

February 3, 2025

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 105 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 105 is respectfully submitted to your committee.

Under current law, when a vacancy occurs in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance, the Governor is required to appoint a “suitable person” to serve for the unexpired term until a successor is elected, regardless of the political party of the elected official that is vacated. SB 105 would require the Governor to make an appointment for a vacancy of the same political party as the incumbent. The appointee would have to be a Kansas resident and would have to be registered with the same political party for the immediately preceding ten years. In addition, the bill would outline the procedure for the Legislature to nominate candidates for the Governor to select an appointment.

When a vacancy occurs in the office of U.S. Senator, State Treasurer, or Commissioner of Insurance, the Joint Committee on Vacancy Appointments would be established. The Committee would comprise 14 members, including five members from the majority party of the Senate, two members of the minority party of the Senate, five members of the majority party of the House of Representatives, and two members of the minority party of the House of Representatives. The bill would outline the appointment of the chairperson of the Committee, as well as when the Committee could meet, and the allowance of compensation and travel expenses of the members.

The Committee could only receive nominations of individuals to fill a vacancy from members of the Legislature. Each member of the Legislature may nominate one person for consideration; however, any person may decline a nomination by submitting a notice in writing. The Committee would conduct one or more public hearings for the nominations and grant each nominee an opportunity to be heard in front of the Committee. At the conclusion of the hearings, the Committee would submit a report to the Senate and House of Representatives identifying five nominees for consideration. In addition, the bill would outline procedures for consideration of the nominees for both when the Legislature is in regular session or when a joint session of the Legislature is needed when the Legislature is not in regular session. When convened, a joint session would have no power to perform any act other than consideration of the nominees.

Each nominee would be taken by voice vote, with the Senate members voting first. All members in attendance would be required to vote on all nominees unless excused by a majority vote of the legislative members in attendance. All nominees would be considered and voted upon separately, with consideration given in alphabetical order, based upon the surnames of the nominees. The bill would outline the procedures when three nominees have received the required affirmative vote to be designated candidates. If less than three nominees would receive the required affirmative votes to be designated as candidates, the Legislature would direct the Committee to reconvene for the consideration of additional nominees.

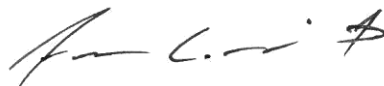
Upon the adjournment of a joint session of the Legislature at which three nominees received the required affirmative, the Speaker of the House of Representatives would introduce a concurrent resolution designating the nominees as candidates. The Legislature would adopt a concurrent resolution designating three individuals as candidates to fill the vacancy not more than 21 calendar days after such vacancy occurs. The time may be extended by a two-thirds vote of the members of both the Senate and the House of Representatives but could not exceed seven calendar days. The Governor would select the person to fill a vacancy from the list of three nominees provided by the Legislature. The bill would become effective upon publication in the *Kansas Register*.

According to Legislative Administrative Services (LAS), the bill would have a fiscal effect on the Legislature's budget; however, this would only occur when a vacancy would occur for U.S. Senator, the State Treasurer, or the Commissioner of Insurance. Although expenditures associated with SB 105 would likely be infrequent, the agency estimated a potential fiscal effect using costs in FY 2025. The cost estimate is based upon three meeting days with 14 legislators and one committee assistant.

If three meetings were to occur for the Joint Committee on Vacancy Appointments during FY 2025, LAS estimates that total expenditures of \$35,173 would be required, all from the State General Fund. Of this amount, \$7,224 would be for salaries and wages, \$7,476 for subsistence expenditures, \$7,350 for mileage, \$252 for tolls, \$7,476 for an enroute day, and \$3,105 for employer fringe benefit costs. In addition, \$2,110 would be required for committee assistant expenditures, and \$180 for the cost to publish in the *Kansas Register*.

Expenditures for future fiscal years are estimated by LAS to increase by approximately 3.0 percent each year. Any fiscal effect associated with SB 105 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Tom Day, Legislative Services
Ethan Belshe, Office of the Governor