

As Amended by House Committee

Session of 2022

Substitute for SENATE BILL No. 34

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning administrative rules and regulations; requiring the
2 review of rules and regulations every five years; requirements for
3 adoption of rules and regulations; providing an alternative procedure
4 for revocation of certain rules and regulations; amending K.S.A. 77-
5 426 and 77-436 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) All rules and regulations adopted by state agencies
9 under the provisions of K.S.A. 77-415 et seq., and amendments thereto,
10 shall be reviewed every five years in accordance with this section.

11 (b) (1) Each state agency that has adopted rules and regulations shall
12 submit a report to the joint committee on administrative rules and
13 regulations on or before July 15 of the year that corresponds to such state
14 agency under paragraph (2). Such report shall contain a summary of such
15 state agency's review and evaluation of rules and regulations adopted by
16 such state agency, including a statement for each rule and regulation as to
17 whether such rule and regulation is necessary for the implementation and
18 administration of state law or may be revoked pursuant to K.S.A. 77-
19 426(d), and amendments thereto.

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

23 (A) For 2023 and every fifth year thereafter, the following state
24 agencies:

- 25 (i) Department of administration;
- 26 (ii) municipal accounting board;
- 27 (iii) state treasurer;
- 28 (iv) Kansas department of agriculture;
- 29 (v) Kansas department of agriculture—division of water resources;
- 30 (vi) state election board;
- 31 (vii) secretary of state;
- 32 (viii) livestock brand commissioner;
- 33 (ix) Kansas department of agriculture—division of animal health;
- 34 (x) Kansas bureau of investigation;
- 35 (xi) Kansas department of agriculture—division of conservation;
- 36 (xii) agricultural labor relations board;

- 1 (xiii) alcoholic beverage control board of review;
- 2 (xiv) Kansas department of revenue—division of alcoholic beverage
- 3 control;
- 4 (xv) athletic commission;
- 5 (xvi) attorney general;
- 6 (xvii) office of the state bank commissioner;
- 7 (xviii) employee award board;
- 8 (xix) governmental ethics commission;
- 9 (xx) crime victims compensation board;
- 10 (xxi) Kansas human rights commission;
- 11 (xxii) state fire marshal; and
- 12 (xxiii) Kansas department of wildlife and parks;
- 13 (B) for 2024 and every fifth year thereafter, the following state
- 14 agencies:
- 15 (i) Kansas wheat commission;
- 16 (ii) Kansas state grain inspection department;
- 17 (iii) Kansas department for aging and disability services;
- 18 (iv) Kansas energy office;
- 19 (v) department of health and environment;
- 20 (vi) Kansas department for children and families;
- 21 (vii) park and resources authority;
- 22 (viii) state salvage board;
- 23 (ix) Kansas department of transportation;
- 24 (x) Kansas highway patrol;
- 25 (xi) savings and loan department;
- 26 (xii) Kansas turnpike authority;
- 27 (xiii) insurance department;
- 28 (xiv) food service and lodging board;
- 29 (xv) commission on alcoholism;
- 30 (xvi) corrections ombudsman board;
- 31 (xvii) department of corrections;
- 32 (xviii) Kansas prisoner review board;
- 33 (xix) executive council;
- 34 (xx) mined-land conservation and reclamation (KDHE);
- 35 (xxi) department of labor—employment security board of review;
- 36 (xxii) department of labor;
- 37 (xxiii) department of labor—division of employment; and
- 38 (xxiv) department of labor—division of workers compensation;
- 39 (C) for 2025 and every fifth year thereafter, the following state
- 40 agencies:
- 41 (i) State records board;
- 42 (ii) state library;
- 43 (iii) board for the registration and examination of landscape

- 1 architects;
- 2 (iv) adjutant general's department;
- 3 (v) state board of nursing;
- 4 (vi) Kansas board of barbering;
- 5 (vii) state board of mortuary arts;
- 6 (viii) board of engineering examiners;
- 7 (ix) board of examiners in optometry;
- 8 (x) state board of technical professions;
- 9 (xi) Kansas board of examiners in fitting and dispensing of hearing
- 10 instruments;
- 11 (xii) state board of pharmacy;
- 12 (xiii) Kansas state board of cosmetology;
- 13 (xiv) state board of veterinary examiners;
- 14 (xv) Kansas dental board;
- 15 (xvi) board of examiners of psychologists;
- 16 (xvii) registration and examining board for architects;
- 17 (xviii) board of accountancy;
- 18 (xix) state bank commissioner—consumer and mortgage lending
- 19 division;
- 20 (xx) board of basic science examiners;
- 21 (xxi) Kansas public employees retirement system;
- 22 (xxii) office of the securities commissioner; and
- 23 (xxiii) Kansas corporation commission;
- 24 (D) for 2026 and every fifth year thereafter, the following state
- 25 agencies:
- 26 (i) Public employee relations board;
- 27 (ii) abstracters' board of examiners;
- 28 (iii) Kansas real estate commission;
- 29 (iv) education commission;
- 30 (v) state board of regents;
- 31 (vi) school budget review board;
- 32 (vii) school retirement board;
- 33 (viii) state department of education;
- 34 (ix) Kansas department of revenue;
- 35 (x) Kansas department of revenue—division of property valuation;
- 36 (xi) state board of tax appeals;
- 37 (xii) crop improvement association;
- 38 (xiii) Kansas commission on veterans' affairs office;
- 39 (xiv) Kansas water office;
- 40 (xv) Kansas department of agriculture—division of weights and
- 41 measures;
- 42 (xvi) state board of healing arts;
- 43 (xvii) podiatry board;

- 1 (xviii) behavioral sciences regulatory board;
- 2 (xix) state bank commissioner and savings and loan commissioner—
- 3 joint regulations;
- 4 (xx) consumer credit commissioner, credit union administrator,
- 5 savings and loan commissioner and bank commissioner—joint regulations;
- 6 (xxi) state board of indigents' defense services;
- 7 (xxii) Kansas commission on peace officers' standards and training;
- 8 and
- 9 (xxiii) law enforcement training center; and
- 10 (E) for 2027 and every fifth year thereafter, the following state
- 11 agencies:
- 12 (i) Kansas state employees health care commission;
- 13 (ii) emergency medical services board;
- 14 (iii) department of commerce;
- 15 (iv) Kansas lottery;
- 16 (v) Kansas racing and gaming commission;
- 17 (vi) Kansas department of wildlife and parks;
- 18 (vii) Kansas state fair board;
- 19 (viii) real estate appraisal board;
- 20 (ix) state historical society;
- 21 (x) health care data governing board;
- 22 (xi) state department of credit unions;
- 23 (xii) pooled money investment board;
- 24 (xiii) department of corrections—division of juvenile services;
- 25 (xiv) state child death review board;
- 26 (xv) Kansas agricultural remediation board;
- 27 (xvi) unmarked burial sites preservation board;
- 28 (xvii) Kansas housing resources corporation;
- 29 (xviii) department of commerce— Kansas athletic commission;
- 30 (xix) department of health and environment—division of health care
- 31 finance;
- 32 (xx) home inspectors registration board;
- 33 (xxi) committee on surety bonds and insurance;
- 34 (xxii) 911 coordinating council; and
- 35 (xxiii) office of administrative hearings.
- 36 (c) For any state agency not listed in subsection (b)(2) that adopts
- 37 rules and regulations that become effective on or after July 1, 2022, such
- 38 state agency shall submit a report to the joint committee on administrative
- 39 rules and regulations in accordance with subsection (b)(1) on or before
- 40 July 15 of the fifth year after such rules and regulations become effective
- 41 and every fifth year thereafter.
- 42 (d) Notwithstanding any other provision of law, a rule and regulation
- 43 may be adopted or maintained by a state agency only if such rule and

1 regulation serves an identifiable public purpose to support state law and
2 may not be broader than is necessary to meet such public purpose.

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

5 Sec. 2. K.S.A. 77-426 is hereby amended to read as follows: 77-426.

6 (a) All rules and regulations ~~which~~ *that* are in force and effect at the time
7 this act takes effect shall continue in full force and effect and may be
8 amended, revived or revoked as provided by law. All new rules and
9 regulations and all amendments, revivals or revocations of rules and
10 regulations, other than temporary regulations, adopted in any year shall be
11 filed with the secretary of state and shall become effective 15 days
12 following its publication in the Kansas register or such later date as clearly
13 expressed in the body of such rule and regulation.

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

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

28 (d) (1) *Notwithstanding any other provision of the rules and*
29 *regulations filing act, any rule and regulation may be revoked pursuant to*
30 *this subsection if such rule and regulation is identified by a state agency in*
31 *the report submitted to the joint committee on administrative rules and*
32 *regulations pursuant to section 1, and amendments thereto, as one that*
33 *may be revoked pursuant to this subsection. A state agency may revoke a*
34 *rule and regulation by filing a notice of such revocation with the secretary*
35 *of state and causing such notice to be published in the Kansas register.*
36 *Such notice of revocation shall not contain any new rules and regulations*
37 *or any amendments to any rules and regulations.*

38 (2) *Prior to filing the notice of revocation with the secretary, the state*
39 *agency shall:*

40 (A) *Upon the written request of a member of the public, hold a public*
41 *hearing on the proposed notice of revocation;*

42 (B) *submit the notice of revocation to the attorney general for review*
43 *and approval in accordance with K.S.A. 77-420(d), and amendments*

1 *thereto; and*

2 (C) *submit the notice of revocation to the joint committee on*
3 *administrative rules and regulations and, upon request by the chairperson*
4 *of such committee, appear before such committee at a hearing on such*
5 *notice.*

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

9 Sec. 3. K.S.A. 77-436 is hereby amended to read as follows: 77-436.

10 (a) There is hereby established a joint committee on administrative rules
11 and regulations consisting of five senators and seven members of the
12 house of representatives. The five senator members shall be appointed as
13 follows: Three by the committee on organization, calendar and rules and
14 two by the minority leader of the senate. The seven representative
15 members shall be appointed as follows: Four by the speaker of the house
16 of representatives and three by the minority leader of the house of
17 representatives. The committee on organization, calendar and rules shall
18 designate a senator member to be chairperson or vice-chairperson of the
19 joint committee as provided in this section. The speaker of the house of
20 representatives shall designate a representative member to be chairperson
21 or vice-chairperson of the joint committee as provided in this section. The
22 minority leader of the senate shall designate a senator member to be the
23 ranking minority member of the joint committee as provided in this
24 section. The minority leader of the house of representatives shall designate
25 a representative member to be the ranking minority member of the joint
26 committee as provided in this section.

27 (b) A quorum of the joint committee on administrative rules and
28 regulations shall be seven. All actions of the committee may be taken by a
29 majority of those present when there is a quorum. In odd-numbered years
30 the chairperson and the ranking minority member of the joint committee
31 shall be the designated members of the house of representatives from the
32 convening of the regular session in that year until the convening of the
33 regular session in the next ensuing year. In even-numbered years the
34 chairperson and the ranking minority member of the joint committee shall
35 be the designated members of the senate from the convening of the regular
36 session of that year until the convening of the regular session of the next
37 ensuing year. The vice-chairperson shall exercise all of the powers of the
38 chairperson in the absence of the chairperson.

39 (c) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
40 *426(d), and amendments thereto, all proposed rules and regulations shall*
41 *be reviewed by the joint committee on administrative rules and regulations*
42 *during the public comment period required by K.S.A. 77-421, and*
43 *amendments thereto. The committee may introduce such legislation as it*

1 deems necessary in performing its functions of reviewing administrative
2 rules and regulations.

3 (d) The committee shall issue a report to the legislature following
4 each meeting making comments and recommendations and indicating
5 concerns about any proposed rule and regulation. Such report shall be
6 made available to each agency that had proposed rules and regulations
7 reviewed at such meeting during the agency's public comment period for
8 such proposed rules and regulations required by K.S.A. 77-421, and
9 amendments thereto. If having a final report completed by the public
10 hearing required by K.S.A. 77-421, and amendments thereto, is
11 impractical, a preliminary report shall be made available to the agency
12 containing the committee's comments. The preliminary report shall be
13 incorporated into the final report and made available to each agency.

14 (e) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
15 *426(d), and amendments thereto*, all rules and regulations filed each year
16 in the office of secretary of state shall be subject to review by the joint
17 committee. The committee may introduce such legislation as it deems
18 necessary in performing its functions of reviewing administrative rules and
19 regulations.

20 (f) The joint committee shall meet on call of the chairperson as
21 authorized by the legislative coordinating council. All such meetings shall
22 be held in Topeka, unless authorized to be held in a different place by the
23 legislative coordinating council. Members of the joint committee shall
24 receive compensation, travel expenses and subsistence expenses or
25 allowances as provided in K.S.A. 75-3212, and amendments thereto, when
26 attending meetings of such committee authorized by the legislative
27 coordinating council.

28 (g) Amounts paid under authority of this section shall be paid from
29 appropriations for legislative expense and vouchers therefor shall be
30 prepared by the director of legislative administrative services and
31 approved by the chairperson or vice-chairperson of the legislative
32 coordinating council.

33 Sec. 4. K.S.A. 77-426 and 77-436 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the ~~statute book~~ **Kansas register**.