

SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2530

As Recommended by House Committee on
Judiciary

Brief*

HB 2530 would amend the Rules and Regulations Filing Act as proposed by the Judicial Council. The proposals would update the Act by removing obsolete language and allow for future publication of the Kansas Administrative Rules and Regulations (KARs) in electronic form by the Secretary of State.

The bill would allow for a state agency to issue a non-regulation guidance document without going through the rule and regulation adoption process to use under certain conditions. In addition, the bill would extend the life of each temporary regulation from the current 120 days to a maximum of 180 days, with one 180-day renewal possible. Other amendments would reflect current practices, including the use of designees rather than department heads for several members of the State Rules and Regulations Board.

Background

The conferee testifying in support of the bill was a Judge from the Kansas Court of Appeals on behalf of the Judicial Council. Neutral written testimony was offered from representatives of the Kansas Department of Transportation and the Kansas Department of Agriculture.

The fiscal effect of the bill on the Department of Administration (DOA) staff would likely be negligible. If the life of a temporary regulation was extended by 60 days, as

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

proposed in the bill, DOA probably would receive slightly fewer temporary regulations to review. Currently, temporary regulations comprise only a small fraction of the total number of regulations submitted to DOA for review each year. In 2009, only 24 of the 1,033 regulations submitted to DOA for review were temporary regulations. It is possible that some agencies might view temporary regulations with a longer life as more attractive; however, the statutory criteria for temporary regulations would still apply.

The proposed creation of the “guidance document,” would not be subject to DOA review and approval. It is not known whether the use of this document would decrease the number of regulations submitted to DOA for review; therefore, the DOA is unable to estimate the fiscal effect of this portion of the bill. The second notice of hearing option in the bill would not have a fiscal effect on the Department of Administration.

The Office of the Attorney General and the Office of the Secretary of State both indicate that passage of the bill would have no fiscal effect on agency operations.