

House Concurrent Resolution No. 5005

By Committee on Judiciary

1-20

HCR5005-Balloon-Revisor
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Office of Revisor of Statutes
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1 A PROPOSITION to amend the constitution of the state of Kansas by
2 revising article 3 thereof, relating to the judiciary.

3
4 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
5 *members elected (or appointed) and qualified to the House of*
6 *Representatives and two-thirds of the members elected (or appointed)*
7 *and qualified to the Senate concurring therein:*

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

12 "Article 3.—JUDICIAL

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

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

35 "§3. **Jurisdiction and terms.** The supreme court shall have
36 original jurisdiction in proceedings in quo warranto, mandamus,

1 offices for the terms for which elected or appointed unless sooner
2 removed in the manner provided by law; (b) repeal any statute of
3 this state relating to the supreme court, the supreme court
4 nominating commission, the court of appeals, district courts, or any
5 other court, or relating to the justices or judges of such courts, and
6 such statutes shall remain in force and effect until amended or
7 repealed by the legislature."

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

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

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

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

37 Sec. 3. This resolution, if approved by two-thirds of the members
38 elected (or appointed) and qualified to the House of Representatives, and
39 two-thirds of the members elected (or appointed) and qualified to the
40 Senate shall be entered on the journals, together with the yeas and nays.
41 The secretary of state shall cause this resolution to be published as
42 provided by law and shall cause the proposed amendment to be submitted
43 to the electors of the state at the general election in November in the year

the current system in which justices of the supreme court
are appointed by the governor from a list of three
individuals submitted by the supreme court nominating
commission and judges of the court of appeals are
appointed by the governor, with the consent of the senate