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MEMORANDUM

To: Chairperson Bowers
Members of the Senate Committee on Transparency & Ethics

From: The Office of Revisor of Statutes

Date: March 10, 2021

Subject: HB 2090 – Temporary vacancies in state and local offices due to military service.

House Bill No. 2090 (HB 2090) would amend statutes governing the filling of temporary vacancies in state and local government positions when the vacancy is caused by the officer or employee being called to active duty in the United States military. The bill clarifies how partisan positions are to be temporarily filled and makes technical amendments to other statutes in the act.

Section 1 of HB 2090 amends K.S.A. 73-213 regarding the definitions for significant terms used in the act. The bill alphabetizes the terms for easier reference. It also expands the definition of "military service" to include the U.S. Air Force, U.S. Coast Guard, U.S. Space Force, Kansas Army and Air National Guards, and any other branch of the military reserves of the United States.

Section 3 of HB 2090 amends K.S.A. 73-215 in two ways. First, the bill adds new language to require any officer, defined as any officer or employee of the state or local unit of government, to submit a form to the appropriate office indicating that such officer's position will need a temporary appointment due to the officer being called for military service. The House Committee on Elections amended HB 2090 to clarify that elected state officers are to submit their form to the Secretary of State, while elected local officers are to submit their form to the county clerk. Employees are to submit their form to the appropriate office as required by their employer.

Section 3 also adds new language to require that temporary appointments to a partisan elected office are to be filled as provided in K.S.A. 25-3901 et seq. The provisions of K.S.A. 25-

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3901 et seq. govern the filling of vacancies in elected offices. For nonpartisan officers and employees, the appointive authority may make the temporary appointment.

Section 2, 4, and 5 of HB 2090 make technical amendments to other statutes in the act to update the statutory language.

If enacted, HB 2090 would become effective on July 1, 2021.