

{As Amended by House Committee of the Whole}

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

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Session of 2025

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

1 same political party for the **two** immediately preceding ~~six~~ **general**
2 **elections held in even-numbered** years as that of the United States
3 senator elected at the immediately preceding election for such office. If the
4 United States senator elected at the immediately preceding election for
5 such office was not registered with any political party, then any suitable
6 person who is a resident of this state may be appointed pursuant to sections
7 2 through 4, and amendments thereto.

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

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

21 (1) The president of the senate, or a member of the senate designated
22 by the president;

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

24 (3) the speaker of the house of representatives, or a member of the
25 house of representatives designated by the speaker;

26 (4) one member of the house of representatives appointed by the
27 speaker;

28 (5) two members of the senate appointed by the majority leader of the
29 senate;

30 (6) two members of the house of representatives appointed by the
31 majority leader of the house of representatives;

32 (7) one member of the senate appointed by the vice president of the
33 senate;

34 (8) one member of the house of representatives appointed by the
35 speaker pro tem of the house of representatives;

36 (9) one member of the senate appointed by the minority leader of the
37 senate; and

38 (10) one member of the house of representatives appointed by the
39 minority leader of the house of representatives.

40 (b) *Of the members named or appointed under subsections (a)(1),*
41 *(a)(2), (a)(5) and (a)(7), each of this state's congressional districts shall*
42 *be represented by at least one such member who shall be a resident*
43 *thereof. Of the members named or appointed under subsections (a)(3),*

1 *(a)(4), (a)(6) and (a)(8), each of this state's congressional districts shall*
2 *be represented by at least one such member who shall be a resident*
3 *thereof.*

4 (c) The joint committee on vacancy appointments shall not be
5 established when a vacancy occurs less than 90 calendar days prior to
6 December 31 in any year in which a general election for such office is
7 held, unless the person vacating such office was elected to such office at
8 such general election and was an incumbent in such election.

9 ~~(e)(d) The president of the senate, or the president's designee, shall be~~
10 ~~the chairperson of the joint committee and the speaker of the house of~~
11 ~~representatives, or the speaker's designee, shall be the vice~~
12 ~~chairperson.~~**{Upon the first instance of the establishment of the joint**
13 **committee, the president of the senate shall appoint the chairperson of**
14 **the joint committee from the members appointed under subsections**
15 **(a)(1), (a)(2), (a)(5) and (a)(7) and the speaker of the house of**
16 **representatives shall appoint the vice chairperson from the members**
17 **appointed under subsections (a)(3), (a)(4), (a)(6) and (a)(8). Thereafter,**
18 **whenever the joint committee is required to be established, the**
19 **speaker of the house of representatives and the president of the senate**
20 **shall alternate in appointing the chairperson and the vice**
21 **chairperson}.** The vice chairperson shall exercise all the powers of the
22 chairperson in the absence of the chairperson.

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

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

32 New Sec. 3. (a) The joint committee on vacancy appointments shall
33 review candidates to fill the vacancy described in section 2, and
34 amendments thereto. **{The joint committee shall only review candidates**
35 **who are nominated to fill the vacancy by a member of the legislature.**
36 **Each member of the legislature may nominate one person for**
37 **consideration by the joint committee.}** Such review shall include
38 verifying that such candidate satisfies federal and state requirements to
39 hold such office and to be appointed to fill a vacancy in such office. The
40 joint committee shall conduct one or more public hearings and shall grant
41 each candidate an opportunity to be heard before the joint committee.

42 ~~(b) Except as provided in subsection (c), at the conclusion of its~~
43 ~~public hearings~~**{If the vacancy occurs during a regular session of the**

1 legislature, or occurs when the legislature is not in regular session but
2 a special session of the legislature is called within seven days after such
3 vacancy occurs, then, ~~{ within 30 calendar days after the first meeting~~
4 ~~of the joint committee}~~, the joint committee shall ~~introduce a concurrent~~
5 ~~resolution in each house recommending three persons as candidates to fill~~
6 ~~the vacancy. No member of the joint committee shall be recommended as~~
7 ~~a candidate to fill the vacancy~~ {submit a report to the senate and the
8 house of representatives identifying five nominees for further
9 consideration by the legislature}.

10 (c) If the joint committee concludes its public hearings while the
11 legislature is not in regular or special session, then, ~~{ within 30 calendar~~
12 ~~days after the first meeting of the joint committee,}~~ the joint committee
13 shall submit a report to the governor recommending three persons as
14 candidates to fill the vacancy.

15 **{(d) No member of the joint committee shall be recommended as**
16 **a candidate to fill a vacancy in any report submitted pursuant to this**
17 **section.}**

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

22 (b) ~~When directed to do so by the legislature, the joint committee~~
23 ~~shall reconvene and act in accordance with section 3, and amendments~~
24 ~~thereto. When introducing any second or subsequent resolution, the joint~~
25 ~~committee may recommend one or more of the candidates who were~~
26 ~~recommended in any prior resolution~~ {If the joint committee on vacancy
27 appointments submits a report to the senate and the house of
28 representatives pursuant to section 3, and amendments thereto, then
29 the legislature may adopt a concurrent resolution calling for a joint
30 session of the legislature to consider the nominees identified by the
31 joint committee in such report. Upon adoption of a concurrent
32 resolution by both houses of the legislature establishing the date and
33 time for a joint session of the legislature, the senate and the house of
34 representatives shall meet in joint session on such date and time for
35 such purpose. The legislature, when convened in such joint session,
36 shall have no power to perform any act other than considering such
37 nominees.

38 (b) When in joint session pursuant to this section, the president of
39 the senate shall preside over the proceedings and, if the office of the
40 president is vacant or the president is unable to do so, the speaker of
41 the house of representatives shall preside over the proceedings. The
42 chief clerk of the house of representatives and the secretary of the
43 senate shall each keep a record of the proceedings. It shall be the duty

1 of the chief clerk and the secretary to report such proceedings to their
2 respective houses and record such proceedings in their respective
3 journals.

4 (c) The rules of the house of representatives and the joint rules of
5 the senate and the house of representatives in effect at the time of the
6 joint session shall be the rules for such joint session to the extent that
7 such rules do not directly conflict with the provisions of sections 2
8 through 4, and amendments thereto.

9 (d) All votes for nominees in a joint session of the legislature shall
10 be taken by voice vote. For each such vote, the secretary of the senate
11 shall first call the names of the members of the senate, and then the
12 chief clerk of the house of representatives shall call the names of the
13 members of the house. Each member of the legislature in attendance
14 at the joint session shall be required to vote on all nominees unless
15 excused by a majority vote of the members of the legislature in
16 attendance.

17 (e) Each nominee identified in the report of the joint committee
18 shall be considered and voted upon separately. The nominees so
19 identified shall be considered in alphabetical order based on the
20 nominees' surnames.

21 (f) Any nominee who receives an affirmative vote from a majority
22 of both the members of the senate and the members of the house of
23 representatives shall be designated by the legislature as a candidate to
24 fill the vacancy. If a nominee fails to receive the required affirmative
25 vote to be designated as a candidate, a motion to reconsider such
26 nominee shall be in order only after all nominees have been considered
27 and initially voted upon. If a nominee fails to receive the required
28 affirmative vote after a motion to reconsider such nominee, no second
29 or subsequent motion to reconsider such nominee shall be in order.

30 (g) When three nominees have received the required affirmative
31 votes to be designated as candidates pursuant to subsection (f), the
32 consideration of nominees shall cease and no votes on any other
33 nominees shall be in order.

34 (h) (1) If less than three nominees receive the required affirmative
35 votes to be designated as candidates, the legislature shall direct the
36 joint committee on vacancy appointments to reconvene for the
37 consideration of additional nominees to fill such vacancy.

38 (2) When directed to do so by the legislature, the joint committee
39 shall reconvene and act in accordance with section 3, and amendments
40 thereto. When submitting any second or subsequent report, the joint
41 committee may recommend one or more of the nominees who were
42 recommended in any prior report of the joint committee.}

43 {(i) Upon the adjournment of a joint session of the legislature at

1 **which three nominees received the required affirmative votes to be**
2 **designated as candidates to fill the vacancy, the speaker of the house of**
3 **representatives shall cause a concurrent resolution to be introduced in**
4 **the house designating such nominees as candidates}.**

5 Sec. 5. K.S.A. 25-101b is hereby amended to read as follows: 25-
6 101b. **(a)** At the general election held in 1978 and each four-(4) years
7 thereafter, there shall be elected a treasurer for the state of Kansas, whose
8 term of office shall be four-(4) years beginning on the second Monday in
9 January next succeeding such treasurer's election. In case of a vacancy in
10 such office, ~~within two~~ **three** calendar days after receiving a concurrent
11 resolution adopted pursuant to section 4, and amendments thereto, or a
12 report submitted pursuant to section 3, and amendments thereto, the
13 governor shall appoint ~~some suitable person~~ **one of the three persons**
14 **recommended as candidates in such concurrent resolution or report to**
15 **serve for the unexpired term and until a successor is elected and qualified.**
16 *No person shall be appointed pursuant to this section unless such person*
17 *is a resident of this state and shall have been registered with the same*
18 *political party for the ~~two~~ **two** immediately preceding ~~six~~ **general elections***
19 **held in even-numbered years as that of the state treasurer elected at the**
20 **immediately preceding election for such office. If the state treasurer**
21 **elected at the immediately preceding election for such office was not**
22 **registered with any political party, then any suitable person who is a**
23 **resident of this state may be appointed pursuant to sections 2 through 4,**
24 **and amendments thereto.**

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

30 Sec. 6. K.S.A. 40-106 is hereby amended to read as follows: 40-106.
31 **(a)** At the general election held in 1978 and each four-(4) years thereafter,
32 there shall be elected a commissioner of insurance for the state of Kansas,
33 whose term of office shall be four-(4) years beginning on the second
34 Monday in January next succeeding such commissioner's election. In case
35 of a vacancy in such office, ~~within two~~ **three** calendar days after receiving
36 a concurrent resolution adopted pursuant to section 4, and amendments
37 thereto, or a report submitted pursuant to section 3, and amendments
38 thereto, the governor shall appoint ~~some suitable person~~ **one of the three**
39 **persons recommended as candidates in such concurrent resolution or**
40 **report to serve for the unexpired term and until a successor is elected and**
41 **qualified. No person shall be appointed pursuant to this section unless**
42 **such person is a resident of this state and shall have been registered with**
43 **the same political party for the ~~two~~ **two** immediately preceding ~~six~~ **general****

1 **elections held in even-numbered years as that of the commissioner of**
2 **insurance elected at the immediately preceding election for such office. If**
3 **the commissioner of insurance elected at the immediately preceding**
4 **election for such office was not registered with any political party, then**
5 **any suitable person who is a resident of this state may be appointed**
6 **pursuant to sections 2 through 4, and amendments thereto.**

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

12 ***New Sec. 7. The provisions of sections 1 through 4, and***
13 ***amendments thereto, and K.S.A. 25-101b and 40-106, as amended by***
14 ***this act, are severable. If any portion of such provisions is declared***
15 ***unconstitutional or invalid, or the application of any portion of such***
16 ***provisions to any person or circumstance is held unconstitutional or***
17 ***invalid, the invalidity shall not affect other portions of such provisions***
18 ***that can be given effect without the invalid portion or application, and***
19 ***the applicability of such other portions of such provisions to any person***
20 ***or circumstance shall remain valid and enforceable.***

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

22 ~~Sec.-8. 9.~~ This act shall take effect and be in force from and after its
23 publication in the Kansas register.