

HOUSE BILL No. 2615

By Committee on Elections

Requested by Clay Barker, General Counsel, Kansas Secretary of State

1-29

1 AN ACT concerning the publication of state laws and rules and
2 regulations; relating to the publishing, printing and distributing thereof;
3 removing state printer from timeline requirements for printing session
4 laws; providing statewide elected officials and legislators to receive
5 statute books and supplements upon request; requiring all
6 administrative rules and regulations to be published electronically and
7 eliminating the printing of volumes and supplements thereof; providing
8 for the authenticating, preparing of searchable base and setting of prices
9 of administrative rules and regulations by the secretary of state;
10 amending K.S.A. 45-315, 77-165, 77-423, 77-429 and 77-435 and
11 K.S.A. 2023 Supp. 77-138 and 77-430 and repealing the existing
12 sections; also repealing K.S.A. 77-424 and 77-428 and K.S.A. 2023
13 Supp. 77-430a and 77-431.

14

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

16 Section 1. K.S.A. 45-315 is hereby amended to read as follows: 45-
17 315. After the sine die adjournment of each legislative session, the ~~state~~
18 ~~printer and the secretary of state shall complete preparation and printing of~~
19 ~~at least a limited number of each volume~~ *provide for the publication* of the
20 session laws ~~for publication on or before July 1 of such year. The state~~
21 ~~printer shall thereafter, As rapidly as practicable, print and deliver to the~~
22 secretary of state *shall provide for the printing and delivery of* bound
23 copies *of the session laws* as provided by law.

24 Sec. 2. K.S.A. 2023 Supp. 77-138 is hereby amended to read as
25 follows: 77-138. (a) Volumes of the Kansas Statutes Annotated shall be
26 printed and bound by the director of printing and delivered to the secretary
27 of state, who shall ~~dispose of them~~ *distribute such volumes* as follows:

28 *First*, the secretary of state shall deposit in the supreme court law
29 library and in the state library such number of copies as the state law
30 librarian and the state librarian, respectively, shall request for use in the
31 law library and the state library, for the purposes of the publication
32 collection and depository system established under K.S.A. 75-2566, and
33 amendments thereto, and ~~for the purpose of~~ making exchanges with the
34 various states and territories, and the secretary of state shall retain one set
35 for the secretary's use in the secretary's office.

1 *Second*, (1) the secretary of state shall distribute one complete set of the
2 Kansas Statutes Annotated to each new member of the legislature at each
3 regular session, *upon request by such new member of the legislature*, and if
4 requested by the new member, the new member's name shall be printed
5 thereon.

6 (2) The secretary of state shall distribute such number of complete
7 sets and individual volumes of the Kansas Statutes Annotated *to*: (A) ~~to~~
8 The office of revisor of statutes, as the revisor of statutes shall request; (B)
9 ~~to~~ the legislative research department, as the director of legislative
10 research shall request; (C) ~~to~~ the division of post audit, as the post auditor
11 shall request; (D) ~~to~~ the division of legislative administrative services, as
12 the director of legislative administrative services shall request; and (E) ~~to~~
13 the judicial branch of state government, as the chief justice of the supreme
14 court shall request.

15 (3) The secretary of state shall distribute: (A) Two sets to each
16 representative in congress and United States senator from the state of
17 Kansas, upon request by such representative or senator; (B) one set each to
18 the governor, lieutenant governor and attorney general, *upon request by*
19 *the governor, lieutenant governor or attorney general*; (C) to Washburn
20 university school of law, the number of sets, not to exceed 60 sets, that the
21 librarian of the school of law certifies to the secretary of state as necessary
22 for the purpose of exchanging with other states and territories and to be
23 kept in the library for the use of faculty and students of the university; (D)
24 to the school of law of the university of Kansas, the number of sets, not to
25 exceed 60 sets, that the librarian of the school of law certifies to the
26 secretary of state as necessary for the purpose of exchanging with other
27 states and territories and to be kept in the library for the use of faculty and
28 students of the university; (E) to the clerk of the district court of the United
29 States for the state of Kansas, the number of sets, not to exceed five sets,
30 as are requested by such clerk; (F) one set to each county law library in the
31 state, upon request by the librarian thereof; (G) to each county clerk, the
32 number of sets requested by the county clerk, not to exceed seven sets, to
33 be distributed not more than one set each to the county or district attorney,
34 the county clerk, the county counselor, if any, the register of deeds, the
35 sheriff, the county treasurer; and the board of county commissioners,
36 which set shall be retained by the county clerk for use by such board; (H)
37 not more than one set to each city of the third class, one set to each city of
38 the second class and two sets to each city of the first class, upon request by
39 the city clerk; and (I) one set to the state historical society library.

40 *Third*, the balance of statute books, after the above distribution shall be
41 kept by the secretary of state for sale.

42 (b) The secretary of state shall sell each volume of the Kansas
43 Statutes Annotated, including replacement volumes, at the per volume

1 price fixed therefor by the legislative coordinating council *as provided for*
2 under this section. General index volumes, when sold separately and not as
3 a part of a set of cumulative supplements, shall be sold at the per volume
4 price fixed therefor by the legislative coordinating council. The secretary
5 of state shall remit all moneys received from such sales, *as provided for*
6 under this section, to the state treasurer in accordance with the provisions
7 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
8 remittance, the state treasurer shall deposit the entire amount in the state
9 treasury to the credit of the state general fund.

10 (c) The legislative coordinating council shall fix the per volume price
11 of each volume of the Kansas Statutes Annotated, including replacement
12 volumes, sold under this section to recover the costs of printing and
13 binding such volumes. The legislative coordinating council shall revise
14 such prices from time to time for the purposes of covering and recovering
15 such costs.

16 Sec. 3. K.S.A. 77-165 is hereby amended to read as follows: 77-165.

17 (a) Such number of copies of the cumulative supplements for each volume
18 of the Kansas Statutes Annotated, corresponding as nearly as possible in
19 size and page with the current bound volumes, as is specified by the
20 revisor of statutes, subject to available appropriations, shall be printed by
21 the director of printing and delivered to the secretary of state. Each year,
22 such number of sets of the general index paperbound volume or volumes
23 as is specified by the revisor of statutes, subject to available
24 appropriations, shall be printed by the director of printing and delivered to
25 the secretary of state. For purposes of this section, the general index
26 paperbound volume or volumes shall be considered supplements. The
27 revisor of statutes, with the approval of the legislative coordinating
28 council, may provide for printing and delivery of additional copies of
29 supplements to volumes of the Kansas Statutes Annotated.

30 (b) The secretary of state shall ~~dispose of~~ *distribute* full sets of
31 supplements, including the general index paperbound volume or volumes,
32 as follows:

33 *First*, by delivering to all state officers, county officers and other
34 departments and officers the same number of sets and in the same manner
35 as provided by K.S.A. 77-138, and amendments thereto, for the
36 distribution of volumes of the Kansas Statutes Annotated and ~~by delivering~~
37 to each member of the legislature ~~three sets~~, *upon request, one set* of such
38 supplements.

39 *Second*, the balance of such supplements, including as a part thereof the
40 general index paperbound volume or volumes, after such distribution, shall
41 be kept by the secretary of state for sale. Supplements for individual
42 volumes, except index volumes, shall be sold at the per volume price fixed
43 therefor by the legislative coordinating council *as provided for* under this

1 section. Complete sets of cumulative supplements, including the general
2 index volume, shall be sold at the complete set price fixed therefor by the
3 legislative coordinating council *as provided for* under this section.

4 (c) The secretary of state shall remit all moneys received from the
5 sale of supplements under this section to the state treasurer in accordance
6 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
7 receipt of each such remittance, the state treasurer shall deposit the entire
8 amount in the state treasury to the credit of the state general fund.

9 (d) The legislative coordinating council shall fix the per volume and
10 complete set prices of the cumulative supplements for the Kansas Statutes
11 Annotated sold, *as provided for* under this section, to recover the costs of
12 printing and binding such supplements. The legislative coordinating
13 council shall revise such prices from time to time for the purposes of
14 covering and recovering such costs.

15 Sec. 4. K.S.A. 77-423 is hereby amended to read as follows: 77-423.

16 There is hereby created a state rules and regulations board consisting of
17 the attorney general or the attorney general's designee, the secretary of
18 state or the secretary of state's designee, the secretary of administration or
19 the secretary of administration's designee, the chairperson of the joint
20 committee on administrative rules and regulations or a member of the joint
21 committee designated by the chairperson from the same house of the
22 legislature as the chairperson, ~~the vice-chairperson~~ *vice chairperson* of the
23 joint committee on administrative rules and regulations or a member of the
24 joint committee designated by the ~~vice-chairperson~~ *vice chairperson* from
25 the same house of the legislature as the ~~vice-chairperson~~ *vice chairperson*,
26 the ranking minority member of the joint committee on administrative
27 rules and regulations or a member of the joint committee designated by the
28 minority leader of the same house of the legislature as the chairperson and
29 the chairperson of the senate committee on ways and means in even-
30 numbered years and the chairperson of the house of representatives
31 committee on appropriations in odd-numbered years. If a member is
32 designated to serve on the board by the chairperson or ~~vice-chairperson~~
33 *vice chairperson* of the joint committee, the designated member shall serve
34 in lieu of the designating officer on a temporary or permanent basis as
35 specified by the designating officer. The attorney general shall be the
36 chairperson of the board. The secretary of state shall serve as the secretary
37 to the board. The state rules and regulations board shall determine whether
38 a rule and regulation should be adopted as a temporary rule and regulation;
39 ~~shall determine the rules and regulations to be published in the Kansas~~
40 ~~administrative regulations and in the annual supplement to such~~
41 ~~regulations as provided for in this act~~ and shall perform such other duties
42 as may be required by this act.

43 Sec. 5. K.S.A. 77-429 is hereby amended to read as follows: 77-429.

1 (a) Before ~~the any~~ Kansas administrative ~~regulations or the annual~~
 2 ~~supplement thereto shall be~~ *regulation is* published by the secretary of
 3 state, ~~they~~ *such regulation* shall be examined and compared by the
 4 attorney general and the secretary of state, and if ~~they contain all rules and~~
 5 ~~regulations~~ approved for publication ~~by the board~~, and otherwise comply
 6 with the terms of this act, ~~they~~ *the secretary* shall so certify ~~and~~. After such
 7 authentication ~~they~~, *such regulation* shall be deemed and held to be
 8 "Kansas administrative regulations" and evidence in all courts having
 9 jurisdiction in the state; ~~and~~. Such authentication shall accompany each
 10 electronic or printed copy of Kansas administrative regulations ~~and annual~~
 11 ~~supplement thereto~~.

12 (b) (1) The secretary of state shall ~~prepare~~ *maintain* a searchable
 13 database containing all of the *current* Kansas administrative regulations;
 14 ~~including any supplements, published pursuant to this section by July 1,~~
 15 ~~2012, if practicable~~. The database shall be constructed in such a manner
 16 that any person accessing or using such database shall be able to search for
 17 any rule and regulation based upon the number or subject matter of the
 18 rule and regulation or by keyword search. The initial search shall return a
 19 list of all rules and regulations ~~which~~ *that* contain the initial search term.

20 (2) Using any rule and regulation containing the initial search term as
 21 an entry point into the database, the database shall permit the person using
 22 such database to:

23 (A) View all occurrences of the search term in the rule and regulation
 24 retrieved; and

25 (B) using the initially retrieved rule and regulation as an entry point
 26 into the database's hierarchy, navigate to each rule and regulation ~~which~~
 27 *that* follows or precedes the initial rule and regulation.

28 Sec. 6. K.S.A. 2023 Supp. 77-430 is hereby amended to read as
 29 follows: 77-430. (a) The secretary of state shall publish the Kansas
 30 administrative regulations in an electronic or paper medium. The secretary
 31 of state shall make the Kansas administrative regulations available by
 32 request to the following:

33 (1) The supreme court law library and the state library;

34 (2) the law schools and law libraries of the university of Kansas and
 35 Washburn university;

36 (3) each member of the legislature at the time of taking office, after
 37 election or appointment, for the member's first term of office as a member
 38 of either house of the legislature that commences on or after the second
 39 Monday of January in 1991, except that a term of office as a member of
 40 either house of the legislature, whether a complete or partial term of office,
 41 shall not be construed for purposes of this distribution to be the member's
 42 first term of office if such term of office is part of a continuous period of
 43 service as a member of either house of the legislature or both houses of the

1 legislature, in any combination of consecutive terms of office;

2 (4) each member of the joint committee on administrative rules and
3 regulations;

4 (5) the governor, lieutenant governor, attorney general and state
5 historical society library;

6 (6) the judicial branch of state government;

7 (7) each county law library;

8 (8) the city library in each city of the first and second class;

9 (9) each county library;

10 (10) the office of revisor of statutes;

11 (11) the legislative research department;

12 (12) the division of post audit; and

13 (13) the division of legislative administrative services.

14 (b) ~~The Kansas administrative regulations may be purchased in~~
15 ~~complete sets or in single volumes. Single volumes of the Kansas~~
16 ~~administrative regulations shall be sold by the secretary of state at the per~~
17 ~~volume price fixed by the secretary of state under this section. Complete~~
18 ~~sets of the Kansas administrative regulations shall be sold by the secretary~~
19 ~~of state at the per set price fixed therefor by the secretary of state as~~
20 ~~provided for under this section.~~

21 (c) All moneys received from such sales shall be remitted to the state
22 treasurer in accordance with the provisions of K.S.A. 75-4215, and
23 amendments thereto. Upon receipt of each such remittance, the state
24 treasurer shall deposit the entire amount in the state treasury to the credit
25 of the information and services fee fund of the secretary of state.

26 (d) ~~The secretary of state shall fix the per volume and complete~~ *may*
27 set prices of the Kansas administrative regulations sold under this section
28 to recover the costs of publishing, *maintaining* and storing such volumes
29 *and databases*, whether in printed or electronic form. The secretary of
30 state ~~shall~~ *may* revise such prices from time to time for the purposes of
31 covering and recovering such costs.

32 Sec. 7. K.S.A. 77-435 is hereby amended to read as follows: 77-435.
33 In publishing the material in the Kansas administrative regulations ~~and~~
34 ~~latest supplements thereto~~, the secretary of state shall not alter the sense,
35 meaning or effect of any rule and regulation but may correct manifest
36 orthographical, clerical or typographical errors and ~~may~~ edit the rules and
37 regulations in the following manner:

38 (a) By changing descriptive- subject-word headings of sections,
39 subsections or subparts of a rule and regulation in order to briefly and
40 clearly indicate the subject matter of such sections-;

41 (b) where a pronoun of only masculine or only feminine gender
42 appears a pronoun of the opposite gender may be added, or language may
43 be changed for the same purpose, so long as the opening limitation of this

1 section is not violated-;

2 (c) by striking the word "that" wherever it appears as the first word of
3 any section in the Kansas administrative regulations or the latest
4 supplement thereto-; *and*

5 (d) by correcting doublets.

6 The secretary of state may submit to the state rules and regulations
7 board, for the board's approval, any proposed changes made pursuant to
8 the provisions of this section. No change made pursuant to the provisions
9 of this section shall effect any change in the substantive meaning of the
10 rule and regulation section, and any error made by the secretary of state in
11 editing the rules and regulations as authorized by this section shall be
12 construed as a clerical error only.

13 Sec. 8. K.S.A. 45-315, 77-165, 77-423, 77-424, 77-428, 77-429 and
14 77-435 and K.S.A. 2023 Supp. 77-138, 77-430, 77-430a and 77-431 are
15 hereby repealed.

16 Sec. 9. This act shall take effect and be in force from and after its
17 publication in the statute book.