

SENATE BILL No. 77

AN ACT concerning administrative rules and regulations; requiring state agencies to provide notice of revocation thereof; removing certain abolished or inactive state agencies from the five-year agency review requirement; amending K.S.A. 2024 Supp. 77-426 and 77-440 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 77-426 is hereby amended to read as follows: 77-426. (a) All rules and regulations that are in force and effect at the time this act takes effect shall continue in full force and effect and may be amended, revived or revoked as provided by law. All new rules and regulations and all amendments, revivals or revocations of rules and regulations, other than temporary regulations, adopted in any year shall be filed with the secretary of state and shall become effective 15 days following its publication in the Kansas register or such later date as clearly expressed in the body of such rule and regulation.

(b) Except for rules and regulations revoked pursuant to subsection (d), as soon as possible after the filing of any rules and regulations by a state agency, the secretary of state shall submit to the joint committee on administrative rules and regulations such number of copies as may be requested by the joint committee on administrative rules and regulations.

(c) At any time prior to adjournment sine die of the regular session of the legislature, the legislature may adopt a concurrent resolution expressing the concern of the legislature with any permanent or temporary rule and regulation that is in force and effect and on file in the office of the secretary of state and any permanent rule and regulation filed in the office of the secretary of state during the preceding year and requesting the revocation of any such rule and regulation or the amendment of any such rule and regulation in the manner specified in such resolution.

(d) (1) Notwithstanding any other provision of the rules and regulations filing act, any rule and regulation may be revoked pursuant to this subsection if such rule and regulation is identified by a state agency in the report submitted to the joint committee on administrative rules and regulations pursuant to K.S.A. 2024 Supp. 77-440, and amendments thereto, as one that may be revoked pursuant to this subsection. A state agency may revoke a rule and regulation by filing a notice of such revocation with the secretary of state and causing such notice to be published in the Kansas register. Such notice of revocation shall not contain any new rules and regulations or any amendments to any rules and regulations.

(2) Prior to filing the notice of revocation with the secretary, the state agency shall:

(A) *Provide a written notice to businesses, local governmental units and members of the public known to the agency to be affected by the proposed revocation.* Upon the written request of a member of the public, hold a public hearing on the proposed notice of revocation;

(B) submit the ~~notice~~ notice of rules and regulations proposed for revocation to the attorney general for review and approval in accordance with K.S.A. 77-420(d), and amendments thereto; and

(C) submit the notice of revocation to the joint committee on administrative rules and regulations and, upon request by the chairperson of such committee, appear before such committee at a hearing on such notice.

(3) The revocation of a rule and regulation under this subsection shall be effective 15 days following the date that the notice of such revocation is published in the Kansas register.

Sec. 2. K.S.A. 2024 Supp. 77-440 is hereby amended to read as follows: 77-440. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto,

shall be reviewed every five years in accordance with this section.

(b) (1) Each state agency that has adopted rules and regulations shall submit a report to the joint committee on administrative rules and regulations on or before July 15 of the year that corresponds to such state agency under paragraph (2). Such report shall contain a summary of such state agency's review and evaluation of rules and regulations adopted by such state agency, including a statement for each rule and regulation as to whether such rule and regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d), and amendments thereto.

(2) Each state agency that has adopted rules and regulations shall submit a report as required under paragraph (1) in the years that correspond to such state agency as follows:

(A) For 2023 and every fifth year thereafter, the following state agencies:

- (i) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;
- (viii)—~~livestock brand commissioner~~;
- (~~ix~~) Kansas department of agriculture—division of animal health;
- (~~x~~)(ix) Kansas bureau of investigation;
- (~~xi~~)(x) Kansas department of agriculture—division of conservation;
- (~~xii~~)(xi) agricultural labor relations board;
- (~~xiii~~)—~~alcoholic beverage control board of review~~;
- (~~xiv~~)(xii) Kansas department of revenue—division of alcoholic beverage control;
- (~~xv~~)—~~athletic commission~~;
- (~~xvi~~)(xiii) attorney general;
- (~~xvii~~)(xiv) office of the state bank commissioner;
- (~~xviii~~)(xv) employee award board;
- (~~xix~~)(xvi) governmental ethics commission;
- (~~xx~~)(xvii) crime victims compensation board;
- (~~xxi~~)(xviii) Kansas human rights commission; *and*
- (~~xxii~~)(xix) state fire marshal; *and*
- (~~xxiii~~)—~~Kansas department of wildlife and parks~~;

(B) for 2024 and every fifth year thereafter, the following state agencies:

- (i) Kansas wheat commission;
- (ii)—~~Kansas state grain inspection department~~;
- (~~iii~~) Kansas department for aging and disability services;
- (~~iv~~)(iii) Kansas energy office;
- (~~v~~)(iv) department of health and environment;
- (~~vi~~)(v) Kansas department for children and families;
- (~~vii~~)—~~park and resources authority~~;
- (~~viii~~)—~~state salvage board~~;
- (~~ix~~)(vi) Kansas department of transportation;
- (~~x~~)(vii) Kansas highway patrol;
- (~~xi~~)(viii) savings and loan department;
- (~~xii~~)(ix) Kansas turnpike authority;
- (~~xiii~~)(x) insurance department;
- (~~xiv~~)—~~food service and lodging board~~;
- (~~xv~~)—~~commission on alcoholism~~;
- (~~xvi~~)(xi) corrections ombudsman board;

- ~~(xvii)~~(xii) department of corrections;
 - ~~(xviii)~~(xiii) Kansas prisoner review board;
 - ~~(xix)~~ executive council;
 - ~~(xx)~~(xiv) mined-land conservation and reclamation (KDHE);
 - ~~(xxi)~~(xv) department of labor—employment security board of review;
 - ~~(xxii)~~(xvi) department of labor;
 - ~~(xxiii)~~(xvii) department of labor—division of employment; and
 - ~~(xxiv)~~(xviii) department of labor—division of workers compensation;
- (C) for 2025 and every fifth year thereafter, the following state agencies:
- (i) State records board;
 - (ii) state library;
 - ~~(iii)~~ board for the registration and examination of landscape architects;
 - ~~(iv)~~ adjutant general's department;
 - ~~(v)~~(iv) state board of nursing;
 - ~~(vi)~~(v) Kansas board of barbering;
 - ~~(vii)~~(vi) state board of mortuary arts;
 - ~~(viii)~~ board of engineering examiners;
 - ~~(ix)~~(vii) board of examiners in optometry;
 - ~~(x)~~(viii) state board of technical professions;
 - ~~(xi)~~(ix) Kansas board of examiners in fitting and dispensing of hearing instruments;
 - ~~(xii)~~(x) state board of pharmacy;
 - ~~(xiii)~~(xi) Kansas state board of cosmetology;
 - ~~(xiv)~~(xii) state board of veterinary examiners;
 - ~~(xv)~~(xiii) Kansas dental board;
 - ~~(xvi)~~ board of examiners of psychologists;
 - ~~(xvii)~~ registration and examining board for architects;
 - ~~(xviii)~~(xiv) board of accountancy;
 - ~~(xix)~~(xv) state bank commissioner—consumer and mortgage lending division;
 - ~~(xx)~~ board of basic science examiners;
 - ~~(xxi)~~(xvi) Kansas public employees retirement system;
 - ~~(xxii)~~(xvii) office of the securities commissioner; and
 - ~~(xxiii)~~(xviii) Kansas corporation commission;
- (D) for 2026 and every fifth year thereafter, the following state agencies:
- (i) Public employee relations board;
 - (ii) abstracters' board of examiners;
 - (iii) Kansas real estate commission;
 - ~~(iv)~~ education commission;
 - ~~(v)~~ state board of regents;
 - ~~(vi)~~ school budget review board;
 - ~~(vii)~~(v) school retirement board;
 - ~~(viii)~~(vi) state department of education;
 - ~~(ix)~~(vii) Kansas department of revenue;
 - ~~(x)~~(viii) Kansas department of revenue—division of property valuation;
 - ~~(xi)~~(ix) state board of tax appeals;
 - ~~(xii)~~ crop improvement association;
 - ~~(xiii)~~(x) Kansas office of veterans services;
 - ~~(xiv)~~(xi) Kansas water office;
 - ~~(xv)~~(xii) Kansas department of agriculture—division of weights and measures;
 - ~~(xvi)~~(xiii) state board of healing arts;
 - ~~(xvii)~~ podiatry board;

~~(xviii)~~(xiv) behavioral sciences regulatory board;
~~(xix)~~(xv) state bank commissioner and savings and loan commissioner—joint regulations;
~~(xx)~~(xvi) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;
~~(xxi)~~(xvii) state board of indigents' defense services;
~~(xxii)~~(xviii) Kansas commission on peace officers' standards and training; and
~~(xxiii)~~(xix) law enforcement training center; and

(E) for 2027 and every fifth year thereafter, the following state agencies:

- (i) Kansas state employees health care commission;
- (ii) emergency medical services board;
- (iii) department of commerce;
- (iv) Kansas lottery;
- (v) Kansas racing and gaming commission;
- (vi) Kansas department of wildlife and parks;
- (vii) Kansas state fair board;
- (viii) real estate appraisal board;
- (ix) state historical society;
- ~~(x) health care data governing board;~~
- ~~(xi) state department of credit unions;~~
- ~~(xii)~~(xi) pooled money investment board;
- ~~(xiii)~~(xii) department of corrections—division of juvenile services;
- ~~(xiv)~~(xiii) state child death review board;
- ~~(xv)~~(xiv) Kansas agricultural remediation board;
- ~~(xvi)~~(xv) unmarked burial sites preservation board;
- ~~(xvii)~~(xvi) Kansas housing resources corporation;
- ~~(xviii)~~(xvii) department of commerce—Kansas athletic commission;
- ~~(xix)~~(xviii) department of health and environment—division of health care finance;
- ~~(xx)~~(xix) home inspectors registration board;
- ~~(xxi)~~(xx) committee on surety bonds and insurance;
- ~~(xxii)~~(xxi) 911 coordinating council; and
- ~~(xxiii)~~(xxii) office of administrative hearings.

(c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall submit a report to the joint committee on administrative rules and regulations in accordance with subsection (b) (1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

(d) Notwithstanding any other provision of law, a rule and regulation may be adopted or maintained by a state agency only if such rule and regulation serves an identifiable public purpose to support state law and may not be broader than is necessary to meet such public purpose.

(e) This section shall be a part of and supplemental to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

Sec. 3. K.S.A. 2024 Supp. 77-426 and 77-440 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.