

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **SB 439** be amended on page 1, in line 7, by striking all after "court"; by striking all in lines 8 and 9; in line 10, by striking all before "shall" and inserting ", other high crimes and misdemeanors"; in line 12, by striking "treason;"; in line 13, by striking all before the semicolon and inserting "offenses which bear on the justice's fitness for the duties such justice holds, which such justice is bound by oath or affirmation to perform"; in line 23, by striking "or judge"; in line 31, by striking all after "impeachment"; by striking all in line 32; in line 33, by striking all before the period;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 1, following line 33, by inserting:

"Sec. 2. For the purposes of sections 27 and 28 of article 2 of the constitution of the state of Kansas, in an impeachment proceeding against a constitutional officer of the executive department, other high crimes and misdemeanors shall include, but not be limited to, any one or more of the following:

(a) Commission of offenses which bear on the officer's fitness for the duties such officer holds, which such officer is bound by oath or affirmation to perform;

(b) commission of other indictable criminal offenses;

(c) commission of a breach of the public trust;

(d) failure to perform adequately the duties of office;

(e) attempting to subvert fundamental laws and introduce arbitrary power;

(f) attempting to usurp the power of the legislative or judicial branch of government;

- (g) exhibiting discourteous conduct toward persons with whom the officer deals in an official capacity;
- (h) exhibiting wanton or reckless conduct;
- (i) exhibiting personal misbehavior or misconduct;
- (j) failure to properly supervise, administer or discipline executive branch personnel; or
- (k) such other actions which in accordance with section 28 of article 2 of the constitution of the state of Kansas may constitute grounds for impeachment.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "relating to grounds for impeachment of" and inserting "concerning impeachment; relating to other high crimes and misdemeanors;"; in line 2, by striking "certain judges of the district court" and inserting "constitutional officers of the executive department"; and the bill be passed as amended.

Chairperson