

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2090**

As Amended by House Committee on Elections

**Brief\***

HB 2090, as amended, would establish a process for the handling of temporary vacancies created by officers or employees of the State or political subdivisions of the State due to military service.

The bill would require, upon a determination by such officer that such officer's military service requires a temporary appointment for such officer's vacancy, such officer to submit an approved form to be filed:

- With the Secretary of State, if the officer is an elected state official;
- With the county clerk containing the largest portion of the territory of the political subdivision, if the officer is an elected official of a political subdivision; or
- With their human resources department or other official as determined by the officer's employer, if the officer is an employee who is not an elected official.

The bill would also require such officer to submit an approved form with the respective official or department upon such officer's return from military service.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would state, if the officer's military service creates a temporary vacancy and the officer has filed the approved form as outlined above:

- Such temporary vacancy must be appointed and temporarily filled by the appointive authority for the partisan elective office, if the officer is an elected official; and
- Such temporary vacancy may be appointed and temporarily filled by the appointive authority for the employee, if the employee is not an elected official.

The bill would state individuals appointed by the process outlined above would hold the office or position they are appointed to during the temporary vacancy.

The bill would expand the definition of "military service" to include active service in the Air Force, Coast Guard, Kansas Air National Guard, Kansas Army National Guard, Space Force, or any branch of the U.S. military reserves. [Note: "Military service" as defined in current law includes active service in the Army, Navy, and Marine Corps.]

The bill would also make technical amendments.

## **Background**

The bill was introduced by the House Committee on Elections at the request of Representative Croft.

### ***House Committee on Elections***

In the House Committee hearing on January 26, 2021, Representative Proctor testified as a **proponent**, stating the current law governing military service was enacted in 1941, before certain branches of the military were created. He noted those officers serving in the other branches of the military deserve the same process for handling a temporary

vacancy from their jobs due to military service as those officers serving in branches included in current law.

A representative of the League of Kansas Municipalities testified as neutral, asking for clarification for the temporary vacancy appointment process for officers that are city-elected officials or employees.

The House Committee amended the bill to clarify the process for temporary vacancy appointments for statewide and local elected officials.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Administration indicates enactment of the bill would have no fiscal effect, as the bill would establish a process in statute that already takes place on a regular basis.

Temporary vacancy; military service; state and local government