

February 14, 2025

CORRECTED

The Honorable Mike Thompson, Chairperson  
Senate Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Corrected Fiscal Note for SB 105 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following corrected fiscal note concerning SB 105 is respectfully submitted to your committee.

Under current law, when a vacancy occurs in the offices of United States Senator, State Treasurer, or Commissioner of Insurance, the Governor is required to appoint a "suitable person" to serve for the unexpired term until a successor is elected, regardless of the political party of the elected official that is vacated. SB 105 would make specific requirements for the vacancy of a United States Senator and require that with a vacancy, the Governor would make a temporary appointment from a list of individuals from the newly created Joint Committee on Vacancy Appointments. Within two calendar days after receiving a notice as outlined in the bill, the Governor would appoint one of three persons recommended as candidates to temporarily fill a vacancy. At the time of the next election of representatives in Congress immediately following a vacancy, the vacancy would be filled by an election.

No person would be appointed to a vacancy unless the individual is a resident of the state and has been registered with the same political party of the United States Senator that is creating the vacancy for the immediately preceding six years. If the United States Senator creating the vacancy was not registered with any political party, the bill would outline procedures for filling the vacancy.

In addition, within ten calendar days of a vacancy in the office of United States Senator, State Treasurer, or Commissioner of Insurance, the Joint Committee on Vacancy Appointments would be established. Each of the state's congressional districts would be represented by at least two members of the Joint Committee. The bill would outline the 12 members, including: (1) the President of the Senate (or designee); (2) one member appointed by the President; (3) the Speaker of the House of Representatives (or designee); (4) one member appointed by the Speaker; (5) two Senate members appointed by the Majority Leader of the Senate; (6) two House members appointed by the Majority Leader of the House; (7) one member of the Senate appointed by the Vice President of the Senate; (8) one member of the House appointed by the Speaker Pro Tem of

the House; (9) one member of the Senate appointed by the Minority Leader of the Senate; and (10) one member of the House appointed by the Minority Leader of the House.

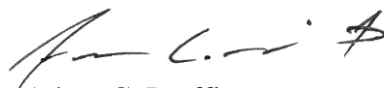
The Joint Committee would not be established when a vacancy occurs less than 90 calendar days prior to December 31 in any year in which a general election for the office would be held, unless the person vacating the office was elected at the general election and was an incumbent in the election. The President of the Senate (or designee) would be the chairperson of the Joint Committee and the Speaker of the House (or designee) would be the vice chairperson. The first meeting of the Joint Committee would be held within 30 calendar days of a vacancy occurring in the office of United States Senator, State Treasurer, or the Commissioner of Insurance. The bill would outline the process of introducing a concurrent resolution in each house recommending three candidates to fill the vacancy if during a regular or special session. If the Joint Committee concludes its public hearings while the Legislature is not in regular or special session, the Joint Committee would submit a report to the Governor recommending three candidates. The bill would outline the process of each house's consideration of a concurrent resolution that would be introduced. The Joint Committee may reconvene if directed by the Legislature. The bill would become effective upon publication in the *Kansas Register*.

According to Legislative Administrative Services (LAS), the bill would have a fiscal effect on the Legislature's budget; however, this would only occur when a vacancy would occur for US Senator, the State Treasurer, or the Commissioner of Insurance. Although expenditures associated with SB 105 would likely be infrequent, the agency estimated a potential fiscal effect using costs in FY 2025. The cost estimate is based upon three meeting days with 12 legislators and one committee assistant.

If three meetings were to occur for the Joint Committee on Vacancy Appointments during FY 2025, LAS estimates that total expenditures of \$30,476 would be required, all from the State General Fund. Of this amount, \$6,192 would be for salaries and wages, \$6,408 for subsistence expenditures, \$6,300 for mileage, \$216 for tolls, \$6,408 for an enroute day, and \$2,662 for employer fringe benefit costs, \$2,110 would be required for committee assistant expenditures, and \$180 for the cost to publish in the *Kansas Register*.

Expenditures for future fiscal years are estimated by LAS to increase by approximately 3.0 percent each year. Any fiscal effect associated with SB 105 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt  
Director of the Budget

cc: Tom Day, Legislative Services  
Ethan Belshe, Office of the Governor