution an application
19 may be presented in writing to the district court of the county in which
20 such city is located, which shall set forth the action of the ~~said~~ city relative
21 thereto, and a copy of the resolution so passed by the city, and praying for
22 the appointment of commissioners to ascertain and determine the value of
23 such plant.

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

43 The ~~said~~ commissioners shall carefully examine ~~said~~ *such* plant and

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

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

36 Sec. 16. On and after July 1, 2017, K.S.A. 13-1228h is hereby
37 amended to read as follows: 13-1228h. The state court of appeals shall
38 have jurisdiction of appeals from decisions of the district court made
39 pursuant to this section. Appellate proceedings shall have precedence in
40 the court of appeals. Notwithstanding the provisions of K.S.A. 60-2101,
41 *and amendments thereto*, the state supreme court *and the state superior*
42 *court* shall not have appellate jurisdiction of decisions of the district court
43 or state court of appeals rendered pursuant to this section. Except as

1 provided by this section, the procedure upon appeal shall be the same as in
2 other civil actions.

3 Sec. 17. On and after July 1, 2017, K.S.A. 19-3517 is hereby
4 amended to read as follows: 19-3517. In any water district so created and
5 established as provided for in this act, the water district board may by
6 resolution, declare it necessary for the benefit and interest of the water
7 district to negotiate a purchase or otherwise acquire, control and operate
8 such water supply and distribution system.

9 Upon the passage of such resolution, a certified copy shall be filed with
10 the county clerk of the county in which a greatest portion of such water
11 district is situated with a certificate of service stating that a copy of such
12 resolution has been served on the secretary of the corporation owning such
13 water supply and distribution system serving the water district, following
14 which the water district board and the owner of the water supply *and*
15 distribution system may negotiate a written agreement providing and
16 setting forth terms, conditions and arrangements mutually agreeable to the
17 water district board and the owner of ~~said~~ such water supply and
18 distribution system pursuant to which the water district may purchase and
19 acquire the existing water supply and distribution system: ~~Provided~~, *except*
20 that such purchase and acquisition shall not be made until and unless the
21 question of making such purchase and acquisition shall have been
22 submitted to a vote of the legal electors residing in the water district at a
23 special election and a majority of those voting on the question shall have
24 declared by their votes to be in favor of such purchase and acquisition; and
25 such election shall be called, noticed, held and canvassed in like manner as
26 provided in K.S.A. 19-3507 and 19-3508, *and amendments thereto*, for
27 elections to issue revenue bonds for such water district except as herein
28 otherwise provided; and that at any such election the question of the
29 issuance of revenue bonds may also be submitted but such question, if so
30 submitted, shall be submitted and voted on as a separate proposition. A
31 copy of such negotiated agreement shall be published as a part of the
32 notice of the special election at which the question of the purchase and
33 acquisition of the existing water supply and distribution system pursuant
34 thereto is to be voted upon. The proposition shall be stated on the ballot
35 and submitted to the qualified electors in substantially the following form:

36 Water district No. _____ of _____ county, shall be
37 authorized to acquire by purchase, in accordance with the terms of the
38 negotiated agreement published in connection with the notice of this
39 election, the water supply and distribution system of

40
41 _____
42 (Here insert name of owner of water supply and distribution system)
43 at an estimated aggregate cost to the water district of _____
dollars.

1 Yes

2 No

3 If the proposition to purchase and acquire ~~said~~ such water supply and
4 distribution system in accordance with the negotiated agreement is not
5 approved by a majority of the votes cast at the special election when such
6 question is submitted to a vote of the electors or, if the water district board
7 is unable to negotiate an agreement to purchase and acquire the existing
8 water supply and distribution system which is agreeable to ~~said~~ the board,
9 a written petition shall be presented by the water district board to the
10 district court of the county in which the greatest portion of such water
11 district is located, which shall set forth the action of ~~said~~ such water
12 district board relative thereto, and the resolution so adopted by the water
13 district board and shall contain a prayer for the appointment of appraisers
14 if necessary to ascertain and determine the value of such water supply and
15 distribution system. Thereupon a time and place shall be fixed by the court
16 for the hearing thereof, notice of which shall be given by the clerk of the
17 court at least ~~ten (10)~~ 10 days prior thereto, in writing to the person,
18 partnership, company or corporation owning ~~said~~ such water supply and
19 distribution system and to all persons of record having or claiming liens on
20 such property and by causing a notice thereof to be published once a week
21 for three ~~(3)~~ consecutive weeks in a newspaper of general circulation in
22 the county in which the water district is located, the last publication to be
23 not less than three ~~(3)~~ nor more than ~~ten (10)~~ 10 days prior to such hearing.

24 At ~~said~~ such hearing, the court or the judge thereof, in which ~~said~~ such
25 petition is filed, shall examine ~~said~~ such petition and determine whether
26 the petitioner has the power of eminent domain, and if found in the
27 affirmative, such finding shall be entered in the record and the court or
28 judge thereof shall thereupon make an order granting such petition. The
29 court or judge thereof shall thereupon appoint three ~~(3)~~ appraisers, one ~~(1)~~
30 of whom shall be a licensed hydraulic engineer. The three ~~(3)~~ appraisers
31 shall take an oath to faithfully, honestly and to the best of their skill and
32 ability, appraise and ascertain the fair cash value of ~~said~~ such water supply
33 and distribution system and all appurtenances thereunto belonging or in
34 any way appertaining. The ~~said~~ appraisers shall carefully examine ~~said~~ the
35 water supply and distribution system and may examine experts and
36 persons familiar with the cost of construction and reproduction of such
37 plant, and may resort to any other means by which they may arrive at the
38 value thereof, and at a hearing the time and place of which shall be fixed
39 by majority vote of the three ~~(3)~~ appraisers, who shall give written notice
40 of such hearing to the water district board and to the person, partnership,
41 company or corporation owning such water supply and distribution system
42 and the water district board and the person, partnership, company or
43 corporation owning such water supply and distribution system or either of

1 them may produce such testimony before ~~said~~ the appraisers as in their
2 judgment seems material, necessary and desirable: ~~Provided, except that~~
3 ~~said~~ the appraisers may by majority vote terminate any such hearing of
4 testimony. ~~Said~~ The appraisers shall make their report in writing under
5 oath and file the same with the clerk of the district court. Thereupon, at a
6 time and place to be fixed by the court, a hearing shall be had upon ~~said~~
7 the report and the exceptions thereto. The clerk of the *district* court shall
8 give written notice of ~~said~~ the hearing to the water district board and to the
9 person, partnership, company or corporation owning any such water
10 supply and distribution system. All exceptions to the appraisers' report
11 must be in writing and filed with the clerk of the district court ~~ten (10)~~ 10
12 days prior to the time fixed for the hearing of the same. Thereupon, the
13 court shall confirm, reject or modify ~~said~~ such report and its decision shall
14 be a final order from which an appeal may be taken to the ~~supreme~~
15 superior court. If the water district board elects to pay the award of ~~said~~
16 the appraisers as approved by the district court, it may do so at any time
17 within six ~~(6)~~ months, from the date of the final order of the district court
18 on the appraisers' report, if no appeal to the ~~supreme~~ superior court is
19 taken, or from the date of final judgment in case an appeal is thereafter
20 determined, by paying the amount of the award to the clerk of the court
21 and thereupon the title and right of possession of such water supply and
22 distribution system and appurtenances thereto belonging or in any way
23 appertaining shall vest absolutely in the water district and ~~said~~ such water
24 district shall be entitled to immediate possession thereof and all remedies
25 provided by law for the security of such title and possession.

26 When and if the purchase money is paid into the court for such water
27 supply and distribution system it shall be paid out only upon the order of
28 the court. If there are any liens or encumbrances upon such plant, the
29 nature and extent thereof shall be ascertained by the court after fixing a
30 time for the hearing, of which all parties in interest shall have sufficient
31 notice. The ascertained liens and encumbrances shall first be paid out of
32 the ~~said~~ fund and the balance to the person, partnership, company or
33 corporation owning such plant. If the water district board shall not within
34 six ~~(6)~~ months comply with all of the terms of the final order of the district
35 court or appeal therefrom, judgment for the cost of such proceedings,
36 including appraisers' fees, which the court shall have power to fix, shall be
37 entered against ~~said~~ such water district. No condemnation proceedings
38 instituted under the provisions of this act for the acquisition of an existing
39 water supply and distribution system shall be maintained unless all of the
40 real and personal property of such existing water supply and distribution
41 system is included therein. If the water district board acquires the
42 properties of a privately owned water district and supply system for and in
43 the name of the water district by purchase, pursuant to a negotiated

1 agreement, or otherwise it may assume in behalf of the district any
2 outstanding indebtedness secured by a lien against ~~said~~ *such* properties.

3 Sec. 18. On and after July 1, 2017, K.S.A. 20-101 is hereby amended
4 to read as follows: 20-101. The supreme court shall be a court of record,
5 ~~and in addition to shall have~~ the original jurisdiction conferred by the
6 constitution, ~~shall have such appellate jurisdiction as may be provided by~~
7 ~~law; and during the pendency of any appeal, on such terms as may be just,~~
8 ~~may make an order suspending further proceedings in any court below,~~
9 ~~until the decision of the supreme court.~~ As provided by section 1 of article
10 3 of the *constitution of the state of Kansas* ~~constitution~~, the supreme court
11 shall have general administrative authority over all courts in this state, and
12 the supreme court and each justice thereof shall have such specific powers
13 and duties in exercising ~~said~~ *such* administrative authority as may be
14 prescribed by law. The chief justice shall be the spokesman for the
15 supreme court and shall exercise the court's general administrative
16 authority over all courts of this state. The chief justice shall have the
17 responsibility for executing and implementing the administrative rules and
18 policies of the supreme court, including supervision of the personnel and
19 financial affairs of the court system, and delegate such of this
20 responsibility and authority to personnel in the state judicial department as
21 may be necessary for the effective and efficient administration of the court
22 system.

23 Sec. 19. On and after July 1, 2017, K.S.A. 20-139 is hereby amended
24 to read as follows: 20-139. From time to time, the chief justice of the
25 Kansas supreme court may order conferences of justices of the supreme
26 court and judges of the district court ~~and~~, court of appeals *and superior*
27 *court* on matters relating to the administration of justice. The actual and
28 necessary expenses of the justices ~~of the supreme court~~ and judges ~~of the~~
29 ~~district court and court of appeals~~ incurred in connection with attending
30 such conferences shall be paid, subject to the provisions of K.S.A. 75-
31 3216, *and amendments thereto*.

32 Sec. 20. On and after July 1, 2017, K.S.A. 20-158 is hereby amended
33 to read as follows: 20-158. The chief justice of the supreme court shall be
34 responsible for the preparation of the budget for the judicial branch of state
35 government, with such assistance as the chief justice may require from the
36 judicial administrator, *the chief judge of the superior court*, the chief judge
37 of the court of appeals and the chief judge of each judicial district. Each
38 district court ~~and~~, the court of appeals *and the superior court* shall submit
39 their budget requests to the chief justice in such form and at such time as
40 the chief justice may require. The chief justice shall submit to the
41 legislature the annual budget request for the judicial branch of state
42 government for inclusion in the annual budget document for
43 appropriations for the judiciary. Such budget shall be prepared and

1 submitted in the manner provided by K.S.A. 75-3716 and 75-3717, and
2 amendments thereto. Such budget shall include the request for
3 expenditures for retired justices and judges performing judicial services or
4 duties under K.S.A. 20-2616, and amendments thereto, as a separate item
5 therein.

6 Sec. 21. On and after July 1, 2017, K.S.A. 20-163 is hereby amended
7 to read as follows: 20-163. (a) The official station of each justice of the
8 supreme court, *judge of the superior court* and judge of the court of
9 appeals shall be the county seat of the county where the justice or judge
10 maintains an actual abode in which the justice or judge customarily lives.

11 (b) The chief judge of the judicial district in which a justice of the
12 supreme court, *judge of the superior court* or judge of the court of appeals
13 has the justice's or judge's official station, shall provide suitable office
14 space upon request by the justice or judge for use by the justice or judge
15 and the justice's or judge's staff personnel. Such office space shall be in or
16 adjacent to the district court courtrooms and offices at the official station
17 of the justice or judge. Notwithstanding the foregoing provisions, no office
18 space shall be provided by the chief judge of the third judicial district.

19 (c) Each justice of the supreme court, *judge of the superior court* and
20 judge of the court of appeals, upon appointment and from time to time
21 thereafter as changes occur, shall notify the judicial administrator in
22 writing of the justice's or judge's official station, if other than the city of
23 Topeka.

24 (d) Notwithstanding the other provisions of this section, all mileage
25 and other allowances for official travel for justices of the supreme court,
26 *judges of the superior court* and judges of the court of appeals shall be
27 determined from Topeka, Kansas.

28 Sec. 22. On and after July 1, 2017, K.S.A. 20-1a14 is hereby
29 amended to read as follows: 20-1a14. (a) There is hereby established in the
30 state treasury the judicial branch nonjudicial salary initiative fund.

31 (b) All moneys credited to the judicial branch nonjudicial salary
32 initiative fund shall be used for compensation of nonjudicial officers and
33 employees of the district courts, court of appeals, *superior court* and the
34 supreme court and shall not be expended for compensation of judges or
35 justices of the judicial branch. Moneys in the fund shall be used only to
36 pay for that portion of the cost of salaries and wages of nonjudicial
37 personnel of the judicial branch, including associated employer
38 contributions, which shall not exceed the difference between the amount of
39 expenditures that would be required under the judicial branch pay plan for
40 nonjudicial personnel in effect prior to the effective date of this act and the
41 amount of expenditures required under the judicial branch pay plan for
42 nonjudicial personnel after the cost-of-living adjustments and the
43 adjustments for upgrades in pay rates for nonjudicial personnel approved

1 by the chief justice of the Kansas supreme court for fiscal year 2001. For
2 fiscal years commencing on and after June 30, 2001, moneys in such fund
3 shall be used only for the amount attributable to maintenance of the
4 judicial branch pay plan for nonjudicial personnel for such adjustments
5 and upgrades approved by the chief justice of the supreme court for fiscal
6 year 2001.

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

12 (d) The enactment of this legislation shall not be considered a
13 statement of legislative intent to endorse future state general fund
14 financing for ensuing fiscal years for the proposed nonjudicial pay plan
15 contained in the report to the Kansas supreme court by the nonjudicial
16 salary initiative entitled nonjudicial employee compensation submitted to
17 the 2000 legislature.

18 Sec. 23. On and after July 1, 2017, K.S.A. 2015 Supp. 20-1a15 is
19 hereby amended to read as follows: 20-1a15. (a) There is hereby
20 established in the state treasury the judicial branch nonjudicial salary
21 adjustment fund.

22 (b) All moneys credited to the judicial branch nonjudicial salary
23 adjustment fund shall be used for compensation of nonjudicial officers and
24 employees of the district courts, court of appeals, *superior court* and the
25 supreme court and shall not be expended for compensation of judges or
26 justices of the judicial branch. Moneys in the fund shall be used only to
27 pay for that portion of the cost of salaries and wages of nonjudicial
28 personnel of the judicial branch, including associated employer
29 contributions, which shall not exceed the difference between the amount of
30 expenditures that would be required under the judicial branch pay plan for
31 nonjudicial personnel in effect prior to the effective date of this act and the
32 amount of expenditures required under the judicial branch pay plan for
33 nonjudicial personnel after the cost-of-living adjustments and the
34 adjustments for upgrades in pay rates for nonjudicial personnel approved
35 by the chief justice of the Kansas supreme court for fiscal year 2015. For
36 fiscal years commencing on and after June 30, 2016, moneys in such fund
37 shall be used only for the amount attributable to maintenance of the
38 judicial branch pay plan for nonjudicial personnel for such adjustments
39 and upgrades approved by the chief justice of the supreme court for fiscal
40 year 2015.

41 (c) On or before the 10th day of each month, the director of accounts
42 and reports shall transfer from the state general fund to the judicial branch
43 nonjudicial salary adjustment fund interest earnings based on:

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

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

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

10 Sec. 24. On and after July 1, 2017, K.S.A. 20-205 is hereby amended
11 to read as follows: 20-205. The cases decided by the supreme court of this
12 state which the court deem of sufficient importance to be published and
13 those of the *superior court and* court of appeals which are to be published
14 pursuant to rule of the supreme court shall be prepared by the reporter and
15 delivered to the director of printing, who shall as speedily as possible print
16 and publish such number of copies of each volume of the reports as shall
17 be specified by the reporter, and deliver the same to the state law librarian.
18 No volume shall contain less than ~~seven hundred and fifty (750)~~ 750
19 pages, including the index.

20 Sec. 25. On and after July 1, 2017, K.S.A. 20-207 is hereby amended
21 to read as follows: 20-207. The director of printing shall hereafter deliver
22 the whole number of copies of reports of the supreme court, *superior court*
23 and court of appeals required to be published to the state law librarian as
24 soon as completed; and when the whole edition of any volume shall be so
25 delivered, the librarian shall certify that fact to the secretary of state, who
26 shall thereupon ascertain the amount due the director of printing therefor,
27 and audit and certify the same to the director of accounts and reports for
28 payment.

29 Sec. 26. On and after July 1, 2017, K.S.A. 20-208 is hereby amended
30 to read as follows: 20-208. (a) When the reports of the decisions of the
31 supreme court, *superior court* or court of appeals are delivered, the state
32 law librarian shall use as many thereof as may be necessary to maintain
33 reasonable and equitable exchanges of such reports for law books and
34 other legal publications of the other states, territories, countries, societies
35 and institutions, for use in the supreme court law library. As used ~~herein~~ *in*
36 *this section*, "Kansas reports" shall mean the reports of the decisions of the
37 supreme court, *superior court* and court of appeals. The state law librarian
38 shall distribute copies of the Kansas reports without charge, as follows:

39 (1) The supreme court, *the superior court* the court of appeals and the
40 office of the attorney general shall receive the number of copies necessary
41 to conduct the official business of such office, as certified to the state law
42 librarian by the head or executive officer of the respective agencies;

43 (2) the office of each elected state official, other than those

1 specifically provided for herein, shall receive one copy;

2 (3) the law library of the school of law of the university of Kansas
3 shall receive 30 copies to maintain its sets of Kansas reports and for
4 exchange purposes, and the law library of the school of law of Washburn
5 university of Topeka shall receive 30 copies to maintain its sets of Kansas
6 reports and for exchange purposes;

7 (4) the state library and the libraries of Emporia state university, Fort
8 Hays state university, Pittsburg state university, Kansas state university,
9 and Wichita state university shall receive two copies to maintain its set of
10 Kansas reports;

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

13 (6) the office of each judge of the district court shall each receive one
14 copy;

15 (7) the Lansing correctional facility and the Hutchinson correctional
16 facility shall each receive one copy for the use of inmates at such
17 institutions and one copy for the use of the legal advisor at such
18 institutions;

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

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

24 (10) a personal copy of the reports shall be presented to each justice
25 of the supreme court, *each judge of the superior court*, each judge of the
26 court of appeals, the clerk of the supreme court, the supreme court
27 reporter, and the judicial administrator of the district courts. Also, a
28 personal copy shall be sent to any retired supreme court justice, *judge of*
29 *the superior court*, judge of the court of appeals, district judge or associate
30 district judge, if such retired judge or justice files with the clerk of the
31 supreme court annually a certificate stating that such judge or justice is not
32 engaged in the active practice of law and is willing to accept judicial
33 assignments; and

34 (11) the legislative coordinating council shall receive the number of
35 copies necessary to conduct the official business of the legislative branch
36 of government, as certified to the state law librarian by the legislative
37 coordinating council.

38 (b) Except as otherwise specifically provided in ~~paragraph (10) of~~
39 subsection (a)(10), all copies of the Kansas reports distributed pursuant to
40 subsection (a) or purchased by any governmental agency or subdivision
41 shall become the property of such office, agency or subdivision, which
42 shall be accountable therefor, and the state law librarian shall not distribute
43 any reports to any others or for any other purpose, but shall be responsible

1 for the remaining volumes of ~~said~~ *such* reports, which shall be sold at the
2 per volume price fixed by the supreme court under this section for each
3 current volume, plus the amount fixed by the supreme court under this
4 section for the cost of postage and handling, and the per volume price
5 fixed by the supreme court under this section for each noncurrent volume
6 which has not been reprinted, plus the amount fixed by the supreme court
7 under this section for the cost of postage and handling. The supreme court
8 shall have authority to order printed such additional copies of the reports
9 of the supreme court as in its judgment will be necessary to supply the
10 demand upon the state law librarian for the same. The state law librarian
11 shall sell any noncurrent volume which is reprinted at the per volume price
12 fixed by the supreme court under this section, plus the amount fixed by the
13 supreme court under this section for the cost of postage and handling. All
14 purchases of reports shall be made by payment in advance. The supreme
15 court shall fix the per volume price for copies of these Kansas reports sold
16 under this section to recover the costs of printing and binding such
17 volumes and shall fix the amount to be charged in connection with the sale
18 of each of such volumes to cover the costs of postage and handling
19 applicable thereto. The supreme court shall revise all such prices from time
20 to time as necessary for the purposes of covering or recovering such costs.

21 (c) It shall be the duty of the director of printing, under the direction
22 of the supreme court, to make and preserve for future use proofs, matrices,
23 plates, computer tapes or impressions of all volumes of the reports of the
24 supreme court and such other publications as the supreme court may
25 designate. The director of printing shall not make or permit to be made any
26 proofs, matrices, plates, computer tapes or impressions of any book
27 published by the judicial branch of the state government except for the use
28 of the state, as herein provided, and all proofs, matrices, plates, computer
29 tapes or impressions so made for any book published by the judicial
30 branch of the state government shall be the exclusive property of the state,
31 except that the director of printing may grant a revocable license to any
32 nonprofit corporation whereby such corporation may utilize the services of
33 equipment and personnel under the supervision of the director of printing
34 for the purpose of converting reports of the Kansas supreme court, *the*
35 *Kansas superior court* and the Kansas court of appeals to machine
36 readable form for use by such corporation in providing computerized legal
37 research services, subject to protection of the state's copyright as to any
38 purpose unnecessary for such computerized legal research.

39 Sec. 27. On and after July 1, 2017, K.S.A. 20-211 is hereby amended
40 to read as follows: 20-211. The state law librarian shall have authority to
41 order advance sheets of the reports of the supreme court, *superior court*
42 and court of appeals to be printed for distribution and temporary use until
43 the reports themselves are issued. Upon such order it shall be the duty of

1 the reporter, as soon as possible after they are filed, to prepare for
2 publication, and of the director of printing immediately thereafter to print
3 the syllabi and decisions of the court in the same form the permanent
4 report will bear, but upon inexpensive paper and to be bound in paper. The
5 number of copies of each issue shall be specified in the order. When issued
6 they shall be delivered to the state law librarian, to be distributed in the
7 manner provided in K.S.A. 20-208, *and amendments thereto*, for
8 distributing copies of the Kansas reports, except that no copies of advance
9 sheets shall be delivered to a law library for exchange purposes. The
10 remaining copies shall be sold at the per copy price fixed by the supreme
11 court under this section, plus the amount fixed by the supreme court under
12 this section for the cost of postage and handling. ~~Said~~ The librarian may
13 sell subscriptions to the current advance sheets and permanent report
14 together for the subscription price fixed by the supreme court under this
15 section, plus the amount fixed by the supreme court under this section for
16 the cost of any postage and handling, the same to be paid in advance and if
17 any one person, firm, association or corporation shall subscribe for ~~two~~
18 ~~hundred (200)~~ 200 or more copies of any bound volume and the advance
19 sheets thereto, the state law librarian may sell subscriptions to such
20 persons, firm, associations and corporations to the advance sheets and
21 permanent report together for a reduced subscription price fixed by the
22 supreme court under this section, plus the amount fixed by the supreme
23 court under this section for the cost of postage and handling, the same to
24 be paid in advance. Upon order of the court any opinion may be withheld
25 from publication in the advance sheets until such time as it may designate.
26 The increased prices provided for in this section shall apply to current
27 reports and advance sheets commencing with volume 224, and
28 subscriptions for earlier volumes and advance sheets, or purchases of
29 advance sheets of earlier volumes, shall be at the rate prescribed by this
30 section prior to this amendment. All copies of advance sheets distributed
31 pursuant to this section or purchased by any governmental agency or
32 subdivision may be removed from the inventory of such office, agency or
33 subdivision upon publication of the volume of the Kansas reports for
34 which such advance sheets were issued. The supreme court shall fix the
35 per copy prices, subscription prices, and reduced subscription prices for
36 advance sheets and permanent reports sold under this section to recover
37 the costs of printing and binding such advance sheets and permanent
38 reports and shall fix the amount to be charged in connection with the sale
39 and distribution of such advance sheets and permanent reports under this
40 section to cover the costs of postage and handling applicable thereto. The
41 supreme court shall revise all such prices from time to time as necessary
42 for the purposes of covering or recovering such costs.

43 Sec. 28. On and after July 1, 2017, K.S.A. 20-310b is hereby

1 amended to read as follows: 20-310b. (a) Upon stipulation of the parties to
2 an action, the court may order the action to be heard and determined by a
3 temporary judge who is a retired justice of the supreme court, *retired*
4 *judge of the superior court*, retired judge of the court of appeals or retired
5 judge of the district court. Such temporary judge shall be sworn and
6 empowered to act as judge in the action until its final determination.

7 (b) Any action before a temporary judge pursuant to this section shall
8 be conducted in the same manner as any other action before a judge of the
9 district court and any order entered by such temporary judge may be
10 appealed and enforced in the same manner as a similar order of a judge of
11 the district court.

12 (c) If a person acting as temporary judge pursuant to this section is a
13 retired district magistrate judge, the powers and jurisdiction of such
14 temporary judge shall be limited to the powers and jurisdiction of a district
15 magistrate judge and appeals of orders of such temporary judge shall be
16 governed by the laws governing appeals from orders of district magistrate
17 judges.

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

22 Sec. 29. On and after July 1, 2017, K.S.A. 20-2201 is hereby
23 amended to read as follows: 20-2201. (a) A judicial council is hereby
24 established and created which shall be an independent agency in the
25 judicial branch of government, shall submit its budget separately and may
26 adopt its own pay plan and personnel rules.

27 (b) The judicial council shall be composed of one justice of the
28 supreme court, *one judge of the superior court*, one judge of the court of
29 appeals, two district judges of different judicial districts, four resident
30 lawyers, the chairperson of the judiciary committee of the house of
31 representatives or the chairperson's—*designate designee*, and the
32 chairperson of the judiciary committee of the senate.

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

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

39 (e) All vacancies except those of the members of the legislature shall
40 be filled by appointment by the chief justice for the unexpired term. Upon
41 vacancy, the places of the members of the legislature shall be filled by
42 their successors.

43 Sec. 30. On and after July 1, 2017, K.S.A. 2015 Supp. 20-2601 is

1 hereby amended to read as follows: 20-2601. As used in K.S.A. 20-2601 et
2 seq., and amendments thereto, unless the context otherwise requires:

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

5 (b) "retirement system for judges" means the system provided for in
6 the acts contained in article 26 of chapter 20 of the Kansas Statutes
7 Annotated, and ~~any acts amendatory thereof or supplemental~~ *amendments*
8 thereto;

9 (c) "judge" means any duly elected or appointed justice of the
10 supreme court, *judge of the superior court*, judge of the court of appeals or
11 judge of any district court of Kansas, who serves in such capacity on and
12 after the effective date of this act and commencing with the first day of the
13 first payroll period of the fiscal year ending June 30, 1994, any district
14 magistrate judge who makes an election as provided in K.S.A. 20-2620,
15 and amendments thereto, or who is elected or appointed on or after July 1,
16 1993;

17 (d) "member" means a judge who is making the required
18 contributions to the fund, or any former judge who has made the required
19 contributions to the fund and has not received a refund of the judge's
20 accumulated contributions;

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

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

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

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

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

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

41 (k) "beneficiary" means any natural person or persons or estate
42 designated by a judge in the latest designation of beneficiary received in
43 the retirement system office to receive any benefits as provided for by this

1 act. Except as provided in subsection (n), if there is no named beneficiary
2 living at the time of the judge's death, any benefits provided for by this act
3 shall be paid to: (1) The judge's surviving spouse; (2) the judge's
4 dependent child or children; (3) the judge's dependent parent or parents;
5 (4) the judge's nondependent child or children; (5) the judge's
6 nondependent parent or parents; or (6) the estate of the deceased member;
7 in the order of preference as specified in this subsection. Designations of
8 beneficiaries by a member who is a member of more than one retirement
9 system made on or after July 1, 1987, shall be the basis of any benefits
10 payable under all systems unless otherwise provided by law;

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

20 (m) "board" means the board of trustees of the Kansas public
21 employees retirement system;

22 (n) "trust" means an express trust created by any trust instrument,
23 including a will, and designated by a member to receive benefits and other
24 amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and
25 amendments thereto, instead of a beneficiary. A designation of a trust shall
26 be filed with the board. If there is a designated trust at the time of the
27 member's death, all benefits and other amounts payable under K.S.A. 20-
28 2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the
29 trust instead of the member's beneficiary. If no will is admitted to probate
30 within six months after the death of the member or no trustee qualifies
31 within such six months or if the designated trust fails, for any reason
32 whatsoever, any benefits and other amounts payable under K.S.A. 20-
33 2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the
34 member's beneficiary and any payments so made shall be a full discharge
35 and release to the retirement system for judges from any further claims;

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

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

42 (q) except as otherwise provided in K.S.A. 20-2601 et seq., and
43 amendments thereto, words and phrases used in K.S.A. 20-2601 et seq.,

1 and amendments thereto, shall have the same meanings ascribed to them
2 as are defined in K.S.A. 74-4902, and amendments thereto.

3 Sec. 31. On and after July 1, 2017, K.S.A. 20-2616 is hereby
4 amended to read as follows: 20-2616. (a) Any retired justice of the
5 supreme court, *retired judge of the superior court*, retired judge of the
6 court of appeals, retired district judge or retired associate district judge
7 may be designated and assigned to perform such judicial service and duties
8 as such retired justice or judge is willing to undertake. Designation and
9 assignment of a retired justice or judge in connection with any matter
10 pending in the supreme court shall be made by the supreme court.
11 Designation and assignment of a retired justice or judge in connection with
12 any matter pending in any other court, including any court located within
13 the judicial district in which the justice or judge resides, or to perform any
14 other judicial service or duties shall be made by the chief justice of the
15 supreme court. Any such judicial service or duties shall include necessary
16 preparation and other out-of-court judicial service for hearings or for
17 deciding matters or cases in conjunction with the judicial services and
18 duties assigned under this section. Any designation and assignment may be
19 revoked in the same manner and all such designations and assignments and
20 revocations shall be filed of record in the office of the clerk of the court to
21 which such assignment is made.

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

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

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

1 actual and necessary expenses as provided under this section after such
2 date.

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

7 Sec. 32. On and after July 1, 2017, K.S.A. 2015 Supp. 20-2622 is
8 hereby amended to read as follows: 20-2622. (a) On and after July 1, 1995,
9 a retirant who retires as provided in K.S.A. 20-2608, and amendments
10 thereto, may return to temporary judicial duties while receiving service
11 retirement benefits. Upon written agreement with the Kansas supreme
12 court, such retirant shall be available to perform assigned judicial duties
13 for not more than 104 days or 40% of each year. Notwithstanding the
14 provisions of law in effect on the retirement date of a retirant, such retirant
15 shall receive a stipend, payable monthly, equal to 25% of the current
16 monthly salary of judges or justices serving in the same position as that
17 held by the retirant at the time of retirement. Such agreement shall be for a
18 period of not more than two years. A retirant may enter into subsequent
19 agreements, except that the aggregate of these agreements shall not exceed
20 15 years. The supreme court is hereby authorized and may pay on behalf
21 of such retirant the amount specified by the Kansas state employees health
22 care commission under K.S.A. 75-6508, and amendments thereto, as if the
23 retirant is serving as a full-time employee of the judicial branch and
24 participating in the state health care benefits program to provide for such
25 participation of the retirant. Any retirant entering into a written agreement
26 with the Kansas supreme court to be available to perform assigned judicial
27 duties for less than 104 days or 40% of each year for a proportionally
28 reduced stipend shall be considered as if the retirant is serving under a
29 part-time appointment as an employee of the judicial branch and
30 participating in the state health care benefits program to provide for such
31 participation of the employee and the supreme court may pay on behalf of
32 the retirant the amount specified by the Kansas state employees health care
33 commission and K.S.A. 75-6508, and amendments thereto.

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

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

41 (d) Nothing in this act shall be construed to limit the supreme court's
42 ability to make judicial assignments pursuant to the provisions of K.S.A.
43 20-310b and 20-2616, and amendments thereto; and the stipend provided

1 by this act shall not be counted toward the annual limitation on
2 compensation provided in K.S.A. 20-2616, and amendments thereto.

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

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

12 (g) For purposes of this act, "retirant" shall include any justice of the
13 Kansas supreme court, *judge of the Kansas superior court*, judge of the
14 Kansas court of appeals, and district judge of any district court of Kansas
15 who retired pursuant to the provisions of the retirement system for judges.
16 Retirant shall not include any district magistrate judge.

17 Sec. 33. On and after July 1, 2017, K.S.A. 2015 Supp. 20-3002 is
18 hereby amended to read as follows: 20-3002. (a) The court of appeals shall
19 consist of 14 judges whose positions shall be numbered one to 14.

20 (b) Judges of the court of appeals shall be appointed in the manner
21 provided by K.S.A. 2015 Supp. 20-3020, and amendments thereto. Each
22 judge of the court of appeals shall receive an annual salary in the amount
23 prescribed by law. No judge of the court of appeals may receive additional
24 compensation for official services performed by the judge. Each such
25 judge shall be reimbursed for expenses incurred in the performance of
26 such judge's official duties in the same manner and to the same extent
27 justices of the supreme court are reimbursed for such expenses.

28 (c) The supreme court may assign a judge of the court of appeals to
29 serve temporarily on the supreme court *or the superior court*.

30 (d) Any additional court of appeals judge position created by this
31 section shall be considered a position created by the supreme court and not
32 a civil appointment to a state office pursuant to K.S.A. 46-234, and
33 amendments thereto.

34 Sec. 34. On and after July 1, 2017, K.S.A. 20-3016 is hereby
35 amended to read as follows: 20-3016. (a) The court of appeals, prior to
36 final determination of any case before it, may request that such case be
37 transferred to the ~~supreme~~ *superior* court for its review and final
38 determination by certifying to the ~~supreme~~ *superior* court that the case is
39 within the jurisdiction of the ~~supreme~~ *superior* court and that the court of
40 appeals has made one ~~(1)~~ or more of the following findings with respect to
41 such case:

42 (1) One or more issues in such case are not within the jurisdiction of
43 the court of appeals;

- 1 (2) the subject matter of the case has significant public interest;
 2 (3) the case involves legal questions of major public significance; or
 3 (4) the caseload of the court of appeals is such that the expeditious
 4 administration of justice requires such transfer.

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~~ *superior* court shall
 8 consider 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 court of appeals.

11 Sec. 35. On and after July 1, 2017, K.S.A. 2015 Supp. 20-3017 is
 12 hereby amended to read as follows: 20-3017. Within 30 days after the date
 13 the notice of appeal has been served on the appellee in any case appealed
 14 to the court of appeals, any party to such case may file a motion with the
 15 clerk of the court of appeals, requesting that such case be transferred to the
 16 ~~supreme~~ *superior* court for review and final determination by such court.
 17 Such motion shall be made in the manner and form prescribed by rules of
 18 the supreme court, and it shall allege the existence of one or more of the
 19 conditions described in ~~subsection (a) of~~ K.S.A. 20-3016(a), and
 20 amendments thereto. The clerk of the court of appeals promptly shall
 21 submit any motion made pursuant to this section to the ~~supreme~~ *superior*
 22 court. The ~~supreme~~ *superior* court shall consider such motion and may
 23 accept the case for review and final determination or may decline
 24 jurisdiction and order that the case be determined by the court of appeals.
 25 A party's failure to file a motion in accordance with this section shall be
 26 deemed a waiver of any objection by such party to the jurisdiction of the
 27 court of appeals.

28 Sec. 36. On and after July 1, 2017, K.S.A. 20-3018 is hereby
 29 amended to read as follows: 20-3018. (a) Any case within the jurisdiction
 30 of the court of appeals which is erroneously docketed in *the superior court*
 31 *or* the supreme court shall be transferred by *the superior court or* the
 32 supreme court to the court of appeals. ~~Any case within the jurisdiction of~~
 33 ~~the court of appeals and in which notice of appeal to the supreme court~~
 34 ~~was filed prior to January 10, 1977, may be transferred to the court of~~
 35 ~~appeals by the supreme court.~~ No case docketed ~~either in~~ *the superior*
 36 *court*, the supreme court or the court of appeals shall be dismissed solely
 37 for the reason of having been filed in the wrong court, but shall be
 38 transferred by ~~the supreme~~ *such* court to the court which ~~the supreme court~~
 39 ~~determines to have~~ *has* jurisdiction. Any such case shall be considered
 40 timely and properly filed in the court to which it is transferred.

41 (b) Any party aggrieved by a decision of the court of appeals may file
 42 a motion with such court for a rehearing, in accordance with rules of the
 43 supreme court, but such motion shall not be a condition precedent to a

1 review of such decision by the ~~supreme~~ superior court, and any such party
2 may petition the ~~supreme~~ superior court for review within ~~thirty~~ (30) days
3 after the date of such decision. The procedures governing petitions for
4 review shall be prescribed by rules of the supreme court, and the review of
5 any such decision shall be at the discretion of the ~~supreme~~ superior court.
6 While neither controlling nor fully measuring the court's discretion, the
7 following shall be considered in determining whether review will be
8 granted: (1) The general importance of the question presented; (2) the
9 existence of a conflict between the decision sought to be reviewed and a
10 prior decision of *the superior court*, the supreme court, or of another panel
11 of the court of appeals; (3) the need for exercising the supreme court's
12 supervisory authority; and (4) the final or interlocutory character of the
13 judgment, order or ruling sought to be reviewed.

14 (c) At any time on its own motion, the supreme court may order the
15 court of appeals to transfer any case before the court of appeals to the
16 supreme court for review and final determination, *if such case is within the*
17 *jurisdiction of the supreme court.*

18 (d) *At any time on its own motion, the superior court may order the*
19 *court of appeals to transfer any case before the court of appeals to the*
20 *superior court for review and final determination if such case is within the*
21 *jurisdiction of the superior court.*

22 Sec. 37. On and after July 1, 2017, K.S.A. 2015 Supp. 20-3021 is
23 hereby amended to read as follows: 20-3021. (a) (1) On and after July 1,
24 2014, any party filing an appeal with the court of appeals shall pay a fee in
25 the amount of \$145 to the clerk of the supreme court.

26 (2) On and after July 1, 2014, any party filing an ~~appeal~~ *action* with
27 the supreme court shall pay a fee in the amount of \$145 to the clerk of the
28 supreme court.

29 (3) *On and after July 1, 2017, any party filing an appeal with the*
30 *superior court shall pay a fee in the amount of \$145 to the clerk of the*
31 *supreme court.*

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

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

40 (d) Except as provided further, the fee established in this section shall
41 be the only fee collected or moneys in the nature of a fee collected for the
42 docket fee. Such fee shall only be established by an act of the legislature
43 and no other authority is established by law or otherwise to collect a fee.

1 On and after July 1, 2015, through June 30, 2017, the supreme court may
2 impose an additional charge, not to exceed \$10 per fee, to fund the costs of
3 non-judicial personnel.

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

7 Sec. 38. On and after July 1, 2017, K.S.A. 2015 Supp. 20-3202 is
8 hereby amended to read as follows: 20-3202. (a) The commission shall
9 consist of ~~thirteen~~ 13 members appointed by the judicial council. The
10 council shall appoint commission members of outstanding competence and
11 reputation. Six members of the commission shall be non-lawyers and six
12 members of the commission shall be lawyers, justices or judges. The
13 judicial council shall appoint the chair of the commission, who shall be a
14 lawyer, justice or judge. At least one non-lawyer commission member and
15 at least one lawyer, justice or judge commission member shall reside in
16 each congressional district. The rules of the commission shall provide that
17 the terms of the commission members are staggered.

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

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

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

26 (2) "Judge" means: A current or retired Kansas judge of the district
27 court; *a current or retired judge of the Kansas superior court*; and a
28 current or retired judge of the Kansas court of appeals.

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

31 Sec. 39. On and after July 1, 2017, K.S.A. 20-3208 is hereby
32 amended to read as follows: 20-3208. On and after July 1, 2007, a retired
33 justice of the supreme court, *retired judge of the superior court*, retired
34 judge of the court of appeals or retired judge of the district court who
35 retired pursuant to the retirement system for judges as provided pursuant to
36 the provisions of K.S.A. 20-2601 et seq., and amendments thereto, may
37 enter into a written agreement as provided in this section to perform
38 services for the commission on judicial performance while receiving
39 service retirement benefits pursuant to the provisions of the retirement
40 system for judges. Such retired justice or judge shall enter into a written
41 agreement with the judicial council, established pursuant to the provisions
42 of K.S.A. 20-2201, and amendments thereto, to perform duties assigned by
43 the judicial council to assist the commission in the judicial performance

1 evaluation process prescribed pursuant to the provisions of K.S.A. 20-
2 3201 et seq., and amendments thereto. Such retired justice or judge shall
3 be available to perform assigned duties for not more than 104 days or 40%
4 of each year. Notwithstanding the provisions of law in effect on the
5 retirement date of a retired justice or judge, such justice or judge shall
6 receive a stipend, payable monthly, equal to 25% of the monthly salary of
7 such retired justice or judge at the time of retirement of such retired justice
8 or judge. Such agreement shall be for a period of not more than two years.
9 A retired justice or judge may enter into subsequent agreements. The
10 judicial council is hereby authorized and may pay on behalf of such retired
11 justice or judge the amount specified by the Kansas state employees health
12 care commission under the provisions of K.S.A. 75-6508, and amendments
13 thereto, as if the retired justice or judge is serving as a full-time employee
14 of the judicial council and participating in the state health care benefits
15 program to provide for such participation of the retired justice or judge.
16 Any retired justice or judge entering into a written agreement with the
17 judicial council to be available to perform assigned duties pursuant to this
18 section for less than 104 days or 40% of each year for a proportionally
19 reduced stipend shall be considered as if the retired justice or judge is
20 serving under a part-time appointment as an employee of the judicial
21 council and participating in the state health care benefits program to
22 provide for such participation of the retired justice or judge, and the
23 judicial council may pay on behalf of the retired justice or judge the
24 amount specified by the Kansas state employees health care commission
25 under the provisions of K.S.A. 75-6508, and amendments thereto. The
26 monthly stipend provided by this act shall not be counted toward the
27 annual limitation on compensation provided in K.S.A. 20-2616, and
28 amendments thereto. A retired justice or judge who has fulfilled the
29 requirements of an agreement entered into pursuant to this section may
30 accept judicial assignments and be compensated in accordance with the
31 provisions of K.S.A. 20-310b, 20-2616 and 20-2622, and amendments
32 thereto. If an assignment given to a retired justice or judge pursuant to the
33 provisions of this section will require the retired justice or judge to exceed
34 the service limit provided in this section, the retired justice or judge shall
35 be compensated in accordance with the provisions of K.S.A. 20-2616, and
36 amendments thereto.

37 Sec. 40. On and after July 1, 2017, K.S.A. 2015 Supp. 21-5207 is
38 hereby amended to read as follows: 21-5207. (a) A person's ignorance or
39 mistake as to a matter of either fact or law, except as provided in K.S.A.
40 2015 Supp. 21-5204, and amendments thereto, is a defense if it negates the
41 existence of the culpable mental state which the statute prescribes with
42 respect to an element of the crime.

43 (b) A person's reasonable belief that such person's conduct does not

1 constitute a crime is a defense if:

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

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

9 (3) such person acts in reliance upon an order or opinion of the
 10 *Kansas superior court, the Kansas supreme court* of Kansas or a United
 11 States appellate court later overruled or reversed; or

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

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

20 Sec. 41. On and after July 1, 2017, K.S.A. 2015 Supp. 21-5905 is
 21 hereby amended to read as follows: 21-5905. (a) Interference with the
 22 judicial process is:

23 (1) Communicating with any judicial officer in relation to any matter
 24 which is or may be brought before such judge, magistrate, master or juror
 25 with intent to improperly influence such officer;

26 (2) committing any of the following acts, with intent to influence,
 27 impede or obstruct the finding, decision, ruling, order, judgment or decree
 28 of such judicial officer or prosecutor on any matter then pending before the
 29 officer or prosecutor:

30 (A) Communicating in any manner a threat of violence to any judicial
 31 officer or any prosecutor;

32 (B) harassing a judicial officer or a prosecutor by repeated
 33 vituperative communication; or

34 (C) picketing, parading or demonstrating near such officer's or
 35 prosecutor's residence or place of abode;

36 (3) picketing, parading or demonstrating in or near a building housing
 37 a judicial officer or a prosecutor with intent to impede or obstruct the
 38 finding, decision, ruling, order, judgment or decree of such judicial officer
 39 or prosecutor on any matter then pending before the officer or prosecutor;

40 (4) knowingly accepting or agreeing to accept anything of value as
 41 consideration for a promise:

42 (A) Not to initiate or aid in the prosecution of a person who has
 43 committed a crime; or

1 (B) to conceal or destroy evidence of a crime;
2 (5) knowingly or intentionally in any criminal proceeding or
3 investigation:

4 (A) Inducing a witness or informant to withhold or unreasonably
5 delay in producing any testimony, information, document or thing;

6 (B) withholding or unreasonably delaying in producing any
7 testimony, information, document or thing after a court orders the
8 production of such testimony, information, document or thing;

9 (C) altering, damaging, removing or destroying any record, document
10 or thing, with the intent to prevent it from being produced or used as
11 evidence; or

12 (D) making, presenting or using a false record, document or thing
13 with the intent that the record, document or thing, material to such
14 criminal proceeding or investigation, appear in evidence to mislead a
15 justice, judge, magistrate, master or law enforcement officer;

16 (6) when performed by a person summoned or sworn as a juror in any
17 case:

18 (A) Intentionally soliciting, accepting or agreeing to accept from
19 another any benefit as consideration to wrongfully give a verdict for or
20 against any party in any proceeding, civil or criminal;

21 (B) intentionally promising or agreeing to wrongfully give a verdict
22 for or against any party in any proceeding, civil or criminal; or

23 (C) knowingly receiving any evidence or information from anyone in
24 relation to any matter or cause for the trial of which such juror has been or
25 will be sworn, without the authority of the court or officer before whom
26 such juror has been summoned, and without immediately disclosing the
27 same to such court or officer; or

28 (7) knowingly making available by any means personal information
29 about a judge or the judge's immediate family member, if the
30 dissemination of the personal information poses an imminent and serious
31 threat to the judge's safety or the safety of such judge's immediate family
32 member, and the person making the information available knows or
33 reasonably should know of the imminent and serious threat.

34 (b) Interference with the judicial process as defined in:

35 (1) Subsection (a)(1) is a severity level 9, nonperson felony;

36 (2) subsection (a)(2) and (a)(3) is a class A nonperson misdemeanor;

37 (3) subsection (a)(4) is a:

38 (A) Severity level 8, nonperson felony if the crime is a felony; or

39 (B) class A nonperson misdemeanor if the crime is a misdemeanor;

40 (4) subsection (a)(5) is a:

41 (A) Severity level 8, nonperson felony if the matter or case involves a
42 felony; or

43 (B) class A nonperson misdemeanor if the matter or case involves a

1 misdemeanor;

2 (5) subsection (a)(6)(A) is a severity level 7, nonperson felony;

3 (6) subsection (a)(6)(B) or (a)(6)(C) is a severity level 9, nonperson
4 felony; and

5 (7) subsection (a)(7) is a:

6 (A) Class A person misdemeanor, except as provided in subsection
7 (b)(7)(B); and

8 (B) severity level 9, person felony upon a second or subsequent
9 conviction.

10 (c) Nothing in this section shall limit or prevent the exercise by any
11 court of this state of its power to punish for contempt.

12 (d) As used in this section:

13 (1) "Immediate family member" means a judge's spouse, child, parent
14 or any other blood relative who lives in the same residence as such judge.

15 (2) "Judge" means any duly elected or appointed justice of the
16 supreme court, *judge of the superior court*, judge of the court of appeals,
17 judge of any district court of Kansas, district magistrate judge or municipal
18 court judge.

19 (3) "Personal information" means a judge's home address, home
20 telephone number, personal mobile telephone number, pager number,
21 personal e-mail address, personal photograph, immediate family member
22 photograph, photograph of the judge's home, and information about the
23 judge's motor vehicle, any immediate family member's motor vehicle, any
24 immediate family member's place of employment, any immediate family
25 member's child care or day care facility and any immediate family
26 member's public or private school that offers instruction in any or all of the
27 grades kindergarten through 12.

28 Sec. 42. On and after July 1, 2017, K.S.A. 2015 Supp. 21-6619 is
29 hereby amended to read as follows: 21-6619. (a) A judgment of conviction
30 resulting in a sentence of death shall be subject to automatic review by and
31 appeal to the ~~supreme court of Kansas~~ *superior court* in the manner
32 provided by the applicable statutes and rules of the supreme court
33 governing appellate procedure. The review and appeal shall be expedited
34 in every manner consistent with the proper presentation thereof and given
35 priority pursuant to the statutes and rules of the supreme court governing
36 appellate procedure.

37 (b) The ~~supreme court of Kansas~~ *superior court* shall consider the
38 question of sentence as well as any errors asserted in the review and appeal
39 and shall be authorized to notice unassigned errors appearing of record if
40 the ends of justice would be served thereby.

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

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

1 (2) whether the evidence supports the findings that an aggravating
2 circumstance or circumstances existed and that any mitigating
3 circumstances were insufficient to outweigh the aggravating
4 circumstances.

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

7 Sec. 43. On and after July 1, 2017, K.S.A. 2015 Supp. 21-6628 is
8 hereby amended to read as follows: 21-6628. (a) In the event the term of
9 imprisonment for life without the possibility of parole or any provision of
10 K.S.A. 2015 Supp. 21-6626 or 21-6627, and amendments thereto,
11 authorizing such term is held to be unconstitutional by the ~~supreme~~
12 *Kansas superior* court of ~~Kansas~~ or the United States supreme court, the
13 court having jurisdiction over a person previously sentenced shall cause
14 such person to be brought before the court and shall modify the sentence to
15 require no term of imprisonment for life without the possibility of parole
16 and shall sentence the defendant to the maximum term of imprisonment
17 otherwise provided by law.

18 (b) In the event a sentence of death or any provision of chapter 252 of
19 the 1994 Session Laws of Kansas authorizing such sentence is held to be
20 unconstitutional by the ~~supreme~~ *Kansas superior* court of ~~Kansas~~ or the
21 United States supreme court, the court having jurisdiction over a person
22 previously sentenced shall cause such person to be brought before the
23 court and shall modify the sentence and resentence the defendant as
24 otherwise provided by law.

25 (c) In the event the mandatory term of imprisonment or any provision
26 of chapter 341 of the 1994 Session Laws of Kansas authorizing such
27 mandatory term is held to be unconstitutional by the ~~supreme~~ *Kansas*
28 *superior* court of ~~Kansas~~ or the United States supreme court, the court
29 having jurisdiction over a person previously sentenced shall cause such
30 person to be brought before the court and shall modify the sentence to
31 require no mandatory term of imprisonment and shall sentence the
32 defendant as otherwise provided by law.

33 Sec. 44. On and after July 1, 2017, K.S.A. 2015 Supp. 21-6702 is
34 hereby amended to read as follows: 21-6702. (a) Whenever any person has
35 been found guilty of a crime and the court finds that an adequate
36 presentence investigation cannot be conducted by resources available
37 within the judicial district, including mental health centers and mental
38 health clinics, the court may require that a presentence investigation be
39 conducted by the Topeka correctional facility or by the state security
40 hospital. If the offender is sent to the Topeka correctional facility or the
41 state security hospital for a presentence investigation under this section,
42 the correctional facility or hospital may keep the offender confined for a
43 maximum of 60 days, except that an inmate may be held for a longer

1 period of time on order of the secretary, or until the court calls for the
2 return of the offender. While held at the Topeka correctional facility or the
3 state security hospital the defendant may be treated the same as any person
4 committed to the secretary of corrections or secretary for aging and
5 disability services for purposes of maintaining security and control,
6 discipline, and emergency medical or psychiatric treatment, and general
7 population management except that no such person shall be transferred out
8 of the state or to a federal institution or to any other location unless the
9 transfer is between the correctional facility and the state security hospital.
10 The correctional facility or the state security hospital shall compile a
11 complete mental and physical evaluation of such offender and shall make
12 its findings and recommendations known to the court in the presentence
13 report.

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

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

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

20 (3) release the defendant on probation subject to such conditions as
21 the court may deem appropriate, including orders requiring full or partial
22 restitution. In felony cases, the court may include confinement in a county
23 jail not to exceed 60 days, which need not be served consecutively, as a
24 condition of an original probation sentence and up to 60 days in a county
25 jail upon each revocation of the probation sentence;

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

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

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

37 (7) assign the defendant to a house arrest program pursuant to K.S.A.
38 2015 Supp. 21-6609, and amendments thereto;

39 (8) order the defendant to attend and satisfactorily complete an
40 alcohol or drug education or training program as provided by ~~subsection~~
41 ~~(e)~~ of K.S.A. 2015 Supp. 21-6602(c), and amendments thereto;

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

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

3 In addition to or in lieu of any of the above, the court shall order the
4 defendant to submit to and complete an alcohol and drug evaluation, and
5 pay a fee therefor, when required by ~~subsection (d)~~ of K.S.A. 2015 Supp.
6 21-6602(d), and amendments thereto.

7 In addition to any of the above, the court shall order the defendant to
8 reimburse the state general fund for all or a part of the expenditures by the
9 state board of indigents' defense services to provide counsel and other
10 defense services to the defendant. In determining the amount and method
11 of payment of such sum, the court shall take account of the financial
12 resources of the defendant and the nature of the burden that payment of
13 such sum will impose. A defendant who has been required to pay such sum
14 and who is not willfully in default in the payment thereof may at any time
15 petition the court which sentenced the defendant to waive payment of such
16 sum or any unpaid portion thereof. If it appears to the satisfaction of the
17 court that payment of the amount due will impose manifest hardship on the
18 defendant or the defendant's immediate family, the court may waive
19 payment of all or part of the amount due or modify the method of
20 payment. The amount of attorney fees to be included in the court order for
21 reimbursement shall be the amount claimed by appointed counsel on the
22 payment voucher for indigents' defense services or the amount prescribed
23 by the board of indigents' defense services reimbursement tables as
24 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

25 In imposing a fine the court may authorize the payment thereof in
26 installments. In releasing a defendant on probation, the court shall direct
27 that the defendant be under the supervision of a court services officer. If
28 the court commits the defendant to the custody of the secretary of
29 corrections or to jail, the court may specify in its order the amount of
30 restitution to be paid and the person to whom it shall be paid if restitution
31 is later ordered as a condition of parole or conditional release.

32 The court in committing a defendant to the custody of the secretary of
33 corrections shall fix a maximum term of confinement within the limits
34 provided by law. In those cases where the law does not fix a maximum
35 term of confinement for the crime for which the defendant was convicted,
36 the court shall fix the maximum term of such confinement. In all cases
37 where the defendant is committed to the custody of the secretary of
38 corrections, the court shall fix the minimum term within the limits
39 provided by law.

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

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

12 (2) If an appeal is taken and determined adversely to the defendant,
13 such sentence may be modified within 120 days after the receipt by the
14 clerk of the district court of the mandate from the ~~supreme~~ *superior* court
15 or court of appeals.

16 (e) The court shall modify the sentence at any time before the
17 expiration thereof when such modification is recommended by the
18 secretary of corrections unless the court finds and sets forth with
19 particularity the reasons for finding that the safety of members of the
20 public will be jeopardized or that the welfare of the inmate will not be
21 served by such modification. The court shall have the power to impose a
22 less severe penalty upon the inmate, including the power to reduce the
23 minimum below the statutory limit on the minimum term prescribed for
24 the crime of which the inmate has been convicted. The recommendation of
25 the secretary of corrections, the hearing on the recommendation and the
26 order of modification shall be made in open court. Notice of the
27 recommendation of modification of sentence and the time and place of the
28 hearing thereon shall be given by the inmate, or by the inmate's legal
29 counsel, at least 21 days prior to the hearing to the county or district
30 attorney of the county where the inmate was convicted. After receipt of
31 such notice and at least 14 days prior to the hearing, the county or district
32 attorney shall give notice of the recommendation of modification of
33 sentence and the time and place of the hearing thereon to any victim of the
34 inmate's crime who is alive and whose address is known to the county or
35 district attorney or, if the victim is deceased, to the victim's next of kin if
36 the next of kin's address is known to the county or district attorney. Proof
37 of service of each notice required to be given by this subsection shall be
38 filed with the court.

39 (f) After such defendant has been assigned to a conservation camp
40 but prior to the end of 180 days, the chief administrator of such camp shall
41 file a performance report and recommendations with the court. The court
42 shall enter an order based on such report and recommendations modifying
43 the sentence, if appropriate, by sentencing the defendant to any of the

1 authorized dispositions provided in subsection (b), except to reassign such
2 person to a conservation camp as provided in subsection (b)(6).

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

7 (h) An application for or acceptance of probation, suspended sentence
8 or assignment to a community correctional services program shall not
9 constitute an acquiescence in the judgment for purpose of appeal, and any
10 convicted person may appeal from such conviction, as provided by law,
11 without regard to whether such person has applied for probation,
12 suspended sentence or assignment to a community correctional services
13 program.

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

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

19 Sec. 45. On and after July 1, 2017, K.S.A. 2015 Supp. 22-2202 is
20 hereby amended to read as follows: 22-2202. (a) "Appellate court" means
21 the ~~supreme~~ *superior* court or court of appeals, depending on the context
22 in which the term is used and the respective jurisdiction of those courts
23 over appeals in criminal cases, as provided in K.S.A. 22-3601, and
24 amendments thereto.

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

28 (c) "Arraignment" means the formal act of calling the defendant
29 before a court having jurisdiction to impose sentence for the offense
30 charged, informing the defendant of the offense with which the defendant
31 is charged, and asking the defendant whether the defendant is guilty or not
32 guilty.

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

36 (e) "Bail" means the security given for the purpose of insuring
37 compliance with the terms of an appearance bond.

38 (f) "Bind over" means require a defendant to appear and answer
39 before a district judge having jurisdiction to try the defendant for the
40 felony with which the defendant is charged.

41 (g) "Charge" means a written statement presented to a court accusing
42 a person of the commission of a crime and includes a complaint,
43 information or indictment.

1 (h) "Complaint" means a written statement under oath of the essential
2 facts constituting a crime, except that a citation or notice to appear issued
3 by a law enforcement officer pursuant to and in compliance with K.S.A. 8-
4 2106, and amendments thereto, or a citation or notice to appear issued
5 pursuant to and in compliance with K.S.A. 32-1049, and amendments
6 thereto, shall be deemed a valid complaint if it is signed by the law
7 enforcement officer.

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

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

12 (k) "Indictment" means a written statement, presented by a grand jury
13 to a court, which charges the commission of a crime.

14 (l) "Information" means a verified written statement signed by a
15 county attorney or other authorized representative of the state of Kansas
16 presented to a court, which charges the commission of a crime. An
17 information verified upon information and belief by the county attorney or
18 other authorized representative of the state of Kansas shall be sufficient.

19 (m) "Law enforcement officer" means any person who by virtue of
20 office or public employment is vested by law with a duty to maintain
21 public order or to make arrests for violation of the laws of the state of
22 Kansas or ordinances of any municipality thereof or with a duty to
23 maintain or assert custody or supervision over persons accused or
24 convicted of crime, and includes court services officers, community
25 corrections officers, parole officers and directors, security personnel and
26 keepers of correctional institutions, jails or other institutions for the
27 detention of persons accused or convicted of crime, while acting within the
28 scope of their authority.

29 (n) "Magistrate" means an officer having power to issue a warrant for
30 the arrest of a person charged with a crime and includes justices of the
31 supreme court, judges of the court of appeals and judges of district courts.

32 (o) "Notice to appear" means a written request, issued by a law
33 enforcement officer, that a person appear before a designated court at a
34 stated time and place.

35 (p) "Preliminary examination" means a hearing before a magistrate
36 on a complaint or information to determine if a felony has been committed
37 and if there is probable cause to believe that the person charged committed
38 it.

39 (q) "Prosecuting attorney" means any attorney who is authorized by
40 law to appear for and on behalf of the state of Kansas in a criminal case,
41 and includes the attorney general, an assistant attorney general, the county
42 or district attorney, an assistant county or district attorney and any special
43 prosecutor whose appearance is approved by the court. In the case of

1 prosecution for violation of a city ordinance, also, "prosecuting attorney"
2 means the city attorney or any assistant city attorney.

3 (r) "Search warrant" means a written order made by a magistrate
4 directed to a law enforcement officer commanding the officer to search the
5 premises described in the search warrant and to seize property described or
6 identified in the search warrant.

7 (s) "Summons" means a written order issued by a magistrate directing
8 that a person appear before a designated court at a stated time and place
9 and answer to a charge pending against the person.

10 (t) "Warrant" means a written order made by a magistrate directed to
11 any law enforcement officer commanding the officer to arrest the person
12 named or described in the warrant.

13 Sec. 46. On and after July 1, 2017, K.S.A. 22-2514 is hereby
14 amended to read as follows: 22-2514. This act shall be a part of and
15 supplemental to the code of criminal procedure. As used in this act:

16 (1) "Wire communication" means any aural transfer made in whole or
17 in part through the use of facilities for the transmission of communications
18 by the aid of wire, cable or other like connection between the point of
19 origin and the point of reception, including the use of such connection in a
20 switching station, furnished or operated by any person engaged in
21 providing or operating such facilities for the transmission of intrastate,
22 interstate or foreign communications. Wire communication shall include
23 any electronic storage of such communication;

24 (2) "oral communication" means any oral communication uttered by a
25 person exhibiting an expectation that such communication is not subject to
26 interception under circumstances justifying such expectation, but such
27 term does not include any electronic communication;

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

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

34 (5) "investigative or law enforcement officer" means any law
35 enforcement officer who is empowered by the law of this state to conduct
36 investigations of or to make arrests for offenses enumerated in this act,
37 including any attorney authorized by law to prosecute or participate in the
38 prosecution of such offenses and agents of the United States federal bureau
39 of investigation, drug enforcement administration, marshals service, secret
40 service, treasury department, customs service, justice department and
41 internal revenue service;

42 (6) "contents" when used with respect to any wire, oral or electronic
43 communication, includes any information concerning the substance,

1 purport or meaning of such communication;

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

5 (8) "judge of competent jurisdiction" means a ~~justice of the supreme~~
6 *judge of the superior* court, a judge of the court of appeals or any district
7 judge, but does not include a district magistrate judge;

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

11 (a) Any telephone or telegraph instrument, equipment or facility, or
12 any component thereof; (i) Furnished to the subscriber or user by a
13 provider of wire or electronic communication service in the ordinary
14 course of its business and being used by the subscriber or user in the
15 ordinary course of its business or furnished by such subscriber or user for
16 connection to the facilities of such service and used in the ordinary course
17 of its business; or (ii) being used by a provider of wire or electronic
18 communication service in the ordinary course of its business, or by an
19 investigative or law enforcement officer in the ordinary course of the
20 officer's duties; or

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

23 (10) "communication common carrier" means common carrier, as
24 defined by ~~section 153(h) of title 47 of the United States Code~~ *47 U.S.C. §*
25 *153(h)*;

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

30 (a) Any wire or oral communication;

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

32 (c) any communication from a tracking device, as defined in ~~section~~
33 ~~3117, chapter 205 of title 18, United States Code~~ *18 U.S.C. § 3117*;

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

35 (a) Uses an electronic communication service; and

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

38 (13) "electronic communications system" means any wire, radio,
39 electromagnetic, photo-optical or photoelectronic facilities for the
40 transmission of electronic communications, and any computer facilities or
41 related electronic equipment for the electronic storage of such
42 communications;

43 (14) "electronic communication service" means any service which

1 provides to users thereof the ability to send or receive wire or electronic
 2 communications;

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

5 (a) Scrambled or encrypted;

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

9 (c) carried on a subcarrier or other signal subsidiary to a radio
 10 transmission;

11 (d) transmitted over a communication system provided by a common
 12 carrier, unless the communication is a tone-only paging system
 13 communication; or

14 (e) transmitted on frequencies allocated under part 25, subpart D, E or
 15 F of part 74, or part 94 of the rules of the federal communications
 16 commission, unless, in the case of a communication transmitted on a
 17 frequency allocated under part 74 that is not exclusively allocated to
 18 broadcast auxiliary services, the communication is a two-way voice
 19 communication by radio;

20 (16) "electronic storage" means:

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

23 (b) any storage of such communication by an electronic
 24 communication service for purposes of backup protection of such
 25 communication; and

26 (17) "aural transfer" means a transfer containing the human voice at
 27 any point between and including the point of origin and the point of
 28 reception.

29 Sec. 47. On and after July 1, 2017, K.S.A. 22-2804 is hereby
 30 amended to read as follows: 22-2804. (1) A person who has been convicted
 31 of a crime and is either awaiting sentence or has filed a notice of appeal
 32 may be released by the district court under the conditions provided in
 33 K.S.A. 22-2802, and amendments thereto, if the court or judge finds that
 34 the conditions of release will reasonably assure that the person will not
 35 flee or pose a danger to any other person or to the community.

36 (2) A person who has been convicted of a crime and has filed a notice
 37 of appeal to the ~~supreme~~ *superior* court or court of appeals shall make
 38 application to be released to the court whose judgment is appealed from or
 39 to a judge thereof. If an application to such court or judge has been made
 40 and denied or action on the application did not afford the relief sought by
 41 the applicant, the applicant may make an application for release to the
 42 appellate court. An application to the appellate court or a ~~justice~~ or judge
 43 thereof shall state the disposition of the application made by the district

1 court or judge. Any application made under this subsection shall be heard
2 after reasonable notice to the prosecuting attorney. Such notice shall be
3 given not less than one day prior to the hearing. Any appearance bond
4 which may be required under this subsection shall be filed in the court
5 from which the appeal was taken.

6 (3) A person who has been convicted of a crime before a district
7 magistrate judge may, upon taking an appeal to a district judge, apply to be
8 released as provided herein. If the application is made before the case has
9 been referred to the chief judge for assignment, the conditions of release
10 shall be determined by the district magistrate judge from whom the appeal
11 is taken. If the application is made thereafter, the chief judge or the district
12 judge to whom the case has been assigned shall determine the conditions
13 of release. Any appearance bond which may be required under this
14 subsection shall be deposited in the court where it is fixed.

15 Sec. 48. On and after July 1, 2017, K.S.A. 2015 Supp. 22-3402 is
16 hereby amended to read as follows: 22-3402. (a) If any person charged
17 with a crime and held in jail solely by reason thereof shall not be brought
18 to trial within 150 days after such person's arraignment on the charge, such
19 person shall be entitled to be discharged from further liability to be tried
20 for the crime charged, unless the delay shall happen as a result of the
21 application or fault of the defendant or a continuance shall be ordered by
22 the court under subsection (e).

23 (b) If any person charged with a crime and held to answer on an
24 appearance bond shall not be brought to trial within 180 days after
25 arraignment on the charge, such person shall be entitled to be discharged
26 from further liability to be tried for the crime charged, unless the delay
27 shall happen as a result of the application or fault of the defendant, or a
28 continuance shall be ordered by the court under subsection (e).

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

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

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

43 (1) The defendant is incompetent to stand trial. If the defendant is

1 subsequently found to be competent to stand trial, the trial shall be
2 scheduled as soon as practicable and in any event within 90 days of such
3 finding;

4 (2) a proceeding to determine the defendant's competency to stand
5 trial is pending. If the defendant is subsequently found to be competent to
6 stand trial, the trial shall be scheduled as soon as practicable and in any
7 event within 90 days of such finding. However, if the defendant was
8 subject to the 180-day deadline prescribed by subsection (b) and more than
9 90 days of the original time limitation remain, then the original time
10 limitation remains in effect. The time that a decision is pending on
11 competency shall never be counted against the state;

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

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

23 (f) In the event a mistrial is declared, a motion for new trial is granted
24 or a conviction is reversed on appeal to the ~~supreme~~ *superior* court or
25 court of appeals, the time limitations provided for herein shall commence
26 to run from the date the mistrial is declared, the date a new trial is ordered
27 or the date the mandate of the ~~supreme~~ *superior* court or court of appeals
28 is filed in the district court.

29 (g) If a defendant, or defendant's attorney in consultation with the
30 defendant, requests a delay and such delay is granted, the delay shall be
31 charged to the defendant regardless of the reasons for making the request,
32 unless there is prosecutorial misconduct related to such delay. If a delay is
33 initially attributed to the defendant, but is subsequently charged to the state
34 for any reason, such delay shall not be considered against the state under
35 ~~subsections~~ *subsection* (a), (b) or (c) and shall not be used as a ground for
36 dismissing a case or for reversing a conviction unless not considering such
37 delay would result in a violation of the constitutional right to a speedy trial
38 or there is prosecutorial misconduct related to such delay.

39 (h) When a scheduled trial is scheduled within the period allowed by
40 ~~subsections~~ *subsection* (a), (b) or (c) and is delayed because a party has
41 made or filed a motion, or because the court raises a concern on its own,
42 the time elapsing from the date of the making or filing of the motion, or
43 the court's raising a concern, until the matter is resolved by court order

1 shall not be considered when determining if a violation under ~~subsections~~
 2 *subsection* (a), (b) or (c) has occurred. If the resolution of such motion or
 3 concern by court order occurs at a time when less than 30 days remains
 4 under the provisions of ~~subsections~~ *subsection* (a), (b) or (c), the time in
 5 which the defendant shall be brought to trial is extended 30 days from the
 6 date of the court order.

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

14 Sec. 49. On and after July 1, 2017, K.S.A. 2015 Supp. 22-3601 is
 15 hereby amended to read as follows: 22-3601. (a) Any appeal permitted to
 16 be taken from a district court's final judgment in a criminal case shall be
 17 taken to the court of appeals, except in those cases reviewable by law in
 18 the district court or in which a direct appeal to the ~~supreme~~ *superior* court
 19 is required. Whenever an interlocutory appeal is permitted in a criminal
 20 case in the district court, such appeal shall be taken to the court of appeals.

21 (b) Any appeal permitted to be taken from a district court's final
 22 judgment in a criminal case shall be taken directly to the ~~supreme~~ *superior*
 23 court in the following cases:

24 (1) Any case in which a statute of this state or of the United States
 25 has been held unconstitutional;

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

28 (3) any case in which a maximum sentence of life imprisonment has
 29 been imposed, unless the maximum sentence has been imposed pursuant to
 30 K.S.A. 21-4643, prior to its repeal, or K.S.A. 2015 Supp. 21-6627, and
 31 amendments thereto; and

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

36 (A) Aggravated human trafficking, ~~subsection (e)(2)(B)~~ of K.S.A.
 37 2015 Supp. 21-5426(c)(2)(B), and amendments thereto;

38 (B) rape, ~~subsection (b)(2)(B)~~ of K.S.A. 2015 Supp. 21-5503(b)(2)
 39 (B), and amendments thereto;

40 (C) aggravated criminal sodomy, ~~subsection (e)(2)(B)(ii)~~ of K.S.A.
 41 2015 Supp. 21-5504(c)(2)(B)(ii), and amendments thereto;

42 (D) aggravated indecent liberties with a child, ~~subsection (e)(2)(C)(ii)~~
 43 of K.S.A. 2015 Supp. 21-5506(c)(2)(C)(ii), and amendments thereto;

1 (E) sexual exploitation of a child, ~~subsection (b)(2)(B) of~~ K.S.A.
2 2015 Supp. 21-5510(b)(2)(B), and amendments thereto;

3 (F) commercial sexual exploitation of a child, ~~subsection (b)(2) of~~
4 K.S.A. 2015 Supp. 21-6422(b)(2), and amendments thereto; or

5 (G) an attempt, conspiracy or criminal solicitation, as defined in
6 K.S.A. 2015 Supp. 21-5301, 21-5302 or ~~21-3503~~ 21-5303, and
7 amendments thereto, of any such felony.

8 Sec. 50. On or after July 1, 2017, K.S.A. 2015 Supp. 22-3602 is
9 hereby amended to read as follows: 22-3602. (a) Except as otherwise
10 provided, an appeal to the appellate court having jurisdiction of the appeal
11 may be taken by the defendant as a matter of right from any judgment
12 against the defendant in the district court and upon appeal any decision of
13 the district court or intermediate order made in the progress of the case
14 may be reviewed. No appeal shall be taken by the defendant from a
15 judgment of conviction before a district judge upon a plea of guilty or nolo
16 contendere, except that jurisdictional or other grounds going to the legality
17 of the proceedings may be raised by the defendant as provided in K.S.A.
18 60-1507, and amendments thereto.

19 (b) Appeals to the court of appeals may be taken by the prosecution
20 from cases before a district judge, or a district magistrate judge who is
21 regularly admitted to practice law in Kansas, as a matter of right in the
22 following cases, and no others:

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

24 (2) from an order arresting judgment;

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

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

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

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

36 (e) Any criminal case on appeal to the court of appeals may be
37 transferred to the ~~supreme~~ superior court as provided in K.S.A. 20-3016
38 and 20-3017, and amendments thereto, and any party to such case may
39 petition the ~~supreme~~ superior court for review of any decision of the court
40 of appeals as provided in ~~subsection (b) of~~ K.S.A. 20-3018(b), and
41 amendments thereto, except that any such party may appeal to the ~~supreme~~
42 superior court as a matter of right in any case in which a question under
43 the constitution of either the United States or the state of Kansas arises for

1 the first time as a result of the decision of the court of appeals.

2 (f) For crimes committed on or after July 1, 1993, an appeal by the
3 prosecution or the defendant relating to sentences imposed pursuant to a
4 presumptive sentencing guidelines system as provided in K.S.A. 21-4701
5 et seq., prior to their repeal, or the revised Kansas sentencing guidelines
6 act, article 68 of chapter 21 of the Kansas Statutes Annotated, and
7 amendments thereto, shall be as provided in K.S.A. 21-4721, prior to its
8 repeal, or K.S.A. 2015 Supp. 21-6820, and amendments thereto.

9 Sec. 51. On or after July 1, 2017, K.S.A. 2015 Supp. 22-3604 is
10 hereby amended to read as follows: 22-3604. (1) Except as provided in
11 subsection (3), a defendant shall not be held in jail nor subject to an
12 appearance bond during the pendency of an appeal by the prosecution.

13 (2) The time during which an appeal by the prosecution is pending
14 shall not be counted for the purpose of determining whether a defendant is
15 entitled to discharge under K.S.A. 22-3402, and amendments thereto. For
16 purposes of this section, "an appeal by the prosecution" includes, but is not
17 limited to, appeals authorized by ~~subsection (b) of~~ K.S.A. 22-3602(b), and
18 amendments thereto, appeals authorized by K.S.A. 22-3603, and
19 amendments thereto, and any appeal by the prosecution which seeks
20 discretionary review in the ~~supreme Kansas superior court of Kansas~~
21 or the United States supreme court. Such an appeal remains "pending" until
22 final resolution by the court of last resort.

23 (3) A defendant charged with a class A, B or C felony or, if the felony
24 was committed on or after July 1, 1993, an off-grid felony, a nondrug
25 severity level 1 through 5 felony or a drug severity level 1 through 4
26 felony crime shall not be released from jail or the conditions of such
27 person's appearance bond during the pendency of an appeal by the
28 prosecution. The time during which an appeal by the prosecution is
29 pending in a class A, B or C felony or, if the felony was committed on or
30 after July 1, 1993, an off-grid felony, a nondrug severity level 1 through 5
31 felony or a drug severity level 1 through 4 felony case shall not be counted
32 for the purpose of determining whether the defendant is entitled to
33 discharge under K.S.A. 22-3402, and amendments thereto.

34 Sec. 52. On or after July 1, 2017, K.S.A. 2015 Supp. 22-3612 is
35 hereby amended to read as follows: 22-3612. (a) In representing the
36 interests of the state in appeals from criminal actions in the district courts
37 of this state to the ~~supreme superior~~ court or court of appeals or in other
38 post-conviction actions arising from criminal prosecutions, the attorney
39 general shall invoke the assistance of the county or district attorney of the
40 county in which the action originally commenced. The reasonable costs of
41 such representation shall be allowed and paid by the board of county
42 commissioners from the county general fund for any services rendered by
43 such county's county or district attorney pursuant to this section or by the

1 attorney general pursuant to an agreement under subsection (b).

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

9 (c) All moneys paid to the attorney general pursuant to this section
10 shall be remitted to the state treasurer in accordance with the provisions of
11 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
12 remittance, the state treasurer shall deposit the entire amount in the state
13 treasury to the credit of the criminal appeals cost fund, which is hereby
14 created. Moneys in the criminal appeals cost fund may be expended by the
15 attorney general for the purpose of representing the interests of the state in
16 criminal appeals and post-conviction proceedings. All expenditures from
17 the criminal appeals cost fund shall be made in accordance with
18 appropriation acts upon warrants of the director of accounts and reports
19 issued pursuant to vouchers approved by the attorney general or the
20 attorney general's designee.

21 Sec. 53. On or after July 1, 2017, K.S.A. 22-4507 is hereby amended
22 to read as follows: 22-4507. (a) An attorney, other than a public defender
23 or assistant public defender or contract counsel, who is appointed by the
24 court to perform services for an indigent person, as provided by article 45
25 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto,
26 shall at the conclusion of such service or any part thereof be entitled to
27 compensation for such services and to be reimbursed for expenses
28 reasonably incurred by such person in performing such services.
29 Compensation for services shall be paid in accordance with standards and
30 guidelines contained in rules and regulations adopted by the state board of
31 indigents' defense services under this section.

32 (b) Claims for compensation and reimbursement shall be certified by
33 the claimant and shall be presented to the court at sentencing. A
34 supplemental claim may be filed at such later time as the court may in the
35 interest of justice determine if good cause is shown why the claim was not
36 presented at sentencing. In accordance with standards and guidelines
37 adopted by the state board of indigents' defense services under this section,
38 all such claims shall be reviewed and approved by one or more judges of
39 the district court before whom the service was performed, or, in the case of
40 proceedings in the *superior court* or court of appeals, by the chief judge of
41 ~~the court of appeals and in the case of proceedings in the supreme court,~~
42 ~~by the departmental justice for the department in which the appeal~~
43 ~~originated.~~ Each claim shall be supported by a written statement,

1 specifying in detail the time expended, the services rendered, the expenses
2 incurred in connection with the case and any other compensation or
3 reimbursement received. When properly certified and reviewed and
4 approved, each claim for compensation and reimbursement shall be filed
5 in the office of the state board of indigents' defense services. If the claims
6 meet the standards established by the board, the board shall authorize
7 payment of the claim.

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

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

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

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

21 (d) The state board of indigents' defense services may make
22 expenditures for payment of claims filed under this section from
23 appropriations for the current fiscal year regardless of when the services
24 were rendered.

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

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

33 Sec. 54. On or after July 1, 2017, K.S.A. 2015 Supp. 22-4701, as
34 amended by section 1 of 2016 Senate Bill No. 362, is hereby amended to
35 read as follows: 22-4701. As used in this act, unless the context clearly
36 requires otherwise:

37 (a) "Central repository" means the criminal justice information
38 system central repository created by this act and the juvenile offender
39 information system created pursuant to K.S.A. 2015 Supp. 38-2326, and
40 amendments thereto.

41 (b) "Criminal history record information" means all data initiated or
42 collected by a criminal justice agency on a person pertaining to a
43 reportable event, and any supporting documentation. Criminal history

1 record information does not include:

- 2 (1) Data contained in intelligence or investigatory files or police
3 work-product records used solely for police investigation purposes;
- 4 (2) wanted posters, police blotter entries, court records of public
5 judicial proceedings or published court opinions;
- 6 (3) data pertaining to violations of the traffic laws of the state or any
7 other traffic law or ordinance, other than vehicular homicide;
- 8 (4) presentence investigation and other reports prepared for use by a
9 court in the exercise of criminal jurisdiction or by the governor in the
10 exercise of the power of pardon, reprieve or commutation; or
- 11 (5) information regarding the release, assignment to work release, or
12 any other change in custody status of a person confined by the department
13 of corrections or a jail.

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

- 22 (1) State, county, municipal and railroad police departments, sheriffs'
23 offices and countywide law enforcement agencies, correctional facilities,
24 jails and detention centers;
- 25 (2) the offices of the attorney general, county or district attorneys and
26 any other office in which are located persons authorized by law to
27 prosecute persons accused of criminal offenses;
- 28 (3) the district courts, the court of appeals, the supreme court, *the*
29 *superior court*, the municipal courts and the offices of the clerks of these
30 courts;
- 31 (4) the Kansas sentencing commission; and
- 32 (5) the prisoner review board.

33 (d) "Criminal justice information system" means the equipment,
34 including computer hardware and software, facilities, procedures,
35 agreements and personnel used in the collection, processing, preservation
36 and dissemination of criminal history record information and any
37 electronically stored information from a state agency or municipality.

38 (e) "Electronically stored information" means any documents or
39 writings, drawings, graphs, charts, photographs, sound recordings, images
40 and other data or data compilations stored in any medium from which
41 information can be obtained either directly or, if necessary, after
42 translation from a state agency or municipality into a reasonably useable
43 form.

1 (f) "Director" means the director of the Kansas bureau of
2 investigation.

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

5 (1) The transmittal of such information within a criminal justice
6 agency;

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

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

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

13 Sec. 55. On or after July 1, 2017, K.S.A. 24-702 is hereby amended
14 to read as follows: 24-702. (a) Upon the filing of the petition for drainage,
15 as provided in K.S.A. 24-701, and amendments thereto, in the office of the
16 clerk of the district court, the clerk shall enter a minute of the filing of
17 such petition in the civil appearance docket of the court and shall fix a
18 time for the hearing of such petition by the court, which shall not be less
19 than 45 days nor more than 60 days after the filing of such petition. The
20 clerk shall issue a notice directed to all persons, corporations and
21 municipalities named in the petition as occupants or owners of lands,
22 easements or other property to be affected by such drainage, other than the
23 petitioners themselves, which notice shall be written or printed, and shall
24 set forth the route of the proposed drain, as described in the petition, the
25 fact of the filing and pendency of the petition, and the time when such
26 petition will be heard.

27 (b) The notice, when issued by the clerk, shall be delivered to the
28 sheriff of the county, and it shall be the duty of the sheriff to cause to be
29 published in some newspaper printed and published in the county in which
30 such drain is proposed to be established a copy of the notice, which notice
31 shall be published and proof of publication made in the same manner as is
32 provided by law for the publication of summons for nonresident
33 defendants in civil action, the first publication of such notice to be at least
34 41 days prior to the day fixed for the hearing of such petition. All persons
35 appearing at the hearing of such petition, and all persons, corporations or
36 municipalities named in the notice published shall thereafter be deemed to
37 have notice of all steps taken in such proceedings. If it appears to the
38 court, at the time fixed for the hearing of such petition, that the publication
39 has been given, the court shall consider such petition and hear any
40 demurrer or written objection to the sufficiency of the petition offered by
41 any person named in such petition, or by any other person who shall
42 satisfy the court, by such showing as the court may require, that such
43 person has an interest that will be affected by such drainage. All questions

1 arising at the hearing of such petition shall be heard and determined by the
2 court.

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

26 (d) The court shall have the power in the interest of justice to adjourn
27 the hearing of such petition from time to time, in order that all persons
28 interested may have an opportunity to be heard before the reference of
29 such petition to the drainage commissioners. In the order of the court
30 appointing such drainage commissioners, the court shall fix a time and
31 place for the meeting of the drainage commissioners, and a time when they
32 shall file their preliminary report. The clerk shall deliver to the
33 commissioners a certified copy of the petition and of the order of their
34 appointment, and they shall meet accordingly. The drainage
35 commissioners shall make a personal inspection of the land described in
36 the petition, and of all other lands likely to be affected by the proposed
37 work. The commissioner who is an engineer shall make the necessary
38 surveys for the purpose of ascertaining the facts from which to make their
39 report, and such commissioners shall, within a reasonable time allowed
40 and fixed by the court, make to the court a preliminary report in which
41 such commissioners shall show:

42 (1) The source or head and general direction and outlet of the drain
43 and of each arm or branch thereof, and average width and the depth, what

1 part is to be opened and what part is to be tiled, if any, and whether it is to
2 be dug by shovel, dredge or otherwise.

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

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

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

13 (e) Such report of the drainage commissioners, in all subsequent
14 proceedings, shall be prima facie evidence of the facts therein stated. In
15 case any lands not named in the petition and not owned by any person who
16 has appeared in the petition are named in the second item of such
17 preliminary report of the commissioners, notice of such report, setting out
18 the substance thereof, shall be issued by the clerk, and shall be served and
19 published by the sheriff in the same manner as provided for notice of the
20 hearing of the petition. Any petitioner, landowner, corporation or
21 municipality named in the petition, or who has appeared thereto, shall have
22 20 days from the filing of such preliminary report within which to file any
23 exceptions thereto. Any landowner not named in the petition and whose
24 lands are not described therein, but who is named in such report and lands
25 therein described, and any city, school district or other municipality so
26 brought in, shall have the same time for filing exceptions to such
27 preliminary report as is required to be given of the time and place of the
28 hearing of the petition.

29 (f) If the court, on examination of the preliminary report of the
30 commissioners, finds that such drainage is not practicable, and will not be
31 sufficient to properly drain the lands to be affected by it, or that it will not
32 improve the public health, nor benefit any public highway or grounds in
33 the county, or streets or public ground in any city, or be of public utility, or
34 if $\frac{2}{3}$ of the landowners affected, as shown by such preliminary report,
35 within 20 days after the filing of such report, remonstrates against the
36 construction of such proposed drain, the petition shall be dismissed. The
37 court shall enter judgment against the petitioner or petitioners for all costs
38 and expenses, including all compensation of the drainage commissioners.
39 But if the court finds affirmatively as to each of such items, and if no
40 remonstrance signed by $\frac{2}{3}$ of the persons to be affected by such drainage is
41 filed, the court shall refer the petition back to the drainage commissioners,
42 with directions to proceed with the work and make their final report, as
43 provided in K.S.A. 24-705, and amendments thereto. Such order and

1 judgment of the court in dismissing the petition or in referring it back to
2 the drainage commissioners for a final report, and of prior rulings and
3 orders of the court in relation to such drainage, shall be conclusive, unless
4 proceedings in error be prosecuted therefrom to the ~~supreme~~ *superior*
5 court, as hereinafter provided. Any person, corporation or municipality
6 who is aggrieved by such judgment or dismissal or order of reference, or
7 by any prior ruling or order of the court, may at the time of the ruling of
8 the court on the preliminary report of the commissioners prosecute
9 proceedings in error to the ~~supreme~~ *superior* court for the purpose of
10 reversing any judgment, order or ruling of the court by which the party
11 may feel aggrieved, by filing a written notice of such appeal within three
12 days after the final order of the court made on the hearing of the
13 preliminary report, and by filing with the clerk of the court, within 30 days
14 thereafter, a bond, the amount to be fixed by the order of the court, or of
15 the judge in vacation, conditioned that such person prosecuting error will
16 pay all costs, expenses, damages and loss occasioned by such party
17 proceeding in error, and by perfecting such party proceedings in error by
18 filing in the ~~supreme~~ *superior* court such party's petition in error, with a
19 case-made or transcript of the record thereof attached, within 90 days after
20 the rendition of the judgment and the order of the court upon the hearing
21 of the preliminary report of the commissioners.

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

33 Sec. 56. On or after July 1, 2017, K.S.A. 25-3206 is hereby amended
34 to read as follows: 25-3206. (a) The state board of canvassers shall make
35 the final canvass of national and state primary and general elections. Such
36 board shall also make the final canvass of elections upon constitutional
37 amendments and all questions submitted to election on a statewide basis,
38 including questions on retention in office of justices of the supreme court,
39 *judges of the superior court*, judges of the court of appeals and judges of
40 the district court.

41 (b) For the purpose of canvassing elections specified in subsection
42 (a), the state board of canvassers shall meet on the call of the secretary of
43 state, in the secretary's office, as soon as convenient after the tabulation of

1 the returns is made. In the case of general elections, the meeting shall be
2 called not later than December 1 next following such election, except
3 when such date falls on Sunday, then not later than the following day, and
4 may recess from time to time until the canvass is completed.

5 (c) The state board of canvassers shall, upon the abstracts on file in
6 the office of secretary of state, proceed to make final canvass of any
7 election for officers specified in subsection (a). The state board of
8 canvassers shall certify a statement which shall show the names of the
9 persons receiving votes for any of such offices, and the whole number
10 received by each, distinguishing the districts and counties in which they
11 were voted.

12 (d) The state board of canvassers shall, upon the abstracts on file in
13 the office of the secretary of state, proceed to make final canvass and
14 determination of the result of statewide question submitted elections. The
15 state board of canvassers shall certify a statement of the number of votes
16 on each question and the result thereof.

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

22 Sec. 57. On or after July 1, 2017, K.S.A. 2015 Supp. 26-504 is hereby
23 amended to read as follows: 26-504. (a) If the judge to whom the
24 proceeding has been assigned finds from the petition: (1) The plaintiff has
25 the power of eminent domain; and (2) the taking is necessary to the lawful
26 corporate purposes of the plaintiff, the judge shall entertain suggestions
27 from any party in interest relating to the appointment of appraisers and the
28 judge shall enter an order appointing three disinterested residents of the
29 county in which the petition is filed, at least two of the three of whom shall
30 have experience in the valuation of real estate, to view and appraise the
31 value of the lots and parcels of land found to be necessary, and to
32 determine the damages and compensation to the interested parties resulting
33 from the taking. Such order shall also fix the time for the filing of the
34 appraisers' report at a time not later than 45 days after the entry of such
35 order except for good cause shown, the court may extend the time for
36 filing by a subsequent order. The granting of an order determining that the
37 plaintiff has the power of eminent domain and that the taking is necessary
38 to the lawful corporate purposes of the plaintiff shall not be considered a
39 final order for the purpose of appeal ~~to the supreme court~~, but an order
40 denying the petition shall be considered ~~such~~ a final order.

41 (b) Appeals to the ~~supreme~~ superior court may be taken from any
42 final order under the provisions of this act. Such appeals shall be
43 prosecuted in like manner as other appeals and shall take precedence over

1 other cases, except cases of a like character and other cases in which
2 preference is granted by statute.

3 Sec. 58. On or after July 1, 2017, K.S.A. 2015 Supp. 45-217, as
4 amended by section 10 of 2016 Substitute for Senate Bill No. 22, is hereby
5 amended to read as follows: 45-217. As used in the open records act,
6 unless the context otherwise requires:

7 (a) "Business day" means any day other than a Saturday, Sunday or
8 day designated as a holiday by the congress of the United States, by the
9 legislature or governor of this state or by the respective political
10 subdivision of this state.

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

15 (c) "Criminal investigation records" means: (1) Every audio or video
16 recording made and retained by law enforcement using a body camera or
17 vehicle camera as defined by section 1 of 2016 Substitute for Senate Bill
18 No. 22, and amendments thereto; and (2) records of an investigatory
19 agency or criminal justice agency as defined by K.S.A. 22-4701, and
20 amendments thereto, compiled in the process of preventing, detecting or
21 investigating violations of criminal law, but does not include police blotter
22 entries, court records, rosters of inmates of jails or other correctional or
23 detention facilities or records pertaining to violations of any traffic law
24 other than vehicular homicide as defined by K.S.A. 21-3405, prior to its
25 repeal, or K.S.A. 2015 Supp. 21-5406, and amendments thereto.

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

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

32 (f) (1) "Public agency" means the state or any political or taxing
33 subdivision of the state or any office, agency or instrumentality thereof, or
34 any other entity receiving or expending and supported in whole or in part
35 by the public funds appropriated by the state or by public funds of any
36 political or taxing subdivision of the state.

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

38 (A) Any entity solely by reason of payment from public funds for
39 property, goods or services of such entity; or

40 (B) any municipal judge, judge of the district court, judge of the court
41 of appeals, *judge of the superior court* or justice of the supreme court.

42 (g) (1) "Public record" means any recorded information, regardless of
43 form, characteristics or location, which is made, maintained or kept by or

1 is in the possession of:

2 (A) Any public agency; or

3 (B) any officer or employee of a public agency pursuant to the
4 officer's or employee's official duties and which is related to the functions,
5 activities, programs or operations of any public agency.

6 (2) "Public record" shall include, but not be limited to, an agreement
7 in settlement of litigation involving the Kansas public employees
8 retirement system and the investment of moneys of the fund.

9 (3) Notwithstanding the provisions of subsection (g)(1), "public
10 record" shall not include:

11 (A) Records which are owned by a private person or entity and are
12 not related to functions, activities, programs or operations funded by
13 public funds. As used in this subparagraph, "private person" shall not
14 include an officer or employee of a public agency who is acting pursuant
15 to the officer's or employee's official duties;

16 (B) records which are made, maintained or kept by an individual who
17 is a member of the legislature or of the governing body of any political or
18 taxing subdivision of the state; or

19 (C) records of employers related to the employer's individually
20 identifiable contributions made on behalf of employees for workers
21 compensation, social security, unemployment insurance or retirement. The
22 provisions of this subparagraph shall not apply to records of employers of
23 lump-sum payments for contributions as described in this subparagraph
24 paid for any group, division or section of an agency.

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

29 Sec. 59. On or after July 1, 2017, K.S.A. 48-2922 is hereby amended
30 to read as follows: 48-2922. (a) The judge advocate general shall establish
31 a court of military review which shall be composed of one or more panels,
32 and each such panel shall be composed of not less than three appellate
33 military judges. For the purpose of reviewing court-martial cases, the court
34 may sit in panels or as a whole in accordance with rules prescribed under
35 subsection (f). Any decision of a panel may be reconsidered by the court
36 sitting as a whole in accordance with such rules. Appellate military judges
37 who are assigned to a court of military review may be commissioned
38 officers or civilians, each of whom must be a member of a bar of a federal
39 court or the highest court of a state. The judge advocate general shall
40 designate as chief judge one of the appellate military judges of the court of
41 military review established by the judge advocate general. The chief judge
42 shall determine on which panels of the court the appellate judges assigned
43 to the court will serve and which military judge assigned to the court will

1 act as the senior judge on each panel.

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

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

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

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

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

22 (e) The judge advocate general shall, unless there is to be further
23 action by the governor, the adjutant general, the Kansas court of appeals or
24 the Kansas ~~supreme~~ *superior* court, instruct the convening authority to
25 take action in accordance with the decision of the court of military review.
26 If the court of military review has ordered a rehearing but the convening
27 authority finds a rehearing impracticable, the convening authority shall
28 dismiss the charges.

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

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

42 (h) No member of a court of military review shall be eligible to
43 review the record of any trial if such member served as investigating

1 officer in the case or served as a member of the court-martial before which
2 such trial was conducted, or served as military judge, trial or defense
3 counsel or reviewing officer of such trial.

4 Sec. 60. On or after July 1, 2017, K.S.A. 48-2925 is hereby amended
5 to read as follows: 48-2925. (a) The judge advocate general shall detail in
6 the judge advocate general's office one or more commissioned officers as
7 appellate government counsel, and one or more commissioned officers as
8 appellate defense counsel, who are qualified under ~~subsection (b)(2) of~~
9 K.S.A. 48-2905(b)(2), and amendments thereto.

10 (b) Appellate government counsel shall represent the state of Kansas
11 before the court of military review or the Kansas court of appeals when
12 directed to do so by the judge advocate general. Appellate government
13 counsel may represent the state before the Kansas ~~supreme~~ superior court
14 in cases arising under this chapter when requested to do so by the attorney
15 general.

16 (c) Appellate defense counsel shall represent the accused before the
17 court of military review, the Kansas court of appeals or the Kansas
18 ~~supreme~~ superior court:

19 (1) When requested by the accused; or

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

21 (d) The accused has the right to be represented before the court of
22 military review, the Kansas court of appeals, or the Kansas ~~supreme~~
23 superior court by civilian counsel if provided by the accused and at the
24 accused's own expense.

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

28 Sec. 61. On or after July 1, 2017, K.S.A. 2015 Supp. 55-1410 is
29 hereby amended to read as follows: 55-1410. Any action of the
30 commission under the Kansas natural gas pricing act is subject to review
31 by the ~~supreme~~ superior court in accordance with the Kansas judicial
32 review act. Such review shall be taken in the same manner and time as
33 allowed by law for actions for review by the court of appeals of orders of
34 the commission which relate to rate hearings.

35 Sec. 62. On or after July 1, 2017, K.S.A. 60-1301 is hereby amended
36 to read as follows: 60-1301. A justice of the supreme court, *a judge of the*
37 *superior court*, a judge of the court of appeals or a district judge, or in the
38 district judge's absence from the county a district magistrate judge, shall
39 have authority to appoint a receiver in conformity with the provisions of
40 K.S.A. 60-1302 and 60-1303, and amendments thereto, whose duty it shall
41 be to keep, preserve, and manage all property and protect any business or
42 business interest entrusted to the receiver pending the determination of any
43 proceeding in which such property or interest may be affected by the final

1 judgment. A person who has an interest in property or in the outcome of
2 the proceeding shall not be appointed or continued as a receiver if
3 objection is made thereto by another interested party unless the judge finds
4 and rules that such objection is arbitrary or unreasonable.

5 Sec. 63. On or after July 1, 2017, K.S.A. 2015 Supp. 60-1501 is
6 hereby amended to read as follows: 60-1501. (a) Subject to the provisions
7 of K.S.A. 60-1507, and amendments thereto, any person in this state who
8 is detained, confined or restrained of liberty on any pretense whatsoever,
9 and any parent, guardian, or next friend for the protection of infants or
10 allegedly incapacitated or incompetent persons, physically present in this
11 state may prosecute a writ of habeas corpus in the supreme court, *superior*
12 *court*, court of appeals or the district court of the county in which such
13 restraint is taking place. No docket fee shall be required, as long as the
14 petitioner complies with the provisions of ~~subsection (b) of~~ K.S.A. 60-
15 2001(b), and amendments thereto.

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

21 (c) Except as provided in K.S.A. 60-1507, and amendments thereto, a
22 patient in the custody of the secretary for aging and disability services
23 pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall file a
24 petition for writ pursuant to subsection (a) within 30 days from the date the
25 action was final, but such time is extended during the pendency of the
26 patient's timely attempts to exhaust such patient's administrative remedies.

27 Sec. 64. On or after July 1, 2017, K.S.A. 60-2101 is hereby amended
28 to read as follows: 60-2101. (a) The court of appeals shall have jurisdiction
29 to hear appeals from district courts, except in those cases reviewable by
30 law in the district court and in those cases where a direct appeal to the
31 ~~supreme~~ *superior* court is required by law. The court of appeals also shall
32 have jurisdiction to hear appeals from administrative decisions where a
33 statute specifically authorizes an appeal directly to the court of appeals
34 from an administrative body or office. In any case properly before it, the
35 court of appeals shall have jurisdiction to correct, modify, vacate or
36 reverse any act, order or judgment of a district court *in order* to assure that
37 any such act, order or judgment is just, legal and free of abuse. Appeals
38 from the district court to the court of appeals in criminal cases shall be
39 subject to the provisions of K.S.A. 22-3601 and 22-3602, and amendments
40 thereto, and appeals from the district court to the court of appeals in civil
41 actions shall be subject to the provisions of K.S.A. 60-2102, and
42 amendments thereto.

43 (b) The ~~supreme~~ *superior* court shall have jurisdiction to correct,

1 modify, vacate or reverse any act, order or judgment of a district court or
2 court of appeals in order to assure that any such act, order or judgment is
3 just, legal and free of abuse. An appeal from a final judgment of a district
4 court in any civil action in which a statute of this state or of the United
5 States has been held unconstitutional shall be taken directly to the ~~supreme~~
6 *superior* court. Direct appeals from the district court to the ~~supreme~~
7 *superior* court in criminal cases shall be as prescribed by K.S.A. 22-3601
8 and 22-3602, and amendments thereto. Cases appealed to the court of
9 appeals may be transferred to the ~~supreme~~ *superior* court as provided in
10 K.S.A. 20-3016 and 20-3017, and amendments thereto, and any decision
11 of the court of appeals shall be subject to review by the ~~supreme~~ *superior*
12 court as provided in ~~subsection (b) of~~ K.S.A. 20-3018(*b*), and amendments
13 thereto, except that any party may appeal from a final decision of the court
14 of appeals to the ~~supreme~~ *superior* court, as a matter of right, whenever a
15 question under the constitution of either the United States or the state of
16 Kansas arises for the first time as a result of such decision.

17 (c) As used in the code of civil procedure, the term "appellate court"
18 means the ~~supreme~~ *superior* court or court of appeals, depending on the
19 context in which such term is used and the respective jurisdiction of such
20 courts over appeals in civil actions as provided in this section and K.S.A.
21 60-2102, and amendments thereto.

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

36 Sec. 65. On or after July 1, 2017, K.S.A. 2015 Supp. 60-2102 is
37 hereby amended to read as follows: 60-2102. (a) *Appeal to court of*
38 *appeals as matter of right*. Except for any order or final decision of a
39 district magistrate judge who is not regularly admitted to practice law in
40 Kansas, the appellate jurisdiction of the court of appeals may be invoked
41 by appeal as a matter of right from:

42 (1) An order that discharges, vacates or modifies a provisional
43 remedy.

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

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

9 (4) A final decision in any action, except in an action where a direct
10 appeal to the ~~supreme~~ superior court is required by law. In any appeal or
11 cross appeal from a final decision, any act or ruling from the beginning of
12 the proceedings shall be reviewable.

13 (b) ~~Appeal to supreme superior court as matter of right.~~ The appellate
14 jurisdiction of the ~~supreme superior~~ court may be invoked by appeal as a
15 matter of right from:

16 (1) A preliminary or final decision in which a statute of this state has
17 been held unconstitutional as a violation of Article 6 of the constitution of
18 the state of Kansas pursuant to K.S.A. 2015 Supp. 72-64b03, and
19 amendments thereto. Any appeal filed pursuant to this ~~subsection (b)(1)-~~
20 *paragraph* shall be filed within 30 days of the date the preliminary or final
21 decision is filed.

22 (2) a final decision of the district court in any action challenging the
23 constitutionality of or arising out of any provision of the Kansas expanded
24 lottery act, any lottery gaming facility management contract or any
25 racetrack gaming facility management contract entered into pursuant to the
26 Kansas expanded lottery act.

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

40 Sec. 66. On or after July 1, 2017, K.S.A. 60-3201 is hereby amended
41 to read as follows: 60-3201. (a) *Except as provided in subsection (b)*, the
42 Kansas supreme court may answer questions of law certified to it by the
43 supreme court of the United States, a court of appeals of the United States,

1 a United States district court or the highest appellate court or the
2 intermediate appellate court of any other state, when requested by the
3 certifying court if there are involved in any proceeding before it questions
4 of law of this state which may be determinative of the cause then pending
5 in the certifying court and as to which it appears to the certifying court
6 there is no controlling precedent in the decisions of the supreme court ~~and~~
7 ~~the~~, *the superior court or the court of appeals* of this state.

8 (b) *If a question of law certified to the Kansas supreme court is not a*
9 *question within the supreme court's original jurisdiction or appellate*
10 *jurisdiction as provided by law, the supreme court shall refer such*
11 *question to the superior court, and the superior court may answer such*
12 *question.*

13 Sec. 67. On or after July 1, 2017, K.S.A. 60-3208 is hereby amended
14 to read as follows: 60-3208. The supreme court, *the superior court* or the
15 court of appeals of this state, on its own motion or the motion of any party,
16 may order certification of questions of law to the highest court of any state
17 when it appears to the certifying court that there are involved in any
18 proceeding before the court questions of law of the receiving state which
19 may be determinative of the cause then pending in the certifying court and
20 it appears to the certifying court that there are no controlling precedents in
21 the decisions of the highest court or intermediate appellate courts of the
22 receiving state.

23 Sec. 68. On or after July 1, 2017, K.S.A. 2015 Supp. 65-4211 is
24 hereby amended to read as follows: 65-4211. (a) Any person aggrieved by
25 a decision of the board, and affected thereby, shall be entitled to judicial
26 review in accordance with the provisions of the Kansas judicial review act.

27 (b) Any party may have review of the final judgment or decision of
28 the district court by appeal to the ~~supreme~~ *superior* court pursuant to the
29 Kansas judicial review act.

30 Sec. 69. On or after July 1, 2017, K.S.A. 68-527a is hereby amended
31 to read as follows: 68-527a. Whenever a dispute arises over the
32 maintenance, improvement ~~and/or~~ *or* inspection of roads located on county
33 lines or township lines on designated county line roads as provided for in
34 K.S.A. 68-507 and 68-527, *and amendments thereto*, the district court of
35 the county in which the road is located shall have jurisdiction to hear and
36 settle the dispute. If the decision involves a designated county line road,
37 the district court of any county which adjoins such county line road shall
38 have jurisdiction of and it shall be its duty to hear and settle the dispute. If
39 an action is filed in more than one district court, the last action filed shall
40 be dismissed on motion. Appeals to the ~~supreme~~ *superior* court may be
41 taken from the decision of the district court.

42 Sec. 70. On or after July 1, 2017, K.S.A. 2015 Supp. 72-64b03 is
43 hereby amended to read as follows: 72-64b03. (a) If a petition is filed in a

1 district court of this state alleging a violation of article 6 of the
 2 *constitution of the state of Kansas-constitution*, the chief judge of such
 3 district court shall notify the chief justice of the supreme court *judge of the*
 4 *superior court* of such petition within three business days thereafter.

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

13 (c) The judicial panel shall establish venue pursuant to K.S.A. 2015
 14 Supp. 72-64b04, and amendments thereto.

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

25 Sec. 71. On or after July 1, 2017, K.S.A. 2015 Supp. 74-8762 is
 26 hereby amended to read as follows: 74-8762. (a) As used in this section:

27 (1) "Affiliated person" means:

28 (A) Any member of the immediate family of a state or local official;
 29 or

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

35 (2) "State or local official" means any person who, on or after January
 36 9, 2006, is:

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

42 (B) the governor or any full-time professional employee of the office
 43 of the governor;

1 (C) any member of the legislature and any full-time professional
2 employee of the legislature;

3 (D) any justice of the supreme court, *judge of the superior court*,
4 judge of the court of appeals or judge of the district court;

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

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

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

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

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

38 (d) No state or local official shall solicit or accept, directly or
39 indirectly, any complimentary service or discount from any person
40 submitting a proposal for a lottery gaming facility or racetrack gaming
41 facility, or from any lottery gaming facility manager or racetrack gaming
42 facility manager, which such official knows or has reason to know is other
43 than a service or discount that is offered to members of the general public

1 in like circumstance.

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

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

12 Sec. 72. On or after July 1, 2017, K.S.A. 2015 Supp. 74-8813 is
13 hereby amended to read as follows: 74-8813. (a) A nonprofit organization
14 may apply to the commission for an organization license to conduct horse
15 races or an organization license to conduct greyhound races, or both such
16 licenses. In addition, an organization license may authorize the licensee to
17 construct or own a racetrack facility if so provided by the commission. The
18 application for an organization license shall be filed with the commission
19 at a time and place prescribed by rules and regulations of the commission.
20 The application shall specify the days when and the exact location where it
21 proposes to conduct such races and shall be in a form and include such
22 information as the commission prescribes. A nonrefundable application fee
23 in the form of a certified check or bank draft shall accompany the
24 application. Except as provided pursuant to K.S.A. 74-8814, and
25 amendments thereto, such fee shall be \$5,000 for each application. If the
26 application fee is insufficient to pay the reasonable expenses of processing
27 the application and investigating the applicant's qualifications for
28 licensure, the commission shall require the applicant to pay to the
29 commission, at such times and in such form as required by the
30 commission, any additional amounts necessary to pay such expenses. No
31 license shall be issued to an applicant until the applicant has paid such
32 additional amounts in full, and such amounts shall not be refundable
33 except to the extent that they exceed the actual expenses of processing the
34 application and investigating the applicant's qualifications for licensure.

35 (b) If an applicant for an organization license is proposing to
36 construct a racetrack facility, such applicant, at the time of submitting the
37 application, shall deposit with the commission, in such form as prescribed
38 by rules and regulations of the commission, the sum of: (1) \$500,000, if
39 the number of racing days applied for in a racing season is 150 days or
40 more; (2) \$250,000, if the number of racing days applied for is less than
41 150 days; or (3) a lesser sum established by the commission, if the
42 applicant meets the qualifications set forth in ~~subsection (a)(1) or (a)(2)~~ of
43 K.S.A. 74-8814(a)(1) or (a)(2), and amendments thereto, or if the

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

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

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

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

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

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

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

42 (6) no director, officer, employee or agent of the applicant shall have
43 been convicted of any of the following in any court of any state or of the

1 United States or shall have been adjudicated in the last five years in any
2 such court of committing as a juvenile an act which, if committed by an
3 adult, would constitute any of the following: (A) Fixing of horse or
4 greyhound races; (B) illegal gambling activity; (C) illegal sale or
5 possession of any controlled substance; (D) operation of any illegal
6 business; (E) repeated acts of violence; or (F) any felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (g) Except as otherwise provided pursuant to K.S.A. 74-8814, and
43 amendments thereto, each organization licensee shall pay a license fee in

1 the amount of \$200 for each day of racing approved by the commission.
2 Such fees shall be paid at such times and by such means as prescribed by
3 rules and regulations of the commission. The commission may authorize
4 the state treasurer to refund from the state racing fund a fee paid for any
5 racing day which was canceled with advance notice to and with the
6 approval of the commission.

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

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

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

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

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

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

41 (4) failure to properly maintain or to make available to the
42 commission such financial and other records sufficient to permit the
43 commission to verify the licensee's nonprofit status and compliance with

- 1 the provisions of this act or rules and regulations of the commission;
- 2 (5) providing to the commission any information material to the
3 issuance, maintenance or renewal of the licensee's license knowing such
4 information to be false or misleading;
- 5 (6) failure to meet the licensee's financial obligations incurred in
6 connection with the conduct of a race meeting; or
- 7 (7) a violation of K.S.A. 74-8833, and amendments thereto, or any
8 rules and regulations adopted pursuant to that section.
- 9 (k) Prior to suspension or revocation of a license pursuant to
10 subsection (j), the commission shall give written notice of the reason
11 therefor in detail to the organization licensee and to all facility owner and
12 facility manager licensees with whom the organization licensee is doing
13 business. Upon receipt of such notice by all of such licensees, the
14 organization licensee shall have 30 days in which to cure the alleged
15 violation, if it can be cured. If the commission finds that the violation has
16 not been cured upon expiration of the 30 days, or upon a later deadline
17 granted by the commission, or if the commission finds that the alleged
18 violation is of such a nature that it cannot be cured, the commission shall
19 proceed to suspend or revoke the license pursuant to subsection (j).
20 Nothing in this subsection shall be construed to preclude the commission
21 from imposing a fine pursuant to subsection (j) even if the violation is
22 cured within 30 days or such other period as provided by the commission.
- 23 (l) Prior to the expiration of an organization license, the organization
24 may apply to the commission for renewal of such license. The renewal
25 application shall be in a form and include such information as the
26 commission prescribes. The commission shall grant such renewal if the
27 organization meets all of the qualifications required for an initial license.
28 The commission may charge a fee for the processing of the renewal
29 application not to exceed the application fee authorized for an initial
30 license.
- 31 (m) Once an organization license has been issued, no person
32 thereafter and during the term of such license shall in any manner become
33 the owner or holder, directly or indirectly, of any shares of stock or
34 certificates or other evidence of ownership or become a director or officer
35 of such organization licensee without first having obtained the written
36 approval of the commission.
- 37 (n) An organization licensee shall submit to the commission for
38 approval a copy of each contract and agreement which the organization
39 licensee proposes to enter into and any proposed modification of any such
40 contract or agreement, including but not limited to those involving:
- 41 (1) Any person to be employed by the organization licensee;
- 42 (2) any person supplying goods and services to the organization
43 licensee, including management, consulting or other professional services;

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

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

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

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

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

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

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

39 (3) a person who has contracted with a simulcasting licensee to allow
40 such licensee to display a simulcast race conducted by such person may
41 receive compensation in the form of a percentage of or a fee deducted
42 from the money received by the licensee from parimutuel wagers placed
43 on such race if such contract is filed with the commission.

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

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

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

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

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

41 (t) Any license granted an organization licensee to conduct races at a
42 dual racetrack facility shall be conditioned on the organization licensee's
43 conducting live horse races on not less than 20% of the annual racing days

1 granted the licensee by the commission. If an organization licensee fails to
2 comply with such condition, the commission may revoke the organization
3 licensee's license unless the licensee demonstrates reasonable justification
4 for the failure.

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

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

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

24 Sec. 73. On or after July 1, 2017, K.S.A. 2015 Supp. 74-8815 is
25 hereby amended to read as follows: 74-8815. (a) Any person, partnership,
26 corporation or association, or the state of Kansas or any political
27 subdivision thereof, may apply to the commission for a facility owner
28 license to construct or own, or both, a racetrack facility which includes a
29 racetrack and other areas designed for horse racing or greyhound racing, or
30 both.

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

34 (c) A facility owner license or a facility manager license shall be
35 issued for a period established by the commission but not to exceed 25
36 years. The application for a facility owner license shall be accompanied by
37 a nonrefundable fee of \$5,000. An application for a facility manager
38 license shall be accompanied by a nonrefundable fee of \$5,000. If the
39 application fee is insufficient to pay the reasonable expenses of processing
40 the application and investigating the applicant's qualifications for
41 licensure, the commission shall require the applicant to pay to the
42 commission, at such times and in such form as required by the
43 commission, any additional amounts necessary to pay such expenses. No

1 license shall be issued to an applicant until the applicant has paid such
2 additional amounts in full, and such amounts shall not be refundable
3 except to the extent that they exceed the actual expenses of processing the
4 application and investigating the applicant's qualifications for licensure.

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

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

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

42 (1) Has been suspended or ordered to cease operation of a parimutuel
43 racing facility in another jurisdiction by the appropriate authorities in that

1 jurisdiction, has been ordered to cease association or affiliation with such a
2 racing facility or has been banned from such a racing facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (k) If an applicant for a facility owner license proposes to construct a
37 racetrack facility and the commission determines that such license should
38 be issued to the applicant, the commission shall issue to the applicant a
39 facility owner license conditioned on the submission by the licensee to the
40 commission, within a period of time prescribed by the commission, of a
41 commitment for financing the construction of the racetrack facility by a
42 financial institution or other source, subject to approval by the
43 commission. If such commitment is not submitted within the period of

1 time originally prescribed by the commission or such additional time as
2 authorized by the commission, the license shall expire at the end of such
3 period.

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

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

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

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

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

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

38 Sec. 74. On or after July 1, 2017, K.S.A. 2015 Supp. 75-430 is hereby
39 amended to read as follows: 75-430. (a) The secretary of state shall
40 compile, index and publish a publication to be known as the Kansas
41 register. Such register shall contain:

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

- 1 (2) all executive orders and directives of the governor which are
2 required to be filed in the office of the secretary of state;
- 3 (3) summaries of all opinions of the attorney general interpreting acts
4 of the legislature as prepared by the office of the attorney general;
- 5 (4) notice of any public comment period on contemplated
6 modification of an existing rule and regulation, and, in accordance with the
7 provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and
8 amendments thereto, all notices of hearings on proposed administrative
9 rules and regulations and the full text of all administrative rules and
10 regulations that have been adopted and filed with the secretary of state;
- 11 (5) the full text of all administrative rules and regulations which have
12 been adopted and filed in accordance with the provisions of article 4 of
13 chapter 77 of the Kansas Statutes Annotated, and amendments thereto,
14 except that the secretary of state may publish a summary of any rule and
15 regulation together with the address of the state agency from which a copy
16 of the full text of the proposed rules and regulations may be received, if
17 such rule and regulation is lengthy and expensive to publish and otherwise
18 available in published form and a summary will, in the opinion of the
19 secretary, properly notify the public of the contents of such rule and
20 regulation;
- 21 (6) a cumulative index of all administrative rules and regulations
22 which have been adopted and filed in accordance with the provisions of
23 article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments
24 thereto;
- 25 (7) all notices of hearings of special legislative interim study
26 committees, descriptions of all prefiled bills and resolutions and
27 descriptions of all bills and resolutions introduced in the legislature during
28 any session of the legislature, and other legislative information which is
29 approved for publication by the legislative coordinating council;
- 30 (8) the hearings docket of the Kansas supreme court, *the superior*
31 *court* and the court of appeals;
- 32 (9) summaries of all orders of the state board of tax appeals which
33 have statewide application;
- 34 (10) all advertisements for contracts for construction, repairs,
35 improvements or purchases by the state of Kansas or any agency thereof
36 for which competitive bids are required; and
- 37 (11) any other information which the secretary of state deems to be of
38 sufficient interest to the general public to merit its publication or which is
39 required by law to be published in the Kansas register.
- 40 (b) The secretary of state shall publish such register at regular
41 intervals, but not less than weekly.
- 42 (c) Each issue of the register shall contain a table of contents.
- 43 (d) A cumulative index to all information required by K.S.A. 75-430

1 through 75-434, and amendments thereto, to be published during the
2 previous year shall be published at least once each year.

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

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

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

17 Sec. 75. On or after July 1, 2017, K.S.A. 2015 Supp. 75-702 is hereby
18 amended to read as follows: 75-702. The attorney general shall appear for
19 the state, and prosecute and defend any and all actions and proceedings,
20 civil or criminal, in the Kansas supreme court, *the Kansas superior court*,
21 the Kansas court of appeals and in all federal courts, in which the state
22 shall be interested or a party, and shall, when so appearing, control the
23 state's prosecution or defense. The attorney general shall also, when
24 required by the governor or either branch of the legislature, appear for the
25 state and prosecute or defend, in any other court or before any officer, in
26 any cause or matter, civil or criminal, in which this state may be a party or
27 interested or when the constitutionality of any law of this state is at issue
28 and when so directed shall seek final resolution of such issue in the
29 supreme court of the state of Kansas. The attorney general shall have
30 authority to prosecute any matter related to a violation of K.S.A. 12-189 or
31 75-5133, and amendment thereto, related to unlawful acts when the
32 offender is an officer or employee of a city or county.

33 Sec. 76. On or after July 1, 2017, K.S.A. 2015 Supp. 75-31201 is
34 hereby amended to read as follows: 75-31201. (a) Whenever the rates of
35 compensation of the pay plan for persons in the classified service under
36 the Kansas civil service act are increased for payroll periods chargeable to
37 fiscal years commencing after June 30, 1993, the annual salary of the chief
38 justice of the supreme court, each other justice of the supreme court, *the*
39 *chief judge of the superior court*, *each other judge of the superior court*,
40 the chief judge of the court of appeals, each other judge of the court of
41 appeals, each district judge and each district magistrate judge shall be
42 increased by an amount, adjusted to the nearest dollar, computed by
43 multiplying the average of the percentage increases in all monthly steps of

1 such pay plan by the annual salary of the justice or judge which is being
2 received as provided by law and which is in effect prior to the effective
3 date of such increase in the rates of compensation of the pay plan for
4 persons in the classified service under the Kansas civil service act.

5 (b) If increases in the monthly rates of compensation from step
6 movements of the pay plan for persons in the classified service under the
7 Kansas civil service act are authorized for the fiscal year ending June 30,
8 1995, or any fiscal year thereafter, the annual salary of the chief justice of
9 the supreme court, each other justice of the supreme court, *the chief judge*
10 *of the superior court, each other judge of the superior court*, the chief
11 judge of the court of appeals, each other judge of the court of appeals, each
12 district judge and each district magistrate judge shall be increased by an
13 amount, adjusted to the nearest dollar, computed by multiplying the
14 average percentage increase in the monthly rate of compensation from step
15 movements on the pay plan for persons in the classified service under the
16 Kansas civil service act determined under subsection (c) by the annual
17 salary of the justice or judge which is being received as provided by law
18 and which is in effect prior to the effective date of such increase. The
19 increase in the annual salary of each justice or judge pursuant to this
20 subsection shall take effect on the first day of the first payroll period which
21 is chargeable to the fiscal year in which such step movements on the pay
22 plan are authorized to take effect.

23 (c) For purposes of subsection (b), the average percentage increase in
24 the monthly rate of compensation from step movements on the pay plan
25 for persons in the classified service under the Kansas civil service act shall
26 be equal to the percentage certified by the secretary of administration
27 which equals the estimated average of the percentage increases in all
28 monthly rates of compensation from step movements on the pay plan for
29 persons in the classified service under the Kansas civil service act which
30 are authorized to take effect during the fiscal year in which such step
31 movements on the pay plan are authorized to take effect.

32 (d) If the increase under subsection (a) takes effect on the first day of
33 the first payroll period of the fiscal year, the percentage rate increases
34 determined under subsections (a) and (b) shall be added together and such
35 aggregate percentage increase of compensation under this section shall be
36 used to increase the rate of compensation of each justice or judge instead
37 of applying the increases under subsections (a) and (b) separately.

38 (e) The provisions of this section shall not apply to the annual salary
39 of any district judge nor the salary of any magistrate judge for any payroll
40 period chargeable to the fiscal year ending June 30, 2007. The provisions
41 of this section shall apply to the annual salary of each district judge or
42 magistrate judge for payroll periods chargeable to fiscal years
43 commencing after June 30, 2007.

1 Sec. 77. On and after July 1, 2017, K.S.A. 75-3216 is hereby
2 amended to read as follows: 75-3216. Nothing in article 32 of chapter 75
3 of Kansas Statutes Annotated, *and amendments thereto*, shall be construed
4 to limit the expenses when traveling in-state or out-of-state of the
5 governor, any member of the legislature, any officer or employee of the
6 legislative branch including the office of revisor of statutes or legislative
7 research department, any officer or member of the interstate cooperation
8 commission, any justice of the supreme court, *any judge of the superior*
9 *court*, any judge of the court of appeals, the judicial administrator, the
10 clerk of the supreme court, any member of the state board of law
11 examiners, any member of the commission on judicial qualifications, any
12 judge of the district court, any elective state officer, any appointed state
13 officer or employee when such appointive officer or employee is required
14 by an elected state officer to accompany such elected state officer on an
15 official trip or any designated employee of the governor while representing
16 the governor at an out-of-state official function.

17 Sec. 78. On and after July 1, 2017, K.S.A. 2015 Supp. 75-3692 is
18 hereby amended to read as follows: 75-3692. (a) As used in this section:

19 (1) "Affiliated person" means:

20 (A) Any member of the immediate family of a state or local official;
21 or

22 (B) any partnership, firm, corporation or limited liability company
23 with which a state or local official is associated or in which a state or local
24 official has an interest, or any partner, officer, director or employee thereof
25 while the state or local official is associated with such partnership, firm,
26 corporation or company.

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

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

30 (B) the governor or any full-time professional employee of the office
31 of the governor;

32 (C) any member of the legislature and any full-time professional
33 employee of the legislature;

34 (D) any justice of the supreme court, *judge of the superior court*,
35 judge of the court of appeals or judge of the district court;

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

38 (F) any member of the governing body of a city in Shawnee county or
39 the governing body of Shawnee county; any municipal or county judge of
40 such city or county; any city, county or district attorney of such city or
41 county; and any member of or attorney for the planning board or zoning
42 board of such city or county and any professional planner or consultant
43 regularly employed or retained by such planning board or zoning board.

1 (b) No state or local official or affiliated person shall hold, directly or
2 indirectly, an interest in, be employed by, represent or appear for any entity
3 to bid on or purchase any property described in K.S.A. 2015 Supp. 75-
4 3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments thereto.

5 (c) No state or local official or affiliated person shall represent,
6 appear for or negotiate on behalf of any person or entity submitting a
7 proposal to bid on or purchase any property described in K.S.A. 2015
8 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments
9 thereto.

10 (d) No state or local official or affiliated person, within five years
11 immediately subsequent to the termination of the office or employment of
12 the official, shall hold, directly or indirectly, an interest in, be employed by
13 or represent, appear for or negotiate on behalf of any person or entity
14 submitting a proposal to bid on or purchase any property described in
15 K.S.A. 2015 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and
16 amendments thereto.

17 (e) No state or local official shall solicit or accept, directly or
18 indirectly, any complimentary service or discount from any person
19 submitting a proposal to bid on or purchase any property described in
20 K.S.A. 2015 Supp. 75-3687, 75-3688, 75-3689, 75-3690 or 75-3691, and
21 amendments thereto, which such official knows or has reason to know is
22 other than a service or discount that is offered to members of the general
23 public in like circumstance.

24 (f) No state or local official shall influence, or attempt to influence,
25 by use of official authority, the decision of the secretary of administration
26 in selling or conveying any property described in K.S.A. 2015 Supp. 75-
27 3687, 75-3688, 75-3689, 75-3690 or 75-3691, and amendments thereto.
28 Any such attempt shall be reported promptly to the attorney general.

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

30 Sec. 79. On and after July 1, 2017, K.S.A. 2015 Supp. 75-37,135 is
31 hereby amended to read as follows: 75-37,135. (a) (1) Prior to entering a
32 contract for legal services where the amount of the fees paid to an attorney
33 or firm of attorneys reasonably may exceed \$1,000,000, the director of
34 purchases shall submit the proposed request for proposal to the legislative
35 budget committee. Within 30 days after submission of such request for
36 proposal, the committee may hold a public hearing on the proposed
37 request for proposal and shall issue a report to the director of purchases.
38 The report shall include any proposed changes to the proposed request for
39 proposal suggested by the committee. The committee is not authorized to
40 waive the evidentiary privileges of the state, or any of the persons or
41 entities that state attorneys are representing or acting in concert with in any
42 litigation or anticipated litigation. The committee, the director of purchases
43 and their employees shall take all reasonable steps to protect such

1 privileges. The director of purchases shall review the report and adopt a
2 final request for proposal as deemed appropriate in view of the report and
3 shall file the final request for proposal with the legislative budget
4 committee.

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

11 (3) If the legislative budget committee makes no suggested changes
12 to the proposed request for proposal or fails to report any suggested
13 changes within 60 days of the submission of the proposed request for
14 proposal to such committee, the director of purchases may release the
15 request for proposal.

16 (b) After awarding a contract for legal services where the amount of
17 the fees paid to an attorney or firm of attorneys reasonably may exceed
18 \$1,000,000, the director of purchases shall submit the contract to the
19 legislative budget committee. Within 30 days after submission of such
20 contract, the committee may hold a public hearing on the contract and
21 shall issue a report to the director of purchases. The report shall include
22 any concerns of the committee.

23 (c) The provisions of this section shall not apply in any action in
24 which the state of Kansas or any state agency, officer or employee is a
25 defendant and a contract for legal services is to be entered. The director of
26 purchases shall prepare a report each calendar quarter while such legal
27 proceeding is in progress. Such report shall include the case citation and
28 the date upon which the action was filed. The director of purchases shall
29 submit the report to the legislative coordinating council, the chairperson of
30 the committee on ways and means of the senate, the chairperson of the
31 committee on appropriations of the house of representatives and the
32 chairperson of the Kansas performance review board.

33 (d) The director of purchases shall prepare a detailed report at least
34 once in each calendar quarter of each legal proceeding which has been
35 completed and for which a contingency fee arrangement was entered. Such
36 report shall disclose the hours worked on the case, the expenses incurred,
37 the aggregate fee amount and a breakdown as to the hourly rate, based on
38 hours worked divided into fee recovered, less expenses. The director of
39 purchases shall submit the report to the legislative coordinating council,
40 the chairperson of the committee on ways and means of the senate, the
41 chairperson of the committee on appropriations of the house of
42 representatives and the chairperson of the Kansas performance review
43 board.

1 (e) Reasonable attorney fees to be paid by the state or defendant in an
2 action where the attorney was hired by the state with a contingency fee
3 agreement shall be approved by the judge after an evidentiary hearing and
4 prior to final disposition of the case by the district court. Any individual
5 may provide information to the court and be heard before the court with
6 regard to the reasonableness of attorney fees paid by the state or defendant
7 under the contingency fee agreement. Compensation for reasonable
8 attorney fees for services performed in an appeal of a judgment in any
9 such action to the court of appeals shall be approved after an evidentiary
10 hearing by the chief judge or by the presiding judge of the panel hearing
11 the case. Compensation for reasonable attorney fees for services
12 performed in an appeal of a judgment in any such action to the supreme
13 court shall be approved after an evidentiary hearing by the departmental
14 justice for the department in which the appeal originated. *Compensation*
15 *for reasonable attorney fees for services performed in appeal of a*
16 *judgment in any such action to the superior court shall be approved after*
17 *an evidentiary hearing by the chief judge.* In determining the
18 reasonableness of such compensation, the judge or justice shall consider
19 the following:

20 (1) The time and labor required, the novelty and difficulty of the
21 questions involved and the skill requisite to perform the legal service
22 properly.

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

25 (3) The fee customarily charged in the locality for similar legal
26 services.

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

28 (5) The time limitations imposed by the client or by the
29 circumstances.

30 (6) The nature and length of the professional relationship with the
31 client.

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

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

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

1 Kansas public employees retirement system.

2 Sec. 80. On and after July 1, 2017, K.S.A. 2015 Supp. 82a-1505 is
3 hereby amended to read as follows: 82a-1505. (a) Any action of the panel
4 is subject to review in accordance with the Kansas judicial review act.

5 (b) The review proceedings shall have precedence in the district
6 court. Appellate proceedings shall have precedence in the court of appeals
7 and in the state-~~supreme~~ *superior* court under such terms and conditions as
8 the supreme court may fix by rule.

9 Sec. 81. On and after July 1, 2017, K.S.A. 3-709, 12-811, 13-1228h,
10 19-3517, 20-101, 20-139, 20-158, 20-163, 20-1a14, 20-205, 20-207, 20-
11 208, 20-211, 20-310b, 20-2201, 20-2616, 20-3016, 20-3018, 20-3208, 22-
12 2514, 22-2804, 22-4507, 24-702, 25-3206, 48-2922, 48-2925, 60-1301,
13 60-2101, 60-3201, 60-3208, 68-527a and 75-3216 and K.S.A. 2015 Supp.
14 7-121b, 9-1905, as amended by section 53 of 2016 Senate Bill No. 390,
15 20-1a15, 20-2601, 20-2622, 20-3002, 20-3006, 20-3017, 20-3021, 20-
16 3202, 20-3301, 21-5207, 21-5905, 21-6619, 21-6628, 21-6702, 22-2202,
17 22-3402, 22-3601, 22-3602, 22-3604, 22-3612, 22-4701, as amended by
18 section 1 of 2016 Senate Bill No. 362, 26-504, 45-217, as amended by
19 section 10 of 2016 Substitute for Senate Bill No. 22, 55-1410, 60-1501,
20 60-2102, 65-4211, 72-64b03, 74-8762, 74-8813, 74-8815, 75-430, 75-702,
21 75-31201, 75-3692, 75-37,135 and 82a-1505 are hereby repealed.

22 Sec. 82. This act shall take effect and be in force from and after its
23 publication in the statute book.