

## HOUSE BILL No. 2297

By Committee on Commerce, Labor and Economic Development

2-9

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1 AN ACT concerning the secretary of state; relating to duties and  
2 responsibilities thereof; publication of session laws; disposition and  
3 distribution of volumes; the Kansas register, proposed amendments to  
4 the constitution of the state of Kansas and Kansas administrative rules  
5 and regulations; eliminating the requirement to file an index of  
6 guidance documents; permitting use of printing and binding services  
7 from the commercial market; fixing fees by rules and regulations;  
8 amending K.S.A. 45-106, 45-315, 64-103, 75-430, 75-433, 75-436, 75-  
9 1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A.  
10 2020 Supp. 45-107 and repealing the existing sections.

11

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

13 New Section 1. Notwithstanding the provisions of K.S.A. 75-1005(a),  
14 and amendments thereto, for the purpose of fulfilling public printing and  
15 binding requirements provided by law, the secretary of state may utilize  
16 the printing or binding services of the division of printing or, in the  
17 discretion of the secretary of state, may acquire printing or binding  
18 services in accordance with the purchasing and procurement laws  
19 applicable to state agencies.

20 Sec. 2. K.S.A. 45-106 is hereby amended to read as follows: 45-106.  
21 The secretary of state shall dispose of the laws passed at each session of  
22 the legislature, immediately after their publication, as follows:

23 *First.* Deposit in the state library such numbers of copies as are needed  
24 for use in the state library, for the purposes of the publication collection  
25 and depository system established under K.S.A. 75-2566, and amendments  
26 thereto, and for the purpose of making exchanges with the libraries of the  
27 several states and territories.

28 *Second.* Distribute: (a) One copy to the governor, lieutenant governor,  
29 each member of the state legislature, attorney general, secretary of state,  
30 and state historical society library, *upon request therefor*; (b) to each  
31 organized city of the first, second and third classes in this state requesting  
32 the same; (c) one copy each to the clerk of the United States court of  
33 appeals for the 10<sup>th</sup> circuit, to the clerk of the United States district court  
34 for Kansas and to the United States marshal for the district of Kansas,  
35 upon request therefor; (d) to the law department of the university of  
36 Kansas, not more than 10 copies and to the Washburn university school of

1 law, not more than 10 copies, upon request therefor; (e) to the director of  
2 legislative administrative services such number of copies as such director  
3 shall request for use by the legislature; (f) to the office of revisor of  
4 statutes such number of copies as the revisor of statutes shall request for  
5 use in such office; (g) to the legislative research department such number  
6 of copies as the director of legislative research shall request for use in such  
7 office; (h) to the division of post audit such number of copies as the post  
8 auditor shall request for use in such office; (i) to the several offices of the  
9 judicial branch of state government such number of copies as the chief  
10 justice of the supreme court shall request for use in such offices; and (j) to  
11 the supreme court law library such number of copies as the state law  
12 librarian shall request for use in the law library and for the purpose of  
13 maintaining exchanges for books, documents and publications of a legal  
14 nature for use in the law library.

15 *Third.* To the clerk of the board of county commissioners of each  
16 county, upon request therefor, a sufficient number of copies of the laws to  
17 be distributed by such clerk to each of the following officers in such  
18 county, allowing one for each: The district attorney or county attorney,  
19 register of deeds, county clerk, county treasurer, sheriff; and the board of  
20 county commissioners.

21 *Fourth.* Copies of the laws passed at each session of the legislature  
22 shall be deposited with the state librarian and such librarian is hereby  
23 authorized to furnish one copy to each high school, college, university; and  
24 public library in the state of Kansas, upon written application of its  
25 managing officer to the state librarian.

26 Sec. 3. K.S.A. 2020 Supp. 45-107 is hereby amended to read as  
27 follows: 45-107. (a) The secretary of state shall sell copies of the session  
28 laws at the per volume price for such copies fixed by the secretary of state  
29 under this section. The secretary of state shall remit all moneys received  
30 under this section to the state treasurer in accordance with the provisions  
31 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
32 remittance, the state treasurer shall deposit the entire amount in the state  
33 treasury to the credit of the information and services fee fund of the  
34 secretary of state.

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

43 (c) The secretary of state shall fix ~~by rules and regulations~~ the per

1 volume price for copies of the session laws sold under this section to  
2 recover the costs of ~~printing, binding~~ publishing and storing such volumes,  
3 *whether published in print or electronic form*. The secretary of state shall  
4 revise all such prices from time to time as necessary for the purposes of  
5 covering and recovering such costs.

6 Sec. 4. K.S.A. 45-315 is hereby amended to read as follows: 45-315.  
7 ~~The secretary of state shall furnish to the state printer, within twenty (20)~~  
8 ~~days after the sine die adjournment of each legislative session occurring in~~  
9 ~~odd-numbered years and within forty (40) days after the sine die~~  
10 ~~adjournment of the legislative session occurring in even-numbered years, a~~  
11 ~~copy of all acts, resolutions and other matters except the index which are~~  
12 ~~required to be published and bound in the session laws, and in the form~~  
13 ~~required by K.S.A. 45-301. Thereupon~~ *After the sine die adjournment of*  
14 *each legislative session*, the state printer and the secretary of state shall  
15 complete preparation and printing of at least a limited number of each  
16 volume *of the session laws* for publication on or before July 1 of such year.  
17 The state printer shall thereafter, as rapidly as practicable, print and deliver  
18 to the secretary of state bound copies as provided by law.

19 Sec. 5. K.S.A. 64-103 is hereby amended to read as follows: 64-103.  
20 (a) All acts of the legislature ~~which~~ *that* shall provide for their taking effect  
21 on publication in any newspaper or in the Kansas register shall be  
22 published in the Kansas register, which shall be deemed the official  
23 publication. *Publication of the Kansas register may be in print or*  
24 *electronic form*. Except as otherwise provided in this subsection, all  
25 proclamations, orders, notices and advertisements authorized by any state  
26 officer shall be printed and published in the Kansas register. Payment for  
27 such publication shall be made by the state at the rates prescribed by law.  
28 The provisions of this subsection shall not apply to: (1) Resolutions  
29 making propositions to amend the constitution; or (2) proclamations issued  
30 by the governor ~~which~~ *that* are not required by law to be issued by the  
31 governor. All proclamations issued by the governor ~~which~~ *that* are not  
32 published in the Kansas register shall be published on the official Kansas  
33 ~~internet~~ website.

34 (b) (1) For the purpose of informing the electors of the propositions to  
35 be voted on at the election thereon, the secretary of state shall cause  
36 resolutions making propositions to amend the constitution to be published  
37 ~~in one newspaper in each county of the state where a newspaper is~~  
38 ~~published, one newspaper in each county of the state where a newspaper~~  
39 ~~is published, or, if no newspaper is published in a county, then in a~~  
40 ~~Kansas-published newspaper of general circulation in each county once~~  
41 ~~each week for three consecutive weeks immediately preceding the election~~  
42 ~~at which the proposition is to be submitted.~~

43 (2) *After such publication, the secretary of state shall certify the*

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

8 Sec. 6. K.S.A. 75-430 is hereby amended to read as follows: 75-430.

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

11 (1) All acts of the legislature required to be published in the Kansas  
12 register;

13 (2) all executive orders and directives of the governor ~~which~~ *that* are  
14 required to be filed in the office of the secretary of state;

15 (3) summaries of all opinions of the attorney general interpreting acts  
16 of the legislature as prepared by the office of the attorney general;

17 (4) notice of any public comment period on contemplated  
18 modification of an existing rule and regulation, and, in accordance with the  
19 provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and  
20 amendments thereto, all notices of hearings on proposed administrative  
21 rules and regulations and the full text of all administrative rules and  
22 regulations that have been adopted and filed with the secretary of state;

23 (5) the full text of all administrative rules and regulations ~~which~~ *that*  
24 have been adopted and filed in accordance with the provisions of article 4  
25 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto,  
26 except that the secretary of state may publish a summary of any rule and  
27 regulation together with the address of the state agency from which a copy  
28 of the full text of the proposed rules and regulations may be received, if  
29 such rule and regulation is lengthy and expensive to publish and otherwise  
30 available in published form and a summary will, in the opinion of the  
31 secretary, properly notify the public of the contents of such rule and  
32 regulation;

33 (6) a cumulative index of all administrative rules and regulations  
34 ~~which~~ *that* have been adopted and filed in accordance with the provisions  
35 of article 4 of chapter 77 of the Kansas Statutes Annotated, and  
36 amendments thereto;

37 (7) all notices of hearings of special legislative interim study  
38 committees, ~~descriptions of all prefiled bills and resolutions~~ and  
39 descriptions of all bills and resolutions introduced in the legislature during  
40 any session of the legislature, and other legislative information which is  
41 approved for publication by the legislative coordinating council;

42 (8) ~~the hearings docket of the Kansas supreme court and the court of~~  
43 ~~appeals;~~

1       (9) summaries of all orders of the state board of tax appeals ~~which~~  
2 *that* have statewide application;

3       ~~(10)~~(9) all advertisements for contracts for construction, repairs,  
4 improvements or purchases by the state of Kansas or any agency thereof  
5 for which competitive bids are required; and

6       ~~(11)~~(10) any other information ~~which—that~~ the secretary of state  
7 deems to be of sufficient interest to the general public to merit its  
8 publication or which is required by law to be published in the Kansas  
9 register.

10       (b) The secretary of state shall publish such register at regular  
11 intervals, but not less than weekly.

12       (c) Each ~~issue—~~*publication* of the register shall contain a table of  
13 contents.

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

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

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

28       (g) The secretary of state shall make ~~paper copies of a subscription to~~  
29 the register available upon payment of a fee to be fixed by the secretary of  
30 state under K.S.A. 75-433, and amendments thereto.

31       Sec. 7. K.S.A. 75-433 is hereby amended to read as follows: 75-433.

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

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

38       (c) ~~On and after July 1, 1984,~~ Fees established under this section shall  
39 be fixed in amounts adequate to recover the costs of ~~printing, binding,~~  
40 ~~postage and handling attributable to the preparation and distribution of~~  
41 *producing and distributing* the Kansas register.

42       (d) The secretary of state shall remit all moneys received by the  
43 secretary under this act to the state treasurer in accordance with the

1 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
2 each such remittance the state treasurer shall deposit the entire amount in  
3 the state treasury to the credit of the state register fee fund. All  
4 expenditures from such fund shall be made in accordance with  
5 appropriation acts upon warrants of the director of accounts and reports  
6 issued pursuant to vouchers approved by the secretary or a person or  
7 persons designated by the secretary.

8 Sec. 8. K.S.A. 75-436 is hereby amended to read as follows: 75-436.

9 (a) The secretary of state shall fix, charge and collect fees to recover the  
10 costs of delivery, including postage and handling, which are incurred in  
11 connection with the sale of volumes of the session laws, volumes and sets  
12 of the Kansas Statutes Annotated, including the cumulative supplements  
13 thereto, volumes of the permanent journals of the senate and house of  
14 representatives and volumes and sets of the Kansas administrative  
15 regulations, including the annual supplements thereto. ~~All such fees shall  
16 be fixed by rules and regulations adopted by the secretary of state.~~

17 (b) The secretary of state shall remit all moneys received from fees  
18 and charges under this section to the state treasurer in accordance with the  
19 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
20 each such remittance, the state treasurer shall deposit the entire amount in  
21 the state treasury to the credit of the information and services fee fund of  
22 the secretary of state.

23 Sec. 9. K.S.A. 75-1005 is hereby amended to read as follows: 75-  
24 1005. (a) *Except as provided by subsection (b),* the division of printing  
25 shall do all of the public printing and binding required by the legislature,  
26 the supreme court, the governor or any state agency. Any state institution  
27 where a printing plant is already established may be permitted to do  
28 printing for the institution when approved by the director of printing.  
29 When the director of printing is of the opinion that a particular printing job  
30 should be obtained in the commercial market, such director, unless  
31 otherwise instructed by the secretary of administration, may authorize any  
32 state agency to so obtain such printing in accordance with laws relating to  
33 purchasing. ~~The provisions of this section shall not apply to contracts  
34 entered into under K.S.A. 76-392 or as otherwise provided by law.~~

35 (b) *The secretary of state may obtain printing or binding services as  
36 provided by section 1, and amendments thereto, in the commercial market  
37 in accordance with laws related to purchasing and procurement by state  
38 agencies. The secretary of state shall not be required to obtain the  
39 authorization of the director of printing or of the secretary of  
40 administration otherwise required for state agencies under subsection (a)  
41 to obtain such printing or binding services.*

42 Sec. 10. K.S.A. 77-138 is hereby amended to read as follows: 77-138.

43 (a) Volumes of the Kansas Statutes Annotated shall be printed and bound

1 by the director of printing and delivered to the secretary of state who shall  
2 dispose of them as follows:

3 *First*, the secretary of state shall deposit in the supreme court law  
4 library and in the state library such number of copies as the state law  
5 librarian and the state librarian, respectively, shall request for use in the  
6 law library and the state library, for the purposes of the publication  
7 collection and depository system established under K.S.A. 75-2566, and  
8 amendments thereto, and for the purpose of making exchanges with the  
9 various states and territories, and the secretary of state shall retain one set  
10 for the secretary's use in the secretary's office.

11 *Second*, (1) the secretary of state shall distribute ~~two~~ *one* complete ~~sets~~  
12 *set* of the Kansas Statutes Annotated to each *new* member of the legislature  
13 at each regular session, ~~one set of which shall have the respective~~  
14 ~~member's name and if requested by the new member, the new member's~~  
15 *name shall be printed thereon.*

16 (2) The secretary of state shall distribute such number of complete  
17 sets and individual volumes of the Kansas Statutes Annotated: (A) To the  
18 office of revisor of statutes as the revisor of statutes shall request; (B) to  
19 the legislative research department as the director of legislative research  
20 shall request; (C) to the division of post audit as the post auditor shall  
21 request; (D) to the division of legislative administrative services shall request; and (E) to the  
22 judicial branch of state government as the chief justice of the supreme  
23 court shall request.  
24

25 (3) The secretary of state shall distribute: (A) Two sets to each  
26 representative in congress and United States senator from the state of  
27 Kansas, upon request by such representative or senator; (B) one set each to  
28 the governor, lieutenant governor and attorney general; (C) to Washburn  
29 university school of law, the number of sets, not to exceed 60 sets, that the  
30 librarian of the school of law certifies to the secretary of state as necessary  
31 for the purpose of exchanging with other states and territories and to be  
32 kept in the library for the use of faculty and students of the university; (D)  
33 to the school of law of the university of Kansas, the number of sets, not to  
34 exceed 60 sets, that the librarian of the school of law certifies to the  
35 secretary of state as necessary for the purpose of exchanging with other  
36 states and territories and to be kept in the library for the use of faculty and  
37 students of the university; (E) to the clerk of the district court of the United  
38 States for the state of Kansas, the number of sets, not to exceed five sets,  
39 as are requested by such clerk; (F) one set to each county law library in the  
40 state, upon request by the librarian thereof; (G) to each county clerk, the  
41 number of sets requested by the county clerk, not to exceed seven sets, to  
42 be distributed not more than one set each to the county or district attorney,  
43 the county clerk, the county counselor, if any, the register of deeds, the

1 sheriff, the county treasurer, and the board of county commissioners,  
 2 which set shall be retained by the county clerk for use by such board; (H)  
 3 not more than one set to each city of the third class, one set to each city of  
 4 the second class and two sets to each city of the first class, upon request by  
 5 the city clerk; and (I) one set to the state historical society library.

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

8 (b) The secretary of state shall sell each volume of the Kansas  
 9 Statutes Annotated, including replacement volumes, at the per volume  
 10 price fixed therefor by the legislative coordinating council under this  
 11 section. General index volumes, when sold separately and not as a part of a  
 12 set of cumulative supplements, shall be sold at the per volume price fixed  
 13 therefor by the legislative coordinating council. The secretary of state shall  
 14 remit all moneys received from such sales under this section to the state  
 15 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
 16 amendments thereto. Upon receipt of each such remittance, the state  
 17 treasurer shall deposit the entire amount in the state treasury to the credit  
 18 of the state general fund.

19 (c) The legislative coordinating council shall fix the per volume price  
 20 of each volume of the Kansas Statutes Annotated, including replacement  
 21 volumes, sold under this section to recover the costs of printing and  
 22 binding such volumes. The legislative coordinating council shall revise  
 23 such prices from time to time for the purposes of covering and recovering  
 24 such costs.

25 Sec. 11. K.S.A. 77-417 is hereby amended to read as follows: 77-417.

26 (a) The secretary of state shall:

27 (1) Endorse on each rule and regulation filed, the ~~time and~~ date of the  
 28 filing thereof;

29 (2) maintain a file of such rules and regulations for public inspection;

30 (3) keep a complete record of all amendments and revocations of  
 31 rules and regulations;

32 (4) index the rules and regulations so filed; and

33 (5) publish the rules and regulations as hereinafter provided.

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

38 Sec. 12. K.S.A. 77-430 is hereby amended to read as follows: 77-430.

39 (a) The secretary of state shall publish the Kansas administrative  
 40 regulations in an electronic or paper medium. The secretary of state shall  
 41 make the Kansas administrative regulations available by request to the  
 42 following:

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



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

3 (3) each member of the legislature at the time of taking office, after  
4 election or appointment, for the member's first term of office as a member  
5 of either house of the legislature ~~which~~*that* commences on or after the  
6 second Monday of January in 1991, except that a term of office as a  
7 member of either house of the legislature, whether a complete or partial  
8 term of office, shall not be construed for purposes of this distribution to be  
9 the member's first term of office if such term of office is part of a  
10 continuous period of service as a member of either house of the legislature  
11 or both houses of the legislature, in any combination of consecutive terms  
12 of office;

13 (4) each member of the joint committee on administrative rules and  
14 regulations;

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

17 (6) the judicial branch of state government;

18 (7) each county law library;

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

20 (9) each county library;

21 (10) the office of revisor of statutes;

22 (11) the legislative research department;

23 (12) the division of post audit; and

24 (13) the division of legislative administrative services.

25 (b) The Kansas administrative regulations may be purchased in  
26 complete sets or in single volumes. Single volumes of the Kansas  
27 administrative regulations shall be sold by the secretary of state at the per  
28 volume price fixed by the secretary of state under this section. Complete  
29 sets of the Kansas administrative regulations shall be sold by the secretary  
30 of state at the per set price fixed therefor by the secretary of state under  
31 this section.

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

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

43 Sec. 13. K.S.A. 77-430a is hereby amended to read as follows: 77-

1 430a. (a) The secretary of state shall edit and prepare for publication  
2 volumes of rules and regulations ~~which~~*that* replace existing volumes of  
3 the Kansas administrative regulations within the limitations of available  
4 appropriations therefor. Replacement volumes shall be published in the  
5 same format and in accordance with the same specifications used in the  
6 volume replaced and shall be authenticated as required by K.S.A. 77-429,  
7 and amendments thereto. Replacement volumes of the Kansas  
8 administrative regulations shall be published by the secretary of state who  
9 shall distribute and sell such replacement volumes in the same manner as  
10 provided in K.S.A. 77-430, and amendments thereto, for the distribution  
11 and sale of other volumes of the Kansas administrative regulations, except  
12 that each member of the senate or house of representatives shall receive,  
13 upon request, one copy of each replacement volume for the purpose of  
14 updating the set of the Kansas administrative regulations received at the  
15 time of taking office for the member's first term of office as a member of  
16 either house of the legislature as provided in K.S.A. 77-430, and  
17 amendments thereto.

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

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

31 Sec. 14. K.S.A. 77-431 is hereby amended to read as follows: 77-431.

32 (a) The secretary of state shall publish and make available the annual  
33 supplements to the Kansas administrative regulations. The secretary of  
34 state shall transmit the same number of copies of each annual supplement  
35 in the same manner as provided in ~~subsection (a)~~ of K.S.A. 77-430(a), and  
36 amendments thereto, for distribution of Kansas administrative regulations,  
37 except that each member of the senate or house of representatives shall  
38 receive, upon request, one copy of each annual supplement for the purpose  
39 of updating the set of the Kansas administrative regulations received at the  
40 time of taking office for the member's first term of office as a member of  
41 either house of the legislature as provided in K.S.A. 77-430, and  
42 amendments thereto.

43 The secretary of state may publish the supplements to the Kansas

1 administrative regulations in an electronic or paper medium.

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

8 (c) The secretary of state shall fix ~~by rules and regulations~~ the per  
9 volume price, or the complete set price if more than one volume is  
10 published, for each annual supplement to the Kansas administrative  
11 regulations sold under this section to recover the costs of publishing *and*  
12 *storing such volumes*, whether published in an electronic or paper medium.  
13 The secretary of state shall revise such prices from time to time for the  
14 purposes of covering and recovering such costs.

15 Sec. 15. K.S.A. 77-438 is hereby amended to read as follows: 77-438.  
16 (a) (1) A state agency may issue a guidance document without following  
17 the procedures set forth in this act for the adoption of rules and  
18 regulations.

19 (2) For the purposes of this section, "guidance document" means a  
20 record of general applicability that:

21 (A) Is designated by a state agency as a guidance document;

22 (B) Lacks the force of law; and

23 (C) States:

24 (i) The agency's current approach to, or interpretation of, law; or

25 (ii) general statements of policy that describe how and when the  
26 agency will exercise discretionary functions.

27 (b) A guidance document may contain binding instructions to state  
28 agency staff members except officers who preside in adjudicatory  
29 proceedings.

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

37 (d) Each state agency shall:

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

40 (2) publish the index on its website; *and*

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

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

43 (e) A guidance document may be considered by a presiding officer or

1 agency head in an agency adjudication, but such guidance document shall  
2 not bind any party, the presiding officer or the agency head.

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

6 Sec. 16. K.S.A. 45-106, 45-315, 64-103, 75-430, 75-433, 75-436, 75-  
7 1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A.  
8 2020 Supp. 45-107 are hereby repealed.

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