

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 calendar days after receiving a concurrent resolution adopted pursuant to
18 section 4, and amendments thereto, or a report submitted pursuant to
19 section 3, and amendments thereto, the governor shall appoint one of the
20 three persons recommended as candidates in such concurrent resolution or
21 report to temporarily fill such vacancy. At the time of the next election of
22 representatives in congress immediately following such vacancy, such
23 vacancy shall be filled by election and the senator so elected shall take
24 office upon receiving such senator's certificate of election.

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

33 New Sec. 2. (a) Except as otherwise provided, within 10 calendar
34 days of a vacancy occurring in the office of United States senator, the
35 office of state treasurer or the office of the commissioner of insurance, the
36 joint committee on vacancy appointments shall be established by

1 appointment of the members of the joint committee. Each of this state's
2 congressional districts shall be represented by at least two members of the
3 joint committee who shall be residents thereof. The joint committee shall
4 consist of 12 members as follows:

5 (1) The president of the senate, or a member of the senate designated
6 by the president;

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

8 (3) the speaker of the house of representatives, or a member of the
9 house of representatives designated by the speaker;

10 (4) one member of the house of representatives appointed by the
11 speaker;

12 (5) two members of the senate appointed by the majority leader of the
13 senate;

14 (6) two members of the house of representatives appointed by the
15 majority leader of the house of representatives;

16 (7) one member of the senate appointed by the vice president of the
17 senate;

18 (8) one member of the house of representatives appointed by the
19 speaker pro tem of the house of representatives;

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

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

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

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

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

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

43 New Sec. 3. (a) The joint committee on vacancy appointments shall

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

7 (b) Except as provided in subsection (c), at the conclusion of its
8 public hearings, the joint committee shall introduce a concurrent resolution
9 in each house recommending three persons as candidates to fill the
10 vacancy.

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

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

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

24 Sec. 5. 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 4, and amendments thereto, or a*
31 *report submitted pursuant to section 3, and amendments thereto, the*
32 *governor shall appoint ~~some suitable person~~ one of the three persons*
33 *recommended as candidates in such concurrent resolution or report to*
34 *serve for the unexpired term and until a successor is elected and qualified.*
35 *No person shall be appointed pursuant to this section unless such person*
36 *is a resident of this state and shall have been registered with the same*
37 *political party for the immediately preceding six years as that of the state*
38 *treasurer elected at the immediately preceding election for such office. If*
39 *the state treasurer elected at the immediately preceding election for such*
40 *office was not registered with any political party, then any suitable person*
41 *who is a resident of this state may be appointed pursuant to sections 2*
42 *through 4, and amendments thereto.*

43 Sec. 6. K.S.A. 40-106 is hereby amended to read as follows: 40-106.

1 At the general election held in 1978 and each four ~~(4)~~ years thereafter,
2 there shall be elected a commissioner of insurance for the state of Kansas,
3 whose term of office shall be four ~~(4)~~ years beginning on the second
4 Monday in January next succeeding such commissioner's election. In case
5 of a vacancy in such office, within two calendar days after receiving a
6 concurrent resolution adopted pursuant to section 4, and amendments
7 thereto, or a report submitted pursuant to section 3, and amendments
8 thereto, the governor shall appoint ~~some suitable person~~ one of the three
9 persons recommended as candidates in such concurrent resolution or
10 report to serve for the unexpired term and until a successor is elected and
11 qualified. No person shall be appointed pursuant to this section unless
12 such person is a resident of this state and shall have been registered with
13 the same political party for the immediately preceding six years as that of
14 the commissioner of insurance elected at the immediately preceding
15 election for such office. If the commissioner of insurance elected at the
16 immediately preceding election for such office was not registered with any
17 political party, then any suitable person who is a resident of this state may
18 be appointed pursuant to sections 2 through 4, and amendments thereto.
19 Sec. 7. K.S.A. 25-101b, 25-318 and 40-106 are hereby repealed.
20 Sec. 8. This act shall take effect and be in force from and after its
21 publication in the Kansas register.

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.

And by renumbering sections accordingly