

**SENATE BILL No. 105**

By Committee on Federal and State Affairs

1-29

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 occurring 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 4, and amendments thereto. Within ~~two~~  
17 **three** calendar days after receiving a concurrent resolution adopted  
18 pursuant to section 4, and amendments thereto, or a report submitted  
19 pursuant to section 3, and amendments thereto, the governor shall appoint  
20 one of the three persons recommended as candidates in such concurrent  
21 resolution or report to temporarily fill such vacancy. ***Except as otherwise***  
22 ***provided***, at the time of the next election of representatives in congress  
23 immediately following such vacancy, such vacancy shall be filled by  
24 election and the senator so elected shall take office upon receiving such  
25 senator's certificate of election. ***If the vacancy occurs on or after May 1***  
26 ***in an even-numbered year, then such vacancy shall be filled by election***  
27 ***at the election of representatives in congress held two years following***  
28 ***the year in which such vacancy occurs.***

29 (b) No person shall be appointed pursuant to this act unless such  
30 person is a resident of this state and shall have been registered with the  
31 same political party for the immediately preceding six years as that of the  
32 United States senator elected at the immediately preceding election for  
33 such office. If the United States senator elected at the immediately  
34 preceding election for such office was not registered with any political  
35 party, then any suitable person who is a resident of this state may be  
36 appointed pursuant to sections 2 through 4, and amendments thereto.

1       (c) *No person appointed pursuant to subsection (a) shall take office*  
2 *unless such appointment is certified by the secretary of state to the*  
3 *United States senate. The secretary shall not certify any person as being*  
4 *appointed to fill a vacancy in the office of United States senator unless*  
5 *such person is appointed in accordance with this section.*

6       New Sec. 2. (a) Except as otherwise provided, within 10 calendar  
7 days of a vacancy occurring in the office of United States senator, the  
8 office of state treasurer or the office of the commissioner of insurance, the  
9 joint committee on vacancy appointments shall be established by  
10 appointment of the members of the joint committee. ~~Each of this state's~~  
11 ~~congressional districts shall be represented by at least two members of the~~  
12 ~~joint committee who shall be residents thereof.~~ The joint committee shall  
13 consist of 12 members as follows:

14       (1) The president of the senate, or a member of the senate designated  
15 by the president;

16       (2) one member of the senate appointed by the president;

17       (3) the speaker of the house of representatives, or a member of the  
18 house of representatives designated by the speaker;

19       (4) one member of the house of representatives appointed by the  
20 speaker;

21       (5) two members of the senate appointed by the majority leader of the  
22 senate;

23       (6) two members of the house of representatives appointed by the  
24 majority leader of the house of representatives;

25       (7) one member of the senate appointed by the vice president of the  
26 senate;

27       (8) one member of the house of representatives appointed by the  
28 speaker pro tem of the house of representatives;

29       (9) one member of the senate appointed by the minority leader of the  
30 senate; and

31       (10) one member of the house of representatives appointed by the  
32 minority leader of the house of representatives.

33       (b) *Of the members named or appointed under subsections (a)(1),*  
34 *(a)(2), (a)(5) and (a)(7), each of this state's congressional districts shall*  
35 *be represented by at least one such member who shall be a resident*  
36 *thereof. Of the members named or appointed under subsections (a)(3),*  
37 *(a)(4), (a)(6) and (a)(8), each of this state's congressional districts shall*  
38 *be represented by at least one such member who shall be a resident*  
39 *thereof.*

40       (c) The joint committee on vacancy appointments shall not be  
41 established when a vacancy occurs less than 90 calendar days prior to  
42 December 31 in any year in which a general election for such office is  
43 held, unless the person vacating such office was elected to such office at

1 such general election and was an incumbent in such election.

2 ~~(e)~~(d) The president of the senate, or the president's designee, shall be  
3 the chairperson of the joint committee and the speaker of the house of  
4 representatives, or the speaker's designee, shall be the vice chairperson.  
5 The vice chairperson shall exercise all the powers of the chairperson in the  
6 absence of the chairperson.

7 ~~(d)~~(e) The joint committee on vacancy appointments shall meet at any  
8 time and at any place within the state on call of the chairperson. Members  
9 of the joint committee shall receive compensation and travel expenses and  
10 subsistence expenses or allowances as provided in K.S.A. 75-3212, and  
11 amendments thereto, when attending meetings of such committee.

12 ~~(e)~~(f) The first meeting of the joint committee shall be held within 30  
13 calendar days of a vacancy occurring in the office of United States  
14 senator, the office of state treasurer or the office of the commissioner of  
15 insurance.

16 New Sec. 3. (a) The joint committee on vacancy appointments shall  
17 review candidates to fill the vacancy described in section 2, and  
18 amendments thereto. Such review shall include verifying that such  
19 candidate satisfies federal and state requirements to hold such office and to  
20 be appointed to fill a vacancy in such office. The joint committee shall  
21 conduct one or more public hearings and shall grant each candidate an  
22 opportunity to be heard before the joint committee.

23 (b) Except as provided in subsection (c), at the conclusion of its  
24 public hearings, the joint committee shall introduce a concurrent resolution  
25 in each house recommending three persons as candidates to fill the  
26 vacancy. ***No member of the joint committee shall be recommended as a***  
27 ***candidate to fill the vacancy.***

28 (c) If the joint committee concludes its public hearings while the  
29 legislature is not in regular or special session, then the joint committee  
30 shall submit a report to the governor recommending three persons as  
31 candidates to fill the vacancy.

32 New Sec. 4. (a) Each house shall consider any concurrent resolution  
33 that is introduced pursuant to section 3, and amendments thereto, within 10  
34 days and shall either adopt such resolution or direct the joint committee to  
35 reconvene to reconsider candidates to fill the vacancy.

36 (b) When directed to do so by the legislature, the joint committee  
37 shall reconvene and act in accordance with section 3, and amendments  
38 thereto. When introducing any second or subsequent resolution, the joint  
39 committee may recommend one or more of the candidates who were  
40 recommended in any prior resolution.

41 Sec. 5. K.S.A. 25-101b is hereby amended to read as follows: 25-  
42 101b. (a) At the general election held in 1978 and each four-~~(4)~~ years  
43 thereafter, there shall be elected a treasurer for the state of Kansas, whose

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

17 ***(b) No person appointed pursuant to subsection (a) shall take office***  
18 ***unless such appointment is certified by the secretary of state. The***  
19 ***secretary shall not certify any person as being appointed to fill a vacancy***  
20 ***in the office of treasurer for the state of Kansas unless such person is***  
21 ***appointed in accordance with this section.***

22 Sec. 6. K.S.A. 40-106 is hereby amended to read as follows: 40-106.  
23 ***(a)*** At the general election held in 1978 and each four-~~(4)~~ years thereafter,  
24 there shall be elected a commissioner of insurance for the state of Kansas,  
25 whose term of office shall be four-~~(4)~~ years beginning on the second  
26 Monday in January next succeeding such commissioner's election. In case of  
27 a vacancy in such office, *within-~~two~~ three calendar days after receiving*  
28 *a concurrent resolution adopted pursuant to section 4, and amendments*  
29 *thereto, or a report submitted pursuant to section 3, and amendments*  
30 *thereto, the governor shall appoint-~~some suitable person~~ one of the three*  
31 *persons recommended as candidates in such concurrent resolution or*  
32 *report to serve for the unexpired term and until a successor is elected and*  
33 *qualified. No person shall be appointed pursuant to this section unless*  
34 *such person is a resident of this state and shall have been registered with*  
35 *the same political party for the immediately preceding six years as that of*  
36 *the commissioner of insurance elected at the immediately preceding*  
37 *election for such office. If the commissioner of insurance elected at the*  
38 *immediately preceding election for such office was not registered with any*  
39 *political party, then any suitable person who is a resident of this state may*  
40 *be appointed pursuant to sections 2 through 4, and amendments thereto.*

41 ***(b) No person appointed pursuant to subsection (a) shall take office***  
42 ***unless such appointment is certified by the secretary of state. The***  
43 ***secretary shall not certify any person as being appointed to fill a vacancy***

1 *in the office of commissioner of insurance for the state of Kansas unless*  
2 *such person is appointed in accordance with this section.*

3 *New Sec. 7. The provisions of sections 1 through 4, and*  
4 *amendments thereto, and K.S.A. 25-101b and 40-106, as amended by*  
5 *this act, are severable. If any portion of such provisions is declared*  
6 *unconstitutional or invalid, or the application of any portion of such*  
7 *provisions to any person or circumstance is held unconstitutional or*  
8 *invalid, the invalidity shall not affect other portions of such provisions*  
9 *that can be given effect without the invalid portion or application, and*  
10 *the applicability of such other portions of such provisions to any person*  
11 *or circumstance shall remain valid and enforceable.*

12 ~~Sec. 7.~~ **8.** K.S.A. 25-101b, 25-318 and 40-106 are hereby repealed.

13 ~~Sec. 8.~~ **9.** This act shall take effect and be in force from and after its  
14 publication in the Kansas register.