

DATE: March 9th, 2022
TO: Kansas House Federal and State Affairs Committee
FROM: DeAngela Burns-Wallace, Secretary of Administration
SUBJECT: Senate Bill 34

Mr. Chairman and Members of the Committee,

Thank for you for the opportunity to submit testimony on Senate Bill 34.

As some of you are aware, the Department of Administration is one of the agencies that reviews administrative regulations as they are promulgated. The Division of Budget, Attorney General and Secretary of State all play a role in validating and reviewing regulations.

I wanted to make sure to draw your attention to the Fiscal Note that was prepared for SB 34.

If enacted, SB34 would dramatically increase the workload and number of staff in each of the agencies involved in the review of regulations.

The regulation process takes a minimum of 114 days, including drafting, review and approval. This process can take much longer if the regulations are complex or heavily amended.

As you know, every agency promulgates regulations, but some agencies have a lot more than others.

One agency currently has nearly 1,800 regulations. In 2019, this agency filed nine regulations. From 2015 to 2020, the highest number of regulations submitted by this agency was 57. Under SB34, this agency would need to seek legislative review of several hundred regulations per year, not counting new regulations that other legislation may require them to promulgate.

While there are merits to legislative review of administrative regulations, SB 34 would dramatically increase the scope and cost of managing the regulatory framework of the state

I understand the legislature's desire to reduce bureaucracy—but this bill would have the exact opposite effect. KDHE alone have estimated that they would need at least 20 new FTE's to manage the process of legislative review. The Department of Administration would need a minimum of 2 additional FTE's.

Additionally, if certain administrative regulations were not reviewed and certified in time, there is a substantial risk of a regulatory gap. Administrative regulations for DCF, Corrections, KDADS, KDHE deal with matters life and safety. Regulatory gaps can lead to tragedies when dealing with regulation of foster care, prisons, and adult care facilities.

Thank you again for the opportunity to provide this testimony. I would be happy to provide any additional context and background as needed.