

REGULATION PROCESS (2026 HB2719)

1. **Mandatory early notice procedure** (Bill Section 7(f)): 15 days before submitting a proposed regulation to Department of Administration, the agency must give public notice and request comment.

- a. **Content of the notice:** This is a format agencies can use, not a prescribed form:

State of Kansas

[Agency, Board, or Commission Name]

Proposed Regulation Public Notice and Request for Public Input

You are hereby given notice that the [Agency, Board, or Commission Name] intends to start the regulation approval process for a set of regulations concerning [insert a summary of the substantive content of the regulation(s)].

The intent of the regulation set is [insert agency's intent regarding scope and substantive content of the regulation(s)].

This regulation set is authorized by [insert authorizing statute].

You are invited to submit public comments and input on this proposed rulemaking to [insert contact information].

- b. **Notice process:**

1. Post on agency website.
2. Submit to SoS for website publication and distribution on regulation list-serve (no fee).
3. Send to each of the 165 legislators.

- c. **Comment:**

1. The notice is a summary of proposed regulation changes (revoked, new or amended); it is not the proposed new or amended regulation.
2. SoS will modify its website posting and list-serve.
3. SoS will email all lobbyists regarding this new early notice and feedback opportunity so they can sign up for list serve.

2. **Technical amendment** (Bill Section 1): Technical amendments can be approved by Department of Administration and then be immediately adopted – no AG or Budget approval, JCARR or Public Hearing.

- a. Can **only** be used for:

1. Updating or changing cross-references to statutes or other regulations;

2. renumbering or redesignating sections, subsections, paragraphs or clauses for organizational clarity that does not alter substantive meaning;
 3. updating to conform with current drafting conventions such as standardizing capitalization, punctuation or formatting;
 4. correcting spelling, punctuation or grammatical errors that do not alter substantive meaning;
 5. replacing obsolete agency, board or position titles with current names;
 6. changing addresses, telephone numbers, email addresses or website URLs to current contact information; and
 7. revising references to state forms or publications when numbering or titles change but the content remains the same.
- b. Comment:
1. The technical amendment process removes AG, Budget, public hearing, and JCARR – it still requires the regulatory authority to issue final approval.
 2. There is no Sec of State filing fee for technical amendments.
3. **Priority designation** (Bill Sections 2 and 4(c)(5))
- a. Reg meets the definition of a priority regulation if:
 - The agency has been directed to adopt the reg within nine months of the legislative act’s effective date
 - The legislative act specifies the reg has priority status
 - b. If it is a priority regulation, every organization in the approval process must move it to the head of the ‘to-do’ list
 - c. The regulator agency has the duty to mark the reg as “priority”
4. **New step in the REINS Act process, JCARR review before legislative vote and more direction now that 3 agencies have successfully navigated ratification** (Bill Section 10).
- a. New order for regs over \$1 million:
 1. Hold preliminary budget hearing for impacted parties any time in the process.
 2. Submit summary to SOS, post on website, send to legislators.
 3. (At least 15 days later) submit regulatory package to Admin for approval.
 4. Submit regulatory package to AG for approval.
 5. Submit regulatory package to Budget for review and conditional approval.
 6. Submit to JCARR.
 7. Request ratification from legislature.

8. If passed, resume process by submitting regulatory package to SOS with hearing notice.
9. Submit to JCARR, but only go before them again upon request.
10. After hearing and finalizing any post-hearing changes, file regulatory package with SOS.
11. Regs are published and become effective 15 days after publication in the Kansas Register.

5. **The new process for documenting the hearing date, time, place, and number of members of the public in attendance** (Bill several provisions):

- a. Hearing record is no longer a part of the EIS, so no Budget stamp is required.
- b. The hearing record may be included in the adoption certificate or may be a separate document at the time of filing with the Secretary of State.
- c. Comment: The EIS and Hearing Record are both essential, but not otherwise logically connected. The bill de-coupled them so they are two distinct documents.