SENATE BILL No. 88

By Committee on Utilities

1-24

AN ACT concerning public utilities; relating to the regulation and oversight of public utilities; 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; relating to the attorney general; requiring the office of the attorney general to represent and protect the collective interests of utility customers in utility rate-related proceedings before the state corporation commission and in any other judicial or administrative proceeding; establishing the utilities regulation division within the office of the attorney general and providing duties therefor; exempting the state corporation commission from the open meetings act; amending K.S.A. 25-101, 25-101a, 25-4001, 25-4142, 66-117a, 66-1236, 66-1502, 66-1503, 66-2204, 74-601, 74-605, 74-630 and 75-4318 and K.S.A. 2022 Supp. 66-1,251 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 2024, 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;
2. 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 two established pursuant to K.S.A. 74-601, and amendments thereto; and
3. 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 position three established pursuant to K.S.A. 74-601, and
amendments thereto. Commencing in August of 2028, such primary
election shall be held in conjunction with the primary election for
commission position one.
  (c) The general elections for members of the state corporation shall
commence and be conducted in accordance with the following schedule:
  (1) On the Tuesday following the first Monday in November of 2024,
and on the first Tuesday in August 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;
  (2) on the Tuesday following the first Monday in November of 2026,
and on the first Tuesday in August each four years thereafter, a general
election shall be conducted for commission position two established
pursuant to K.S.A. 74-601, and amendments thereto; and
  (3) on the Tuesday following the first Monday in November of 2028,
and on the first Tuesday in August each four years thereafter, a general
election shall be conducted for commission position three established
pursuant to K.S.A. 74-601, and amendments thereto. Commencing in
November of 2028, such general election shall be held in conjunction with
the general election for commission position one.

New Sec. 2. (a) No candidate for commissioner of the state
corporation commission nor any candidate committee appointed by such
candidate shall solicit or accept any contribution from a public utility,
political committee established by a utility or political committee that
receives contributions from a public utility.
  (b) No public utility, political committee established by a public
utility or political committee that receives contributions from a public
utility shall make any contribution to a candidate for commissioner of the
state corporation commission or to any candidate committee appointed by
such candidate.
  (c) This section shall be a part of and supplemental to the the
campaign finance act, K.S.A. 25-4142 et seq., and amendments thereto.

New Sec. 3. (a) There is hereby created in the office of the attorney
general the utilities regulation division. The utilities regulation division, at
the direction of the attorney general, shall:
  (1) Represent and protect the collective interests of all utility
customers of this state in public utility rate-related proceedings of the state
corporation commission and in any other state or federal judicial or
administrative proceedings;
  (2) advocate for reasonable, affordable and regionally competitive
utility rates for Kansas utility customers;
  (3) balance the interests of residential, business and industrial
customers when advocating for utility customers;
  (4) promote long-term, cost-effective and reasonable solutions to
issues faced by the utility industry; and

(5) eliminate corporate waste and unnecessary spending by public utilities.

(b) The attorney general shall establish and maintain a principal office of the division and shall appoint a director of the division. Subject to appropriations therefor, the attorney general shall employ attorneys, engineers, accountants, economists or any other personnel necessary to carry out the duties of the division. The director and employees of the division shall be within the unclassified service under the Kansas civil service act.

(c) (1) Commencing on January 1, 2024, except as provided in paragraph (2), the staff of any division of the state corporation commission that litigates, argues or participates in public utility rate proceedings for the purpose of making non-binding recommendations to the state corporation commission on behalf of ratepayers shall be transferred to the division subject to the discretion of the attorney general.

(2) The provisions of paragraph (1) shall not apply to the staff of the state corporation commission that litigates, argues or participates in telecommunications rate proceedings.

(3) The attorney general and the state corporation commission shall collaborate and undertake all necessary actions to effectuate this subsection.

(d) Subject to appropriations therefor, the attorney general may contract for professional services, including, but not limited to, attorneys, engineers, accountants and economists as necessary to carry out the duties of the division.

Sec. 4. 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 of the United States will expire, there shall be elected the electors of president and 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. 5. 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. 6. 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 until their successors are elected and qualified.

Sec. 7. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and K.S.A. 25-4153b, and amendments thereto, and section 2, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 8. K.S.A. 66-117a is hereby amended to read as follows: 66-117a. The secretary of administration and the utilities regulation division of the office of the attorney general may intervene on behalf of the state of Kansas as a party to any rate hearing conducted by the state corporation commission in which the state of Kansas would be affected as a consumer by a proposed change in the rates considered at such hearing.

Sec. 9. K.S.A. 2022 Supp. 66-1,251 is hereby amended to read as follows: 66-1251. The following entities may legally invest any sinking funds, moneys or other funds in securitized utility tariff bonds:

(a) Subject to applicable statutory restrictions on state or local investment authority, the state, units of local government, political subdivisions, public bodies and public officers, except for:

(1) Members of the commission and the commission's technical advisory and other staff;

(2) Board members and employees of the citizens' utility ratepayer board; and

(3) Officers and employees of the utilities regulation division of the office of the attorney general;

(b) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business;

(c) Personal representatives, guardians, trustees and other fiduciaries; or

(d) All other persons authorized to invest in bonds or other obligations of a similar nature.

Sec. 10. K.S.A. 66-1236 is hereby amended to read as follows: 66-
1236. (a) In adopting procedures applicable in proceedings pursuant to K.S.A. 66-1233, and amendments thereto, the state corporation commission shall provide for:

(1) Confidentiality of information so that the amount of recovery requested, the amount of recovery allowed, the method of cost recovery requested and the method of cost recovery allowed is not disclosed;

(2) protective orders for all filings so that the citizens' utility ratepayer board and the utilities regulation division of the office of the attorney general may receive and review documents if the board intervenes;

(3) procedures to reflect rules of the United States nuclear regulatory commission or other regulatory bodies that govern the release of information and documentation which an applicant is required to submit to support the application or supply to the commission, commission staff or intervenors;

(4) the security cost recovery charge to be unidentifiable on customers' bills;

(5) the security cost recovery charge shall be allocated and added to all wholesale and retail rates and future contracts. Any contract existing on the effective date of this act, which does not specifically prohibit the addition of such charges, shall have such charges added;

(6) review of security-related filings in an expedited manner with reference only to security-related items to assure that the proposed items provide enhanced security;

(7) denial of any expenditure that the commission determines is not prudent or is not for security measures and approval of all other expenditures; and

(8) recovery of capital expenditures over a period equal to not more than 1/2 the usable lifetime of the capital investment.

(b) A determination by the commission of the prudence of an expenditure for security measures shall not be based on standard regulatory principles and methods of recovery and shall take fully into account the findings and intent of the legislature as stated in K.S.A. 66-1235, and amendments thereto.

(c) The provisions of this act and K.S.A. 66-1233, and amendments thereto, shall apply recovery of prudent expenditures for enhanced security incurred after September 11, 2001.

(d) Any confidential records or information relating to security measures provided or received under the provisions of this act and K.S.A. 66-1233, and amendments thereto, shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 11. K.S.A. 66-1502 is hereby amended to read as follows: 66-1502. (a) (I) Whenever, in order to carry out the duties imposed upon it by
law, the state corporation commission, in a proceeding upon its own
motion, on complaint, or upon an application to it, shall deem it necessary
to investigate any public utility or common carrier or make appraisals of
the property of any public utility, such public utility or common carrier, in
case the expenses reasonably attributable to such investigation or appraisal
exceed the sum of $100, including both direct and indirect expenses
incurred by the commission or its staff or, by the citizens' utility ratepayer
board or by the utilities regulation division of the office of the attorney
general, shall pay such expenses which shall be assessed against such
public utility or common carrier by the commission. Such expenses shall
be assessed beginning on the date that the proceeding is filed or beginning
three business days after the commission gives the public utility or
common carrier notice of the assessment by United States mail, whichever
is later. The state corporation commission shall give such public utility or
common carrier notice and opportunity for a hearing in accordance with
the provisions of the Kansas administrative procedure act. At such hearing,
the public utility or common carrier may be heard as to the necessity of
such investigation or appraisal and may show cause, if any, why such
investigation or appraisal should not be made or why the costs thereof
should not be assessed against such public utility or common carrier. The
finding of the commission as to the necessity of the investigation or
appraisal and the assessment of the expenses thereof shall be conclusive,
except that no such public utility or common carrier shall be liable for
payment of any such expenses incurred by such state corporation
commission or, citizens' utility ratepayer board or utilities regulation
division of the office of the attorney general in connection with any
proceeding before or within the jurisdiction of any federal regulatory body.

(2) The commission shall ascertain the expenses of any such
investigation or appraisal and by order assess such expenses against the
public utility or common carrier investigated or whose property is
appraised in such proceeding, and shall render a bill therefor, by United
States mail, to the public utility or common carrier, either at the conclusion
of the investigation or appraisal, or from time to time during such
investigation or appraisal. Such bill shall constitute notice of such
assessment and demand of payment thereof. Upon a bill rendered to such
public utility or common carrier, within 15 days after the mailing thereof,
such public utility or common carrier shall pay to the commission the
amount of the assessment for which it is billed. Such payment when made
shall be transmitted by the commission to the state treasurer, who shall
credit the same to the appropriations made for the use of such commission
or for the use of the citizens' utility ratepayer board. The total amount, in
any one state fiscal year for which any public utility or common carrier
shall be assessed under the provisions of this section shall not exceed the
following: (1) For a public utility or common carrier that is under the jurisdiction of the commission and has not filed an annual report with the commission pursuant to K.S.A. 66-123, and amendments thereto, prior to the beginning of the commission's fiscal year, actual expenses, including direct and indirect expenses incurred by the commission or the commission's staff or, by the citizens' utility ratepayer board or by the utilities regulation division of the office of the attorney general; and (2) for any other public utility or common carrier under the jurisdiction of the commission, 0.6% of the public utility's or common carrier's gross operating revenues derived from intrastate operations as reflected in the last annual report filed with the commission pursuant to K.S.A. 66-123, and amendments thereto, prior to the beginning of the commission's fiscal year. The commission may render bills in one fiscal year for costs incurred within a previous fiscal year.

(b) The commission, in accordance with the procedures prescribed by subsection (a), may assess against an entity, other than a residential or small commercial ratepayer, that is not subject to assessment pursuant to subsection (a) actual expenses of any services extended, filings processed or actions certified by the commission for the entity.

Sec. 12. K.S.A. 66-1503 is hereby amended to read as follows: 66-1503. (a) (1) The state corporation commission shall determine within 15 days after each quarter-year for each such quarter-year, the total amount of its expenditures during such period of time and the total amount of expenditures of the citizens' utility ratepayer board during such period of time and the total amount of expenditures of the utilities regulation division of the office of the attorney general. The total amount shall include the salaries of members and employees and all other lawful expenditures of the commission and the board and the utilities regulation division, including all expenditures in connection with investigations or appraisals made under the provisions of K.S.A. 66-1502, and amendments thereto, except that there shall not be included in such total amount of expenditures for the purpose of this section the expenditures during such period of time which are otherwise provided for by fees and assessments made under other existing laws for the regulation of motor carriers or for administering the oil proration and the oil and gas conservation laws.

(2) From the amount determined under paragraph (1) of this subsection, the commission shall deduct:

(A) All amounts collected under K.S.A. 66-1502, and amendments thereto, during such period of time; and

(B) the amounts of all fees collected during such period of time under the provisions of subsection (b)(1) of K.S.A. 66-1a01(b)(1), and amendments thereto.

(3) To the remainder after making the deductions under paragraph (2)
of this subsection, the commission shall add such amount as in its judgment may be required to satisfy any deficiency in the prior assessment period's assessment and to provide for anticipated increases in necessary expenditures for the current assessment period.

(b) The amount determined under subsection (a) shall be assessed by the commission against all public utilities and common carriers subject to the jurisdiction of the commission and shall not exceed, during any fiscal year, the greater of $100 or 0.2% of the respective utility's or common carrier's gross operating revenues derived from intrastate operation as reflected in the last annual report filed with the commission pursuant to K.S.A. 66-123, and amendments thereto, prior to the beginning of the commission's fiscal year or made available to the commission upon request. Such assessment shall be paid to the commission within 15 days after the notice of assessment has been mailed to such public utilities and common carriers, which notice of assessment shall constitute demand of payment thereof.

(c) The commission shall remit all moneys received by or for it for the assessment imposed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the public service regulation fund.

Sec. 13. K.S.A. 66-2204 is hereby amended to read as follows: 66-2204. (a) At the time that a natural gas public utility files a petition with the commission seeking to establish or change a GSRS, it shall submit proposed GSRS rate schedules and its supporting documentation regarding the calculation of the proposed GSRS with the petition and shall serve commission staff and, the citizens' utility ratepayer board and the utilities regulation division of the office of the attorney general with a copy of its petition, its proposed rate schedules and its supporting documentation.

(b) (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, the commission shall conduct an examination of the proposed GSRS;

(2) the staff of the commission shall examine information of the natural gas public utility to confirm that the underlying costs are in accordance with the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, and to confirm proper calculation of the proposed charge. The staff shall submit a report regarding its examination to the commission not later than 60 days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in
consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of K.S.A. 66-2202 and 66-2204, and amendments thereto;

(3) the commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than 120 days after the petition is filed; and

(4) if the commission finds that a petition complies with the requirements of K.S.A. 66-2202 through 66-2204, and amendments thereto, the commission shall enter an order authorizing the natural gas public utility to impose a GSRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto.

(c) A natural gas utility may effectuate a change in its rate pursuant to the provisions of this section no more often than once every 12 months.

(d) In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The net original cost of eligible infrastructure system investments. The net original cost shall be defined as the original cost of eligible infrastructure system investments less associated retirements of existing infrastructure;

(2) the accumulated deferred income taxes associated with the eligible infrastructure system investments, as adjusted to comply with internal revenue service regulations;

(3) the accumulated depreciation associated with the eligible infrastructure system investments;

(4) the current state, federal and local income tax or excise rates;

(5) the natural gas public utility's actual regulatory capital structure as determined during the most recent general rate proceeding of the natural gas public utility;

(6) the actual cost rates for the natural gas public utility's debt and preferred stock as determined during the most recent general rate proceeding of the natural gas public utility;

(7) the natural gas public utility's cost of common equity as determined during the most recent general rate proceeding of the natural gas public utility;

(8) the current depreciation rates applicable to the eligible infrastructure system investments; and

(9) in the event information pursuant to paragraphs (5), (6) and (7) are unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and commission staff during the most recent general rate proceeding of the natural gas public utility to determine the capital
structure, recommended cost rates for debt and preferred stock and recommended cost of common equity to determine the average weighted cost of capital.

(e) (1) The monthly GSRS charge shall be allocated among the natural gas public utility's classes of customers in the same manner as costs for the same type of facilities was allocated among classes of customers in the natural gas public utility's most recent general rate proceeding. If that allocation is not available or determinable, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and the commission staff regarding class allocation of costs. A GSRS shall be charged to customers as a monthly fixed charge and not based on volumetric consumption. Such monthly charge shall not increase more than $0.80 per residential customer over the base rates in effect for the initial filing of a GSRS. Thereafter, each filing shall not increase the monthly charge more than $0.80 per residential customer over the most recent filing of a GSRS;

(2) at the end of each twelve-month 12-month calendar period the GSRS is in effect, the natural gas public utility shall reconcile the differences between the revenues resulting from a GSRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed GSRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of the GSRS charge.

(f) (1) A natural gas public utility that has implemented a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall file revised rate schedules to reset the GSRS to zero when new base rates and charges become effective for the natural gas public utility following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates, subject to subsections (h) and (i), eligible costs previously reflected in the currently effective GSRS; and

(2) upon the inclusion in a natural gas public utility's base rates subject to subsections (h) and (i) of eligible costs previously reflected in a GSRS, the natural gas public utility shall immediately thereafter reconcile any previously unreconciled GSRS revenues as necessary to ensure that revenues resulting from the GSRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

(g) A natural gas public utility's filing of a petition or change to a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall not be deemed to be a rate increase for purposes of K.S.A. 66-117, and amendments thereto.

(h) Commission approval of a petition, and any associated rate
schedules, to establish or change a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system investments during a subsequent general rate proceeding when the commission may undertake to review the reasonableness and prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system investments previously included in a GSRS, the natural gas public utility shall offset its GSRS in the future as necessary to recognize and account for any such over collections.

(i) Nothing in this section shall be construed as limiting the authority of the commission to review and consider the costs of infrastructure system investments, along with other costs, during any general rate proceeding of any natural gas public utility.

Sec. 14. 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 appointed or elected in accordance with this section.

(b) (1) The terms of the commissioners who are serving on the commission on July 1, 2023, shall expire on March 15 of the year in which such terms would have expired under the provisions of this section prior to the 2023 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, 2024, shall be known as commissioner position one. Upon the expiration of such term, the governor shall appoint a commissioner to the position for a term ending on the second Monday in January 2025.
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, 2026, shall be known as commissioner position two. 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.

(C) The position held by the commissioner whose term expires on March 15, 2027, 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.

(e)(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, 2024, and on February 1 of each of the succeeding four 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 three consecutive terms as chairperson of the commission.

(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. 15. 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 commissioner, 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. Such vacancy shall be filled pursuant to section 1, and amendments thereto.

(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. 16. 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. 17. K.S.A. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

1. If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;
2. if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and
3. the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.
(c) It shall be the duty of the presiding officer or other person calling
the meeting, if the meeting is not called by the presiding officer, to furnish
the notice required by subsection (b).
(d) Prior to any meeting mentioned by subsection (a), any agenda
relating to the business to be transacted at such meeting shall be made
available to any person requesting the agenda.
(e) The use of cameras, photographic lights and recording devices
shall not be prohibited at any meeting mentioned by subsection (a), but
such use shall be subject to reasonable rules designed to insure the orderly
conduct of the proceedings at such meeting.
(f) Except as provided by section 22 of article 2 of the constitution of
the state of Kansas, interactive communications in a series shall be open if
they collectively involve a majority of the membership of the public body
or agency, share a common topic of discussion concerning the business or
affairs of the public body or agency, and are intended by any or all of the
participants to reach agreement on a matter that would require binding
action to be taken by the public body or agency.
(g) The provisions of the open meetings law shall not apply:
(1) To any administrative body that is authorized by law to exercise
quasi-judicial functions when such body is deliberating matters relating to
a decision involving such quasi-judicial functions;
(2) to the prisoner review board when conducting parole hearings or
parole violation hearings held at a correctional institution;
(3) to any impeachment inquiry or other impeachment matter referred
to any committee of the house of representatives prior to the report of such
committee to the full house of representatives; and
(4) if otherwise provided by state or federal law or by rules of the
Kansas senate or house of representatives; and
(5) to the the state corporation commission.
Sec. 18. K.S.A. 25-101, 25-101a, 25-4001, 25-4142, 66-117a, 66-
1236, 66-1502, 66-1503, 66-2204, 74-601, 74-605, 74-630 and 75-4318
and K.S.A. 2022 Supp. 66-1,251 are hereby repealed.
Sec. 19. This act shall take effect and be in force from and after its
publication in the statute book.