SENATE BILL No. 254
By Senator Denning

AN ACT concerning requirements of publication of certain documents by
the secretary of state; relating to session laws, the Kansas register,
proposed amendments to the constitution of the state of Kansas, and
Kansas administrative rules and regulations and guidance documents;
amending K.S.A. 45-315, 64-103, 75-430, 75-433, 77-417, 77-430, 77-
430a, 77-431 and 77-438 and K.S.A. 2019 Supp. 45-107 and repealing
the existing sections.

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

Section 1. K.S.A. 2019 Supp. 45-107 is hereby amended to read as
follows: 45-107. (a) The secretary of state shall sell copies of the session
laws at the per volume price for such copies fixed by the secretary of state
under this section. The secretary of state shall remit all moneys received
under this section to the state treasurer in accordance with the provisions
of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
remittance, the state treasurer shall deposit the entire amount in the state
treasury to the credit of the information and services fee fund of the
secretary of state.

(b) Whenever the inventory of copies of any volume of the session
laws exceeds 100 and a later volume of the session laws has been
published, the secretary of state may dispose of copies of such volume
without making a charge therefor until the inventory of such volume is
reduced to 100 copies. When the inventory of any volume of the session
laws is 100 copies or less, the secretary of state, with the approval of the
revisor of statutes, may dispose of copies from such inventory without
making a charge therefor.

(c) The secretary of state shall fix by rules and regulations the per
volume price for copies of the session laws sold under this section to
recover the costs of printing, binding, publishing and storing such volumes,
whether published in print or electronic form. The secretary of state shall
revise all such prices from time to time as necessary for the purposes of
covering and recovering such costs.

Sec. 2. K.S.A. 45-315 is hereby amended to read as follows: 45-315.
The secretary of state shall furnish to the state printer, within twenty (20)
days after the sine die adjournment of each legislative session occurring in
odd numbered years and within forty (40) days after the sine die-
adjournment of the legislative session occurring in even-numbered years, a

copy of all acts, resolutions and other matters except the index which are

required to be published and bound in the session laws, and in the form

required by K.S.A. 45-301. Thereupon After the sine die adjournment of
each legislative session, the state printer and the secretary of state shall

complete preparation and printing of at least a limited number of each

volume of the session laws for publication on or before July 1 of such year.
The state printer shall thereafter, as rapidly as practicable, print and deliver
to the secretary of state bound copies as provided by law.

Sec. 3. K.S.A. 64-103 is hereby amended to read as follows: 64-103.

(a) All acts of the legislature which shall provide for their taking effect
on publication in any newspaper or in the Kansas register shall be
published in the Kansas register, which shall be deemed the official
publication. Publication of the Kansas register may be in print or
electronic form. Except as otherwise provided in this subsection, all
proclamations, orders, notices and advertisements authorized by any state
officer shall be printed and published in the Kansas register. Payment for
such publication shall be made by the state at the rates prescribed by law.
The provisions of this subsection shall not apply to: (1) Resolutions
making propositions to amend the constitution; or (2) proclamations issued
by the governor which are not required by law to be issued by the
governor. All proclamations issued by the governor which are not
published in the Kansas register shall be published on the official Kansas
internet website.

(b) (1) For the purpose of informing the electors of the propositions to
be voted on at the election thereon, the secretary of state shall cause
resolutions making propositions to amend the constitution to be published
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 one
newspaper in each county of the state where a newspaper is published,
one each week for three consecutive weeks immediately preceding the
election at which the proposition is to be submitted.

(2) After such publication, the secretary of state shall certify the
amount of moneys expended on such publication and shall transmit a
copy of such certification to the director of accounts and reports. Upon
receipt of such certification, the director of accounts and reports shall
transfer an amount of moneys equal to such certified amounts from the
state general fund to the information services fee fund of the secretary of
state and shall transmit a notification of such transfer to the director of
legislative research and the director of the budget.

Sec. 4. K.S.A. 75-430 is hereby amended to read as follows: 75-430.

(a) The secretary of state shall compile, index and publish a publication to
be known as the Kansas register. Such register shall contain:

(1) All acts of the legislature required to be published in the Kansas register;
(2) all executive orders and directives of the governor which are required to be filed in the office of the secretary of state;
(3) summaries of all opinions of the attorney general interpreting acts of the legislature as prepared by the office of the attorney general;
(4) notice of any public comment period on contemplated modification of an existing rule and regulation, and, in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, all notices of hearings on proposed administrative rules and regulations and the full text of all administrative rules and regulations that have been adopted and filed with the secretary of state;
(5) the full text of all administrative rules and regulations which have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, except that the secretary of state may publish a summary of any rule and regulation together with the address of the state agency from which a copy of the full text of the proposed rules and regulations may be received, if such rule and regulation is lengthy and expensive to publish and otherwise available in published form and a summary will, in the opinion of the secretary, properly notify the public of the contents of such rule and regulation;
(6) a cumulative index of all administrative rules and regulations which have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto;
(7) all notices of hearings of special legislative interim study committees, descriptions of all prefiled bills and resolutions and descriptions of all bills and resolutions introduced in the legislature during any session of the legislature, and other legislative information which is approved for publication by the legislative coordinating council;
(8) the hearings docket of the Kansas supreme court and the court of appeals;
(9) summaries of all orders of the state board of tax appeals which have statewide application;
(10) all advertisements for contracts for construction, repairs, improvements or purchases by the state of Kansas or any agency thereof for which competitive bids are required; and
(11) any other information which the secretary of state deems to be of sufficient interest to the general public to merit its publication or which is required by law to be published in the Kansas register.
(b) The secretary of state shall publish such register at regular intervals, but not less than weekly.

(c) Each issue of the register shall contain a table of contents.

(d) A cumulative index to all information required by K.S.A. 75-430 through 75-434, and amendments thereto, to be published during the previous year shall be published at least once each year.

(e) The secretary of state may omit from the register any information the publication of which the secretary deems cumbersome, expensive, or otherwise inexpedient, if the information is made available in printed or processed form by the adopting agency on application for it, and if the register contains a notice stating the general subject matter of the information and the manner in which a copy of it may be obtained.

(f) One copy of each issue of the register shall be made available without charge on request to each officer, board, commission, and department of the state having statewide jurisdiction, to each member of the legislature, to each county clerk in the state, and to the supreme court, court of appeals and each district court.

Sec. 5. K.S.A. 75-433 is hereby amended to read as follows: 75-433.

(a) The secretary of state may fix, charge and collect publication fees from state agencies for the publication of documents and information required or authorized by law to be published in the Kansas register.

(b) The secretary of state shall sell annual subscriptions to the Kansas register and may fix, charge and collect subscription fees from subscribers.

(c) On and after July 1, 1984, fees established under this section shall be fixed in amounts adequate to recover the costs of printing, binding, postage and handling attributable to the preparation and distribution of the Kansas register.

(d) The secretary of state shall remit all moneys received by the secretary under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the state register fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

Sec. 6. K.S.A. 77-417 is hereby amended to read as follows: 77-417.

(a) The secretary of state shall:
(1) Endorse on each rule and regulation filed, the time and date of the filing thereof;
(2) maintain a file of such rules and regulations for public inspection;
(3) keep a complete record of all amendments and revocations of rules and regulations;
(4) index the rules and regulations so filed; and
(5) publish the rules and regulations as hereinafter provided.

(b) The secretary of state shall have the discretion to return to the appropriate state agency or to otherwise dispose of any document or other material which had been adopted previously by reference and filed with the secretary of state.

Sec. 7. K.S.A. 77-430 is hereby amended to read as follows: 77-430.
(a) The secretary of state shall publish the Kansas administrative regulations in an electronic or paper medium. The secretary of state shall make the Kansas administrative regulations available by request to the following:
(1) The supreme court law library and the state library.
(2) The law schools and law libraries of the university of Kansas and Washburn university.
(3) Each member of the legislature at the time of taking office, after election or appointment, for the member's first term of office as a member of either house of the legislature which commences on or after the second Monday of January in 1991, except that a term of office as a member of either house of the legislature, whether a complete or partial term of office, shall not be construed for purposes of this distribution to be the member's first term of office if such term of office is part of a continuous period of service as a member of either house of the legislature or both houses of the legislature, in any combination of consecutive terms of office;
(4) each member of the joint committee on administrative rules and regulations;
(5) the governor, lieutenant governor, attorney general and state historical society library;
(6) the judicial branch of state government;
(7) each county law library;
(8) the city library in each city of the first and second class;
(9) each county library;
(10) the office of revisor of statutes;
(11) the legislative research department;
(12) the division of post audit; and
(13) the division of legislative administrative services.

(b) The Kansas administrative regulations may be purchased in complete sets or in single volumes. Single volumes of the Kansas
SB 254—Am. by SC

administrative regulations shall be sold by the secretary of state at the per
volume price fixed by the secretary of state under this section. Complete
sets of the Kansas administrative regulations shall be sold by the secretary
of state at the per set price fixed therefor by the secretary of state under
this section.

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

(d) The secretary of state shall fix by rules and regulations the per
volume and complete set prices of the Kansas administrative regulations
sold under this section to recover the costs of publishing and storing such
volumes, whether in printed or electronic form. The secretary of state shall
revise such prices from time to time for the purposes of covering and
recovering such costs.

Sec. 8. K.S.A. 77-430a is hereby amended to read as follows: 77-
430a. (a) The secretary of state shall edit and prepare for publication
volumes of rules and regulations which replace existing volumes of
the Kansas administrative regulations within the limitations of available
appropriations therefor. Replacement volumes shall be published in the
same format and in accordance with the same specifications used in the
volume replaced and shall be authenticated as required by K.S.A. 77-429,
and amendments thereto. Replacement volumes of the Kansas
administrative regulations shall be published by the secretary of state who
shall distribute and sell such replacement volumes in the same manner as
provided in K.S.A. 77-430, and amendments thereto, for the distribution
and sale of other volumes of the Kansas administrative regulations, except
that each member of the senate or house of representatives shall receive,
upon request, one copy of each replacement volume for the purpose of
updating the set of the Kansas administrative regulations received at the
time of taking office for the member's first term of office as a member of
either house of the legislature as provided in K.S.A. 77-430, and
amendments thereto.

(b) Moneys received from the sale of replacement volumes under this
section shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the information and services fee fund of
the secretary of state.

(c) The secretary of state shall fix by rules and regulations the per
volume price, or the complete set price if more than one replacement
volume is published, of any replacement volume of the Kansas
administrative regulations sold under this section to recover the costs of 
publishing and storing such volumes, whether in printed or electronic 
form. The secretary of state shall revise such prices from time to time for 
the purposes of covering and recovering such costs.

Sec. 9. K.S.A. 77-431 is hereby amended to read as follows: 77-431. 
(a) The secretary of state shall publish and make available the annual 
supplements to the Kansas administrative regulations. The secretary of 
state shall transmit the same number of copies of each annual supplement 
in the same manner as provided in subsection (a) of K.S.A. 77-430(a), and 
amendments thereto, for distribution of Kansas administrative regulations, 
except that each member of the senate or house of representatives shall 
receive, upon request, one copy of each annual supplement for the purpose 
of updating the set of the Kansas administrative regulations received at the 
time of taking office for the member's first term of office as a member of 
either house of the legislature as provided in K.S.A. 77-430, and 
amendments thereto.

The secretary of state may publish the supplements to the Kansas 
administrative regulations in an electronic or paper medium.
(b) Moneys received from the sale of supplements under this section 
shall be remitted to the state treasurer in accordance with the provisions of 
K.S.A. 75-4215, and amendments thereto. Upon receipt of each such 
remittance, the state treasurer shall deposit the entire amount in the state 
treasury to the credit of the information and services fee fund of the 
secretary of state.
(c) The secretary of state shall fix by rules and regulations the per 
volume price, or the complete set price if more than one volume is 
published, for each annual supplement to the Kansas administrative 
regulations sold under this section to recover the costs of publishing and 
storing such volumes, whether published in an electronic or paper medium. 
The secretary of state shall revise such prices from time to time for the 
purposes of covering and recovering such costs.

Sec. 10. K.S.A. 77-438 is hereby amended to read as follows: 77-438. 
(a) (1) A state agency may issue a guidance document without following 
the procedures set forth in this act for the adoption of rules and 
regulations.
(2) For the purposes of this section, "guidance document" means a 
record of general applicability that:
(A) Is designated by a state agency as a guidance document;
(B) lacks the force of law; and
(C) states:
(i) The agency's current approach to, or interpretation of, law; or
(ii) general statements of policy that describe how and when the 
agency will exercise discretionary functions.
(b) A guidance document may contain binding instructions to state agency staff members except officers who preside in adjudicatory proceedings.

c) If a state agency proposes to act in an adjudication at variance with a position expressed in a guidance document, the state agency shall provide a reasonable explanation for the variance. If an affected person in an adjudication claims to have reasonably relied on the agency's position, the state agency's explanation for the variance shall include a reasonable justification for the agency's conclusion that the need for the variance outweighs the affected person's reliance interests.

d) Each state agency shall:

1) Maintain an index of all of its currently effective guidance documents;

2) publish the index on its website; and

3) make all guidance documents available to the public; and

4) file the index in the manner prescribed by the secretary of state.

e) A guidance document may be considered by a presiding officer or agency head in an agency adjudication, but such guidance document shall not bind any party, the presiding officer or the agency head.

f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulations. Such document may be submitted electronically.

Sec. 11. K.S.A. 45-315, 64-103, 75-430, 75-433, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A. 2019 Supp. 45-107 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.