

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2280**

As Agreed to May 30, 2017

Brief*

HB 2280 would amend the Rules and Regulations Filing Act by adding a new requirement to the continuing requirement that each state agency submit an economic impact statement when drafting a proposed rule and regulation or amending any rule and regulation. The bill would require the economic impact statement to include a description of businesses that would be directly affected by the proposed rules and regulations, the benefits of the proposed rules and regulations, and measures taken to minimize the impact of the proposed rules and regulations on businesses and economic development.

The bill would permit the Joint Committee on Administrative Rules and Regulations (JCARR) to communicate to state agencies the Committee's concerns, approval and disapproval, comments, and recommendations regarding proposed rules and regulations to state agencies.

The bill would amend statutes governing the appointment of members to the State Rules and Regulations Board (Board) and JCARR. The bill would add a member of the minority party to membership of the Board. Under the provisions of the bill, the new minority party Board member would be either the ranking minority member of JCARR or a member of the JCARR appointed by the minority leader of the same legislative chamber as the Board chairperson.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Additionally, the bill would require the minority leader of the House in odd-numbered years or the minority leader of the Senate in even-numbered years to designate a ranking minority member of JCARR.

Conference Committee Action

The Conference Committee agreed to the provisions of the bill as amended by the Senate Committee of the Whole but to delete amendments adopted by the Senate Committee on Ways and Means, which would have required:

- Prior to July 1, 2018, each state agency to review its rules and regulations to determine the impact those rules and regulations have on business and economic development, including those that negatively impact or create any barrier to success for business and economic development;
- Prior to October 1, 2018, each state agency to prepare and submit a report to JCARR identifying those rules and regulations having a negative impact on businesses and economic development, whether the public purpose served outweighs any negative impact, and alternatives to the identified rules and regulations; and
- Prior to January 14, 2019, JCARR to submit a report to the Speaker of the House and President of the Senate summarizing the JCARR findings based on the information submitted by the state agencies.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Ward. In the House Committee hearing, Representative Ward

testified in support of the bill. No other testimony was provided.

In the Senate Committee on Ways and Means hearing, Representative Ward appeared as a proponent of the bill. No other testimony was provided.

The Senate Committee amended the bill to require each state agency to review its rules and regulations to determine whether they have an impact on businesses and economic development, prior to July 1, 2018; state agencies to report the results of their review to JCARR, prior to October 1, 2018; and JCARR to submit a report to the Speaker of the House and the President of the Senate summarizing JCARR's findings, prior to January 14, 2019. [Note: The Conference Committee did not retain these amendments.]

The Senate Committee also amended the bill to modify portions of the Rules and Regulations Filing Act. The amendments would permit JCARR to communicate to state agencies JCARR's concerns, suggestions, and comments regarding proposed rules and regulations, including those concerns regarding the effect of proposed rules and regulations on businesses and economic development, and to require economic impact statements on proposed rules and regulations to include a description of the impact of those rules and regulations on businesses and economic development in Kansas. [Note: The Conference Committee retained these amendments, as modified by the Senate Committee of the Whole.]

The Senate Committee of the Whole amended the bill to clarify JCARR's ability to communicate concerns and approval or disapproval of any proposed rules and regulations to state agencies regarding the effect on businesses and economic development in Kansas. [Note: The Conference Committee retained this amendment.]

According to the fiscal note prepared by the Division of the Budget, Legislative Administrative Services estimates

enactment of the bill, as introduced, would result in additional expenditures totaling \$557 from the State General Fund each year for the additional member of the Board, which includes expenses for salary, subsistence, mileage, and fringe benefits. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.

rules and regulations, economic impact, business, cost, state agency, environmental benefit, minority member

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