

SENATE BILL No. 105

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

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

New Section 1. (a) Upon a vacancy occurring in the office of United States senator from this state, the governor shall make a temporary appointment to fill such vacancy until a successor is elected and qualified. Such temporary appointment shall be made in accordance with the provisions of sections 2 through 4, and amendments thereto. Within three calendar days after receiving a concurrent resolution adopted pursuant to section 4, and amendments thereto, or a report submitted pursuant to section 3, and amendments thereto, the governor shall appoint one of the three persons recommended as candidates in such concurrent resolution or report to temporarily fill such vacancy. Except as otherwise provided, at the time of the next election of representatives in congress immediately following such vacancy, such vacancy shall be filled by election and the senator so elected shall take office upon receiving such senator's certificate of election. If the vacancy occurs on or after May 1 in an even-numbered year, then such vacancy shall be filled by election at the election of representatives in congress held two years following the year in which such vacancy occurs.

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

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

New Sec. 2. (a) Except as otherwise provided, within 10 calendar days of a vacancy occurring in the office of United States senator, the office of state treasurer or the office of the commissioner of insurance, the joint committee on vacancy appointments shall be established by appointment of the members of the joint committee. The joint committee shall consist of 12 members as follows:

- (1) The president of the senate, or a member of the senate designated by the president;
- (2) one member of the senate appointed by the president;
- (3) the speaker of the house of representatives, or a member of the house of representatives designated by the speaker;
- (4) one member of the house of representatives appointed by the speaker;
- (5) two members of the senate appointed by the majority leader of the senate;
- (6) two members of the house of representatives appointed by the majority leader of the house of representatives;
- (7) one member of the senate appointed by the vice president of the senate;
- (8) one member of the house of representatives appointed by the

speaker pro tem of the house of representatives;

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

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

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

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

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

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

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

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

(b) If the vacancy occurs during a regular session of the legislature, or occurs when the legislature is not in regular session but a special session of the legislature is called within five calendar days after such vacancy occurs, then, within 30 calendar days after the first meeting of the joint committee, the joint committee shall introduce a concurrent resolution in each house recommending three persons as candidates to fill the vacancy.

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

(d) No member of the joint committee shall be recommended as a candidate to fill the vacancy.

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

(b) When directed to do so by the legislature, the joint committee

shall reconvene and act in accordance with section 3, and amendments thereto. When introducing any second or subsequent resolution, the joint committee may recommend one or more of the candidates who were recommended in any prior resolution.

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

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

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

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

New Sec. 7. The provisions of sections 1 through 4, and amendments thereto, and K.S.A. 25-101b and 40-106, as amended by this act, are severable. If any portion of such provisions is declared unconstitutional or invalid, or the application of any portion of such

provisions to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of such provisions that can be given effect without the invalid portion or application, and the applicability of such other portions of such provisions to any person or circumstance shall remain valid and enforceable.

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

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.