

Office of the Secretary of State Business Filings and Publication Requirements; HB 2391

HB 2391 amends law related to the Office of the Secretary of State.

The bill revises and updates certain provisions pertaining to business and other related filings and repeals obsolete laws.

The bill also amends publication requirements for the Office of the Secretary of State. Specifically, the bill amends or removes provisions concerning publication requirements for the *Session Laws of Kansas (Session Laws)*, *Kansas Administrative Regulations*, *Kansas Register*, and *Kansas Statutes Annotated*. The bill also permits the Secretary of State (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 removes the current requirement for cost-recovery fees associated with the distribution of printed materials to be set by adoption of rules and regulations.

Business Filings

Beginning in 2023, the bill will require each business entity to file a biennial business entity information report, instead of the currently required annual report, with the Secretary. The current annual report fee of \$40 will be replaced by a fee of \$80 for each biennial report.

Business entities formed in even-numbered years will be required to file reports in even-numbered years, and business entities formed in odd-numbered years will be required to file reports in odd-numbered years, except the bill will allow reports for multiple limited liability entities, regardless of when the entities were formed, to be filed at one time, as long as each report is filed in the first year the biennial report is due and in odd-numbered years thereafter.

The bill allows for business filings with the Secretary to be signed *via* electronic signature.

The bill eliminates various obsolete references to previously repealed statutes related to business filings.

Blanket Music Licenses

The bill repeals statutes requiring blanket music licenses and related documents to be filed with the Secretary and providing for service of process upon the Secretary in any legal action related to blanket music licenses.

Street Address Definition

The bill defines “street address” within the Kansas Uniform Partnership Act to be the location including the number, street, city, and postal code.

Social Security Number Redaction

The bill provides an exception to law requiring social security numbers to be redacted from certain filed documents if the social security number was improperly placed on a form or included in an attachment to the form by the individual filing the document.

Office of the Secretary of State Publications

Kansas Session Laws

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

The bill requires the Secretary to fix the per volume price for copies of the *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 the *Session Laws*; specifies such costs are to be set to 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 requires that, after the *sine die* adjournment of each legislative session, the State Printer and the Secretary complete preparation and printing for at least a limited number of each volume of the *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 *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 removes 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 remains in continuing law.

The bill requires 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 specifies 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 requires 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 a newspaper is published once a week for three weeks immediately preceding the election.

The bill also requires 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 also removes 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 allows 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 also replaces 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 statute.

Concerning requirements that each state agency must maintain and publish an index of currently effective guidance documents, the bill removes 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 modifies this to require that only new members receive one complete set, with their name printed on it only if requested.