

SENATE BILL No. 93

By Committee on Utilities

1-28

1 AN ACT concerning the state corporation commission; providing for the
2 statewide election of the commissioners of the state corporation
3 commission; establishing an election schedule for the election of such
4 commissioners; authorizing gubernatorial appointments until
5 commissioners are elected; amending K.S.A. 25-101, 25-101a, 25-
6 4001, 74-601, 74-605 and 74-630 and repealing the existing sections.
7

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

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

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

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

21 (2) on the first Tuesday in August of 2028, and on the first Tuesday in
22 August each four years thereafter, a primary election shall be conducted
23 for commission positions two and three established pursuant to K.S.A. 74-
24 601, and amendments thereto.

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

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

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

1 amendments thereto.

2 Sec. 2. K.S.A. 25-101 is hereby amended to read as follows: 25-101.

3 (a) On the Tuesday succeeding the first Monday in November of each
4 even-numbered year, there shall be held a general election to elect officers
5 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Sec. 3. K.S.A. 25-101a is hereby amended to read as follows: 25-
7 101a. (a) On the Tuesday succeeding the first Monday in November in
8 1978, and each four years thereafter, there shall be elected a governor and
9 lieutenant governor running together, a secretary of state, an attorney
10 general, a state treasurer ~~and~~, a state commissioner of insurance *and a*
11 *commissioner or commissioners of the state corporation commission*
12 *elected as set forth in section 1, and amendments thereto.*

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

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

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

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

30 Sec. 5. K.S.A. 74-601 is hereby amended to read as follows: 74-601.

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

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

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

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

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

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

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

32 *(2) Commissioners appointed by the governor pursuant to this*
33 *subsection shall be subject to confirmation by the senate as provided in*
34 *K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A.*
35 *46-2601, no person appointed to the commission shall exercise any power,*
36 *duty or function as a commissioner until confirmed by the senate. The*
37 *governor shall not appoint any person to the commission pursuant to this*
38 *subsection if such appointment would result in all commissioners*
39 *belonging to the same political party.*

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

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

1 commission.

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

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

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

19 Sec. 6. K.S.A. 74-605 is hereby amended to read as follows: 74-605.

20 (a) No person owning any bonds, stock or property in any railroad
 21 company or other common carrier or public utility, or who is in the
 22 employment of, or who is in any way or manner pecuniarily interested has
 23 any pecuniary interest in, any railroad company or other common carrier
 24 or public utility, shall be eligible, except as hereinafter provided in this
 25 section, to the office of commissioner, attorney or secretary of ~~said~~ the
 26 commission, nor shall such commissioner, attorney or secretary hold any
 27 office of profit or any position under any committee of any political party,
 28 or hold any other position of honor, profit or trust under or by virtue of any
 29 of the laws of the United States or of the state of Kansas. ~~Said~~ Such
 30 commissioners shall be qualified electors of the state; and shall not while
 31 such commissioners engage in any occupation or business inconsistent
 32 with their duties as such commissioners.

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

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

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

13 Sec. 7. K.S.A. 74-630 is hereby amended to read as follows: 74-630.

14 (a) The state corporation commission may appoint persons to the positions
15 specified in subsection (b) to serve as full-time employees of the state.
16 Such persons shall be in the unclassified service of the Kansas civil service
17 act and shall receive compensation fixed by the state corporation
18 commission ~~and approved by the governor~~, subject to the limitations of
19 appropriations therefor.

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

- 21 (1) The director of the division of utilities;
- 22 (2) the director of the division of conservation;
- 23 (3) the director of the division of transportation;
- 24 (4) the director of public affairs and consumer protection;
- 25 (5) the general counsel; and
- 26 (6) the executive director, who shall also serve as secretary to the
27 state corporation commission.

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

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