AN ACT concerning the offices of the state treasurer and the commissioner of insurance; relating to the filling of a vacancy; amending K.S.A. 25-101b and 40-106 and repealing the existing sections.

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

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

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

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

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

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

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

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