

HOUSE BILL No. 2614

By Committee on Elections

Requested by Clay Barker, General Counsel, Kansas Secretary of State

1-29

1 AN ACT concerning administrative rules and regulations; requiring state
2 agencies to provide notice of revocation thereof; removing certain
3 abolished or inactive state agencies from the five-year state agency
4 review requirement; amending K.S.A. 2023 Supp. 77-426 and 77-440
5 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2023 Supp. 77-426 is hereby amended to read as
9 follows: 77-426. (a) All rules and regulations that are in force and effect at
10 the time this act takes effect shall continue in full force and effect and may
11 be amended, revived or revoked as provided by law. All new rules and
12 regulations and all amendments, revivals or revocations of rules and
13 regulations, other than temporary regulations, adopted in any year shall be
14 filed with the secretary of state and shall become effective 15 days
15 following its publication in the Kansas register or such later date as clearly
16 expressed in the body of such rule and regulation.

17 (b) Except for rules and regulations revoked pursuant to subsection
18 (d), as soon as possible after the filing of any rules and regulations by a
19 state agency, the secretary of state shall submit to the joint committee on
20 administrative rules and regulations such number of copies as may be
21 requested by the joint committee on administrative rules and regulations.

22 (c) At any time prior to adjournment sine die of the regular session of
23 the legislature, the legislature may adopt a concurrent resolution
24 expressing the concern of the legislature with any permanent or temporary
25 rule and regulation that is in force and effect and on file in the office of the
26 secretary of state and any permanent rule and regulation filed in the office
27 of the secretary of state during the preceding year and requesting the
28 revocation of any such rule and regulation or the amendment of any such
29 rule and regulation in the manner specified in such resolution.

30 (d) (1) Notwithstanding any other provision of the rules and
31 regulations filing act, any rule and regulation may be revoked pursuant to
32 this subsection if such rule and regulation is identified by a state agency in
33 the report submitted to the joint committee on administrative rules and
34 regulations pursuant to K.S.A. 2023 Supp. 77-440, and amendments
35 thereto, as one that may be revoked pursuant to this subsection. A state

1 agency may revoke a rule and regulation by filing a notice of such
 2 revocation with the secretary of state and causing such notice to be
 3 published in the Kansas register. Such notice of revocation shall not
 4 contain any new rules and regulations or any amendments to any rules and
 5 regulations.

6 (2) Prior to filing the notice of revocation with the secretary, the state
 7 agency shall:

8 (A) *Provide a written notice to affected businesses, local*
 9 *governmental units and members of the public of the proposed revocation.*

10 Upon the written request of a member of the public, hold a public hearing
 11 on the proposed notice of revocation;

12 (B) ~~submit the notice of rules and regulations proposed for~~
 13 ~~revocation to the attorney general for review and approval in accordance~~
 14 ~~with K.S.A. 77-420(d), and amendments thereto; and~~

15 (C) submit the notice of revocation to the joint committee on
 16 administrative rules and regulations and, upon request by the chairperson
 17 of such committee, appear before such committee at a hearing on such
 18 notice.

19 (3) The revocation of a rule and regulation under this subsection shall
 20 be effective 15 days following the date that the notice of such revocation is
 21 published in the Kansas register.

22 Sec. 2. K.S.A. 2023 Supp. 77-440 is hereby amended to read as
 23 follows: 77-440. (a) All rules and regulations adopted by state agencies
 24 under the provisions of K.S.A. 77-415 et seq., and amendments thereto,
 25 shall be reviewed every five years in accordance with this section.

26 (b) (1) Each state agency that has adopted rules and regulations shall
 27 submit a report to the joint committee on administrative rules and
 28 regulations on or before July 15 of the year that corresponds to such state
 29 agency under paragraph (2). Such report shall contain a summary of such
 30 state agency's review and evaluation of rules and regulations adopted by
 31 such state agency, including a statement for each rule and regulation as to
 32 whether such rule and regulation is necessary for the implementation and
 33 administration of state law or may be revoked pursuant to K.S.A. 77-
 34 426(d), and amendments thereto.

35 (2) Each state agency that has adopted rules and regulations shall
 36 submit a report as required under paragraph (1) in the years that
 37 correspond to such state agency as follows:

38 (A) For 2023 and every ~~fifth~~ 5th year thereafter, the following state
 39 agencies:

- 40 (i) Department of administration;
- 41 (ii) municipal accounting board;
- 42 (iii) state treasurer;
- 43 (iv) Kansas department of agriculture;

- 1 (v) Kansas department of agriculture—division of water resources;
- 2 (vi) state election board;
- 3 (vii) secretary of state;
- 4 ~~(viii)—livestock brand commissioner;~~
- 5 ~~(ix)~~ Kansas department of agriculture—division of animal health;
- 6 ~~(x)(ix)~~ Kansas bureau of investigation;
- 7 ~~(xi)(x)~~ Kansas department of agriculture—division of conservation;
- 8 ~~(xii)(xi)~~ agricultural labor relations board;
- 9 ~~(xiii)—alcoholic beverage control board of review;~~
- 10 ~~(xiv)(xii)~~ Kansas department of revenue—division of alcoholic
- 11 beverage control;
- 12 ~~(xv)—athletic commission;~~
- 13 ~~(xvi)(xiii)~~ attorney general;
- 14 ~~(xvii)(xiv)~~ office of the state bank commissioner;
- 15 ~~(xviii)(xv)~~ employee award board;
- 16 ~~(xix)(xvi)~~ governmental ethics commission;
- 17 ~~(xx)(xvii)~~ crime victims compensation board;
- 18 ~~(xxi)(xviii)~~ Kansas human rights commission; *and*
- 19 ~~(xxii)(xix)~~ state fire marshal; *and*
- 20 ~~(xxiii)—Kansas department of wildlife and parks;~~
- 21 (B) for 2024 and every ~~fourth~~ 5th year thereafter, the following state
- 22 agencies:
 - 23 (i) Kansas wheat commission;
 - 24 ~~(ii)—Kansas state grain inspection department;~~
 - 25 ~~(iii)~~ Kansas department for aging and disability services;
 - 26 ~~(iv)(iii)~~ Kansas energy office;
 - 27 ~~(v)(iv)~~ department of health and environment;
 - 28 ~~(vi)(v)~~ Kansas department for children and families;
 - 29 ~~(vii)—park and resources authority;~~
 - 30 ~~(viii)—state salvage board;~~
 - 31 ~~(ix)(vi)~~ Kansas department of transportation;
 - 32 ~~(x)(vii)~~ Kansas highway patrol;
 - 33 ~~(xi)(viii)~~ savings and loan department;
 - 34 ~~(xii)(ix)~~ Kansas turnpike authority;
 - 35 ~~(xiii)(x)~~ insurance department;
 - 36 ~~(xiv)—food service and lodging board;~~
 - 37 ~~(xv)—commission on alcoholism;~~
 - 38 ~~(xvi)(xi)~~ corrections ombudsman board;
 - 39 ~~(xvii)(xii)~~ department of corrections;
 - 40 ~~(xviii)(xiii)~~ Kansas prisoner review board;
 - 41 ~~(xix)—executive council;~~
 - 42 ~~(xx)(xiv)~~ mined-land conservation and reclamation (KDHE);
 - 43 ~~(xxi)(xv)~~ department of labor—employment security board of review;

1 ~~(xxii)~~(xvi) department of labor;
 2 ~~(xxiii)~~(xvii) department of labor—division of employment; and
 3 ~~(xxiv)~~(xviii) department of labor—division of workers compensation;
 4 (C) for 2025 and every ~~fourth~~ 5th year thereafter, the following state
 5 agencies:

- 6 (i) State records board;
- 7 (ii) state library;
- 8 ~~(iii) board for the registration and examination of landscape~~
 9 ~~architects;~~
- 10 (iv) adjutant general's department;
- 11 ~~(v)~~(iv) state board of nursing;
- 12 ~~(vi)~~(v) Kansas board of barbering;
- 13 ~~(vii)~~(vi) state board of mortuary arts;
- 14 ~~(viii) board of engineering examiners;~~
- 15 ~~(ix)~~(vii) board of examiners in optometry;
- 16 ~~(x)~~(viii) state board of technical professions;
- 17 ~~(xi)~~(ix) Kansas board of examiners in fitting and dispensing of
 18 hearing instruments;
- 19 ~~(xii)~~(x) state board of pharmacy;
- 20 ~~(xiii)~~(xi) Kansas state board of cosmetology;
- 21 ~~(xiv)~~(xii) state board of veterinary examiners;
- 22 ~~(xv)~~(xiii) Kansas dental board;
- 23 ~~(xvi) board of examiners of psychologists;~~
- 24 ~~(xvii) registration and examining board for architects;~~
- 25 ~~(xviii)~~(xiv) board of accountancy;
- 26 ~~(xix)~~(xv) state bank commissioner—consumer and mortgage lending
 27 division;
- 28 ~~(xx) board of basic science examiners;~~
- 29 ~~(xxi)~~(xvi) Kansas public employees retirement system;
- 30 ~~(xxii)~~(xvii) office of the securities commissioner; and
- 31 ~~(xxiii)~~(xviii) Kansas corporation commission;

32 (D) for 2026 and every ~~fourth~~ 5th year thereafter, the following state
 33 agencies:

- 34 (i) Public employee relations board;
- 35 (ii) abstracters' board of examiners;
- 36 (iii) Kansas real estate commission;
- 37 ~~(iv) education commission;~~
- 38 ~~(v) state board of regents;~~
- 39 ~~(vi) school budget review board;~~
- 40 ~~(vii)~~(v) school retirement board;
- 41 ~~(viii)~~(vi) state department of education;
- 42 ~~(ix)~~(vii) Kansas department of revenue;
- 43 ~~(x)~~(viii) Kansas department of revenue—division of property

- 1 valuation;
- 2 ~~(xi)~~(ix) state board of tax appeals;
- 3 ~~(xii)~~—crop improvement association;
- 4 ~~(xiii)~~(x) Kansas commission on veterans' affairs office;
- 5 ~~(xiv)~~(xi) Kansas water office;
- 6 ~~(xv)~~(xii) Kansas department of agriculture—division of weights and
7 measures;
- 8 ~~(xvi)~~(xiii) state board of healing arts;
- 9 ~~(xvii)~~—podiatry board;
- 10 ~~(xviii)~~(xiv) behavioral sciences regulatory board;
- 11 ~~(xix)~~(xv) state bank commissioner and savings and loan
12 commissioner—joint regulations;
- 13 ~~(xx)~~(xvi) consumer credit commissioner, credit union administrator,
14 savings and loan commissioner and bank commissioner—joint regulations;
- 15 ~~(xxi)~~(xvii) state board of indigents' defense services;
- 16 ~~(xxii)~~(xviii) Kansas commission on peace officers' standards and
17 training; and
- 18 ~~(xxiii)~~(xix) law enforcement training center; and
- 19 (E) for 2027 and every ~~five~~ 5th year thereafter, the following state
20 agencies:
- 21 (i) Kansas state employees health care commission;
- 22 (ii) emergency medical services board;
- 23 (iii) department of commerce;
- 24 (iv) Kansas lottery;
- 25 (v) Kansas racing and gaming commission;
- 26 (vi) Kansas department of wildlife and parks;
- 27 (vii) Kansas state fair board;
- 28 (viii) real estate appraisal board;
- 29 (ix) state historical society;
- 30 ~~(x)~~—health care data governing board;
- 31 ~~(xi)~~ state department of credit unions;
- 32 ~~(xii)~~(xi) pooled money investment board;
- 33 ~~(xiii)~~(xii) department of corrections—division of juvenile services;
- 34 ~~(xiv)~~(xiii) state child death review board;
- 35 ~~(xv)~~(xiv) Kansas agricultural remediation board;
- 36 ~~(xvi)~~(xv) unmarked burial sites preservation board;
- 37 ~~(xvii)~~(xvi) Kansas housing resources corporation;
- 38 ~~(xviii)~~(xvii) department of commerce— Kansas athletic commission;
- 39 ~~(xix)~~(xviii) department of health and environment—division of health
40 care finance;
- 41 ~~(xx)~~(xix) home inspectors registration board;
- 42 ~~(xxi)~~(xx) committee on surety bonds and insurance;
- 43 ~~(xxii)~~(xxi) 911 coordinating council; and

1 ~~(xxiii)~~(xxii) office of administrative hearings.

2 (c) For any state agency not listed in subsection (b)(2) that adopts
3 rules and regulations that become effective on or after July 1, 2022, such
4 state agency shall submit a report to the joint committee on administrative
5 rules and regulations in accordance with subsection (b)(1) on or before
6 July 15 of the ~~first~~ 5th year after such rules and regulations become
7 effective and every ~~first~~ 5th year thereafter.

8 (d) Notwithstanding any other provision of law, a rule and regulation
9 may be adopted or maintained by a state agency only if such rule and
10 regulation serves an identifiable public purpose to support state law and
11 may not be broader than is necessary to meet such public purpose.

12 (e) This section shall be a part of and supplemental to the rules and
13 regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

14 Sec. 3. K.S.A. 2023 Supp. 77-426 and 77-440 are hereby repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.