

2023 Kansas Statutes

77-440. Rules and regulations subject to five-year review; requirements; schedule for review; identifiable purpose required. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto, shall be reviewed every five years in accordance with this section.

(b) (1) Each state agency that has adopted rules and regulations shall submit a report to the joint committee on administrative rules and regulations on or before July 15 of the year that corresponds to such state agency under paragraph (2). Such report shall contain a summary of such state agency's review and evaluation of rules and regulations adopted by such state agency, including a statement for each rule and regulation as to whether such rule and regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d), and amendments thereto.

(2) Each state agency that has adopted rules and regulations shall submit a report as required under paragraph (1) in the years that correspond to such state agency as follows:

(A) For 2023 and every fifth year thereafter, the following state agencies:

- (i) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;
- (viii) livestock brand commissioner;
- (ix) Kansas department of agriculture—division of animal health;
- (x) Kansas bureau of investigation;
- (xi) Kansas department of agriculture—division of conservation;
- (xii) agricultural labor relations board;
- (xiii) alcoholic beverage control board of review;
- (xiv) Kansas department of revenue—division of alcoholic beverage control;
- (xv) athletic commission;
- (xvi) attorney general;
- (xvii) office of the state bank commissioner;
- (xviii) employee award board;
- (xix) governmental ethics commission;
- (xx) crime victims compensation board;
- (xxi) Kansas human rights commission;
- (xxii) state fire marshal; and
- (xxiii) Kansas department of wildlife and parks;

(B) for 2024 and every fifth year thereafter, the following state agencies:

- (i) Kansas wheat commission;
- (ii) Kansas state grain inspection department;
- (iii) Kansas department for aging and disability services;
- (iv) Kansas energy office;
- (v) department of health and environment;
- (vi) Kansas department for children and families;
- (vii) park and resources authority;
- (viii) state salvage board;
- (ix) Kansas department of transportation;
- (x) Kansas highway patrol;
- (xi) savings and loan department;
- (xii) Kansas turnpike authority;
- (xiii) insurance department;
- (xiv) food service and lodging board;
- (xv) commission on alcoholism;
- (xvi) corrections ombudsman board;
- (xvii) department of corrections;

- (xviii) Kansas prisoner review board;
- (xix) executive council;
- (xx) mined-land conservation and reclamation (KDHE);
- (xxi) department of labor—employment security board of review;
- (xxii) department of labor;
- (xxiii) department of labor—division of employment; and
- (xxiv) department of labor—division of workers compensation;
- (C) for 2025 and every fifth year thereafter, the following state agencies:
 - (i) State records board;
 - (ii) state library;
 - (iii) board for the registration and examination of landscape architects;
 - (iv) adjutant general's department;
 - (v) state board of nursing;
 - (vi) Kansas board of barbering;
 - (vii) state board of mortuary arts;
 - (viii) board of engineering examiners;
 - (ix) board of examiners in optometry;
 - (x) state board of technical professions;
 - (xi) Kansas board of examiners in fitting and dispensing of hearing instruments;
 - (xii) state board of pharmacy;
 - (xiii) Kansas state board of cosmetology;
 - (xiv) state board of veterinary examiners;
 - (xv) Kansas dental board;
 - (xvi) board of examiners of psychologists;
 - (xvii) registration and examining board for architects;
 - (xviii) board of accountancy;
 - (xix) state bank commissioner—consumer and mortgage lending division;
 - (xx) board of basic science examiners;
 - (xxi) Kansas public employees retirement system;
 - (xxii) office of the securities commissioner; and
 - (xxiii) Kansas corporation commission;
- (D) for 2026 and every fifth year thereafter, the following state agencies:
 - (i) Public employee relations board;
 - (ii) abstracters' board of examiners;
 - (iii) Kansas real estate commission;
 - (iv) education commission;
 - (v) state board of regents;
 - (vi) school budget review board;
 - (vii) school retirement board;
 - (viii) state department of education;
 - (ix) Kansas department of revenue;
 - (x) Kansas department of revenue—division of property valuation;
 - (xi) state board of tax appeals;
 - (xii) crop improvement association;
 - (xiii) Kansas commission on veterans' affairs office;
 - (xiv) Kansas water office;
 - (xv) Kansas department of agriculture—division of weights and measures;
 - (xvi) state board of healing arts;
 - (xvii) podiatry board;
 - (xviii) behavioral sciences regulatory board;
 - (xix) state bank commissioner and savings and loan commissioner—joint regulations;
 - (xx) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;
 - (xxi) state board of indigents' defense services;
 - (xxii) Kansas commission on peace officers' standards and training; and
 - (xxiii) law enforcement training center; and
- (E) for 2027 and every fifth year thereafter, the following state agencies:
 - (i) Kansas state employees health care commission;
 - (ii) emergency medical services board;
 - (iii) department of commerce;

- (iv) Kansas lottery;
- (v) Kansas racing and gaming commission;
- (vi) Kansas department of wildlife and parks;
- (vii) Kansas state fair board;
- (viii) real estate appraisal board;
- (ix) state historical society;
- (x) health care data governing board;
- (xi) state department of credit unions;
- (xii) pooled money investment board;
- (xiii) department of corrections—division of juvenile services;
- (xiv) state child death review board;
- (xv) Kansas agricultural remediation board;
- (xvi) unmarked burial sites preservation board;
- (xvii) Kansas housing resources corporation;
- (xviii) department of commerce— Kansas athletic commission;
- (xix) department of health and environment—division of health care finance;
- (xx) home inspectors registration board;
- (xxi) committee on surety bonds and insurance;
- (xxii) 911 coordinating council; and
- (xxiii) office of administrative hearings.

(c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall submit a report to the joint committee on administrative rules and regulations in accordance with subsection (b)(1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

(d) Notwithstanding any other provision of law, a rule and regulation may be adopted or maintained by a state agency only if such rule and regulation serves an identifiable public purpose to support state law and may not be broader than is necessary to meet such public purpose.

(e) This section shall be a part of and supplemental to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

History: L. 2022, ch. 61, § 1; April 28.