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STATE OF KANSAS

Testimony on HB2719 (Oral Proponent)
House Committee on Commerce, Labor and Economic Development
Friday, February 13, 2026

Chairman Tarwater and members of the Committee:

The interim committee received testimony on the contents of this bill, which are designed to improve the process by which regulations are adopted. There are five parts to the bill:

1] Early Public Notice: Under current law, public notice occurs only 60 days before the public hearing—near the end of the rulemaking process—and no public notice is required prior to the adoption of a temporary regulation.

The bill establishes a new requirement that, at least 15 days before submitting a proposed new or amended regulation to the Department of Administration (the first step in the rulemaking process), an agency must provide public notice and solicit general comments. Notice would consist of a succinct summary of the regulation's purpose and method and would be posted on the agency's website, the Secretary of State's regulations website, and distributed by email to all legislators.

2] Technical Amendment: This provision establishes a streamlined procedure—already used in several other states—for specified categories of regulatory changes that do not affect the substance of a regulation. Examples include updates to contact information, corrections to cross-references, and the correction of minor typographical errors discovered after adoption.

Under current law, these types of changes are often too minor to justify the time and resources required for the full rulemaking process. The streamlined procedure would allow agencies to correct existing regulations efficiently while preserving the substantive integrity of the rules.

3] Priority Regulation: When the Legislature requires the prompt adoption of a regulation, it often specifies an adopt-by date. In practice, this approach can be unworkable because agencies do not control the final adoption date and must complete a multi-step review and approval process.

This new procedure would allow the Legislature to designate a regulation as a priority, signaling that it should be processed ahead of non-priority regulations by the Department of Administration, the Attorney General, the Department of Budget, and the Secretary of State.

4] Retention Schedule for Official Records: This provision clarifies that record retention schedules are not regulations. Several years ago, the explicit statutory exemption of record retention schedules from the rulemaking process was repealed. At the time, the Legislature did not clearly indicate whether the repeal was intended to subject retention schedules to regulation requirements or whether the exemption was removed because such schedules were never regulations. This ambiguity has resulted in confusion, which this clarification is intended to resolve.

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5] <u>Clean-up Provisions:</u> The staff who process regulations made several suggestions for small changes to current statutory language to harmonize the various statutes.

a. Standardizes references to the Director of the Budget approval of regulations. Budget approval has been added, moved and amended through multiple revisions of the act. This clean-up provision standardizes the language throughout the act to clarify what regulations require Budget approval and when that approval must occur.

b. Separates the official record of the public hearing from the Economic Impact Statement. The two records have nothing in common.

c. Repeals the anachronistic provisions regarding how to indicate changes in proposed regulations.

d. Eliminate references to "revival" of regulations, a procedure no longer used.

e. Harmonize provisions regarding regulations issued by the department of corrections – an older provision stated no exemptions to the regulation process, a newer provision carved out an exemption for certain DOC regulations.

Sincerely,

Clayton Barker

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