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LEGISLATURE of THE STATE of KANSAS

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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: January 23, 2020

Subject: HB 2411– Limiting the review of certain rules and regulations by the director of the budget.

House Bill No. 2411 (HB 2411) would amend two statutes pertaining to the adoption of rules and regulations. HB 2411 is a follow up bill to HB 2280, which passed in 2018. HB 2280 adds provisions to K.S.A. 77-420 requiring the Director of the Budget to make an independent determination as to the amount of implementation and compliance costs reasonably expected to be incurred by businesses, local government, and individuals over a two-year period as a result of a proposed regulation. The Director is also charged with accuracy of the state agency's economic impact statement and approving the proposed regulation based on this independent assessment. HB 2280 also required that if the Director determined the implementation and compliance costs would exceed \$3,000,000, then the state agency must conduct a public hearing on the proposed regulation and find that the costs were accurately determined.

HB 2411 would generally remove the provisions requiring the Director of the Budget's approval of proposed rules and regulations and would remove the provisions requiring the Director to make an independent determination as to the implementation and compliance costs of the proposed regulation. If the state agency determines the implementation and compliance costs exceed \$3,000,000, and if the proposed regulation is not being proposed due to a federal mandate, then the state agency must still conduct a public hearing and the Director must conduct an independent analysis of the costs and approve the economic impact statement.

The other amendments appearing in HB 2411 are conforming amendments that are necessary for the policy change described above.

If enacted, HB 2411 would become effective on July 1, 2020.