Session of 2025

SENATE BILL No. 93

By Committee on Utilities

1-28

AN ACT concerning the state corporation commission; providing for the statewide election of the commissioners of the state corporation commission; establishing an election schedule for the election of such commissioners; authorizing gubernatorial appointments until commissioners are elected; amending K.S.A. 25-101, 25-101a, 25-4001, 74-601, 74-605 and 74-630 and repealing the existing sections.

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

New Section 1. (a) Members of the state corporation commission shall be elected on a statewide basis in accordance with this section and the provisions applicable to the election of state officers on a statewide basis pursuant to chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(b) The primary elections for members of the state corporation commission shall commence and be conducted in accordance with the following schedule:

(1) On the first Tuesday in August of 2026, and on the first Tuesday in August each four years thereafter, a primary election shall be conducted for commission position one established pursuant to K.S.A. 74-601, and amendments thereto; and

(2) on the first Tuesday in August of 2028, and on the first Tuesday in August each four years thereafter, a primary election shall be conducted for commission positions two and three established pursuant to K.S.A. 74-601, and amendments thereto.

(c) The general elections for members of the state corporation commission shall commence and be conducted in accordance with the following schedule:

(1) On the Tuesday following the first Monday in November of 2026, and on the Tuesday following the first Monday in November each four years thereafter, a general election shall be conducted for commission position one established pursuant to K.S.A. 74-601, and amendments thereto; and

(2) on the Tuesday following the first Monday in November of 2028, and on the Tuesday following the first Monday in November each four years thereafter, a general election shall be conducted for commission positions two and three established pursuant to K.S.A. 74-601, and

amendments thereto.

Sec. 2. K.S.A. 25-101 is hereby amended to read as follows: 25-101. (a) On the Tuesday succeeding the first Monday in November of each even-numbered year, there shall be held a general election to elect officers as follows:

(1) At each alternate election, prior to the year in which the term of office of the president and ~~vice-president~~ *vice president* of the United States will expire, there shall be elected the electors of president and ~~vice-president~~ *vice president* of the United States to which the state may be entitled at the time of such election;

(2) at each such election, when the term of a United States senator for this state shall expire during the next year, there shall be elected a United States senator;

(3) at each such election*,* there shall be elected the representatives in congress to which the state may be entitled at the time of such election;

(4) at each alternate election, prior to the year in which their regular terms of office will expire, there shall be elected a governor, lieutenant governor, secretary of state, attorney general, state treasurer and state commissioner of insurance;

(5) at each such election*,* there shall be elected such members of the state board of education as provided by law;

(6) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district judge expires during the next year, or a vacancy in a district judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district judge of such judicial district;

(7) at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district magistrate judge expires during the next year, or a vacancy in a district magistrate judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district magistrate judge of such judicial district;

(8) at each alternate election, prior to the year in which the regular term of office of state senators shall expire, there shall be elected a state senator in each state senatorial district;

(9) at each election*,* there shall be elected a representative from each state representative district;

(10) at each alternate election*,* there shall be elected, in each county, a county clerk, county treasurer, register of deeds, county or district attorney, sheriff and such other officers as provided by law; ~~and~~

(11) at each election, when the term of county commissioner in any district in any county shall expire during the next year, there shall be elected from such district a county commissioner*; and*

(12) at each election, when the term of a commissioner of the state

corporation commission shall expire during the next year, there shall be elected one or two commissioners to the state corporation commission in accordance with the provisions of section 1, and amendments thereto.

(b) This section shall apply to the filling of vacancies only so far as is consistent with the provisions of law relating thereto.

Sec. 3. K.S.A. 25-101a is hereby amended to read as follows: 25-101a. (a) On the Tuesday succeeding the first Monday in November in 1978, and each four years thereafter, there shall be elected a governor and lieutenant governor running together, a secretary of state, an attorney general, a state treasurer ~~and~~*,* a state commissioner of insurance *and a commissioner or commissioners of the state corporation commission elected as set forth in section 1, and amendments thereto*.

(b) Every candidate for the office of secretary of state, attorney general, state treasurer ~~or~~*,* state commissioner of insurance *or commissioner of the state corporation commission* shall be a qualified elector of the state of Kansas by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.

(c) Every candidate for the office of governor and lieutenant governor shall be a qualified elector and shall be 25 years of age or older by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.

(d) Every candidate for the office of attorney general must be licensed to practice law within the state of Kansas.

Sec. 4. K.S.A. 25-4001 is hereby amended to read as follows: 25-4001. The governor, lieutenant governor, secretary of state, attorney general, state treasurer ~~and~~*,* commissioner of insurance *and commissioners of the state corporation commission* shall be elected for terms of four ~~(4)~~ years, to begin on the second Monday of January next after their election~~,~~ and *continue* until their successors are elected and qualified.

Sec. 5. K.S.A. 74-601 is hereby amended to read as follows: 74-601. (a) There is hereby created the state corporation commission, which shall consist of three members appointed ~~by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, no person appointed to the commission shall exercise any power, duty or function as a member of the commission until confirmed by the senate. No more than two members of the commission shall belong to the same political party. Each member shall be appointed for a term of four years and until a successor has been appointed and confirmed. In case of a vacancy in the office of a member of the commission, the governor shall appoint a successor to fill the vacancy for the unexpired term.~~

~~(b) The terms of members who are serving on the commission on the effective date of this act shall expire on March 15, of the year in which~~

~~such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and confirmed~~ *or elected in accordance with this section*.

(b) (1) The terms of the commissioners who are serving on the commission on July 1, 2025, shall expire on March 15 of the year in which such terms would have expired under the provisions of this section prior to the 2025 amendments made to this section by this act, except that the term of any commissioner shall be extended until the commissioner's successor is appointed or elected pursuant to the following:

(A) The position held by the commissioner whose term expires on March 15, 2026, shall be known as commissioner position one. Upon the expiration of such commissioner's term, the governor shall appoint a commissioner to the position for a term ending on the second Monday in January 2027. Thereafter, such position shall be filled by the commissioner elected to such position pursuant to section 1, and amendments thereto.

(B) The position held by the commissioner whose term expires on March 15, 2027, shall be known as commissioner position two. Upon the expiration of such commissioner's term, the governor shall appoint a commissioner to such position for a term ending on the second Monday in January 2029. Thereafter, such position shall be filled by the commissioner elected to such position pursuant to section 1, and amendments thereto.

(C) The position held by the commissioner whose term expires on March 15, 2028, shall be known as commissioner position three. Upon the expiration of such commissioner's term, the governor shall appoint a commissioner to such position for a term ending on the second Monday in January 2029. Thereafter, such position shall be filled by the commissioner elected to such position pursuant to section 1, and amendments thereto.

(2) Commissioners appointed by the governor pursuant to this subsection shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, no person appointed to the commission shall exercise any power, duty or function as a commissioner until confirmed by the senate. The governor shall not appoint any person to the commission pursuant to this subsection if such appointment would result in all commissioners belonging to the same political party.

(c) Any vacancy occurring on the commission shall be filled pursuant to K.S.A. 25-312, and amendments thereto.

~~(c)~~*(d) (1) Except as otherwise provided in paragraph (2),* the commission shall elect one of its members as chairperson of the

commission.

(2) On February 1, 2026, and on February 1 of each of the succeeding two calendar years, the governor shall appoint the chairperson of the commission for a one-year term. Such term shall end on the succeeding February 1. No chairperson appointed pursuant to this paragraph shall serve more than two consecutive terms as chairperson of the commission. The provisions of this paragraph shall expire on February 1, 2029.

(3) The chairperson of the commission shall receive an annual salary in an amount equal to the annual salary prescribed by law for the chief judge of the court of appeals, payable monthly. Each other member of the commission shall receive an annual salary in an amount equal to the annual salary paid by the state to a judge of the court of appeals, other than the chief judge, payable monthly. Each member of the commission shall devote full time to the duties of the office.

~~(d)~~*(e)* The provisions of the Kansas governmental operations accountability law apply to the state corporation commission, and the commission is subject to audit, review and evaluation under such law.

Sec. 6. K.S.A. 74-605 is hereby amended to read as follows: 74-605. *(a)* No person owning any bonds, stock or property in any railroad company or other common carrier or public utility, or who is in the employment of, or who ~~is in any way or manner pecuniarily interested~~ *has any pecuniary interest* in, any railroad company or other common carrier or public utility, shall be eligible, except as ~~hereinafter~~ provided *in this section*, to the office of commissioner, attorney or secretary of ~~said~~ *the* commission, nor shall such commissioner, attorney or secretary hold any office of profit or any position under any committee of any political party, or hold any other position of honor, profit or trust under or by virtue of any of the laws of the United States or of the state of Kansas. ~~Said~~ *Such* commissioners shall be qualified electors of the state~~,~~ and shall not ~~while such commissioners~~ engage in any occupation or business inconsistent with their duties as such commissioners.

~~And~~*(b)* If any member of the commission, at the time ~~of his appointment~~ *such member assumes the office of commissoner*, shall own any bonds, stock or property in any railroad company or other common carrier or public utility, or is in the employment of, or ~~is in any way or manner pecuniarily interested~~ *has any pecuniary interest* in*,* any railroad company or any common carrier or public utility, such commissioner or other appointee shall within ~~thirty~~ ~~(~~30~~)~~ days divest ~~himself~~ of such interest or employment~~, and upon his failing to do so he~~. *If such member fails to divest of such interest or employment pursuant to this section, such member* shall forfeit ~~his~~ *the* office~~, and the governor shall remove such commissioner and shall appoint his successor, who shall hold until a~~

~~successor is appointed and qualified~~ *and a vacancy shall be declared*.

(c) Each of ~~said~~ *the* commissioners, attorney and secretary shall be sworn, before entering upon the discharge of the same, to faithfully perform the duties of the respective offices. ~~Said~~ *The* commission is authorized and empowered to employ~~, subject to the approval of the governor,~~ such extra accountants, engineers, experts and special assistants as in ~~its~~ *the commission's* judgment may be necessary and proper to carry the provisions of this act into effect~~;~~ and to fix their compensation~~; and~~. Such employees shall hold their office ~~during~~ *at* the pleasure of ~~said~~ *the* commission~~: Provided, That~~. No person related by blood or marriage to any member of such commission shall be appointed or employed by ~~said~~ *the* commission.

Sec. 7. K.S.A. 74-630 is hereby amended to read as follows: 74-630. (a) The state corporation commission may appoint persons to the positions specified in subsection (b) to serve as full-time employees of the state. Such persons shall be in the unclassified service of the Kansas civil service act and shall receive compensation fixed by the state corporation commission ~~and approved by the governor~~, subject to the limitations of appropriations therefor.

(b) The offices to which this section apply are the following:

(1) The director of the division of utilities;

(2) the director of the division of conservation;

(3) the director of the division of transportation;

(4) the director of public affairs and consumer protection;

(5) the general counsel; and

(6) the executive director, who shall also serve as secretary to the state corporation commission.

Sec. 8. K.S.A. 25-101, 25-101a, 25-4001, 74-601, 74-605 and 74-630 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.