

HOUSE BILL No. 2530

By Committee on Judiciary

1-25

9 AN ACT concerning the rules and regulations filing act; pertaining to
10 the filing process; amending K.S.A. 77-415a, 77-415b, 77-417, 77-418,
11 77-419, 77-420, 77-421a, 77-423, 77-428, 77-429, 77-430a, 77-436 and
12 77-438 and K.S.A. 2009 Supp. 77-415, 77-416, 77-421, 77-422, 77-424,
13 77-430, 77-431 and 77-435 and repealing the existing sections.
14

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

16 New Section 1. (a) A state agency may issue a guidance document
17 without following the procedures set forth in this act for the adoption of
18 rules and regulations.

19 (b) A state agency that proposes to rely on a guidance document to
20 the detriment of a person in any administrative proceeding must afford
21 the person a fair opportunity to contest the legality or wisdom of positions
22 taken in the document. The agency may not use a guidance document to
23 foreclose consideration of issues raised in the document.

24 (c) A guidance document may contain binding instructions to state
25 agency staff members if at an appropriate stage in the administrative
26 process, the agency's procedures provide affected persons an adequate
27 opportunity to contest positions taken in the guidance document.

28 (d) If a state agency proposes to act in an adjudication at variance
29 with a position expressed in a guidance document, it shall provide a rea-
30 sonable explanation for the variance. If an affected person in an adjudi-
31 cation may have reasonably relied on the agency's position, the explana-
32 tion must include a reasonable justification for the agency's conclusion
33 that the need for the variance outweighs the affected person's reliance
34 interests.

35 (e) (1) Each state agency shall:

36 (A) Maintain an index of all of its currently effective guidance
37 documents;

38 (B) publish the index on its website;

39 (C) make all guidance documents available to the public; and

40 (D) file the index in the manner prescribed by the secretary of state.

41 (2) The state agency may not rely on a guidance document or cite it
42 as precedent against any party to a state agency proceeding unless the
43 guidance document is published on the agency website.

1 (f) A guidance document may be considered by a presiding officer or
2 agency head in an agency adjudication but it does not bind the presiding
3 officer or the agency head in the exercise of discretion.

4 (g) For the purposes of this section:

5 (1) The term “agency head” shall have the meaning ascribed to it in
6 K.S.A. 77-502, and amendments thereto.

7 (2) The term “party to a state agency proceeding” shall have the
8 meaning ascribed to it in K.S.A. 77-502, and amendments thereto.

9 (3) The term “presiding officer” shall have the meaning ascribed to
10 it in K.S.A. 77-514, and amendments thereto.

11 (h) This section shall be supplemental to and a part of the rules and
12 regulations filing act.

13 Sec. 2. K.S.A. 2009 Supp. 77-415 is hereby amended to read as fol-
14 lows: 77-415. ~~As used in K.S.A. 77-415 through 77-437, and amendments~~
15 ~~thereto, unless the context clearly requires otherwise:~~

16 ~~—(1) “State agency” means any officer, department, bureau, division,~~
17 ~~board, authority, agency, commission or institution of this state, except~~
18 ~~the judicial and legislative branches, which is authorized by law to prom-~~
19 ~~ulgate rules and regulations concerning the administration, enforcement~~
20 ~~or interpretation of any law of this state.~~

21 ~~—(2) “Person” means firm, association, organization, partnership, busi-~~
22 ~~ness trust, corporation or company.~~

23 ~~—(3) “Board” means the state rules and regulations board established~~
24 ~~under the provisions of K.S.A. 77-423 and amendments thereto.~~

25 ~~—(4) “Rule and regulation,” “rule,” “regulation” and words of like ef-~~
26 ~~fect mean a standard, statement of policy or general order, including~~
27 ~~amendments or revocations thereof, of general application and having the~~
28 ~~effect of law, issued or adopted by a state agency to implement or inter-~~
29 ~~pret legislation enforced or administered by such state agency or to gov-~~
30 ~~ern the organization or procedure of such state agency. Every rule and~~
31 ~~regulation adopted by a state agency to govern its enforcement or ad-~~
32 ~~ministration of legislation shall be adopted by the state agency and filed~~
33 ~~as a rule and regulation as provided in this act. The fact that a statement~~
34 ~~of policy or an interpretation of a statute is made in the decision of a case~~
35 ~~or in a state agency decision upon or disposition of a particular matter as~~
36 ~~applied to a specific set of facts does not render the same a rule and~~
37 ~~regulation within the meaning of the foregoing definition, nor shall it~~
38 ~~constitute specific adoption thereof by the state agency so as to be re-~~
39 ~~quired to be filed. A rule and regulation as herein defined shall not in-~~
40 ~~clude any rule and regulation which: (a) Relates to the internal manage-~~
41 ~~ment or organization of the agency and does not affect private rights or~~
42 ~~interest; (b) is an order directed to specifically named persons or to a~~
43 ~~group which does not constitute a general class and the order is served~~

1 on the person or persons to whom it is directed by appropriate means.
2 The fact that the named person serves a group of unnamed persons who
3 will be affected does not make such an order a rule and regulation, (c)
4 relates to the use of highways and is made known to the public by means
5 of signs or signals; (d) relates to the construction and maintenance of
6 highways or bridges or the laying out or relocation of a highway other
7 than bidding procedures or the management and regulation of rest areas;
8 (e) relates to the curriculum of public educational institutions or to the
9 administration, conduct, discipline, or graduation of students from such
10 institutions or relates to parking and traffic regulations of state educa-
11 tional institutions under the control and supervision of the state board of
12 regents; (f) relates to the emergency or security procedures of a correc-
13 tional institution, as defined in subsection (d) of K.S.A. 75-5202 and
14 amendments thereto; (g) relates to the use of facilities by public libraries;
15 (h) relates to military or naval affairs other than the use of armories; (i)
16 relates to the form and content of reports, records or accounts of state,
17 county or municipal officers, institutions, or agencies; (j) relates to ex-
18 penditures by state agencies for the purchase of materials, equipment, or
19 supplies by or for state agencies, or for the printing or duplicating of
20 materials for state agencies; (k) establishes personnel standards, job clas-
21 sifications, or job ranges for state employees who are in the classified civil
22 service; (l) fixes or approves rates, prices, or charges, or rates, joint rates,
23 fares, tolls, charges, rules, regulations, classifications or schedules of com-
24 mon carriers or public utilities subject to the jurisdiction of the state
25 corporation commission, except when a statute specifically requires the
26 same to be fixed by rule and regulation; (m) determines the valuation of
27 securities held by insurance companies; (n) is a statistical plan relating to
28 the administration of rate regulation laws applicable to casualty insurance
29 or to fire and allied lines insurance; (o) is a form, the content or substan-
30 tive requirements of which are prescribed by rule and regulation or stat-
31 ute; (p) is a pamphlet or other explanatory material not intended or de-
32 signed as interpretation of legislation enforced or adopted by a state
33 agency but is merely informational in nature; (q) establishes seasons and
34 fixes bag, creel, possession, size or length limits for the taking or posses-
35 sion of wildlife, if such seasons and limits are made known to the public
36 by other means; or (r) establishes records retention and disposition sched-
37 ules for any or all state agencies.

38 —(5)—“Environmental rule and regulation” means:
39 —(A)—A rule and regulation adopted by the secretary of agriculture, the
40 secretary of health and environment or the state corporation commission,
41 which has as a primary purpose the protection of the environment; or
42 —(B)—a rule and regulation adopted by the secretary of wildlife and
43 parks concerning threatened or endangered species of wildlife as defined

1 ~~in K.S.A. 32-958 and amendments thereto.~~

2 ~~—(6) “Small employer” means any person, firm, corporation, partner-~~
3 ~~ship or association that employs not more than 50 employees, the majority~~
4 ~~of whom are employed within this state. As used in K.S.A. 77-415 through~~
5 ~~77-437, and amendments thereto, unless the context clearly requires~~
6 ~~otherwise:~~

7 (a) “Board” means the state rules and regulations board established
8 under the provisions of K.S.A. 77-423, and amendments thereto.

9 (b) “Environmental rule and regulation” means:

10 (1) A rule and regulation adopted by the secretary of agriculture, the
11 secretary of health and environment or the state corporation commission,
12 which has as a primary purpose the protection of the environment; or

13 (2) a rule and regulation adopted by the secretary of wildlife and
14 parks concerning threatened or endangered species of wildlife as defined
15 in K.S.A. 32-958, and amendments thereto.

16 (c) “Guidance document” means a record of general applicability that
17 lacks the force of law but states:

18 (1) The state agency’s current interpretation of law; or

19 (2) a general statement of policy that describes how and when the
20 state agency will exercise discretionary functions. Each guidance docu-
21 ment shall be designated by the state agency as a guidance document.

22 (d) “Person” means firm, association, organization, partnership, busi-
23 ness trust, corporation or company.

24 (e) (1) “Rule and regulation,” “rule,” “regulation” and words of like
25 effect mean a standard, statement of policy or general order, including
26 amendments or revocations thereof, of general application and having the
27 effect of law, issued or adopted by a state agency to implement or interpret
28 legislation enforced or administered by such state agency or to govern the
29 organization or procedure of such state agency. Every rule and regulation
30 adopted by a state agency to govern its enforcement or administration of
31 legislation shall be adopted by the state agency and filed as a rule and
32 regulation as provided in this act. The fact that a statement of policy or
33 an interpretation of a statute is made in the decision of a case or in a state
34 agency decision upon or disposition of a particular matter as applied to
35 a specific set of facts does not render the same a rule and regulation within
36 the meaning of the foregoing definition, nor shall it constitute specific
37 adoption thereof by the state agency so as to be required to be filed.

38 (2) A rule and regulation as herein defined shall not include any rule
39 and regulation which:

40 (A) Relates to the internal management or organization of the agency
41 and does not affect private rights or interest;

42 (B) is an order directed to specifically named persons or to a group
43 which does not constitute a general class and the order is served on the

- 1 *person or persons to whom it is directed by appropriate means. The fact*
2 *that the named person serves a group of unnamed persons who will be*
3 *affected does not make such an order a rule and regulation;*
4 *(C) relates to the use of highways and is made known to the public*
5 *by means of signs or signals;*
6 *(D) relates to the construction and maintenance of highways or*
7 *bridges or the laying out or relocation of a highway other than bidding*
8 *procedures or the management and regulation of rest areas;*
9 *(E) relates to the curriculum of public educational institutions or to*
10 *the administration, conduct, discipline, or graduation of students from*
11 *such institutions or relates to parking and traffic regulations of state ed-*
12 *ucational institutions under the control and supervision of the state board*
13 *of regents;*
14 *(F) relates to the emergency or security procedures of a correctional*
15 *institution, as defined in subsection (d) of K.S.A. 75-5202, and amend-*
16 *ments thereto;*
17 *(G) relates to the use of facilities by public libraries;*
18 *(H) relates to military or naval affairs other than the use of armories;*
19 *(I) relates to the form and content of reports, records or accounts of*
20 *state, county or municipal officers, institutions, or agencies;*
21 *(J) relates to expenditures by state agencies for the purchase of ma-*
22 *terials, equipment, or supplies by or for state agencies, or for the printing*
23 *or duplicating of materials for state agencies;*
24 *(K) establishes personnel standards, job classifications, or job ranges*
25 *for state employees who are in the classified civil service;*
26 *(L) fixes or approves rates, prices, or charges, or rates, joint rates,*
27 *fares, tolls, charges, rules, regulations, classifications or schedules of com-*
28 *mon carriers or public utilities subject to the jurisdiction of the state cor-*
29 *poration commission, except when a statute specifically requires the same*
30 *to be fixed by rule and regulation;*
31 *(M) determines the valuation of securities held by insurance*
32 *companies;*
33 *(N) is a statistical plan relating to the administration of rate regula-*
34 *tion laws applicable to casualty insurance or to fire and allied lines*
35 *insurance;*
36 *(O) is a form, the content or substantive requirements of which are*
37 *prescribed by rule and regulation or statute;*
38 *(P) is a pamphlet or other explanatory material not intended or de-*
39 *signed as interpretation of legislation enforced or adopted by a state*
40 *agency but is merely informational in nature;*
41 *(Q) establishes seasons and fixes bag, creel, possession, size or length*
42 *limits for the taking or possession of wildlife, if such seasons and limits*
43 *are made known to the public by other means; or*

1 (R) *establishes records retention and disposition schedules for any or*
2 *all state agencies.*

3 (f) *“Rulemaking” shall have the meaning ascribed to it in K.S.A. 77-*
4 *602, and amendments thereto.*

5 (g) *“Small employer” means any person, firm, corporation, partner-*
6 *ship or association that employs not more than 50 employees, the majority*
7 *of whom are employed within this state.*

8 (h) *“State agency” means any officer, department, bureau, division,*
9 *board, authority, agency, commission or institution of this state, except*
10 *the judicial and legislative branches, which is authorized by law to prom-*
11 *ulgate rules and regulations concerning the administration, enforcement*
12 *or interpretation of any law of this state.*

13 Sec. 3. K.S.A. 77-415a is hereby amended to read as follows: 77-
14 415a. The secretary of state shall file and publish all rules and regulations
15 as provided by article 4 of chapter 77 of the Kansas Statutes Annotated.
16 *The secretary of state may adopt rules and regulations necessary to carry*
17 *out its duties under this act.*

18 Sec. 4. K.S.A. 77-415b is hereby amended to read as follows: 77-
19 415b. ~~(a)~~ All rules and regulations of state agencies which are in force
20 and effect at the time this act takes effect shall continue to be effective
21 and shall be deemed to be duly filed with the secretary of state as provided
22 for by this act until revised, amended, revoked or nullified pursuant to
23 law.

24 ~~(b) All temporary rules and regulations filed prior to the effective date~~
25 ~~of this act and which are in effect on the effective date of this act shall~~
26 ~~expire on October 1, 1988.~~

27 ~~(c) On the effective date of this act, all rules and regulations of state~~
28 ~~agencies lawfully filed with the office of the revisor of statutes prior to~~
29 ~~the effective date of this act and all records pertaining to such rules and~~
30 ~~regulations shall be transferred to the office of the secretary of state.~~

31 Sec. 5. K.S.A. 2009 Supp. 77-416 is hereby amended to read as fol-
32 lows: 77-416. (a) Every state agency shall file with the secretary of state
33 every rule and regulation adopted by it and every amendment and rev-
34 ocation thereof *in the manner prescribed by the secretary of state.* ~~Every~~
35 ~~rule and regulation, other than a temporary rule and regulation, filed in~~
36 ~~the office of the secretary of state shall be filed in triplicate, and nine~~
37 ~~copies of every temporary rule and regulation shall be filed in the office~~
38 ~~of the secretary of state, and each section~~ *Each rule and regulation shall*
39 *include a citation to the statutory section or sections being implemented*
40 *or interpreted and a citation of the authority pursuant to which it, or any*
41 *part thereof, was adopted. Every rule and regulation filed in the office of*
42 *the secretary of state shall be accompanied by a copy of the economic*
43 *impact statement required by subsection (b); and a copy of the environ-*

1 mental benefit statement if required by subsection (d). A copy of any
2 document adopted by reference in a rule and regulation shall be available
3 from the state agency which adopted the rule and regulation upon request
4 by any person interested therein. The state agency, under the direction
5 of the secretary of state, shall number each section with a distinguishing
6 number and, in making a compilation of the rules and regulations, the
7 sections shall be arranged in numerical order. A decimal system of num-
8 bering shall be prohibited.

9 (b) (1) At the time of drafting a proposed rule and regulation or
10 amendment to an existing rule and regulation, the state agency shall ~~pre-~~
11 ~~pare a statement of~~ consider the economic impact of such proposed rule
12 and regulation or amendment upon all governmental agencies or units
13 and all persons which will be subject thereto and upon the general public.
14 ~~The~~ Prior to giving notice of a hearing on a proposed rule and regulation,
15 the state agency shall prepare an economic impact statement that shall
16 include:

17 ~~(1)~~ (A) A brief description of the proposed rules and regulations and
18 what is intended to be accomplished by their adoption; ~~(2)~~

19 (B) whether the proposed rule and regulation is mandated by federal
20 law as a requirement for participating in or implementing a federally
21 subsidized or assisted program and whether the proposed rules and reg-
22 ulations exceed the requirements of applicable federal law; ~~(3)~~

23 (C) a description of the cost, the persons who will bear the costs and
24 those who will be affected by the proposed rules and regulations, includ-
25 ing the agency proposing the rules and regulations, other governmental
26 agencies or units, private citizens and consumers of the products or serv-
27 ices which are the subject of the rules and regulations or the enforcement
28 thereof; and ~~(4)~~

29 (D) a description of any less costly or less intrusive methods that were
30 considered by the state agency for achieving the stated purpose of the
31 rules and regulations and why such methods were rejected in favor of the
32 proposed rules and regulations. The state agency may consult with other
33 state agencies when preparing the economic impact statement.

34 (2) The state agency shall consult with the League of Kansas munic-
35 ipalities, Kansas association of counties and the Kansas association of
36 school boards, as appropriate, when preparing the economic impact state-
37 ment of a proposed rule and regulation which increases or decreases
38 revenues of cities, counties or school districts or imposes functions or
39 responsibilities on cities, counties or school districts which will increase
40 their expenditures or fiscal liability.

41 (3) The state agency shall reevaluate and, when necessary, update the
42 statement ~~at the time of giving notice of hearing on a proposed rule and~~
43 ~~regulation and~~ at the time of filing a rule and regulation with the secretary

1 of state. If a public hearing was held prior to the adoption of the rule and
2 regulation, a state agency at the time of filing a rule and regulation with
3 the secretary of state shall include as a part of the economic impact state-
4 ment a statement specifying the time and place at which the hearing was
5 held and the attendance at the hearing. A copy of the current economic
6 impact statement shall be available from the state agency upon request
7 by any party interested therein.

8 (c) Upon request of the state rules and regulations board, the joint
9 committee on administrative rules and regulations or the chairperson of
10 either committee or board, the director of the budget shall review the
11 economic impact statement prepared by any state agency and shall pre-
12 pare a supplemental or revised statement. If possible, the supplemental
13 or revised statement shall include a reliable estimate in dollars of the
14 anticipated change in revenues and expenditures of the state. It also shall
15 include a statement, if determinable or reasonably foreseeable, of the
16 immediate and long-range economic impact of the rule and regulation
17 upon persons subject thereto, small employers and the general public. If,
18 after careful investigation, it is determined that no dollar estimate is pos-
19 sible, the statement shall set forth the reasons why no dollar estimate can
20 be given. Every state agency is directed to cooperate with the division of
21 the budget in the preparation of any statement pursuant to this subsection
22 when, and to the extent, requested by the director of the budget.

23 (d) At the time of drafting a proposed environmental rule and regu-
24 lation or amendment to an existing environmental rule and regulation,
25 the state agency shall ~~prepare a statement of~~ *consider* the environmental
26 benefit of such proposed rule and regulation or amendment. ~~The~~ *Prior*
27 *to giving notice of a hearing on a proposed rule and regulation, the state*
28 *agency shall prepare an* environmental benefit statement *that* shall in-
29 clude a description of the need for and the environmental benefits which
30 will likely accrue as the result of the proposed rule and regulation or
31 amendment. The description shall summarize, when applicable, research
32 indicating the level of risk to the public health or the environment being
33 removed or controlled by the proposed rule and regulation or amend-
34 ment. When specific contaminants are to be controlled by the proposed
35 rule and regulation or amendment, the description shall indicate the level
36 at which the contaminants are considered harmful according to currently
37 available research. The state agency may consult with other state agencies
38 when preparing the environmental benefit statement. The state agency
39 shall reevaluate and, when necessary, update the statement ~~at the time~~
40 ~~of giving notice of hearing on a proposed rule and regulation and~~ at the
41 time of filing a rule and regulation with the secretary of state. A copy of
42 the current environmental benefit statement shall be available from the
43 state agency upon request by any party interested therein.

1 (e) In addition to the requirements of subsection (b), the economic
2 impact statement for all environmental rules and regulations shall include:

3 (1) A description of the capital and annual costs of compliance with
4 the proposed rules and regulations, and the persons who will bear those
5 costs;

6 (2) a description of the initial and annual costs of implementing and
7 enforcing the proposed rules and regulations, including the estimated
8 amount of paperwork, and the state agencies, other governmental agen-
9 cies or other persons or entities who will bear the costs;

10 (3) a description of the costs which would likely accrue if the pro-
11 posed rules and regulations are not adopted, the persons who will bear
12 the costs and those who will be affected by the failure to adopt the rules
13 and regulations; and

14 (4) a detailed statement of the data and methodology used in esti-
15 mating the costs used in the statement.

16 ~~(f) On and after the effective date of this act, the secretary of state
17 shall have the discretion to return to the appropriate state agency or
18 otherwise dispose of any document or other material which has been
19 adopted previously by reference and filed with the secretary of state.~~

20 Sec. 6. K.S.A. 77-417 is hereby amended to read as follows: 77-417.

21 (a) The secretary of state shall:

22 (1) Endorse on each rule and regulation filed, the time and date of
23 the filing thereof;

24 (2) maintain a file of such rules and regulations for public inspection;

25 (3) keep a complete record of all amendments and revocations of
26 rules and regulations;

27 (4) index the rules and regulations so filed; and

28 (5) publish the rules and regulations as hereinafter provided.

29 (b) *The secretary of state shall have the discretion to return to the
30 appropriate state agency or to otherwise dispose of any document or other
31 material which had been adopted previously by reference and filed with
32 the secretary of state.*

33 Sec. 7. K.S.A. 77-418 is hereby amended to read as follows: 77-418.

34 All rules and regulations adopted ~~and filed~~ by every state agency shall be
35 ~~typewritten, mimeographed, multilithed, or printed on standard letter~~
36 ~~size (8 1/2 by 11 inches) paper, the kind, grade, and durability thereof to~~
37 ~~be subject to the approval of the secretary of state. If any rule and reg-~~
38 ~~ulation is amended or revoked after the same has been adopted and filed,~~
39 ~~each rule and regulation amended or revoked shall be filed on a separate~~
40 ~~sheet or sheets of paper, except this filing requirement may be complied~~
41 ~~with for consecutively numbered rules and regulations which are being~~
42 ~~revoked by filing with the secretary of state a statement clearly identifying~~
43 ~~the consecutively numbered rules and regulations. Such statement shall~~

1 clearly express that the consecutively numbered rules and regulations are
2 being revoked and shall specify the effective date of the revocation of
3 such rules and regulations. If a rule and regulation is filed with the sec-
4 retary of state on more than one page, each page of such rule and regu-
5 lation, subsequent to the first page, shall be consecutively numbered at
6 the top of each page, and the number of the rule and regulation shall be
7 placed in the upper right hand corner of each page *filed with the secretary*
8 *of state in a form and manner approved by the secretary of state.*

9 Sec. 8. K.S.A. 77-419 is hereby amended to read as follows: 77-419.
10 ~~No section of any rule and regulation shall be revived or amended unless~~
11 ~~To revive or amend a rule and regulation,~~ the new rule and regulation
12 ~~contains shall contain~~ the entire section revived or amended, and any
13 section so amended shall be revoked. For the purpose of filing in the
14 office of the secretary of state and for submission to the joint committee
15 on administrative rules and regulations ~~and to the legislature~~ as provided
16 in K.S.A. 77-426, and amendments thereto, a rule and regulation amend-
17 ing an existing regulation shall indicate the new matter contained therein
18 by underlining or printing in italics the new matter, and material to be
19 deleted from such rule and regulation shall be shown in ~~cancelled~~ *strike-*
20 *through* type. The secretary of state in preparing such rules and regula-
21 tions for publication in the Kansas administrative regulations shall omit
22 all material shown in ~~cancelled type~~ ~~and such rules and regulations shall~~
23 ~~be printed in Roman style~~ *strike-through* type. The secretary of state shall
24 not file any regulation which amends or revives a regulation unless the
25 regulation so amending or reviving conforms to the provisions of this
26 section.

27 Sec. 9. K.S.A. 77-420 is hereby amended to read as follows: 77-420.
28 (a) Every rule and regulation proposed to be adopted by any state agency,
29 before being submitted to the attorney general under this section, shall
30 be submitted to the secretary of administration for approval of its organ-
31 ization, style, orthography and grammar subject to such requirements as
32 to organization, style, orthography and grammar as the secretary may
33 adopt. Every rule and regulation submitted to the secretary of adminis-
34 tration under this subsection (a) shall be accompanied by a copy of any
35 document which is adopted by reference by the rule and regulation. Every
36 rule and regulation approved by the secretary of administration under
37 this subsection (a) shall be stamped as approved and the date of such
38 approval shall be indicated therein.

39 (b) Every rule and regulation proposed by any state agency which has
40 been approved by the secretary of administration as provided in subsec-
41 tion (a) before being adopted or filed shall be submitted to the attorney
42 general for an opinion as to the legality of the same, ~~and the~~ *including*
43 *whether the making of such rule and regulation is within the authority*

1 *conferred by law on the state agency. The attorney general shall promptly*
 2 *furnish an opinion as to the legality of the proposed rule and regulation*
 3 *so submitted. Every rule and regulation submitted to the attorney general*
 4 *under this subsection (b) shall be accompanied by a copy of any document*
 5 *which is adopted by reference by the rule and regulation. Every rule and*
 6 *regulation approved by the attorney general under this subsection (b)*
 7 *shall be stamped as approved and the date of such approval shall be*
 8 *indicated therein.*

9 (c) No rule and regulation shall be filed by the secretary of state
 10 unless:

11 (1) The organization, style, orthography and grammar have been ap-
 12 proved by the secretary of administration;

13 (2) the rule and regulation has been approved in writing by the at-
 14 torney general as to legality;

15 (3) ~~the attorney general finds that the making of such rule and reg-~~
 16 ~~ulation is within the authority conferred by law on the state agency sub-~~
 17 ~~mitting the same;~~

18 ~~(4)~~ the rule and regulation has been formally adopted by the state
 19 agency after it has been approved by the secretary of administration and
 20 the attorney general and is accompanied by a certified or other formal
 21 statement of adoption when adoption is by an executive officer of a state
 22 agency, or by a certified copy of the roll call vote required for its adoption
 23 by K.S.A. 77-421, and amendments thereto, when adoption is by a board,
 24 commission, authority or other similar body;

25 ~~(5)~~ (4) the rule and regulation to be filed is accompanied by a copy
 26 of the economic impact statement as provided by K.S.A. 77-416, and
 27 amendments thereto; *and*

28 ~~(6)~~ (5) the rule and regulation to be filed is accompanied by a copy
 29 of the environmental benefit statement required by K.S.A. 77-416 and
 30 amendments thereto, if applicable; ~~and~~

31 ~~(7) the rule and regulation is accompanied by a copy of any document~~
 32 ~~which is adopted by reference by such rule and regulation unless specif-~~
 33 ~~ically exempt by the state rules and regulations board pursuant to sub-~~
 34 ~~section (a) of K.S.A. 77-416, and amendments thereto.~~

35 Sec. 10. K.S.A. 2009 Supp. 77-421 is hereby amended to read as
 36 follows: 77-421. (a) (1) Except as provided by subsection (a)(2) ~~or sub-~~
 37 ~~section (a)(3), subsection (a)(3) or subsection (a)(4),~~ prior to the adoption
 38 of any permanent rule and regulation or any temporary rule and regula-
 39 tion which is required to be adopted as a temporary rule and regulation
 40 in order to comply with the requirements of the statute authorizing the
 41 same and after any such rule and regulation has been approved by the
 42 secretary of administration and the attorney general, the adopting state
 43 agency shall give at least 60 days' notice of its intended action in the

1 Kansas register and to the secretary of state and to the joint committee
2 on administrative rules and regulations established by K.S.A. 77-436, and
3 amendments thereto. The notice shall be ~~mailed~~ *provided* to the secretary
4 of state and to the chairperson of the joint committee and shall be pub-
5 lished in the Kansas register. A complete copy of all proposed rules and
6 regulations and the complete economic impact statement required by
7 K.S.A. 77-416, and amendments thereto, shall accompany the notice sent
8 to the secretary of state. The notice shall contain:

9 (A) A summary of the substance of the proposed rules and
10 regulations;

11 (B) a summary of the economic impact statement indicating the es-
12 timated economic impact on governmental agencies or units, persons sub-
13 ject to the proposed rules and regulations and the general public;

14 (C) a summary of the environmental benefit statement, if applicable,
15 indicating the need for the proposed rules and regulations;

16 (D) the address where a complete copy of the proposed rules and
17 regulations, the complete economic impact statement, the environmental
18 benefit statement, if applicable, required by K.S.A. 77-416, and amend-
19 ments thereto, may be obtained;

20 (E) the time and place of the public hearing to be held; the manner
21 in which interested parties may present their views; and

22 (F) a specific statement that the period of 60 days' notice constitutes
23 a public comment period for the purpose of receiving written public com-
24 ments on the proposed rules and regulations and the address where such
25 comments may be submitted to the state agency. Publication of such
26 notice in the Kansas register shall constitute notice to all parties affected
27 by the rules and regulations.

28 (2) Prior to adopting any rule and regulation which establishes sea-
29 sons and fixes bag, creel, possession, size or length limits for the taking
30 or possession of wildlife and after such rule and regulation has been ap-
31 proved by the secretary of administration and the attorney general, the
32 secretary of the department of wildlife and parks shall give at least 30
33 days' notice of its intended action in the Kansas register and to the sec-
34 retary of state and to the joint committee on administrative rules and
35 regulations created pursuant to K.S.A. 77-436, and amendments thereto.
36 All other provisions of subsection (a)(1) shall apply to such rules and
37 regulations, except that the statement required by subsection (a)(1)(E)
38 shall state that the period of 30 days' notice constitutes a public comment
39 period on such rules and regulations.

40 (3) Prior to adopting any rule and regulation which establishes any
41 permanent prior authorization on a prescription-only drug pursuant to
42 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage
43 or reimbursement for pharmaceuticals under the pharmacy program of

1 the state medicaid plan, and after such rule and regulation has been ap-
2 proved by the secretary of administration and the attorney general, the
3 secretary of social and rehabilitation services shall give at least 30 days'
4 notice of such secretary's intended action in the Kansas register and to
5 the secretary of state and to the joint committee on administrative rules
6 and regulations created pursuant to K.S.A. 77-436, and amendments
7 thereto. All other provisions of subsection (a)(1) shall apply to such rules
8 and regulations, except that the statement required by subsection
9 (a)(1)(E) shall state that the period of 30 days' notice constitutes a public
10 comment period on such rules and regulations.

11 *(4) Prior to adopting any rule and regulation pursuant to subsection*
12 *(c), the state shall give at least 30 days' notice of its intended action in*
13 *the Kansas register and to the secretary of state and to the joint committee*
14 *on administrative rules and regulations created pursuant to K.S.A. 77-*
15 *436, and amendments thereto. All other provisions of subsection (a)(1)*
16 *shall apply to such rules and regulations, except that the statement re-*
17 *quired by subsection (a)(1)(E) shall state that the period of notice consti-*
18 *tutes a public comment period on such rules and regulations.*

19 (b) (1) On the date of the hearing, all interested parties shall be given
20 reasonable opportunity to present their views or arguments on adoption
21 of the rule and regulation, either orally or in writing. ~~When requested to~~
22 ~~do so, the state agency shall prepare a concise statement of the principal~~
23 ~~reasons for adopting the rule and regulation or amendment thereto. At~~
24 ~~the time it adopts or amends a rule and regulation, the state agency shall~~
25 ~~prepare a concise statement of the principal reasons for adopting the rule~~
26 ~~and regulation or amendment thereto, including:~~

27 (A) *The agency's reasons for not accepting substantial arguments*
28 *made in testimony and comments; and*

29 (B) *the reasons for any substantial change between the text of the*
30 *proposed adopted or amended rule and regulation contained in the pub-*
31 *lished notice of the proposed adoption or amendment of the rule and*
32 *regulation and the text of the rule and regulation as finally adopted.*

33 (2) Whenever a state agency is required by any other statute to give
34 notice and hold a hearing before adopting, amending, reviving or revoking
35 a rule and regulation, the state agency, in lieu of following the require-
36 ments or statutory procedure set out in such other law, may give notice
37 and hold hearings on proposed rules and regulations in the manner pre-
38 scribed by this section.

39 (3) Notwithstanding the other provisions of this section, the Kansas
40 parole board and the secretary of corrections, may give notice or an op-
41 portunity to be heard to any inmate in the custody of the secretary of
42 corrections with regard to the adoption of any rule and regulation, but
43 the secretary shall not be required to give such notice or opportunity.

1 (c) (1) *The agency shall initiate new rulemaking proceedings under*
2 *this act, if a state agency proposes to adopt a final rule and regulation*
3 *that:*
4 (A) *Differs in subject matter or effect in any material respect from*
5 *the rule and regulation as originally proposed; and*
6 (B) *is not a logical outgrowth of the rule and regulation as originally*
7 *proposed.*
8 (2) *In accordance with subsection (a), the period for public comment*
9 *required by K.S.A. 77-421, and amendments thereto, may be shortened*
10 *to not less than 30 days.*
11 (3) *For the purposes of this provision, a rule and regulation is not the*
12 *logical outgrowth of the rule and regulation as originally proposed if a*
13 *person affected by the final rule and regulation was not put on notice that*
14 *such person's interests were affected in the rulemaking.*
15 ~~(c)~~ (d) When, pursuant to this or any other statute, a state agency
16 holds a hearing on the adoption of a proposed rule and regulation, the
17 agency shall cause written minutes or other records, including a record
18 maintained on sound recording tape or on any electronically accessed
19 media or any combination of written or electronically accessed media
20 records of the hearing to be made. If the proposed rule and regulation is
21 adopted and becomes effective, the state agency shall maintain, for not
22 less than three years after its effective date, such minutes or other records,
23 together with *any recording, transcript or other record made of the hear-*
24 *ing and* a list of all persons who appeared at the hearing and who they
25 represented, any written testimony presented at the hearing and any writ-
26 ten comments submitted during the public comment period.
27 ~~(c)~~ (e) No rule and regulation shall be adopted by a board, commis-
28 sion, authority or other similar body except at a meeting which is open
29 to the public and notwithstanding any other provision of law to the con-
30 trary, no rule and regulation shall be adopted by a board, commission,
31 authority or other similar body unless it receives approval by roll call vote
32 of a majority of the total membership thereof.
33 Sec. 11. K.S.A. 77-421a is hereby amended to read as follows: 77-
34 421a. Whenever any officer, department, bureau, division, board, au-
35 thority, agency, commission or institution of this state, except the judicial
36 and the legislative branches, is authorized by law to promulgate rules and
37 regulations concerning the administration, enforcement or interpretation
38 of any law of this state, and such rules and regulations are exempt from
39 the requirements of K.S.A. 77-415 *et seq.*, and amendments thereto, by
40 virtue of the definition of “rule or regulation” in subsection ~~(4)~~ (e) of
41 K.S.A. 77-415, and amendments thereto, such rules and regulations shall
42 be adopted in the manner prescribed by K.S.A. 77-421, and amendments
43 thereto, after notice has been given and a hearing held in the manner

1 prescribed by K.S.A. 77-421, and amendments thereto. This section shall
2 not apply to orders issued by directors of correctional institutions under
3 K.S.A. 75-5256, *and amendments thereto*.

4 Sec. 12. K.S.A. 2009 Supp. 77-422 is hereby amended to read as
5 follows: 77-422. (a) A rule and regulation may be adopted by a state
6 agency as a temporary rule and regulation if the state agency and the state
7 rules and regulations board finds that the preservation of the public peace,
8 health, safety or welfare necessitates or makes desirable putting such rule
9 and regulation into effect prior to the time it could be put into effect if
10 the agency were to comply with the notice, hearing and publication
11 requirements of this act or prior to the effective date prescribed by K.S.A.
12 77-426, and amendments thereto.

13 (b) Temporary rules and regulations may be adopted without the giv-
14 ing of notice and the holding of a hearing thereon.

15 (c) (1) A temporary rule and regulation shall take effect: ~~(1)~~
16 (A) After approval by the secretary of administration and the attorney
17 general as provided by K.S.A. 77-420, and amendments thereto; ~~(2)~~
18 (B) after approval by the state rules and regulations board as provided
19 by K.S.A. 77-423, and amendments thereto; and ~~(3)~~
20 (C) upon filing with the secretary of state.

21 (2) The effective date of all or specific parts of a temporary rule and
22 regulation may be delayed to a date later than its filing date if the delayed
23 effective date of such rule and regulation, or specific parts thereof, is
24 clearly expressed in the body of such rule and regulation.

25 (3) A temporary rule and regulation shall be effective for a period not
26 to exceed ~~120~~ 180 days *except that a temporary rule and regulation may*
27 *be renewed one time for an additional period not to exceed 180 days*.

28 (d) A temporary rule and regulation which amends an existing rule
29 and regulation shall have the effect of suspending the force and effect of
30 the existing rule and regulation until such time as the temporary rule and
31 regulation is no longer effective. In such case, at the time the temporary
32 rule and regulation ceases to be effective, the existing permanent rule
33 and regulation which was amended by the temporary rule and regulation
34 shall be in full force and effect unless such existing rule and regulation is
35 otherwise amended, revoked or suspended as provided by law.

36 (e) Temporary rules and regulations shall be numbered in accordance
37 with the numbering arrangement approved by the secretary of state and
38 otherwise shall conform to the approval, adoption and filing requirements
39 of this act, insofar as the same can be made applicable.

40 Sec. 13. K.S.A. 77-423 is hereby amended to read as follows: 77-423.
41 There is hereby created a state rules and regulations board consisting of
42 the attorney general *or the attorney general's designee*, the secretary of
43 state *or the secretary of state's designee*, the secretary of administration

1 *or the secretary of administration's designee*, the chairperson of the joint
2 committee on administrative rules and regulations or a member of the
3 joint committee designated by the chairperson from the same house of
4 the legislature as the chairperson and the vice-chairperson of the joint
5 committee on administrative rules and regulations or a member of the
6 joint committee designated by the vice-chairperson from the same house
7 of the legislature as the vice-chairperson. If a member is designated to
8 serve on the board by the chairperson or vice-chairperson of the joint
9 committee, the designated member shall serve in lieu of the designating
10 officer on a temporary or permanent basis as specified by the designating
11 officer. The attorney general shall be the chairperson of the board. The
12 secretary of state shall serve as the secretary to the board. The state rules
13 and regulations board shall determine whether a rule and regulation
14 should be adopted as a temporary rule and regulation, shall determine
15 the rules and regulations to be published in the Kansas administrative
16 regulations and in the annual supplement to such regulations as provided
17 for in this act and shall perform such other duties as may be required by
18 this act.

19 Sec. 14. K.S.A. 2009 Supp. 77-424 is hereby amended to read as
20 follows: 77-424. The state rules and regulations board shall meet as soon
21 as possible after January 1 each year to determine which rules and reg-
22 ulations filed during the preceding calendar year are to be published in
23 the Kansas administrative regulations or annual supplement thereto. For
24 the purpose of avoiding unwarranted expense, the board may authorize
25 and direct the secretary of state to withhold publication of any technical
26 rule and regulation of any state agency where such rules and regulations
27 are of limited public interest and are or will be available in published
28 form. In every such case where the rules and regulations are not published
29 in the Kansas administrative regulations or annual supplement, reference
30 shall be made by the secretary of state to the rules and regulations omitted
31 therefrom, and shall state how such rules and regulations may be obtained
32 and that the rules and regulations so omitted are on file in the office of
33 the secretary of state. ~~Rules and regulations adopted jointly by two or
34 more agencies shall not be published in more than one place in the com-
35 pilation or supplement thereto.~~

36 Sec. 15. K.S.A. 77-428 is hereby amended to read as follows: 77-428.
37 (a) At the beginning of each calendar year the secretary of state, as soon
38 as possible, shall assemble all rules and regulations, except temporary
39 rules and regulations, filed during the preceding year in accordance with
40 the provisions of this act. The state rules and regulations board shall de-
41 termine which of such rules and regulations are to be published in the
42 Kansas administrative regulations or annual supplement as provided in
43 this act.

1 (b) Annual supplements shall be cumulative and shall include all rules
2 and regulations published in the annual supplement in the next preceding
3 year which remain in force and effect on the effective date of the current
4 supplement, together with all rules and regulations, other than temporary
5 rules and regulations, which were regularly adopted and filed in the office
6 of the secretary of state in the year next preceding the year when such
7 annual supplement is published and which were approved for publication
8 by the state rules and regulations board.

9 (c) The secretary of state shall prepare annual supplements to the
10 rules and regulations and material to be published therewith, ~~in one or~~
11 ~~more paperbound volumes~~ in the form determined by the secretary of
12 state. The annual supplement of rules and regulations shall be published
13 and shall include a general index of all rules and regulations contained
14 therein and such notes, cross references and explanatory materials as will
15 facilitate the use of such supplements. ~~All rules and regulations and ma-~~
16 ~~terial published in the annual supplement shall be delivered to and pub-~~
17 ~~lished by the director of printing.~~ Authentication of all supplement vol-
18 umes shall be in the manner provided in K.S.A. 77-429, and amendments
19 thereto. The director of printing shall print the number of copies requi-
20 sitioned by the secretary of state.

21 Sec. 16. K.S.A. 77-429 is hereby amended to read as follows: 77-429.
22 Before ~~any copies of the~~ Kansas administrative regulations or the annual
23 supplement thereto shall be ~~printed by the division of printing or sold~~
24 ~~and delivered~~ *published* by the secretary of state, they shall be examined
25 and compared by the attorney general and the secretary of state, and if
26 they contain all rules and regulations approved for ~~printing~~ *publication*
27 by the board, and otherwise comply with the terms of this act, they shall
28 so certify ~~in writing~~ and after such authentication they shall be deemed
29 and held to be “Kansas administrative regulations” and evidence in all
30 courts having jurisdiction in the state; and such authentication shall ~~be~~
31 ~~printed on each~~ *accompany each electronic or printed* copy of Kansas
32 administrative regulations and annual supplement thereto.

33 Sec. 17. K.S.A. 2009 Supp. 77-430 is hereby amended to read as
34 follows: 77-430. (a) ~~The Kansas administrative regulations shall be printed~~
35 ~~by the director of printing and delivered to the secretary of state who~~
36 ~~shall dispose of them as follows:~~

37 ~~—First, the secretary of state shall deposit in the supreme court law~~
38 ~~library and the state library such number of copies as the state law li-~~
39 ~~brarian and the state librarian, respectively, shall request for use in the~~
40 ~~law library and the state library, for purposes of the publication collection~~
41 ~~and depository system established under K.S.A. 75-2566, and amend-~~
42 ~~ments thereto, and for the purpose of exchange. The secretary of state~~
43 ~~shall distribute to the university of Kansas school of law and to Washburn~~

1 ~~university school of law the number of copies as the librarians of the~~
2 ~~schools of law, respectively, certify to the secretary of state as necessary~~
3 ~~for the purpose of exchange. The secretary of state shall retain two copies~~
4 ~~for use in the secretary of state's office.~~
5 ~~—Second, the secretary of state shall distribute:~~
6 ~~—(1) One copy to each member of the legislature at the time of taking~~
7 ~~office, after election or appointment, for the member's first term of office~~
8 ~~as a member of either house of the legislature which commences on or~~
9 ~~after the second Monday of January in 1991, except that a term of office~~
10 ~~as a member of either house of the legislature, whether a complete or~~
11 ~~partial term of office, shall not be construed for purposes of this distribu-~~
12 ~~tion to be the member's first term of office if such term of office is~~
13 ~~part of a continuous period of service as a member of either house of the~~
14 ~~legislature or both houses of the legislature, in any combination of con-~~
15 ~~secutive terms of office;~~
16 ~~—(2) one copy each to the governor, lieutenant governor, attorney gen-~~
17 ~~eral and state historical society library;~~
18 ~~—(3) to the several offices of the judicial branch of state government,~~
19 ~~the number of copies necessary to conduct the official business of such~~
20 ~~offices, as requested by the chief justice of the supreme court;~~
21 ~~—(4) two copies to the Washburn university school of law, for use in~~
22 ~~the law library, and two copies to the university of Kansas school of law,~~
23 ~~for use in the law library;~~
24 ~~—(5) one copy to each county law library, upon request by the librarian~~
25 ~~thereof;~~
26 ~~—(6) one copy to the city library in each city of the first and second~~
27 ~~classes, upon request by the librarian thereof; and~~
28 ~~—(7) one copy to each county library, upon request by the librarian~~
29 ~~thereof.~~
30 ~~—Third, the secretary of state shall distribute to the several offices of the~~
31 ~~legislative branch of government, the number of copies necessary to con-~~
32 ~~duct the official business of such offices, as follows: (1) To the office of~~
33 ~~revisor of statutes as the revisor of statutes shall request; (2) to the leg-~~
34 ~~islative research department as the director of legislative research shall~~
35 ~~request; (3) to the division of post audit as the post auditor shall request;~~
36 ~~and (4) to the division of legislative administrative services as the director~~
37 ~~of legislative administrative services shall request.~~
38 ~~—Fourth, the balance of the Kansas administrative regulations after such~~
39 ~~distribution shall be kept by the secretary of state for sale as provided by~~
40 ~~this section. The secretary of state shall publish the Kansas administrative~~
41 ~~regulations in an electronic or paper medium. The secretary of state shall~~
42 ~~make the Kansas administrative regulations available by request to the~~
43 ~~following:~~

- 1 (1) *The supreme court law library and the state library.*
- 2 (2) *The law schools and law libraries of the university of Kansas and*
3 *Washburn university.*
- 4 (3) *Each member of the legislature at the time of taking office, after*
5 *election or appointment, for the member's first term of office as a member*
6 *of either house of the legislature which commences on or after the second*
7 *Monday of January in 1991, except that a term of office as a member of*
8 *either house of the legislature, whether a complete or partial term of office,*
9 *shall not be construed for purposes of this distribution to be the member's*
10 *first term of office if such term of office is part of a continuous period of*
11 *service as a member of either house of the legislature or both houses of*
12 *the legislature, in any combination of consecutive terms of office;*
- 13 (4) *the governor, lieutenant governor, attorney general and state his-*
14 *torical society library;*
- 15 (5) *the judicial branch of state government;*
- 16 (6) *each county law library;*
- 17 (7) *the city library in each city of the first and second class;*
- 18 (8) *each county library;*
- 19 (9) *the office of revisor of statutes;*
- 20 (10) *the legislative research department;*
- 21 (11) *the division of post audit; and*
- 22 (12) *the division of legislative administrative services.*
- 23 (b) The Kansas administrative regulations may be purchased in com-
24 plete sets or in single volumes. Single volumes of the Kansas administra-
25 tive regulations shall be sold by the secretary of state at the per volume
26 price fixed by the secretary of state under this section. Complete sets of
27 the Kansas administrative regulations shall be sold by the secretary of
28 state at the per set price fixed therefor by the secretary of state under
29 this section. ~~Copies may be delivered by postpaid mail by the secretary~~
30 ~~of state.~~
- 31 (c) All moneys received from such sales shall be remitted to the state
32 treasurer in accordance with the provisions of K.S.A. 75-4215, and
33 amendments thereto. Upon receipt of each such remittance, the state
34 treasurer shall deposit the entire amount in the state treasury to the credit
35 of the information and services fee fund of the secretary of state.
- 36 (d) The secretary of state shall fix by rules and regulations the per
37 volume and complete set prices of the Kansas administrative regulations
38 sold under this section to recover the costs of ~~printing and binding such~~
39 ~~volumes publishing such volumes, whether in printed or electronic form.~~
40 The secretary of state shall revise such prices from time to time for the
41 purposes of covering and recovering such costs.
- 42 Sec. 18. K.S.A. 77-430a is hereby amended to read as follows: 77-
43 430a. (a) The secretary of state shall edit and prepare for ~~printing and~~

1 publication volumes of rules and regulations which replace existing vol-
 2 umes of the Kansas administrative regulations within the limitations of
 3 available appropriations therefor. Replacement volumes shall be pub-
 4 lished ~~and printed~~ in the same format and in accordance with the same
 5 ~~printing~~ specifications used in the volume replaced and shall be authen-
 6 ticated as required by K.S.A. 77-429, and amendments thereto. Replace-
 7 ment volumes of the Kansas administrative regulations shall be ~~printed~~
 8 ~~by the director of printing and delivered to~~ *published by* the secretary of
 9 state who shall distribute and sell such replacement volumes in the same
 10 manner as provided in K.S.A. 77-430, and amendments thereto, for the
 11 distribution and sale of other volumes of the Kansas administrative reg-
 12 ulations, except that each member of the senate or house of representa-
 13 tives shall receive, *upon request*, one copy of each replacement volume
 14 for the purpose of updating the set of the Kansas administrative regula-
 15 tions received at the time of taking office for the member's first term of
 16 office as a member of either house of the legislature as provided in K.S.A.
 17 77-430, and amendments thereto.

18 (b) ~~Whenever it shall become necessary to print additional copies of~~
 19 ~~any volume of the Kansas administrative regulations, the secretary of state~~
 20 ~~shall requisition the necessary number of copies from the director of~~
 21 ~~printing. Moneys received from the sale of replacement volumes under~~
 22 ~~this section shall be remitted to the state treasurer in accordance with the~~
 23 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
 24 ~~each such remittance, the state treasurer shall deposit the entire amount~~
 25 ~~in the state treasury to the credit of the information and services fee fund~~
 26 ~~of the secretary of state.~~

27 (c) *The secretary of state shall fix by rules and regulations the per*
 28 *volume price, or the complete set price if more than one replacement*
 29 *volume is published, of any replacement volume of the Kansas adminis-*
 30 *trative regulations sold under this section to recover the costs of publish-*
 31 *ing such volumes, whether in printed or electronic form. The secretary of*
 32 *state shall revise such prices from time to time for the purposes of covering*
 33 *and recovering such costs.*

34 Sec. 19. K.S.A. 2009 Supp. 77-431 is hereby amended to read as
 35 follows: 77-431. (a) ~~Copies of~~ *The secretary of state shall publish and*
 36 *make available* the annual supplements to the Kansas administrative reg-
 37 ulations ~~shall be printed and delivered to the secretary of state who shall~~
 38 ~~distribute them as follows:~~

39 ~~—First.~~ The secretary of state shall transmit the same number of copies
 40 of each annual supplement in the same manner as provided in ~~the first,~~
 41 ~~second and third clauses of~~ subsection (a) of K.S.A. 77-430, and amend-
 42 ments thereto, for distribution of Kansas administrative regulations, ex-
 43 cept that each member of the senate or house of representatives shall

1 receive, *upon request*, one copy of each annual supplement for the pur-
2 pose of updating the set of the Kansas administrative regulations received
3 at the time of taking office for the member's first term of office as a
4 member of either house of the legislature as provided in K.S.A. 77-430,
5 and amendments thereto.

6 ~~Second, the balance of annual supplement volumes after such distri-~~
7 ~~bution shall be kept by the secretary of state for sale at the per supplement~~
8 ~~volume price, or the complete set price if more than one volume is pub-~~
9 ~~lished for any annual supplement, which is fixed by the secretary of state~~
10 ~~under this section. The secretary of state may publish the supplements to~~
11 ~~the Kansas administrative regulations in an electronic or paper medium.~~

12 (b) Moneys received from the sale of supplements under this section
13 shall be remitted to the state treasurer in accordance with the provisions
14 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
15 remittance, the state treasurer shall deposit the entire amount in the state
16 treasury to the credit of the information and services fee fund of the
17 secretary of state.

18 (c) The secretary of state shall fix by rules and regulations the per
19 volume price, or the complete set price if more than one volume is pub-
20 lished, for each annual supplement to the Kansas administrative regula-
21 tions sold under this section to recover the costs of ~~printing and binding~~
22 *publishing, whether published in an electronic or paper medium.* The
23 secretary of state shall revise such prices from time to time for the pur-
24 poses of covering and recovering such costs.

25 Sec. 20. K.S.A. 2009 Supp. 77-435 is hereby amended to read as
26 follows: 77-435. In publishing the material in the Kansas administrative
27 regulations and latest supplements thereto, the secretary of state shall not
28 alter the sense, meaning or effect of any rule and regulation but may
29 correct manifest orthographical, clerical or typographical errors and may
30 edit the rules and regulations in the following manner:

31 (a) ~~By inserting the correct references in lieu of any internal cross-~~
32 ~~references to session laws or other outdated statutory references or out-~~
33 ~~dated references to other rules and regulations sections.~~

34 ~~(b)~~ By changing descriptive-subject-word headings of sections, sub-
35 sections or subparts of a rule and regulation in order to briefly and clearly
36 indicate the subject matter of such sections.

37 ~~(c) Wherever a board, commission, commissioner, department or~~
38 ~~other agency or officer of the state government has been abolished by~~
39 ~~statute and the powers, duties and jurisdiction thereof transferred to some~~
40 ~~other board, commission, commissioner, department or other agency or~~
41 ~~officer now in existence, the secretary of state may edit the rules and~~
42 ~~regulations affected thereby by striking out the name of the abolished~~
43 ~~board, commission, commissioner, department or other agency or officer~~

1 ~~and inserting in lieu thereof the name of the proper board, commission,~~
2 ~~commissioner, department or other agency or officer.~~

3 ~~(d)~~ (b) Where a pronoun of only masculine or only feminine gender
4 appears a pronoun of the opposite gender may be added, or language
5 may be changed for the same purpose, so long as the opening limitation
6 of this section is not violated.

7 ~~(c)~~ (c) By striking the word “that” wherever it appears as the first
8 word of any section in the Kansas administrative regulations or the latest
9 supplement thereto.

10 ~~(d)~~ (d) By correcting doublets.

11 The secretary of state may submit to the state rules and regulations
12 board, for the board’s approval, any proposed changes made pursuant to
13 the provisions of this section. No change made pursuant to the provisions
14 of this section shall effect any change in the substantive meaning of the
15 rule and regulation section, and any error made by the secretary of state
16 in editing the rules and regulations as authorized by this section shall be
17 construed as a clerical error only.

18 Sec. 21. K.S.A. 77-436 is hereby amended to read as follows: 77-436.

19 (a) There is hereby established a joint committee on administrative rules
20 and regulations which shall consist of five senators and seven members
21 of the house of representatives. The five senator members shall be ap-
22 pointed as follows: Three by the committee on organization, calendar and
23 rules and two by the minority leader of the senate. The seven represen-
24 tative members shall be appointed as follows: Four by the speaker of the
25 house of representatives and three by the minority leader of the house
26 of representatives. The committee on organization, calendar and rules
27 shall designate a senator member to be chairperson or vice-chairperson
28 of the joint committee as provided in this section. The speaker of the
29 house of representatives shall designate a representative member to be
30 chairperson or vice-chairperson of the joint committee as provided in this
31 section.

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

43 (c) All proposed rules and regulations shall be reviewed by the joint

1 committee on administrative rules and regulations during the public com-
2 ment period required by K.S.A. 77-421, and amendments thereto. All
3 ~~proposed forms used by state agencies and all~~ proposed rules and regu-
4 lations specifically excluded from the definition of rule and regulation
5 under subsection ~~(4)~~ (e) of K.S.A. 77-415, and amendments thereto, shall
6 be subject to review by the joint committee. The committee may intro-
7 duce such legislation as it deems necessary in performing its functions of
8 reviewing administrative rules and regulations and agency forms.

9 (d) All rules and regulations filed each year in the office of secretary
10 of state ~~and all forms used by state agencies~~ and all rules and regulations
11 specifically excluded from the definition of rule and regulation under
12 subsection ~~(4)~~ (e) of K.S.A. 77-415, and amendments thereto, shall be
13 subject to review by the joint committee. The committee may introduce
14 such legislation as it deems necessary in performing its functions of re-
15 viewing administrative rules and regulations and agency forms.

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

24 (f) Amounts paid under authority of this section shall be paid from
25 appropriations for legislative expense and vouchers therefor shall be pre-
26 pared by the director of legislative administrative services and approved
27 by the chairperson or vice-chairperson of the legislative coordinating
28 council.

29 Sec. 22. K.S.A. 77-438 is hereby amended to read as follows: 77-438.
30 K.S.A. 77-415 to ~~77-437~~ 77-438, inclusive, and acts amendatory thereof
31 or supplemental thereto, *and section 1, and amendments thereto*, shall be
32 known and may be cited as the rules and regulations filing act.

33 Sec. 23. K.S.A. 77-415a, 77-415b, 77-417, 77-418, 77-419, 77-420,
34 77-421a, 77-423, 77-428, 77-429, 77-430a, 77-436 and 77-438 and K.S.A.
35 2009 Supp. 77-415, 77-416, 77-421, 77-422, 77-424, 77-430, 77-431 and
36 77-435 are hereby repealed.

37 Sec. 24. This act shall take effect and be in force from and after its
38 publication in the statute book.