

## HOUSE BILL No. 2624

By Joint Committee on Administrative Rules and Regulations

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9 AN ACT concerning the rules and regulations filing act; pertaining to  
10 adoption of substantial changes in rules and regulations.

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

13 Section 1. (a) Except as provided in subsection (b), no agency shall  
14 adopt a rule and regulation that substantially differs from or substantially  
15 changes the rule and regulation proposed for adoption in the notice of  
16 hearing required by K.S.A. 77-421 and amendments thereto. The follow-  
17 ing factors shall be considered in determining whether an adopted rule  
18 and regulation substantially differs from or substantially changes the rule  
19 and regulation originally proposed for adoption:

20 (1) Any person affected by the rule and regulation finally adopted  
21 should have reasonably expected that the change from the rule and reg-  
22 ulation originally proposed for adoption would affect such person's  
23 interest;

24 (2) the subject matter of the rule and regulation finally adopted or  
25 the issues determined by such adopted rule and regulation are different  
26 from the subject matter or issues involved in the rule and regulation  
27 originally proposed for adoption; and

28 (3) the effects of the rule and regulation finally adopted differ from  
29 the effects of the rule and regulation originally proposed for adoption had  
30 it been adopted instead.

31 (b) (1) Prior to the adoption of a rule and regulation which substan-  
32 tially differs from or substantially changes the rule and regulation origi-  
33 nally proposed for adoption, the adopting agency shall:

34 (A) Obtain approval of such substantially changed rule and regulation  
35 by the secretary of administration and the attorney general; and

36 (B) give at least 30-days public notice in the manner prescribed in  
37 K.S.A. 77-421, and amendments thereto, of the agency's its intention to  
38 adopt the substantially changed rule and regulation.

39 (2) In lieu of following the procedure in paragraph (1), the agency  
40 shall:

41 (A) Discontinue the current rule and regulation adoption process;

42 (B) treat the substantially changed rule and regulation as a new rule  
43 and regulation; and

- 1 (C) start a new rule and regulation adoption process in accordance  
2 with the rules and regulations filing act.
- 3 (c) (1) Except as provided in paragraph (2), a rule and regulation  
4 shall be deemed to be substantially changed from the rule and regulation  
5 originally proposed for adoption if the change:
- 6 (A) Alters the meaning of the rule and regulation originally proposed  
7 for adoption by changing what is prohibited, controlled, regulated or  
8 required;
- 9 (B) changes the scope of the rule and regulation originally proposed  
10 for adoption; or
- 11 (C) changes any aspect of the rule and regulation originally proposed  
12 for adoption which would alter the impact or application of the rule and  
13 regulation if it had been adopted as originally proposed.
- 14 (2) A rule and regulation shall not be deemed to have been substan-  
15 tially changed from the rule and regulation originally proposed for adop-  
16 tion if the change:
- 17 (A) (i) Was discussed at the agency hearing held pursuant to K.S.A.  
18 77-421 and amendments thereto; and
- 19 (ii) the agency record from the hearing described in clause (i) con-  
20 tains a concise statement of the principal reasons for adopting change to  
21 the rule and regulation originally proposed for adoption; and
- 22 (iii) the agency record from the hearing described in clause (i) con-  
23 tains a concise statement of the comments made at the public hearing  
24 both for and against the proposed change, if any, to the rule and regu-  
25 lation originally proposed for adoption;
- 26 (B) inserts the correct statutory references in lieu of any internal  
27 cross-references to session laws or other outdated statutory references;
- 28 (C) corrects a manifest orthographical, clerical or typographical error;
- 29 (D) omits opening references to sections repealed or amended, in all  
30 sections or changes descriptive-subject-word headings of sections, sub-  
31 sections or subparts in order to briefly and clearly indicate the subject  
32 matter of such sections;
- 33 (E) rearranges sections, changes internal reference numbers to agree  
34 with renumbered sections and changes capitalization for purposes of uni-  
35 formity; and
- 36 (F) corrects doublets.
- 37 Sec. 2. This act shall take effect and be in force from and after its  
38 publication in the statute book.