

HOUSE BILL No. 2057

By Committee on Elections

Requested by Representative Waggoner

1-22

1 AN ACT concerning the offices of United States senator, state treasurer
2 and the commissioner of insurance; relating to the filling of vacancies
3 in such offices; requiring the appointment of a person of the same
4 political party as the incumbent; requiring the legislature to nominate
5 three persons for consideration for such appointment and that the
6 governor appoint one of the nominated persons; establishing the joint
7 committee on vacancy appointments; amending K.S.A. 25-101b and
8 40-106 and repealing the existing sections; also repealing K.S.A. 25-
9 318.

10

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

12 New Section 1. (a) Upon a vacancy occurs in the office of United
13 States senator from this state, the governor shall make a temporary
14 appointment to fill such vacancy until a successor is elected and qualified.
15 Such temporary appointment shall be made in accordance with the
16 provisions of sections 2 through 6, and amendments thereto. Within two
17 calendar days after receiving a concurrent resolution adopted pursuant to
18 section 6, and amendments thereto, the governor shall appoint one of the
19 three persons designated as candidates in such concurrent resolution to
20 temporarily fill such vacancy. At the time of the next election of
21 representatives in congress immediately following such vacancy, such
22 vacancy shall be filled by election and the senator so elected shall take
23 office upon receiving such senator's certificate of election.

24 (b) No person shall be appointed pursuant to this act unless such
25 person is a resident of this state and shall have been registered with the
26 same political party for the immediately preceding 10 years as that of the
27 United States senator elected at the immediately preceding election for
28 such office. If the United States senator elected at the immediately
29 preceding election for such office was not registered with any political
30 party, then any suitable person who is a resident of this state may be
31 appointed pursuant to sections 2 through 6, and amendments thereto.

32 (c) No person appointed pursuant to subsection (a) shall take office
33 unless such appointment is certified by the secretary of state to the United
34 States senate. The secretary shall not certify any person as being appointed
35 to fill a vacancy in the office of United States senator unless such person is

1 five nominees for further consideration by the legislature.

2 New Sec. 4. (a) Either during the regular session of the legislature if
3 the joint committee meets during such regular session, or at the next
4 regular session or special session of the legislature if the joint committee
5 meets outside of the regular session, the legislature may adopt a concurrent
6 resolution calling for a joint session of the legislature to consider the
7 nominees identified by the joint committee under section 3, and
8 amendments thereto. Upon adoption of a concurrent resolution by both
9 houses of the legislature establishing the date and time for a joint session
10 of the legislature, the senate and the house of representatives shall meet in
11 joint session on such date and time for such purpose. The legislature, when
12 convened in such joint session, shall have no power to perform any act
13 other than considering such nominees.

14 (b) When in joint session pursuant to this section, the president of the
15 senate shall preside over the proceedings and if the office of the president
16 is vacant or the president is unable to do so, the speaker of the house of
17 representatives shall preside over the proceedings. The chief clerk of the
18 house of representatives and the secretary of the senate shall each keep a
19 record of the proceedings. It shall be the duty of the chief clerk and the
20 secretary to report such proceedings to their respective houses and record
21 such proceedings in their respective journals.

22 (c) The rules of the house of representatives and the joint rules of the
23 senate and the house of representatives in effect at the time of the joint
24 session shall be the rules for such joint session to the extent such rules do
25 not directly conflict with the provisions of sections 2 through 7, and
26 amendments thereto.

27 New Sec. 5. (a) All votes for nominees in a joint session of the
28 legislature shall be taken by voice vote. For each such vote, the secretary
29 of the senate shall first call the names of the members of the senate, and
30 then the chief clerk of the house of representatives shall call the names of
31 the members of the house. Each member of the legislature in attendance at
32 the joint session shall be required to vote on all nominees unless excused
33 by a majority vote of the members of the legislature in attendance.

34 (b) Each nominee identified in the report of the joint committee on
35 vacancy appointments shall be considered and voted upon separately. The
36 nominees so identified shall be considered in alphabetical order based on
37 the nominees' surnames.

38 (c) Any nominee who receives an affirmative vote from a majority of
39 both the members of the senate and the members of the house of
40 representatives shall be designated by the legislature as a candidate to
41 temporarily fill the vacancy in such office. If a nominee fails to receive the
42 required affirmative vote to be designated as a candidate, a motion to
43 reconsider such nominee shall be in order only after all nominees have

1 *not registered with any political party, then any suitable person who is a*
2 *resident of this state may be appointed pursuant to sections 2 through 6,*
3 *and amendments thereto.*

4 (b) No person appointed pursuant to subsection (a) shall take office
5 unless such appointment is certified by the secretary of state. The secretary
6 shall not certify any person as being appointed to fill a vacancy in the
7 office of treasurer for the state of Kansas unless such person is appointed
8 in accordance with this section.

9 Sec. 8. K.S.A. 40-106 is hereby amended to read as follows: 40-106.

10 (a) At the general election held in 1978 and each four-~~(4)~~ years thereafter,
11 there shall be elected a commissioner of insurance for the state of Kansas,
12 whose term of office shall be four-~~(4)~~ years beginning on the second
13 Monday in January next succeeding such commissioner's election. In case
14 of a vacancy in such office, *within two calendar days after receiving a*
15 *concurrent resolution adopted pursuant to section 6, and amendments*
16 *thereto, the governor shall appoint ~~some suitable person~~ one of the three*
17 *persons designated as candidates in such concurrent resolution to serve*
18 *for the unexpired term and until a successor is elected and qualified. No*
19 *person shall be appointed pursuant to this section unless such person is a*
20 *resident of this state and shall have been registered with the same political*
21 *party for the immediately preceding 10 years as that of the commissioner*
22 *of insurance elected at the immediately preceding election for such office.*
23 *If the commissioner of insurance elected at the immediately preceding*
24 *election for such office was not registered with any political party, then*
25 *any suitable person who is a resident of this state may be appointed*
26 *pursuant to sections 2 through 6, and amendments thereto.*

27 (b) No person appointed pursuant to subsection (a) shall take office
28 unless such appointment is certified by the secretary of state. The secretary
29 shall not certify any person as being appointed to fill a vacancy in the
30 office of commissioner of insurance for the state of Kansas unless such
31 person is appointed in accordance with this section.

32 Sec. 9. K.S.A. 25-101b, 25-318 and 40-106 are hereby repealed.

33 Sec. 10. This act shall take effect and be in force from and after its
34 publication in the Kansas register.