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STATE OF KANSAS

Testimony on HB2719 (Oral Proponent)
Senate Committee on Commerce
Tuesday, March 3, 2026

Chairman Alley and members of the Committee:

The interim house commerce committee received testimony on several ideas from other states and approved moving forward on three improvements to the Kansas regulation adoption process. HB2719 has these three new improvements to the regulation adoption process and several clean-up provisions to address inconsistent statutory wording.

HB2719 passed the House on final action by a vote of 121-0.

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 seven specified minor 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 specifies how the Legislature can 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.

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4] Clean-up Provisions:

a. Clarifies that record retention schedules are not regulations. Currently record retention provisions (there are thousands) are not treated as regulations, but the statute is ambiguous.

b. 4 Times: 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.

c. 3 Times: Separates the official record of the public hearing from the Economic Impact Statement. The two records, both important, have distinct purposes.

d. 1 Time: Repeals outdated provisions regarding how to indicate changes in proposed regulations.

e. 1 Time: Eliminates references to "revival" of regulations, a procedure no longer used.

f. 1 Time: Clarifies that orders of prison wardens are exempt from the regulation adoption process.

g. 1 Time: Incorrect statute reference was fixed

h. 1 Time: Eliminates outdated reference to laws ordering adoption of a temporary regulation

i. Repealed a 1-sentence statute that was redundant. (KSA 77-418)

Sincerely,

Clayton Barker

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