

is approved pursuant to this section, but no temporary permit shall be issued for the sale of intoxicating liquor by the drink within any county in which the regulation, licensing, taxation and sale of intoxicating liquor by the drink in public places is prohibited.

History: L. 1879, ch. 165, § 1; L. 1947, ch. 248, § 1; L. 1985, ch. 360, § 1; Nov. 4, 1986.

§ 11.

History: L. 1919, ch. 321, § 1; repealed, L. 1972, ch. 396, § 1; Aug. 1, 1972.

§ 12. Membership or nonmembership in labor organizations. No person shall be denied the opportunity to obtain or retain employment because of membership or nonmembership in any labor organization, nor shall the state or any subdivision thereof, or any individual, corporation, or any kind of association enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of membership or nonmembership in any labor organization.

History: L. 1957, ch. 235, § 1; Nov. 4, 1958.

§ 13. Continuity of state and local governmental operations. Notwithstanding any general or special provision of this constitution, the legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred the legislature shall in all respects conform to the requirements of this constitution except to the extent that in the judgment of the legislature so to do would be impracticable or would admit of undue delay.

History: L. 1959, ch. 183, § 1; Nov. 8, 1960.

§ 14. Oaths of state officers. All state

officers before entering upon their respective duties shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of their respective offices.

History: L. 1974, ch. 459, § 1; Nov. 5, 1974.

§ 15. Victims' rights. (a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process, and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

(b) Nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The legislature may provide for other remedies to ensure adequate enforcement of this section.

(c) Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an acceptance of a plea of guilty or to set aside any sentence imposed or any other final disposition in any criminal case.

History: L. 1992, ch. 343, § 1; Nov. 3, 1992.

§ 16. Marriage. (a) The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void.

(b) No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.

History: L. 2005, ch. 211, § 1; Apr. 5, 2005.

SCHEDULE

§ 1. Change from a territorial to a state government. That no inconvenience may arise from the change from a territorial government to a permanent state government, it is declared by this constitution that all suits, rights, actions, prosecutions, recognizances, contracts, judgments and

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Kansas Statutes Annotated

Chapter 48.—MILITIA, DEFENSE AND PUBLIC SAFETY

Articles

13. EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT.

**Article 13.—EMERGENCY INTERIM
LEGISLATIVE SUCCESSION ACT**

48-1301. **Short title.** This act shall be known as the "emergency interim legislative succession act."

History: L. 1961, ch. 252, § 1; June 30.

48-1302. **Declaration of policy.** The legislature declares: (1) That recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the legislature; (2) that to conform in time of attack to existing legal requirements pertaining to the legislature would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted legislature; and (3) that it is therefore necessary to adopt special provisions as hereinafter set out for the effective operation of the legislature.

History: L. 1961, ch. 252, § 2; June 30.

48-1303. **Definitions.** As used in this act:

(a) "Attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or methods.

(b) "Unavailable" means absent from the place of session (other than on official business of the legislature), or unable, for physical, mental or legal reasons, to exercise the powers and discharge

the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

History: L. 1961, ch. 252, § 3; June 30.

48-1304. **Designation of emergency interim successors to legislators.** In the event any legislator is unavailable following an attack, then, an emergency interim successor shall be designated as hereinafter provided.

(a) If the legislator is from a representative district or senatorial district which comprises only one county, the emergency interim successor shall be designated by the county committee of the political party of which such legislator is a member in like manner as provided in K.S.A. 25-319 [*]for the filling of vacancies in the legislature.

(b) If the legislator is from a senatorial district comprising more than one county the emergency interim successor shall be designated by the senatorial district committee of the political party of which such legislator is a member in like manner as provided by K.S.A. 25-320 [*]for the filling of vacancies in the legislature.

History: L. 1961, ch. 252, § 4; June 30.

48-1305. **Status, qualifications of emergency interim successors.** An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he or she may under the constitution and statutes hold the office of the legislator to whose powers and duties he or she is designated to

succeed, but no constitutional or statutory provision prohibiting a legislator from holding another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor.

History: L. 1961, ch. 252, § 5; L. 1965, ch. 338, §1; June 30.

48-1306. Oath of emergency interim successors. Promptly after designation each emergency interim successor shall take the oath required for the legislator to whose powers and duties he or she is designated to succeed. No other oath shall be required.

History: L. 1961, ch. 252, § 6; June 30.

48-1307. Duty of emergency interim successor. Each emergency interim successor shall keep himself or herself generally informed as to the duties, procedures, practices and current business of the legislature, and each legislator shall assist his or her emergency interim successors to keep themselves so informed.

History: L. 1961, ch. 252, § 7; June 30.

48-1308. Place of legislative session. Whenever in the event of an attack, the governor deems the place of session then prescribed to be unsafe, the governor may change it to any place in the state which he or she deems safer and convenient.

History: L. 1961, ch. 252, § 8; June 30.

48-1309. Convening of legislature in event of attack. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within ninety days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the governor then has his or her office. Each legislator or his or her emergency interim successor shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

History: L. 1961, ch. 252, § 9; June 30.

48-1310. Assumption of powers and

duties of legislator by emergency interim successor. If in the event of an attack a legislator is unavailable, his or her emergency interim successor shall exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until the incumbent legislator, or a legislator appointed or elected and legally qualified can act. Each house of the legislature shall, in accordance with its own rules, determine who is entitled under the provisions of this act to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

History: L. 1961, ch. 252, § 10; June 30.

48-1311. Privileges, immunities and compensation of emergency interim successors. When an emergency interim successor exercises the powers and assumes the duties of a legislator, the successor shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. In the event of an attack, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a legislator, shall be accorded the privileges and immunities of a legislator while traveling to and from a place of session and shall be compensated for travel in the same manner and amount as a legislator. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of office of an incumbent legislator.

History: L. 1961, ch. 252, § 11; June 30.

48-1312. Quorum and vote requirements. In the event of an attack (1) quorum requirements for the legislature shall be suspended; and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

History: L. 1961, ch. 252, § 12; June 30.

48-1313. Termination of operation of provisions of this act. The authority of emergency interim successors to succeed to the powers and

duties of legislators, and the operation of the provisions of this act relating to quorum, the number of affirmative votes required for legislative action, and limitations on the length of sessions and the subjects which may be acted upon, shall expire two years following the inception of an attack, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies and the calling of elections for the legislature in accordance with applicable constitutional and stat-

utory provisions. The governor, acting by proclamation, or the legislature, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon finding that events render the extension or restoration necessary, but no extension or restoration shall be for a period of more than one year.

History: L. 1961, ch. 252, § 13; June 30.