

HOUSE BILL No. 2719

By Committee on Commerce, Labor and Economic Development

Requested by Clay Barker, Secretary of State's Office

2-5

1 AN ACT concerning administrative rules and regulations; relating to the
2 rules and regulations filing act; providing exceptions for technical
3 amendments; creating a process for certain rules and regulations to
4 receive priority status in the adoption process; removing references to
5 the revival of rules and regulations; clarifying that the department of
6 the budget is not required to approve proposed rules and regulations
7 that are otherwise mandated by federal law; adding references to
8 department of corrections rules and regulations that are not subject to
9 the act; amending K.S.A. 75-3504, 77-419 and 77-437 and K.S.A. 2025
10 Supp. 77-415, 77-416, 77-420, 77-421 and 77-441 and repealing the
11 existing sections; also repealing K.S.A. 77-418.
12

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

14 New Section 1. (a) An agency shall not be required to initiate new
15 rulemaking proceedings under this act if such agency proposes to adopt a
16 rule and regulation that makes only technical amendments to an existing
17 rule or regulation. An agency may have technical amendments to an
18 existing rule or regulation adopted immediately upon review and approval
19 by the department of administration.

20 (b) As used in this act, "technical amendment" means a
21 nonsubstantive change to a rule or regulation that includes only the
22 following:

23 (1) Updating or changing cross references to statutes or other
24 regulations;

25 (2) renumbering or redesignating sections, subsections, paragraphs or
26 clauses for organizational clarity that does not alter substantive meaning;

27 (3) updates to conform with current drafting conventions such as
28 standardizing capitalization, punctuation or formatting;

29 (4) correcting spelling, punctuation or grammatical errors that do not
30 alter substantive meaning;

31 (5) replacing obsolete agency, board or position titles with current
32 names;

33 (6) changing addresses, telephone numbers, email addresses or
34 website URLs to current contact information; and

35 (7) revising references to state forms or publications when numbering

1 or titles change but the content remains the same.

2 (c) This section shall be a part of and supplemental to the rules and
3 regulations filing act.

4 New Sec. 2. (a) When an agency has a proposed rule and regulation
5 that meets the requirements to receive priority status, such agency shall
6 indicate that such rule and regulation is a priority when submitting the rule
7 and regulation as required by this act. Such proposed rule and regulation
8 shall be processed ahead of any other proposed rule and regulation
9 currently in process by the adopting agency, the department of
10 administration, the attorney general, the department of the budget or the
11 secretary of state.

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

14 Sec. 3. K.S.A. 75-3504 is hereby amended to read as follows: 75-
15 3504. The board shall pass upon the requests of the state departments or
16 other agencies for the destruction or other disposition of records; and ~~shall~~
17 have power to order the destruction, reproduction, temporary or permanent
18 retention, ~~and~~ disposition of the public records of any department or
19 agency of the state; *and* to establish records disposal schedules for the
20 orderly retirement of records; ~~and to~~ *The board may adopt such other* rules
21 and regulations as ~~they~~ *the board* may deem necessary to accomplish the
22 purposes of this act. ~~The disposal schedules shall be filed by the board~~
23 ~~with the secretary of state.~~ Records so scheduled may be transferred to the
24 state records center at regular intervals, in accordance with procedures to
25 be established by the center, without further action by the board. In all its
26 acts the board shall be specifically required to safeguard the legal,
27 financial and historical interests of the state in such records.

28 Sec. 4. K.S.A. 2025 Supp. 77-415 is hereby amended to read as
29 follows: 77-415. (a) K.S.A. 77-415, *and amendments thereto*, through 77-
30 440 and K.S.A. 2025 Supp. 77-441, *sections 1 and 2*, and amendments
31 thereto, shall be known and may be cited as the rules and regulations filing
32 act.

33 (b) (1) Unless otherwise provided by statute or constitutional
34 provision, each rule and regulation issued or adopted by a state agency
35 shall comply with the requirements of the rules and regulations filing act.
36 Except as provided in this section, any standard, requirement or other
37 policy of general application may be given binding legal effect only if it
38 has complied with the requirements of the rules and regulations filing act.

39 (2) Notwithstanding the provisions of this section:

40 (A) An agency may bind parties, establish policies, and interpret
41 statutes or regulations by order in an adjudication under the Kansas
42 administrative procedure act or other procedures required by law, except
43 that such policies shall not include the establishment of rules governing

1 future private conduct that have the force of law and such order shall not
2 be used as precedent in any subsequent adjudication against a person who
3 was not a party to the original adjudication unless the order is:

- 4 (i) Designated by the agency as precedent;
- 5 (ii) not overruled by a court or later adjudication; and
- 6 (iii) disseminated to the public in one of the following ways:
 - 7 (a) Inclusion in a publicly available index, maintained by the agency
8 and published on its website, of all orders designated as precedent;
 - 9 (b) publication by posting in full on an agency website in a format
10 capable of being searched by key terms; or
 - 11 (c) being made available to the public in such other manner as may be
12 prescribed by the secretary of state.

13 (B) Any statement of agency policy may be treated as binding within
14 the agency if such statement of policy is directed to agency personnel
15 relating to the performance of their duties or the internal management of or
16 organization of the agency. No statement of agency policy listed in this
17 subparagraph may be relied on to bind the general public.

18 (C) An agency may provide forms, the content or substantive
19 requirements of which are prescribed by rule and regulation or statute,
20 except that no such form may give rise to any legal right or duty or be
21 treated as authority for any standard, requirement or policy reflected
22 therein.

23 (D) An agency may provide guidance or information to the public,
24 describing any agency policy or statutory or regulatory requirement except
25 that no such guidance or information may give rise to any legal right or
26 duty or be treated as authority for any standard, requirement or policy
27 reflected therein.

28 (E) None of the following shall be subject to the rules and regulations
29 filing act:

30 (i) Any policy relating to the curriculum of a public educational
31 institution or to the administration, conduct, discipline, or graduation of
32 students from such institution.

33 (ii) Any parking and traffic regulations of any state educational
34 institution under the control and supervision of the state board of regents.

35 (iii) Any rule and regulation relating to the emergency or security
36 procedures of a correctional institution, as defined in K.S.A. 75-5202(d),
37 and amendments thereto.

38 (iv) Any order issued by the secretary of corrections or any warden of
39 a correctional institution under K.S.A. 75-5256, and amendments thereto.

40 (F) When a statute authorizing an agency to issue rules and
41 regulations or take other action specifies the procedures for doing so, those
42 procedures shall apply instead of the procedures in the rules and
43 regulations filing act.

1 (c) As used in the rules and regulations filing act, and amendments
2 thereto, unless the context clearly requires otherwise:

3 (1) "Board" means the state rules and regulations board established
4 under the provisions of K.S.A. 77-423, and amendments thereto.

5 (2) "Environmental rule and regulation" means:

6 (A) A rule and regulation adopted by the secretary of agriculture, the
7 secretary of health and environment or the state corporation commission
8 that has as a primary purpose the protection of the environment; or

9 (B) a rule and regulation adopted by the secretary of wildlife and
10 parks concerning threatened or endangered species of wildlife as defined
11 in K.S.A. 32-958, and amendments thereto.

12 (3) "Implementation and compliance costs" means direct costs that
13 are readily ascertainable based upon standard business practices,
14 including, but not limited to, fees, the cost to obtain a license or
15 registration, the cost of equipment required to be installed or used,
16 additional operating costs incurred, the cost of monitoring and reporting
17 and any other costs to comply with the requirements of the proposed rule
18 and regulation.

19 (4) "Person" means an individual, firm, association, organization,
20 partnership, business trust, corporation, company or any other legal or
21 commercial entity.

22 (5) "*Priority*" or "*priority status*" means a proposed rule and
23 regulation that an agency has been directed to adopt by an act of the
24 legislature:

25 (A) Within nine months of the act's effective date; or

26 (B) that has specified the adoption of such rule and regulation shall
27 receive priority status.

28 (6) "Rule and regulation," "rule" and "regulation" means a standard,
29 requirement or other policy of general application that has the force and
30 effect of law, including amendments or revocations thereof, issued or
31 adopted by a state agency to implement or interpret legislation.

32 (6)(7) "Rulemaking" means the same as defined in K.S.A. 77-602,
33 and amendments thereto.

34 (7)(8) "Small employer" means any person, firm, corporation,
35 partnership or association that employs not more than 50 employees, the
36 majority of whom are employed within this state.

37 (8)(9) "State agency" means any officer, department, bureau, division,
38 board, authority, agency, commission or institution of this state, except the
39 judicial and legislative branches, which is authorized by law to promulgate
40 rules and regulations concerning the administration, enforcement or
41 interpretation of any law of this state.

42 Sec. 5. K.S.A. 2025 Supp. 77-416 is hereby amended to read as
43 follows: 77-416. (a) Every state agency shall file with the secretary of state

1 every rule and regulation adopted by ~~it~~ *such agency* and every amendment
2 and revocation thereof in the manner prescribed by the secretary of state.
3 Each rule and regulation shall include a citation to the statutory section or
4 sections being implemented or interpreted and a citation of the authority
5 pursuant to which ~~it~~ *such rule and regulation*, or any part thereof, was
6 adopted. Every rule and regulation filed in the office of the secretary of
7 state shall be accompanied by a copy of the economic impact statement
8 required by subsection (b) and a copy of the environmental benefit
9 statement if required by subsection (d). A copy of any document adopted
10 by reference in a rule and regulation shall be available from the state
11 agency that adopted the rule and regulation upon request by any individual
12 interested therein. The state agency, under the direction of the secretary of
13 state, shall number each section with a distinguishing number and, in
14 making a compilation of the rules and regulations, the sections shall be
15 arranged in numerical order. A decimal system of numbering shall be
16 prohibited.

17 (b) (1) At the time of drafting a proposed rule and regulation or
18 amendment to an existing rule and regulation, the state agency shall
19 consider the economic impact of the proposed rule and regulation. The
20 state agency shall prepare an economic impact statement that shall include:

21 (A) An analysis, brief description, and cost and benefit quantification
22 of the proposed rules and regulations and what is intended to be
23 accomplished by their adoption. If the approach chosen by the Kansas
24 agency to address the policy issue is different from that utilized by
25 agencies of contiguous states or of the federal government, the economic
26 impact statement shall include an explanation of why the Kansas agency's
27 rule and regulation differs;

28 (B) whether the proposed rule and regulation is mandated by federal
29 law as a requirement for participating in or implementing a federally
30 subsidized or assisted program and whether the proposed rules and
31 regulations exceed the requirements of applicable federal law;

32 (C) an analysis specifically addressing the following factors:

33 (i) The extent to which the rule and regulation will enhance or restrict
34 business activities and growth;

35 (ii) the economic effect, including a detailed quantification of
36 implementation and compliance costs, on the specific businesses, business
37 sectors, public utility ratepayers, individuals and local governmental units
38 that will be affected by the proposed rule and regulation and on the state
39 economy as a whole;

40 (iii) the businesses that would be directly affected by the proposed
41 rule and regulation;

42 (iv) the benefits of the proposed rule and regulation compared to the
43 cost;

1 (v) measures taken by the agency to minimize the cost and impact of
2 the proposed rule and regulation on business and economic development
3 within the state of Kansas, local government and individuals; and

4 (vi) an estimate of the total annual implementation and compliance
5 costs that are reasonably expected to be incurred by or passed along to
6 businesses, local governmental units or individuals and a determination of
7 whether those costs will exceed \$1,000,000 over the initial five-year
8 period following adoption of the proposed rule and regulation.

9 (2) The state agency shall consult with the league of Kansas
10 municipalities, Kansas association of counties and the Kansas association
11 of school boards, as appropriate, when preparing the economic impact
12 statement of a proposed rule and regulation which increases or decreases
13 revenues of cities, counties or school districts or imposes functions or
14 responsibilities on cities, counties or school districts that will increase their
15 expenditures or fiscal liability. The agency shall consult and solicit
16 information from businesses, business associations, local governmental
17 units, state agencies or institutions and members of the public that may be
18 affected by the proposed rule and regulation or that may provide relevant
19 information.

20 (3) As required pursuant to the provisions of K.S.A. 77-420(d), and
21 amendments thereto, the state agency shall reevaluate and, when
22 necessary, update the economic impact statement when directed to do so
23 by the director of the budget and, if approved by the director of the budget,
24 shall submit the revised economic impact statement at the time of filing a
25 rule and regulation with the secretary of state. ~~If a public hearing was held~~
26 prior to the adoption of the rule and regulation, a state agency at the time
27 of filing a rule and regulation with the secretary of state shall include as a
28 part of the economic impact statement a statement specifying the time and
29 place at which the hearing was held and the attendance at the hearing. A
30 copy of the current economic impact statement shall be available from the
31 state agency upon request by any party interested therein.

32 (4) The implementation and compliance costs determined under
33 subsection (b)(1)(C)(vi) shall be those additional costs reasonably
34 expected to be incurred and shall be separately identified for the affected
35 businesses, local governmental units and individuals. In determining total
36 additional costs of such proposed rules and regulations, the state agency
37 shall not account for any actual or estimated cost savings that may be
38 realized by the implementing state agency, local government or by
39 individuals.

40 (c) ~~(1)~~ Pursuant to the provisions of K.S.A. 77-420, and amendments
41 thereto, the director of the budget shall review the economic impact
42 statement prepared by any state agency and shall prepare a supplemental
43 or revised statement and an independent analysis by the director of the

1 budget of the cost and the factors as set forth in subsection (b)(1)(A) and
2 (C) and subsection (e). If possible, the supplemental or revised statement
3 shall include a reliable estimate in dollars of the anticipated change in
4 revenues and expenditures of the state. It also shall include a statement, if
5 determinable or reasonably foreseeable, of the immediate and long-range
6 economic impact of the rule and regulation upon individuals subject
7 thereto, small employers and the general public. If, after careful
8 investigation, it is determined that no dollar estimate is possible, the
9 statement shall set forth the reasons why no dollar estimate can be given.
10 Every state agency is directed to cooperate with the division of the budget
11 in the preparation of any statement pursuant to this subsection when, and
12 to the extent, requested by the director of the budget. The director of the
13 budget shall follow the procedures set forth in K.S.A. 77-420, and
14 amendments thereto, in evaluating and accepting or rejecting the proposed
15 rule and regulation.

16 *(2) Except as provided by K.S.A. 77-420(a)(4), and amendments*
17 *thereto, for agencies proposing a rule and regulation that is mandated by*
18 *a federal law, no agency shall not submit a rule and regulation to the*
19 *secretary of state for filing before receiving the approval of the director of*
20 *the budget as provided in this subsection and K.S.A. 77-420, and*
21 *amendments thereto.*

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

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

1 (1) A description of the capital and annual costs of compliance with
2 the proposed rules and regulations, and the individuals or entities who will
3 bear those costs;

4 (2) a description of the initial and annual costs of implementing and
5 enforcing the proposed rules and regulations, including the estimated
6 amount of paperwork, and the state agencies, other governmental agencies
7 or other individuals or entities who will bear the costs;

8 (3) a description of the costs that would likely accrue if the proposed
9 rules and regulations are not adopted, the individuals or entities who will
10 bear the costs and those who will be affected by the failure to adopt the
11 rules and regulations; and

12 (4) a detailed statement of the data and methodology used in
13 estimating the costs used in the statement.

14 Sec. 6. K.S.A. 77-419 is hereby amended to read as follows: 77-419.
15 To ~~revive or~~ amend a rule and regulation, the new rule and regulation shall
16 contain the entire section revived or amended, and any section so amended
17 shall be revoked. For the purpose of filing in the office of the secretary of
18 state and for submission to the joint committee on administrative rules and
19 regulations as provided in K.S.A. 77-426, and amendments thereto, a rule
20 and regulation amending an existing regulation shall indicate the new
21 matter contained therein by underlining ~~or printing in italics~~ the new
22 matter, and material to be deleted from such rule and regulation shall be
23 shown in strike-through type. The secretary of state, in preparing such
24 rules and regulations for publication in the Kansas administrative
25 regulations, shall omit all material shown in strike-through type. The
26 secretary of state shall not file any regulation ~~which that amends or revives~~
27 a regulation unless the regulation ~~so amending or reviving being amended~~
28 conforms to the provisions of this section.

29 Sec. 7. K.S.A. 2025 Supp. 77-420 is hereby amended to read as
30 follows: 77-420. (a) (1) Every rule and regulation proposed to be adopted
31 by any state agency, after being submitted to the secretary of
32 administration and the attorney general as required by this section, shall be
33 submitted with the economic impact statement for the rule and regulation
34 required by K.S.A. 77-416, and amendments thereto, to the director of the
35 budget for review of the accuracy and completeness of the agency's
36 economic impact statement. The director of the budget shall review the
37 agency's determination of the amount of implementation and compliance
38 costs reasonably expected to be incurred by or passed along to businesses,
39 local government and individuals over the initial five-year period
40 following adoption and shall conduct an independent analysis to determine
41 that the agency has complied with the requirements for the economic
42 impact statement set forth in K.S.A. 77-416(b)(1)(A) and (b)(1)(C) and
43 (e), and amendments thereto. Every rule and regulation requiring approval

1 by the director of the budget shall be stamped if approved, and the date of
2 approval shall be indicated.

3 (2) If the director independently determines that a proposed rule and
4 regulation submitted or resubmitted by the agency will not result in
5 implementation or compliance costs of more than \$1,000,000 for
6 businesses, local government or individuals in the initial five-year period
7 following adoption of such rule and regulation, the director shall:

8 (A) Approve the rule and regulation if the director independently
9 determines that the economic impact statement, demonstrates a complete
10 analysis as required by K.S.A. 77-416(b)(1)(A) and (b)(1)(C) and (e), and
11 amendments thereto, and the director concurs with the economic impact
12 statement; or

13 (B) disapprove the rule and regulation if the economic impact
14 statement is incomplete or contains substantive inaccuracies.

15 (3) If the director of the budget determines that the proposed rule and
16 regulation will result in implementation and compliance costs of more than
17 \$1,000,000 for businesses, local government or individuals in the initial
18 five-year period following adoption of such rule and regulation, the
19 director of the budget shall:

20 (A) Approve the proposed rule and regulation, if:

21 (1) The proposed rule and regulation has been ratified by the
22 legislature pursuant to K.S.A. 2025 Supp. 77-441, and amendments
23 thereto; and

24 (2) the agency, prior to the submission or the resubmission of a
25 rule and regulation to the director, holds a public hearing and finds that the
26 costs of the proposed rule and regulation have been accurately determined
27 and are necessary for achieving legislative intent and the director, after an
28 independent analysis, concurs with the agency's findings and analysis and
29 approves the economic impact statement. An agency's public hearing may
30 be held prior to or after ratification by the legislature; or

31 (B) disapprove the proposed rule and regulation if the economic
32 impact statement is incomplete or contains substantive inaccuracies.

33 (4) If an agency is proposing a rule and regulation because of a
34 federal mandate as described in K.S.A. 77-416(b)(1)(B), and amendments
35 thereto, the agency shall provide a copy of the economic impact statement
36 to the director, but the director shall not be required to review or approve
37 the proposed rule and regulation, regardless of the implementation and
38 compliance cost of the proposed rule and regulation.

39 (5) For the purposes of this subsection, the implementation and
40 compliance cost shall be calculated from the effective date of the rule and
41 regulation.

42 (b) The director of the budget shall submit an annual report to the
43 legislature and to the joint committee on administrative rules and

1 regulations on the first day of the 2019 regular legislative session and
2 subsequent regular legislative sessions on all rules and regulations
3 approved or denied by the director. The report shall include the text of
4 each rule and regulation reviewed, the final economic impact statement
5 and a summary of the director's analysis supporting the decision to
6 approve or reject the rule and regulation. The director shall immediately
7 submit a separate report to the legislature, if in session, and the joint
8 committee on administrative rules and regulations upon the approval or
9 denial of a rule or regulation with costs determined to be greater than
10 \$1,000,000 for businesses, local government or individuals over the initial
11 five-year period following adoption of such rule and regulation. The report
12 shall include an analysis of the agency's and the director's decisions with
13 respect to the necessity of the cost of the rule and regulation to achieve
14 legislative intent.

15 (c) Every rule and regulation proposed to be adopted by any state
16 agency, before being submitted to the attorney general and the director of
17 the budget as required under this section, shall be submitted to the
18 secretary of administration for approval of its organization, style,
19 orthography and grammar subject to such requirements as to organization,
20 style, orthography and grammar as the secretary may adopt. Every rule and
21 regulation submitted to the secretary of administration under this
22 subsection shall be accompanied by a copy of any document that is
23 adopted by reference by the rule and regulation. Every rule and regulation
24 approved by the secretary of administration under this subsection shall be
25 stamped as approved and the date of such approval shall be indicated
26 therein.

27 (d) Every rule and regulation proposed by any state agency that has
28 been approved by the secretary of administration as provided in subsection
29 (c), before being submitted to the director of the budget as required under
30 this section, shall be submitted to the attorney general for an opinion as to
31 the legality of the same, including whether the making of such rule and
32 regulation is within the authority conferred by law on the state agency. The
33 attorney general shall promptly furnish an opinion as to the legality of the
34 proposed rule and regulation so submitted. Every rule and regulation
35 submitted to the attorney general under this subsection shall be
36 accompanied by a copy of any document which is adopted by reference by
37 the rule and regulation. Every rule and regulation approved by the attorney
38 general under this subsection shall be stamped as approved and the date of
39 such approval shall be indicated therein.

40 (e) No rule and regulation shall be filed by the secretary of state
41 unless:

42 (1) The organization, style, orthography and grammar have been
43 approved by the secretary of administration;

1 (2) the rule and regulation has been approved in writing by the
2 attorney general as to legality;

3 (3) the rule and regulation has complied with the provisions of
4 subsection (a);

5 (4) the rule and regulation has been formally adopted by the state
6 agency after it has *been* approved by the secretary of administration and
7 the attorney general and has complied with the provisions of subsection (a)
8 and is accompanied by a certified or other formal statement of adoption
9 when adoption is by an executive officer of a state agency, or by a certified
10 copy of the roll call vote required for its adoption by K.S.A. 77-421, and
11 amendments thereto, when adoption is by a board, commission, authority
12 or other similar body;

13 (5) the rule and regulation to be filed is accompanied by a copy of the
14 economic impact statement as provided by K.S.A. 77-416, and
15 amendments thereto, that has been reviewed and, *if required*, approved by
16 the director of the budget and complies with the provisions of subsection
17 (a);

18 (6) the rule and regulation has complied with the provisions of K.S.A.
19 2025 Supp. 77-441, and amendments thereto, if applicable; and

20 (7) the rule and regulation to be filed is accompanied by a copy of the
21 environmental benefit statement required by K.S.A. 77-416, and
22 amendments thereto, if applicable.

23 *(f) (1) At least 15 days prior to submitting any proposed new or
24 amended rule and regulation to the department of administration as
25 provided in subsection (c), a state agency shall provide public notice and
26 request for public input. Such public notice shall include a summary of the
27 substantive content of the rule and regulation, the agency's intent
28 regarding the scope and substantive content of the rule and regulation and
29 a citation to the authorizing statute or enacted bill. Such notice shall invite
30 public comment and provide contact information and methods for
31 submitting public comment.*

32 *(2) Public notice shall be:*

33 *(A) Posted on the state agency's website and the secretary of state's
34 website;*

35 *(B) included in the secretary of state's rules and regulations
36 subscription service; and*

37 *(C) emailed to each member of the Kansas house of representatives
38 and the senate.*

39 Sec. 8. K.S.A. 2025 Supp. 77-421 is hereby amended to read as
40 follows: 77-421. (a) (1) Except as provided by subsection (a)(2), (a)(3) or
41 (a)(4), prior to the adoption of any permanent rule and regulation ~~or any~~
42 ~~temporary rule and regulation that is required to be adopted as a temporary~~
43 ~~rule and regulation in order to comply with the requirements of the statute~~

1 authorizing the same and after any such rule and regulation has been
2 approved by the secretary of administration, the attorney general and, *if*
3 *required*, the director of the budget, the adopting state agency shall give at
4 least 60 days' notice of its intended action in the Kansas register and to the
5 secretary of state and to the joint committee on administrative rules and
6 regulations established by K.S.A. 77-436, and amendments thereto. The
7 notice shall be provided to the secretary of state and to the chairperson,
8 vice chairperson, ranking minority member of the joint committee and
9 legislative research department and shall be published in the Kansas
10 register. A complete copy of all proposed rules and regulations and the
11 complete economic impact statement required by K.S.A. 77-416, and
12 amendments thereto, shall accompany the notice sent to the secretary of
13 state. The notice shall contain:

14 (A) A summary of the substance of the proposed rules and
15 regulations;

16 (B) a summary of the economic impact statement indicating the
17 estimated economic impact on governmental agencies or units, persons
18 subject to the proposed rules and regulations and the general public;

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

21 (D) the address where a complete copy of the proposed rules and
22 regulations, the complete economic impact statement, the environmental
23 benefit statement, if applicable, required by K.S.A. 77-416, and
24 amendments thereto, may be obtained;

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

27 (F) a specific statement that the period of 60 days' notice constitutes a
28 public comment period for the purpose of receiving written public
29 comments on the proposed rules and regulations and the address where
30 such comments may be submitted to the state agency. Publication of such
31 notice in the Kansas register shall constitute notice to all parties affected
32 by the rules and regulations.

33 (2) Prior to adopting any rule and regulation that establishes seasons
34 and fixes bag, creel, possession, size or length limits for the taking or
35 possession of wildlife and after such rule and regulation has been approved
36 by the secretary of administration—and, the attorney general *and, if*
37 *required*, the director of the budget, the secretary of wildlife and parks
38 shall give at least 30 days' notice of its intended action in the Kansas
39 register and to the secretary of state and to the joint committee on
40 administrative rules and regulations created pursuant to K.S.A. 77-436,
41 and amendments thereto. All other provisions of subsection (a)(1) shall
42 apply to such rules and regulations, except that the statement required by
43 subsection (a)(1)(F) shall state that the period of 30 days' notice constitutes

1 a public comment period on such rules and regulations.

2 (3) Prior to adopting any rule and regulation that establishes any
3 permanent prior authorization on a prescription-only drug pursuant to
4 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or
5 reimbursement for pharmaceuticals under the pharmacy program of the
6 state medicaid plan, and after such rule and regulation has been approved
7 by ~~the director of the budget~~, the secretary of administration—and, the
8 attorney general, *and, if required, the director of the budget*, the secretary
9 of health and environment shall give at least 30 days' notice of its intended
10 action in the Kansas register and to the secretary of state and to the joint
11 committee on administrative rules and regulations created pursuant to
12 K.S.A. 77-436, and amendments thereto. All other provisions of
13 subsection (a)(1) shall apply to such rules and regulations, except that the
14 statement required by subsection (a)(1)(F) shall state that the period of 30
15 days' notice constitutes a public comment period on such rules and
16 regulations.

17 (4) Prior to adopting any rule and regulation pursuant to subsection
18 (c), the state agency shall give at least 60 days' notice of its intended action
19 in the Kansas register and to the secretary of state and to the joint
20 committee on administrative rules and regulations created pursuant to
21 K.S.A. 77-436, and amendments thereto. All other provisions of
22 subsection (a)(1) shall apply to such rules and regulations, except that the
23 statement required by subsection (a)(1)(F) shall state that the period of
24 notice constitutes a public comment period on such rules and regulations.

25 (b) (1) On the date of the hearing, all interested parties shall be given
26 reasonable opportunity to present their views or arguments on adoption of
27 the rule and regulation, either orally or in writing. At the time—*it that a*
28 *state agency* adopts or amends a rule and regulation, ~~the such~~ state agency
29 shall prepare a concise statement of the principal reasons for adopting the
30 rule and regulation, or amendment thereto, *as part of the hearing record*
31 *required by K.S.A. 77-421(d), and amendments thereto*, including:

32 (A) The agency's reasons for not accepting substantial arguments
33 made in testimony and comments; and

34 (B) the reasons for any substantial change between the text of the
35 proposed adopted or amended rule and regulation contained in the
36 published notice of the proposed adoption or amendment of the rule and
37 regulation and the text of the rule and regulation as finally adopted.

38 (2) Whenever a state agency is required by any other statute to give
39 notice and hold a hearing before adopting, amending, reviving or revoking
40 a rule and regulation, the state agency, in lieu of following the
41 requirements or statutory procedure set out in such other law, may give
42 notice and hold hearings on proposed rules and regulations in the manner
43 prescribed by this section.

1 (3) Notwithstanding the other provisions of this section, the secretary
2 of corrections may give notice or an opportunity to be heard to any inmate
3 in the custody of the secretary with regard to the adoption of any rule and
4 regulation.

5 (c) (1) The agency shall initiate new rulemaking proceedings under
6 this act, if a state agency proposes to adopt a final rule and regulation that:

7 (A) Differs in subject matter or effect in any material respect from the
8 rule and regulation as originally proposed; and

9 (B) is not a logical outgrowth of the rule and regulation as originally
10 proposed.

11 (2) 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 rule making.

15 (d) (1) 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 less
22 than three years after its effective date, such minutes or other records,
23 together with any recording, transcript or other record made of the hearing
24 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 written
26 comments submitted during the public comment period.

27 (2) *If a public hearing was held prior to the adoption of the rule and
28 regulation, a state agency, at the time of filing a rule and regulation with
29 the secretary of state, shall include, as a part of the adoption certificate or
30 a separate document, a statement specifying the time and place at which
31 the hearing was held and the number of members of the public in
32 attendance at such hearing.*

33 (e) No rule and regulation shall be adopted by a board, commission,
34 authority or other similar body except at a meeting which is open to the
35 public and notwithstanding any other provision of law to the contrary, no
36 rule and regulation shall be adopted by a board, commission, authority or
37 other similar body unless it receives approval by roll call vote of a
38 majority of the total membership thereof.

39 Sec. 9. K.S.A. 77-437 is hereby amended to read as follows: 77-437.
40 *Except as provided by K.S.A. 77-415, and amendments thereto, all
41 temporary and permanent rules and regulations of the secretary of
42 corrections and the Kansas adult authority shall be subject to all of the
43 provisions of K.S.A. 77-415 to 77-436, inclusive, and amendments thereto*

1 *the rules and regulations filing act.*

2 Sec. 10. K.S.A. 2025 Supp. 77-441 is hereby amended to read as
3 follows: 77-441. (a) (1) If an economic impact statement required by
4 K.S.A. 77-420, and amendments thereto, or a revised economic impact
5 statement prepared pursuant to K.S.A. 77-416(b)(3), and amendments
6 thereto, indicates that \$1,000,000 or more in implementation and
7 compliance costs are reasonably expected to be incurred by or passed
8 along to businesses, local governmental units and individuals as a result of
9 the proposed rule and regulation over the initial five-year period following
10 adoption of such rule and regulation, the state agency proposing such rule
11 and regulation shall not adopt such rule and regulation unless such rule
12 and regulation has been ratified by the legislature. A proposed rule and
13 regulation shall be deemed ratified if a bill authorizing such rule and
14 regulation is enacted by the legislature. Any member of the legislature may
15 introduce a bill authorizing a state agency to adopt a rule and regulation
16 that such agency is prohibited from adopting under this subsection. The
17 state agency may resume adopting such proposed rule and regulation upon
18 enactment of a bill introduced under this subsection.

19 (b) If a state agency is prohibited from adopting a proposed rule and
20 regulation under subsection (a), such agency may modify the proposed
21 rule and regulation to lower the implementation and compliance costs of
22 the proposed rule and regulation. Any such modification shall be germane
23 to the subject of the proposed rule and regulation. If a proposed rule and
24 regulation is modified pursuant this subsection, the state agency shall
25 prepare a revised economic impact statement pursuant to K.S.A. 77-416(b)
26 (3), and amendments thereto. A state agency may adopt such modified rule
27 and regulation if the revised economic impact statement indicates that
28 \$1,000,000 or more in implementation and compliance costs are not
29 reasonably expected to be incurred by or passed along to businesses, local
30 governmental units and individuals as a result of the proposed rule and
31 regulation over the initial five-year period following adoption of such
32 proposed rule and regulation.

33 (c) The provisions of this section shall not apply to temporary rules
34 and regulations adopted pursuant to K.S.A. 77-722 77-422, and
35 amendments thereto, rules and regulations proposed because of a federal
36 mandate as described in K.S.A. 77-416(b)(1)(B), and amendments thereto,
37 or rules and regulations adopted pursuant to K.S.A. 2-3710, and
38 amendments thereto.

39 (d) This section shall be a part of and supplemental to the rules and
40 regulations filing act.

41 Sec. 11. K.S.A. 75-3504, 77-418, 77-419 and 77-437 and K.S.A.
42 2025 Supp. 77-415, 77-416, 77-420, 77-421 and 77-441 are hereby
43 repealed.

1 Sec. 12. This act shall take effect and be in force from and after its
2 publication in the statute book.