Technical Amendment Exceptions to the Rules and Regulations Filing Act; HB 2719

HB 2719 adds to the Rules and Regulations Filing Act exceptions for technical amendments to existing rules and regulations and procedures, gives priority status to certain rules and regulations, modifies approval procedures for certain requirements, establishes a new public notice requirement, and provides conditions for submitting proposed rules and regulations to the Joint Committee on Administrative Rules and Regulations (JCARR).

The bill also makes technical and conforming amendments.

Technical Amendments to Existing Rule and Regulation

The bill allows agencies to immediately adopt, upon review and approval by the Department of Administration, technical amendments to an existing rule or regulation without being required to initiate new rulemaking proceedings.

- "Technical amendment" is defined as:
    - Updating or changing cross references to statutes or other regulations;
    - Redesignating portions of a rule and regulation for organizational clarity that does not alter substantive meaning;
    - Standardizing capitalization, punctuation, or formatting;
    - Correcting spelling, punctuation, or grammatical errors that do not alter substantive meaning;
    - Replacing obsolete agency, board, or position titles with current names;
    - Changing addresses, telephone numbers, email addresses, or website URLs to current contact information; and
    - Revising references to state forms or publications.

This section is part of and supplemental to the Rules and Regulations Filing Act.

Priority Status

The bill adds to the Rules and Regulations Filing Act a process for certain rules and regulations to receive priority status for adoption. When an agency proposes a new rule or regulation that it was directed to adopt by legislation within nine months of the act's effective date or that the act has specified would receive priority status, the bill requires the agency to indicate as such when submitting the rule and regulation for review. Such proposed rule and regulation will be processed ahead of any other proposed rule and regulation by the adopting agency, Department of Administration, Attorney General, Division of the Budget, and the Secretary of State.

Disposal Schedules

The bill removes a requirement that the State Records Board file public record disposal schedules with the Secretary of State.

Approval of Federally Mandated Rules and Regulations

The bill removes a requirement that the Director of the Budget approve a rule and regulation that is required by a federal mandate. The bill clarifies that a rule and regulation may be filed with the Secretary of State without approval from the Director of the Budget in case of a federal mandate.

Notice and Hearing Requirements

Public Input

The bill requires an agency, at least 15 days prior to submitting a new or amended rule and regulation to the Department of Administration, to provide public notice and request public input by:

- Posting notice on the agency's and the Secretary of State's websites;
- Including it in the Secretary of State's rules and regulations subscription service; and
- Emailing it to each Kansas legislator.

Such notice must include a summary of the content of the rule and regulation, the agency's intent regarding scope and substantive content of the rule and regulation, and a citation to the authorizing statute or enacted bill. The bill also requires the notice to include contact information and methods for submitting input.

Notice of a Temporary Rule and Regulation

The bill removes the requirement for any temporary rule and regulation that is required to be adopted as a temporary rule and regulation to comply with statutory requirements to give at least 60 days' notice in the *Kansas Register* and to the Secretary of State and JCARR of the agency's intended action.

Hearing Record

The bill clarifies that the statement of the principal reasons for adopting a rule and regulation must be included in the record of the hearing on the rule and regulation.

Submission to JCARR

The bill requires, prior to presentation of a bill to the Legislature, proposed rules and regulations be submitted to the JCARR for review after being submitted to the Secretary of Administration and the Attorney General as required under continuing law.

The bill requires the JCARR to forward its comments along with any recommendations to the appropriate standing committee for consideration.

The bill also requires any such rule or regulation be resubmitted to the JCARR after ratification by the Legislature. The bill does not require the agency to appear or present to JCARR unless requested by the Committee.