

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.

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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 New Sec. 2. (a) Upon a vacancy occurring in the office of United
33 States senator, the office of state treasurer or the office of the
34 commissioner of insurance, the joint committee on vacancy appointments
35 shall be established. The joint committee shall consist of 14 members as

1 follows:

2 (1) Five members shall be members of the majority party of the
3 senate;

4 (2) two members shall be members of the minority party of the
5 senate;

6 (3) five members shall be members of the majority party of the house
7 of representatives; and

8 (4) two members shall be members of the minority party of the house
9 of representatives.

10 (b) Upon the first instance of the establishment of the joint
11 committee, the president of the senate shall appoint the chairperson of the
12 joint committee from the members appointed under subsection (a)(1) and
13 the speaker of the house of representatives shall appoint the vice
14 chairperson from the members appointed under subsection (a)(3).
15 Thereafter, whenever the joint committee is required to be established, the
16 speaker of the house of representatives and the president of the senate shall
17 alternate in appointing the chairperson and vice chairperson. The vice
18 chairperson shall exercise all the powers of the chairperson in the absence
19 of the chairperson.

20 (c) The joint committee on vacancy appointments shall meet at any
21 time and at any place within the state on call of the chairperson. Members
22 of the joint committee shall receive compensation and travel expenses and
23 subsistence expenses or allowances as provided in K.S.A. 75-3212, and
24 amendments thereto, when attending meetings of such committee.

25 New Sec. 3. (a) The joint committee on vacancy appointments shall
26 only receive nominations of persons to fill the vacancy from members of
27 the legislature. Each member of the legislature may nominate one person
28 for consideration by the joint committee. Any person so nominated may
29 decline such nomination by submitting written notice thereof to the
30 chairperson.

31 (b) The joint committee shall review each nominee to verify that such
32 nominee satisfies federal and state requirements to hold such office and to
33 be appointed to fill a vacancy in such office.

34 (c) The joint committee shall conduct one or more public hearings on
35 the nominations and shall grant each nominee an opportunity to be heard
36 before the joint committee.

37 (d) At the conclusion of its public hearings, the joint committee shall
38 submit a report to the senate and the house of representatives identifying
39 five nominees for further consideration by the legislature.

40 New Sec. 4. (a) Either during the regular session of the legislature if
41 the joint committee meets during such regular session, or at the next
42 regular session or special session of the legislature if the joint committee
43 meets outside of the regular session, the legislature may adopt a concurrent

1 resolution calling for a joint session of the legislature to consider the
2 nominees identified by the joint committee under section 3, and
3 amendments thereto. Upon adoption of a concurrent resolution by both
4 houses of the legislature establishing the date and time for a joint session
5 of the legislature, the senate and the house of representatives shall meet in
6 joint session on such date and time for such purpose. The legislature, when
7 convened in such joint session, shall have no power to perform any act
8 other than considering such nominees.

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

17 (c) The rules of the house of representatives and the joint rules of the
18 senate and the house of representatives in effect at the time of the joint
19 session shall be the rules for such joint session to the extent such rules do
20 not directly conflict with the provisions of sections 2 through 7, and
21 amendments thereto.

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

29 (b) Each nominee identified in the report of the joint committee on
30 vacancy appointments shall be considered and voted upon separately. The
31 nominees so identified shall be considered in alphabetical order based on
32 the nominees' surnames.

33 (c) Any nominee who receives an affirmative vote from a majority of
34 both the members of the senate and the members of the house of
35 representatives shall be designated by the legislature as a candidate to
36 temporarily fill the vacancy in such office. If a nominee fails to receive the
37 required affirmative vote to be designated as a candidate, a motion to
38 reconsider such nominee shall be in order only after all nominees have
39 been considered and initially voted upon. If a nominee fails to receive the
40 required affirmative vote after a motion to reconsider such nominee, no
41 second or subsequent motion to reconsider such nominee shall be in order.

42 (d) When three nominees have received the required affirmative vote
43 to be designated as candidates pursuant to subsection (c), the consideration

1 of nominees shall cease and no votes on any other nominees shall be in
2 order.

3 (e) (1) If less than three nominees receive the required affirmative
4 votes to be designated as candidates, the legislature shall direct the joint
5 committee on vacancy appointments to reconvene for the consideration of
6 additional nominees to fill such vacancy.

7 (2) When directed to do so by the legislature, the joint committee
8 shall reconvene and act in accordance with section 3, and amendments
9 thereto. When submitting any second or subsequent report, the joint
10 committee may recommend one or more of the nominees who were
11 recommended in any prior report of the joint committee.

12 New Sec. 6. (a) Upon the adjournment of a joint session of the
13 legislature at which three nominees received the required affirmative vote
14 to be designated as candidates to fill the vacancy in such office, the
15 speaker of the house of representatives shall cause a concurrent resolution
16 to be introduced in the house designating such nominees as candidates.

17 (b) The legislature shall adopt a concurrent resolution designating
18 three individuals as candidates to fill the vacancy in such office not more
19 than 21 calendar days after such vacancy occurs.

20 (c) The time period set forth in subsection (b) may be extended by a
21 vote of $\frac{2}{3}$ of the members of both the senate and the house of
22 representatives, but in no event shall any such extension exceed seven
23 calendar days.

24 Sec. 7. K.S.A. 25-101b is hereby amended to read as follows: 25-
25 101b. At the general election held in 1978 and each four-(4) years
26 thereafter, there shall be elected a treasurer for the state of Kansas, whose
27 term of office shall be four-(4) years beginning on the second Monday in
28 January next succeeding such treasurer's election. In case of a vacancy in
29 such office, *within two calendar days after receiving a concurrent
30 resolution adopted pursuant to section 6, and amendments thereto*, the
31 governor shall appoint ~~some suitable person~~ *one of the three persons
32 designated as candidates in such concurrent resolution* to serve for the
33 unexpired term and until a successor is elected and qualified. *No person
34 shall be appointed pursuant to this section unless such person is a resident
35 of this state and shall have been registered with the same political party
36 for the immediately preceding 10 years as that of the state treasurer
37 elected at the immediately preceding election for such office. If the state
38 treasurer elected at the immediately preceding election for such office was
39 not registered with any political party, then any suitable person who is a
40 resident of this state may be appointed pursuant to sections 2 through 6,
41 and amendments thereto.*

42 Sec. 8. K.S.A. 40-106 is hereby amended to read as follows: 40-106.
43 At the general election held in 1978 and each four-(4) years thereafter,

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

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

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