

HOUSE BILL No. 2410

By Committee on Federal and State Affairs

3-25

1 AN ACT concerning the offices of the state treasure and the commissioner
2 of insurer; relating to the filling of a vacancy; amending K.S.A. 25-
3 101b and 40-106 and repealing the existing sections.
4

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

6 New Section 1. (a) When a vacancy occurs in the office of the
7 commissioner of insurance or the office of the state treasurer, or if the
8 commissioner of insurance or state treasurer is disabled, the vacancy in
9 either case shall be filled by a state party delegate convention of the party
10 of the commissioner of insurance or the state treasurer at the time of the
11 commissioner of insurance's or the state treasurer's election, except as
12 provided by subsection (c). The convention shall be called by the state
13 party chairperson. Such convention shall be called within 21 days of notice
14 that a vacancy has occurred or will occur. The delegates to the convention
15 shall be the state party committee members, and the officers of the
16 convention shall be the officers of the state party committee. At such
17 convention, the vote to fill such vacancy shall be taken.

18 (b) After a person has been elected to fill the vacancy, the chairperson
19 or vice-chairperson of the party committee shall execute a certificate,
20 under oath, stating that such person has been duly elected to fill such
21 vacancy. The chairperson or vice-chairperson shall transmit such
22 certificate either by hand delivery by a person designated by the
23 chairperson or vice-chairperson or by registered mail, return receipt
24 requested, to the governor and a copy to the secretary of state. If
25 transmitted by registered mail, such certificate and copy shall be mailed
26 within 24 hours of the election, unless the day following the election is a
27 Sunday or legal holiday, in which case it shall be mailed by the next
28 regular business day. Not later than seven days after the certificate is
29 received in the office of the governor, the governor, or in the governor's
30 absence the lieutenant governor, shall fill the vacancy by appointing to the
31 office of commissioner of insurance or the state treasurer the person
32 elected. In the event the governor or the lieutenant governor fails to
33 appoint any person as required by this subsection after receiving a lawfully
34 executed certificate, such person shall be deemed to have been appointed
35 notwithstanding the failure. The person so appointed may qualify and enter
36 upon the duties of the commissioner of insurance or the state treasurer

1 immediately after appointment and shall serve for the unexpired term and
2 until a successor is elected and qualified.

3 (c) If the commissioner of insurance or the state treasurer whose
4 office will become or has become vacant was an independent when
5 elected, the vacancy shall be filled by the governor, who shall appoint a
6 suitable person to serve for the unexpired term and until a successor is
7 elected and qualified.

8 Sec. 2. K.S.A. 40-106 is hereby amended to read as follows: 40-106.
9 At the general election held in 1978 and each four-(4) years thereafter,
10 there shall be elected a commissioner of insurance for the state of Kansas,
11 whose term of office shall be four-(4) years beginning on the second
12 Monday in January next succeeding such commissioner's election. In case
13 of a vacancy in such office the ~~governor shall appoint some appointment~~
14 *of a* suitable person to serve for the unexpired term and until a successor is
15 elected and qualified *shall be made as provided in section 1, and*
16 *amendments thereto.*

17 Sec. 3. K.S.A. 25-101b is hereby amended to read as follows: 25-
18 101b. At the general election held in 1978 and each four-(4) years
19 thereafter, there shall be elected a treasurer for the state of Kansas, whose
20 term of office shall be four-(4) years beginning on the second Monday in
21 January next succeeding such treasurer's election. In case of a vacancy in
22 such office, the ~~governor shall appoint some appointment of a~~ suitable
23 person to serve for the unexpired term and until a successor is elected and
24 qualified *shall be made as provided in section 1, and amendments thereto.*

25 Sec. 4. K.S.A. 25-101b and 40-106 are hereby repealed.

26 Sec. 5. This act shall take effect and be in force from and after its
27 publication in the statute book.