

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 254**

As Amended by Senate Committee on Federal  
and State Affairs

**Brief\***

SB 254, as amended, would amend publication requirements for the Office of the Secretary of State. Specifically, the bill would amend or remove provisions concerning publication requirements for the *Kansas Session Laws*, *Kansas Administrative Regulations*, and *Kansas Register*.

***Kansas Session Laws***

The bill would require the Secretary of State (Secretary) to fix the per volume price for copies of the *Kansas Session Laws* to recover the costs of publishing and storing such volumes, whether published in print or electronic form.

Current law requires the Secretary to use the administrative rule and regulation process to set the costs of *Kansas Session Laws*; specifies such costs are to be set to recover the costs of printing, binding, and storing the volumes (rather than publishing and storing as provided in this bill); and does not specify recovery of costs whether in print or electronic form.

The bill would require that, after the *Sine Die* adjournment of each legislative session, the State Printer and Secretary complete preparation and printing for at least a limited number of each volume of the *Kansas Session Laws*. Current law requires the Secretary to furnish a copy of all

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\*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>

acts, resolutions, and other matters, except the index, required to be published and bound in the *Kansas Session Laws* within a certain time after the *Sine Die* adjournment of the Legislature (20 days in odd-numbered years, 40 days in even-numbered years).

### ***Kansas Administrative Regulations***

The bill would remove the requirement that the Secretary include the time of filing as part of the agency's endorsement of each rule and regulation filed with the agency as part of the process of approving administrative rules and regulations. A requirement that the date of filing be noted as part of the Secretary's endorsement of such rules and regulations would remain in continuing law.

The bill would require the Secretary to fix the per volume price for copies, replacement volumes, and annual supplements of the *Kansas Administrative Regulations* to recover the costs of publishing and storing such volumes, whether published in print or electronic form.

Current law requires the Secretary to use the administrative rule and regulation process to set the costs of *Kansas Administrative Regulations* and specifies such costs are to be set to recover the costs of publishing the volumes (rather than publishing and storing as provided in this bill).

### ***Kansas Register***

The bill would specify that, in reference to the publication of all acts of the Legislature that take effect upon publication of the *Kansas Register*, publication of the *Kansas Register* could be in print or electronic format. In reference to publication requirements for legislative resolutions making propositions to amend the Kansas Constitution, the bill would require the Secretary to publish such resolutions in one newspaper in each county of the State where a newspaper is

published, or, if no newspaper is published in a county, then in a Kansas-published newspaper of general circulation in each county once a week for three consecutive weeks immediately preceding the election. Current law requires such resolutions be published in one newspaper in each county of the state where a newspaper is published once a week for three weeks immediately preceding the election.

The bill would also require that after such publication, the Secretary certify the amount of moneys expending on the publications described above and transmit a copy of such certification to the Director of Accounts and Reports. Upon receiving this certification, the Director of Accounts and Reports must transfer an amount of money equal to the certification from the State General Fund to the Information Services Fee Fund of the Secretary, and send notification of such transfer to the Director of Legislative Research and the Director of the Budget.

The bill would also remove requirements that the *Kansas Register* include descriptions of all prefiled bills and resolutions, as well as the hearings docket of the Kansas Supreme Court and Court of Appeals.

The bill would allow the Secretary to sell annual subscriptions to the Kansas register and fix, charge, and collect subscription fees from subscribers. Current law requires the Secretary to offer such subscriptions and requires the Secretary to fix, charge, and collect such subscription fees.

The bill would also replace references to “issues of the *Kansas Register*” with the term “publication of the *Kansas Register*.” Similarly, references to “copies of the *Kansas Register*” (including paper copies) would be replaced by the term “subscriptions to the *Kansas Register*” throughout the bill.

Concerning requirements that each state agency must maintain and publish an index of currently effective guidance

documents, the bill would remove a requirement that agencies must file such index in a manner prescribed by the Secretary.

## **Background**

The bill was introduced by Senator Denning and referred to the Senate Committee on Federal and State Affairs.

In the Senate Committee hearing, a representative of the Office of the Secretary of State provided proponent testimony, indicating the bill would allow them to offer documents in an electronic form to help recover the cost of publication.

A representative of the Kansas Press Association provided opponent testimony, generally indicating concerns about the lack of a definition for “general circulation” and stating the requirements associated with providing printed copies of documents could encourage transparency. Written-only opponent testimony was provided by representatives of the Kansas Press Association and the Derby Informer.

The Senate Committee amended the bill concerning the publication of resolutions, publication of constitutional amendments in newspapers in each county, and the certification of costs of such publication and subsequent transfers of money to the Information Services Fee Fund of the Secretary of State.

According to the fiscal note prepared by Division of the Budget on the bill as introduced, the Office of the Secretary of State indicates a full set of the Kansas Administrative Regulations has not been published since 2009. Based on pricing established under current rules and regulations, the agency expects the costs, which were built into the FY 2020 and FY 2021 agency budgets, to exceed revenue by \$34,078 in FY 2020 and \$35,220 in FY 2021. Enactment of the bill would enable the agency to increase the pricing to offset

current costs and would result in a reduction to agency expenditures by those amounts in each fiscal year. Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.