

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2280

As Amended by Senate Committee of the Whole

Brief*

HB 2280 as amended, would require, prior to July 1, 2018, each state agency 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. The bill would require that, prior to October 1, 2018, each state agency prepare and submit a report to the Joint Committee on Administrative Rules and Regulations (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. The bill would require JCARR to submit a report to the Speaker of the House and President of the Senate summarizing the JCARR findings prior to January 14, 2019.

In addition, the bill would amend the Rules and Regulations Filing Act by adding a new requirement to the continuing mandate 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.

*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>

The bill would permit JCARR to communicate to state agencies the committee's concerns, approval and disapproval, comments and recommendations regarding proposed rules and regulations to state agencies, including JCARR's concerns regarding the effect of proposed rules and regulations on businesses and economic development.

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.

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.

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 review its rules and regulations to determine whether they have an impact on businesses and economic development, prior to July 1, 2018; state agencies report the results of their review to JCARR prior to October 1, 2018; and JCARR submit a report to the Speaker of the House and the

President of the Senate summarizing JCARR's findings prior to January 14, 2019. 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 include a description of the impact of those rules and regulations on businesses and economic development in Kansas.

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.

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*.