

Secretary of State
Notice of Hearing on Proposed Revocation of Administrative Regulations

A public hearing will be conducted at 1:00 p.m. Tuesday, January 11, 2022, in the second floor auditorium at Memorial Hall, 120 SW 10th Ave., Topeka, KS, regarding the revocation of Kansas Administrative Regulations 7-30-1, 7-32-1 and 7-32-2, pertaining to publication fees, and 7-35-1 and 7-35-2, pertaining to the census adjustment.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Clay Barker, General Counsel, Office of the Secretary of State, Memorial Hall, 120 SW 10th Ave., Topeka, KS 66612-1594, or to clay.barker2@ks.gov. All interested parties will be given a reasonable opportunity at the hearing to present their views. Additionally, interested parties wanting to participate remotely may contact Clay Barker at clay.barker2@ks.gov to obtain remote access information. It may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation to participate in the public hearing and may request the proposed regulations, and economic impact statements in an accessible format. Requests for accommodation should be made at least five days in advance of the hearing by contacting Clay Barker at 785-296-3483 or the Kansas Relay Center at 1-800-766-3777.

The statutory authority for the Secretary of State to promulgate regulations regarding publication fees was repealed in 2021 requiring the Secretary to revoke KARs 7-30-1, 7-32-1 and 7-32-2. The constitutional and statutory authority for the Secretary of State to promulgate regulations regarding the census adjustment was repealed in 2019 and 2021 requiring the Secretary to revoke KARs 7-35-1 and 7-35-2.

Revoking these regulations imposes no anticipated economic or environmental impact.

Copies of the full text of the regulations and economic impact statements may be obtained at the address above for the Office of the Secretary of State, or by contacting Lara Murphy, Director of Administrative Regulations and Publications, at 785-296-0082 or lara.murphy@ks.gov. The proposed regulations are also available on the Secretary of State's website at www.sos.ks.gov.

Scott Schwab
Secretary of State

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Proposed

7-30-1. (Authorized by and implementing K.S.A. 1990 Supp. 45-107; effective May 1, 1982;
amended May 1, 1987; amended July 1, 1991; revoked P-_____.)

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7-32-1. (Authorized by and implementing K.S.A. 75-436; effective May 1, 1984; amended July 1, 1991; amended, T-7-7-1-92, July 1, 1992; amended Aug. 31, 1992; amended Aug. 18, 2000; revoked P-_____.)

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7-32-2. (Authorized by and implementing K.S.A. 77-430; effective July 1, 1991; amended Aug.
18, 2000; revoked P-_____.)

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7-35-1. (Authorized by K.S.A. 11-305; implementing Article 10, Section 1 of the Kansas Constitution and K.S.A. 11-303; effective Dec. 11, 1989; amended, T-7-9-13-99, Sept. 13, 1999; amended Jan. 7, 2000; revoked P-_____.)

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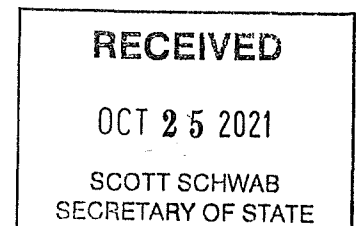
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7-35-2. (Authorized by K.S.A. 11-305; implementing Article 10, Section 1 of the Kansas Constitution and K.S.A. 11-303; effective Dec. 11, 1989; amended, T-7-9-13-99, Sept. 13, 1999; amended Jan. 7, 2000; revoked P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Secretary of State
Agency

Clayton L. Barker
Agency Contact

785-296-3483
Contact Phone Number

7-30-1, 7-32-1, 7-32-2
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

Revocation of K.A.R. 7-30-1 setting the price for the bound Session Laws of Kansas, revocation of K.A.R. 7-32-1 setting law book delivery fees, and revocation of K.A.R. 7-32-2 setting the price for administrative regulation sets. The Secretary of State's office no longer has statutory authority to set prices for these publications through regulations, pursuant to recent statutory amendments in HB2391, which took effect in July 2021. Bill section 35 amended K.S.A. 45-107, bill section 50 amended K.S.A. 75-436, and bill section 48 amended K.S.A. 77-430.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

The revocation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

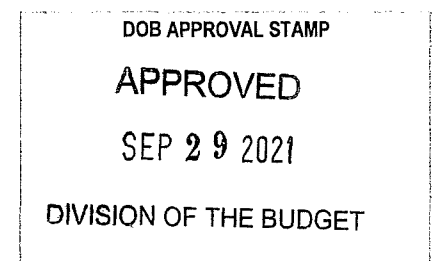
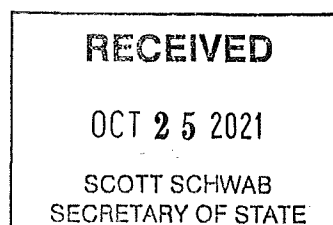
III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulations will not affect business activities and growth because they are being revoked.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

No implementation or compliance costs will be imposed on businesses, sectors, public utility ratepayers, individuals, or local governments. No notable effect is anticipated on the state economy as a whole.



C. Businesses that would be directly affected by the proposed rule and regulation;

No businesses will be affected by these regulations as they are merely being revoked.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No benefits or costs will arise from these regulations because they are being revoked.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No measures have been taken by the agency to minimize the cost and impact of the regulations as they are being revoked, and therefore will not have any future impact on businesses and economic development within the State of Kansas.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0 – Revoking these regulations will cost the public \$0 in implementation and compliance.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0 – Revoking these regulations will cost the public \$0 in implementation and compliance.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The proposed changes simply reflect the Secretary of State's loss of statutory authority to set prices for these publications with regulations. Thus, the regulations setting these prices must be revoked, and because they are being revoked the regulations will have no cost to implement or enforce.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or

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school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

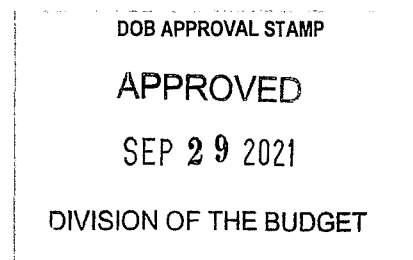
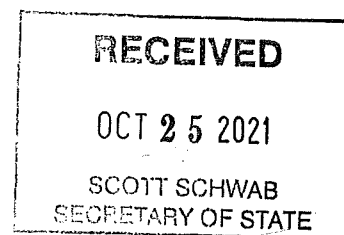
The regulations will not have any effect on the revenues of cities, counties or school districts because they are being revoked.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency did not consult or solicit information from businesses, associations, local governments, state agencies, or institutions and members of the public with regards to these regulations because they are being revoked by act of the Legislature.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A



**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Secretary of State
Agency

Clayton L. Barker
Agency Contact

785-296-3483
Contact Phone Number

7-35-1, 7-35-2
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

Revocation of K.A.R. 7-35-1, regarding adjustment of federal census data and revocation of K.A.R. 7-35-2, regarding the questionnaire used to adjust the federal census data. The mandate to adjust federal census data formerly required by Article 10, Sec 1 of the Kansas Constitution (revoked by constitutional amendment passed on November 5, 2019) and K.S.A. Chapter 11, Article 3 (repealed by HB2162 and effective in July 2021) no longer exists. Specifically, the repeal of K.S.A. 11-305 by HB2162, section 6, removed the authority for the Secretary of State to issue regulations on the census adjustment.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

The revocation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

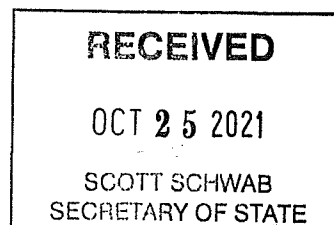
III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulations will not affect business activities and growth because they are being revoked.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

No implementation or compliance costs will be imposed on businesses, sectors, public utility ratepayers, individuals, or local governments. No notable effect is anticipated on the state economy as a whole.



C. Businesses that would be directly affected by the proposed rule and regulation;

No businesses will be affected by these regulations as they are merely being revoked.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No benefits or costs will arise from these regulations because they are being revoked.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No measures have been taken by the agency to minimize the cost and impact of the regulations as they are being revoked, and therefore will not have any future impact on businesses and economic development within the State of Kansas.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

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Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The proposed changes simply reflect the Secretary of State's loss of statutory authority to adjust the federal census data. Because they are being revoked the regulations will have no cost to implement or enforce.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal

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liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The agency did not consult or solicit information from businesses, associations, local governments, state agencies, or institutions and members of the public with regards to these regulations because they are being revoked by act of the Legislature.

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N/A

