

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2297

As Recommended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2297 would amend publication requirements for the Office of the Secretary of State (Secretary). Specifically, the bill would amend or remove provisions concerning publication requirements for the Kansas Session Laws, Kansas Administrative Regulations, *Kansas Register*, and Kansas Statutes Annotated. The bill would also permit the Secretary in fulfilling public printing requirements to utilize the Division of Printing or to contract for outside services in accordance with applicable laws for state agencies and remove the current requirement for cost-recovery fees associated with the distribution of printed materials to be set by adoption of rules and regulations.

Kansas Session Laws

Current law requires printed copies of the Session Laws to be distributed to certain Kansas officials. The bill would modify this requirement to be only upon request.

The bill would require the 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

*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>

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 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 is 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 expended 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 moneys 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.

Kansas Statutes Annotated

Current law requires two complete sets of the Kansas Statutes Annotated to be distributed to each member of the Legislature at each legislative session, with the name of the member printed on one of the copies. The bill would modify this to require that only new members receive one complete set, with their name printed on it only if requested.

Background

The bill was introduced by the House Committee on Commerce, Labor, and Economic Development.

[*Note:* The bill contains the provisions of 2020 SB 254 as amended by the Senate Committee on Federal and State Affairs, in addition to several new provisions.]

House Committee on Commerce, Labor, and Economic Development

In the House Committee hearing, **proponent** testimony was provided by a Deputy Assistant Secretary of State and a representative of Coalition for Opportunity.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by Division of the Budget on the bill , the Office of the Secretary of State indicates enactment of the bill would result in agency savings of approximately \$35,000 in fiscal years 2021 and 2022. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Secretary of State; printing