

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2526

By Joint Committee on Administrative Rules and Regulations

1-23

1 AN ACT concerning administrative rules and regulations; relating to
2 **approval of rules and regulations by the director of the budget;**
3 reporting impact on business; joint committee on administrative rules
4 and regulations; **report made by committee; audit;** state rules and
5 regulations board; amending K.S.A. 2017 Supp. 77-416, **77-420, 77-**
6 **420a, 77-421, 77-422, 77-423** and 77-436 and repealing the existing
7 sections.
8

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

10 Section 1. K.S.A. 2017 Supp. 77-416 is hereby amended to read as
11 follows: 77-416. (a) Every state agency shall file with the secretary of state
12 every rule and regulation adopted by it and every amendment and
13 revocation thereof in the manner prescribed by the secretary of state. Each
14 rule and regulation shall include a citation to the statutory section or
15 sections being implemented or interpreted and a citation of the authority
16 pursuant to which it, or any part thereof, was adopted. Every rule and
17 regulation filed in the office of the secretary of state shall be accompanied
18 by a copy of the economic impact statement required by subsection (b) and
19 a copy of the environmental benefit statement if required by subsection
20 (d). A copy of any document adopted by reference in a rule and regulation
21 shall be available from the state agency ~~which~~ *that* adopted the rule and
22 regulation upon request by any person interested therein. The state agency,
23 under the direction of the secretary of state, shall number each section with
24 a distinguishing number and, in making a compilation of the rules and
25 regulations, the sections shall be arranged in numerical order. A decimal
26 system of numbering shall be prohibited.

27 (b) (1) At the time of drafting a proposed rule and regulation or
28 amendment to an existing rule and regulation, the state agency shall
29 consider the economic impact of ~~such the~~ proposed rule and regulation ~~or~~
30 ~~amendment upon all governmental agencies or units and all persons which~~
31 ~~who~~ will be subject thereto and upon the general public. ~~Prior to giving~~
32 ~~notice of a hearing on a proposed rule and regulation,~~ The state agency
33 shall prepare an economic impact statement that shall include:

34 (A) **An analysis, brief description, and cost and benefit**
35 **quantification** of the proposed rules and regulations and what is intended
36 to be accomplished by their adoption. **If the approach chosen by the**

1 **Kansas agency to address the policy issue is different from that**
2 **utilized by agencies of contiguous states or of the federal government,**
3 **the economic impact statement shall include an explanation of why the**
4 **Kansas agency's rule and regulation differs;**

5 (B) whether the proposed rule and regulation is mandated by federal
6 law as a requirement for participating in or implementing a federally
7 subsidized or assisted program and whether the proposed rules and
8 regulations exceed the requirements of applicable federal law;

9 ~~(C) a description of the cost, the persons who will bear the costs and~~
10 ~~those who will be affected by the proposed rules and regulations, including~~
11 ~~the agency proposing the rules and regulations, other governmental~~
12 ~~agencies or units, private citizens and consumers of the products or~~
13 ~~services which *that* are the subject of the rules and regulations or the~~
14 ~~enforcement thereof; and~~

15 ~~(D) a description of any less costly or less intrusive methods that~~
16 ~~were considered by the state agency for achieving the stated purpose of the~~
17 ~~rules and regulations and why such methods were rejected in favor of the~~
18 ~~proposed rules and regulations. The state agency may consult with other~~
19 ~~state agencies when preparing the economic impact statement; and~~

20 ~~(E) a description of businesses that would be directly affected by the~~
21 ~~proposed rules and regulations, the benefits of the proposed rules and~~
22 ~~regulations and measures taken to minimize the impact of the proposed~~
23 ~~rules and regulations on business and economic development within the~~
24 ~~state of Kansas.~~

25 (C) an analysis specifically addressing the following factors:

26 (i) The extent to which the rule and regulation will enhance or
27 restrict business activities and growth;

28 (ii) the economic effect, including a detailed quantification of
29 implementation and compliance costs, on the specific businesses,
30 business sectors, public utility ratepayers, individuals and local
31 governmental units that will be affected by the proposed rule and
32 regulation and on the state economy as a whole;

33 (iii) the businesses that would be directly affected by the proposed
34 rule and regulation;

35 (iv) the benefits of the proposed rule and regulation compared to
36 the cost;

37 (v) measures taken by the agency to minimize the cost and impact
38 of the proposed rule and regulation on business and economic
39 development within the state of Kansas, local government and
40 individuals;

41 (vi) an estimate, expressed as a single dollar figure, of the total
42 annual implementation and compliance costs that are reasonably
43 expected to be incurred by or passed along to businesses, local

1 governmental units or members of the public and a determination of
2 whether those costs will exceed \$5,000,000 over any two-year period;
3 and

4 (vii) an estimate of the total implementation and compliance costs
5 that are reasonably expected to be incurred by or passed along to
6 businesses, local governmental units and individuals as a result of the
7 proposed rule, expressed as a single dollar figure.

8 (2) The state agency shall consult with the League of Kansas
9 municipalities, Kansas association of counties and the Kansas association
10 of school boards, as appropriate, when preparing the economic impact
11 statement of a proposed rule and regulation which increases or decreases
12 revenues of cities, counties or school districts or imposes functions or
13 responsibilities on cities, counties or school districts—~~which that~~ will
14 increase their expenditures or fiscal liability. **The agency shall consult**
15 **and solicit information from businesses, business associations, local**
16 **governmental units, state agencies or institutions and members of the**
17 **public that may be affected by the proposed rule and regulation or**
18 **that may provide relevant information.**

19 (3) **As required pursuant to the provisions of K.S.A. 77-420(d),**
20 **and amendments thereto,** the state agency shall reevaluate and, when
21 necessary, update the **economic impact statement when directed to do so**
22 **by the director of the budget and, if approved by the director of the**
23 **budget, shall submit the revised economic impact statement** at the time
24 of filing a rule and regulation with the secretary of state. If a public
25 hearing was held prior to the adoption of the rule and regulation, a state
26 agency at the time of filing a rule and regulation with the secretary of state
27 shall include as a part of the economic impact statement a statement
28 specifying the time and place at which the hearing was held and the
29 attendance at the hearing. A copy of the current economic impact
30 statement shall be available from the state agency upon request by any
31 party interested therein.

32 ~~Upon request of the state rules and regulations board, the joint-~~
33 ~~committee on administrative rules and regulations or the chairperson of~~
34 ~~either committee or board,~~ **Pursuant to the provisions of K.S.A. 77-420,**
35 **and amendments thereto,** the director of the budget shall review the
36 economic impact statement prepared by any state agency and shall prepare
37 a supplemental or revised statement **and an independent analysis by the**
38 **director of the budget of the cost and the factors as set forth in**
39 **subsection (b)(1)(A) and (C) and subsection (e).** If possible, the
40 supplemental or revised statement shall include a reliable estimate in
41 dollars of the anticipated change in revenues and expenditures of the state.
42 It also shall include a statement, if determinable or reasonably foreseeable,
43 of the immediate and long-range economic impact of the rule and

1 regulation upon persons subject thereto, small employers and the general
2 public. If, after careful investigation, it is determined that no dollar
3 estimate is possible, the statement shall set forth the reasons why no dollar
4 estimate can be given. Every state agency is directed to cooperate with the
5 division of the budget in the preparation of any statement pursuant to this
6 subsection when, and to the extent, requested by the director of the budget.

7 **The director of the budget shall follow the procedures set forth in**
8 **K.S.A. 77-420, and amendments thereto, in evaluating and accepting**
9 **or rejecting the proposed rule and regulation. No agency shall submit**
10 **a rule and regulation to the secretary of state for filing before**
11 **receiving the approval of the director of the budget as provided in this**
12 **subsection and K.S.A. 77-420, and amendments thereto.**

13 (d) At the time of drafting a proposed environmental rule and
14 regulation or amendment to an existing environmental rule and regulation,
15 the state agency shall consider the environmental benefit of such proposed
16 rule and regulation or amendment. Prior to giving notice of a hearing on a
17 proposed rule and regulation, the state agency shall prepare an
18 environmental benefit statement that shall include a description of the need
19 for and the environmental benefits ~~which~~ that will likely accrue as the
20 result of the proposed rule and regulation or amendment. The description
21 shall summarize, when applicable, research indicating the level of risk to
22 the public health or the environment being removed or controlled by the
23 proposed rule and regulation or amendment. When specific contaminants
24 are to be controlled by the proposed rule and regulation or amendment, the
25 description shall indicate the level at which the contaminants are
26 considered harmful according to currently available research. The state
27 agency may consult with other state agencies when preparing the
28 environmental benefit statement. The state agency shall reevaluate and,
29 when necessary, update the statement at the time of filing a rule and
30 regulation with the secretary of state. A copy of the current environmental
31 benefit statement shall be available from the state agency upon request by
32 any party interested therein.

33 (e) In addition to the requirements of subsection (b), the economic
34 impact statement for all environmental rules and regulations shall include:

35 (1) A description of the capital and annual costs of compliance with
36 the proposed rules and regulations, and the persons who will bear those
37 costs;

38 (2) a description of the initial and annual costs of implementing and
39 enforcing the proposed rules and regulations, including the estimated
40 amount of paperwork, and the state agencies, other governmental agencies
41 or other persons or entities who will bear the costs;

42 (3) a description of the costs ~~which~~ that would likely accrue if the
43 proposed rules and regulations are not adopted, the persons who will bear

1 the costs and those who will be affected by the failure to adopt the rules
2 and regulations; and

3 (4) a detailed statement of the data and methodology used in
4 estimating the costs used in the statement.

5 **(f) In 2021, the legislative post audit committee shall direct the**
6 **legislative division of post audit to conduct an audit to study:**

7 **(1) The accuracy of economic impact statements submitted by**
8 **state agencies pursuant to this section for the immediately preceding 7**
9 **years;**

10 **(2) the impact the review by the director of the budget has had on**
11 **the accuracy of economic impact statements submitted by state**
12 **agencies pursuant to this section; and**

13 **(3) whether the \$5,000,000 cost figure is the appropriate amount**
14 **of economic impact to trigger the hearing procedure required by**
15 **K.S.A. 77-420(a), and amendments thereto.**

16 **Sec. 2. K.S.A. 2017 Supp. 77-420 is hereby amended to read as**
17 **follows: 77-420. (a) (1) Every rule and regulation proposed to be adopted**
18 **by any state agency, before being submitted to the secretary of**
19 **administration and the attorney general as required by this section, shall**
20 **be submitted with the economic impact statement for the rule and**
21 **regulation required by K.S.A. 77-416, and amendments thereto, to the**
22 **director of the budget for review of the accuracy and completeness of the**
23 **agency's economic impact statement. The director of the budget shall**
24 **make an independent determination of the amount of implementation and**
25 **compliance costs reasonably expected to be incurred by or passed along**
26 **to businesses, local government and individuals over any two-year period**
27 **as a result of the proposed rule and regulation and shall conduct an**
28 **independent analysis of the factors set forth in K.S.A. 77-416(b)(1)(A) and**
29 **(C) and (e), and amendments thereto. Every rule and regulation approved**
30 **by the director of the budget shall be stamped as approved, and the date of**
31 **approval shall be indicated.**

32 **(2) If the director independently determines that a proposed rule and**
33 **regulation submitted or resubmitted by the agency will not result in**
34 **implementation or compliance costs of more than \$5,000,000 for**
35 **businesses, local government or individuals in any two-year period, the**
36 **director shall:**

37 **(A) Approve the rule and regulation if the director independently**
38 **determines that the economic impact statement is accurate, demonstrates**
39 **a complete analysis as required by K.S.A. 77-416(b)(1)(A) and (C) and**
40 **(e), and amendments thereto, and the director concurs with the economic**
41 **impact statement; or**

42 **(B) disapprove the rule and regulation.**

43 **(3) If the director of the budget determines that the proposed rule and**

1 regulation will result in implementation and compliance costs of more
2 than \$5,000,000 for businesses, local government or individuals in any
3 two-year period, the director of the budget shall:

4 (A) Approve the proposed rule and regulation, if the agency, prior to
5 the submission or the resubmission of a rule and regulation to the director,
6 holds a public hearing and finds that the costs of the proposed rule and
7 regulation have been accurately determined and are necessary for
8 achieving legislative intent and the director, after an independent analysis,
9 concurs with the agency's findings and analysis and approves the
10 economic impact statement; or

11 (B) disapprove the proposed rule and regulation.

12 (b) The director of the budget shall submit an annual report to the
13 legislature and to the joint committee on administrative rules and
14 regulations on the first day of the 2019 regular legislative session and
15 subsequent regular legislative sessions on all rules and regulations
16 approved or denied by the director. The report shall include the text of
17 each rule and regulation reviewed, the final economic impact statement
18 and a summary of the director's analysis supporting the decision to
19 approve or reject the rule and regulation. The director shall immediately
20 submit a separate report to the legislature, if in session, and the joint
21 committee on administrative rules and regulations upon the approval or
22 denial of a rule or regulation with costs determined to be greater than
23 \$5,000,000 for businesses, local government or individuals over any two-
24 year period. The report shall include an analysis of the agency's and the
25 director's decisions with respect to the necessity of the cost of the rule and
26 regulation to achieve legislative intent.

27 (c) **Every rule and regulation proposed to be adopted by any state**
28 **agency that has been approved by the director of the budget pursuant to**
29 **the provisions of subsection (a), before being submitted to the attorney**
30 **general under this section, shall be submitted to the secretary of**
31 **administration for approval of its organization, style, orthography and**
32 **grammar subject to such requirements as to organization, style,**
33 **orthography and grammar as the secretary may adopt. Every rule**
34 **and regulation submitted to the secretary of administration under this**
35 **subsection-(a) shall be accompanied by a copy of any document which**
36 **is adopted by reference by the rule and regulation. Every rule and**
37 **regulation approved by the secretary of administration under this**
38 **subsection-(a) shall be stamped as approved and the date of such**
39 **approval shall be indicated therein.**

40 ~~(b)(d)~~ Every rule and regulation proposed by any state agency ~~which~~
41 ~~that~~ has been approved by the *director of the budget* and the secretary of
42 administration as provided in ~~subsection~~ subsections (a) and (c) before
43 being adopted or filed shall be submitted to the attorney general for an

1 opinion as to the legality of the same, including whether the making of
 2 such rule and regulation is within the authority conferred by law on the
 3 state agency. The attorney general shall promptly furnish an opinion as to
 4 the legality of the proposed rule and regulation so submitted. Every rule
 5 and regulation submitted to the attorney general under this subsection ~~(b)~~
 6 shall be accompanied by a copy of any document which is adopted by
 7 reference by the rule and regulation. Every rule and regulation approved
 8 by the attorney general under this subsection ~~(b)~~ shall be stamped as
 9 approved and the date of such approval shall be indicated therein.

10 ~~(e)~~(e) **No rule and regulation shall be filed by the secretary of**
 11 **state unless:**

12 (1) *The rule and regulation has been approved by the director of the*
 13 *budget;*

14 (2) **The organization, style, orthography and grammar have been**
 15 **approved by the secretary of administration;**

16 ~~(2)~~(3) **the rule and regulation has been approved in writing by the**
 17 **attorney general as to legality;**

18 ~~(3)~~(4) **the rule and regulation has been formally adopted by the**
 19 **state agency after it has been approved by the *director of the budget,***
 20 ***the secretary of administration and the attorney general and is***
 21 **accompanied by a certified or other formal statement of adoption**
 22 **when adoption is by an executive officer of a state agency, or by a**
 23 **certified copy of the roll call vote required for its adoption by K.S.A.**
 24 **77-421, and amendments thereto, when adoption is by a board,**
 25 **commission, authority or other similar body;**

26 ~~(4)~~(5) **the rule and regulation to be filed is accompanied by a copy**
 27 **of the economic impact statement as provided by K.S.A. 77-416, and**
 28 **amendments thereto, *that has been reviewed and approved by the***
 29 ***director of the budget as provided by subsection (a); and***

30 ~~(5)~~(6) **the rule and regulation to be filed is accompanied by a copy**
 31 **of the environmental benefit statement required by K.S.A. 77-416, and**
 32 **amendments thereto, if applicable.**

33 **Sec. 3. K.S.A. 2017 Supp. 77-420a is hereby amended to read as**
 34 **follows: 77-420a. No rule and regulation shall be adopted prior to the**
 35 **effective date of the statute authorizing its adoption, but prior to the**
 36 **effective date of such statute, the proposed rule and regulation may be**
 37 **submitted to the *director of the budget, the secretary of administration***
 38 **and to the attorney general for approval as required by K.S.A. 77-420,**
 39 **and amendments thereto, and notice of the proposed rule and**
 40 **regulation may be given and a hearing held thereon in the manner**
 41 **provided by K.S.A. 77-421, and amendments thereto.**

42 **Sec. 4. K.S.A. 2017 Supp. 77-421 is hereby amended to read as**
 43 **follows: 77-421. (a) (1) Except as provided by subsection (a)(2),**

1 subsection (a)(3) or subsection (a)(4), prior to the adoption of any
2 permanent rule and regulation or any temporary rule and regulation
3 which is required to be adopted as a temporary rule and regulation in
4 order to comply with the requirements of the statute authorizing the
5 same and after any such rule and regulation has been approved by the
6 *director of the budget, the secretary of administration and the attorney*
7 *general, the adopting state agency shall give at least 60 days' notice of*
8 *its intended action in the Kansas register and to the secretary of state*
9 *and to the joint committee on administrative rules and regulations*
10 *established by K.S.A. 77-436, and amendments thereto. The notice*
11 *shall be provided to the secretary of state and to the chairperson, vice*
12 *chairperson, ranking minority member of the joint committee and*
13 *legislative research department and shall be published in the Kansas*
14 *register. A complete copy of all proposed rules and regulations and the*
15 *complete economic impact statement required by K.S.A. 77-416, and*
16 *amendments thereto, shall accompany the notice sent to the secretary*
17 *of state. The notice shall contain:*

18 (A) A summary of the substance of the proposed rules and
19 regulations;

20 (B) a summary of the economic impact statement indicating the
21 estimated economic impact on governmental agencies or units,
22 persons subject to the proposed rules and regulations and the general
23 public;

24 (C) a summary of the environmental benefit statement, if
25 applicable, indicating the need for the proposed rules and regulations;

26 (D) the address where a complete copy of the proposed rules and
27 regulations, the complete economic impact statement, the
28 environmental benefit statement, if applicable, required by K.S.A. 77-
29 416, and amendments thereto, may be obtained;

30 (E) the time and place of the public hearing to be held; the
31 manner in which interested parties may present their views; and

32 (F) a specific statement that the period of 60 days' notice
33 constitutes a public comment period for the purpose of receiving
34 written public comments on the proposed rules and regulations and
35 the address where such comments may be submitted to the state
36 agency. Publication of such notice in the Kansas register shall
37 constitute notice to all parties affected by the rules and regulations.

38 (2) Prior to adopting any rule and regulation which establishes
39 seasons and fixes bag, creel, possession, size or length limits for the
40 taking or possession of wildlife and after such rule and regulation has
41 been approved by the secretary of administration and the attorney
42 general, the secretary of wildlife, parks and tourism shall give at least
43 30 days' notice of its intended action in the Kansas register and to the

1 secretary of state and to the joint committee on administrative rules
2 and regulations created pursuant to K.S.A. 77-436, and amendments
3 thereto. All other provisions of subsection (a)(1) shall apply to such
4 rules and regulations, except that the statement required by
5 subsection (a)(1)(E) shall state that the period of 30 days' notice
6 constitutes a public comment period on such rules and regulations.

7 (3) Prior to adopting any rule and regulation which establishes
8 any permanent prior authorization on a prescription-only drug
9 pursuant to K.S.A. 39-7,120, and amendments thereto, or which
10 concerns coverage or reimbursement for pharmaceuticals under the
11 pharmacy program of the state medicaid plan, and after such rule and
12 regulation has been approved by the *director of the budget*, the
13 secretary of administration and the attorney general, the secretary of
14 health and environment shall give at least 30 days' notice of its
15 intended action in the Kansas register and to the secretary of state and
16 to the joint committee on administrative rules and regulations created
17 pursuant to K.S.A. 77-436, and amendments thereto. All other
18 provisions of subsection (a)(1) shall apply to such rules and
19 regulations, except that the statement required by subsection (a)(1)(E)
20 shall state that the period of 30 days' notice constitutes a public
21 comment period on such rules and regulations.

22 (4) Prior to adopting any rule and regulation pursuant to
23 subsection (c), the state agency shall give at least 60 days' notice of its
24 intended action in the Kansas register and to the secretary of state and
25 to the joint committee on administrative rules and regulations created
26 pursuant to K.S.A. 77-436, and amendments thereto. All other
27 provisions of subsection (a)(1) shall apply to such rules and
28 regulations, except that the statement required by subsection (a)(1)(E)
29 shall state that the period of notice constitutes a public comment
30 period on such rules and regulations.

31 (b) (1) On the date of the hearing, all interested parties shall be
32 given reasonable opportunity to present their views or arguments on
33 adoption of the rule and regulation, either orally or in writing. At the
34 time it adopts or amends a rule and regulation, the state agency shall
35 prepare a concise statement of the principal reasons for adopting the
36 rule and regulation or amendment thereto, including:

37 (A) The agency's reasons for not accepting substantial arguments
38 made in testimony and comments; and

39 (B) the reasons for any substantial change between the text of the
40 proposed adopted or amended rule and regulation contained in the
41 published notice of the proposed adoption or amendment of the rule
42 and regulation and the text of the rule and regulation as finally
43 adopted.

1 **(2) Whenever a state agency is required by any other statute to**
2 **give notice and hold a hearing before adopting, amending, reviving or**
3 **revoking a rule and regulation, the state agency, in lieu of following**
4 **the requirements or statutory procedure set out in such other law, may**
5 **give notice and hold hearings on proposed rules and regulations in the**
6 **manner prescribed by this section.**

7 **(3) Notwithstanding the other provisions of this section, the**
8 **secretary of corrections may give notice or an opportunity to be heard**
9 **to any inmate in the custody of the secretary with regard to the**
10 **adoption of any rule and regulation.**

11 **(c) (1) The agency shall initiate new rulemaking proceedings**
12 **under this act, if a state agency proposes to adopt a final rule and**
13 **regulation that:**

14 **(A) Differs in subject matter or effect in any material respect**
15 **from the rule and regulation as originally proposed; and**

16 **(B) is not a logical outgrowth of the rule and regulation as**
17 **originally proposed.**

18 **(2) For the purposes of this provision, a rule and regulation is not**
19 **the logical outgrowth of the rule and regulation as originally proposed**
20 **if a person affected by the final rule and regulation was not put on**
21 **notice that such person's interests were affected in the rule making.**

22 **(d) When, pursuant to this or any other statute, a state agency**
23 **holds a hearing on the adoption of a proposed rule and regulation, the**
24 **agency shall cause written minutes or other records, including a**
25 **record maintained on sound recording tape or on any electronically**
26 **accessed media or any combination of written or electronically**
27 **accessed media records of the hearing to be made. If the proposed rule**
28 **and regulation is adopted and becomes effective, the state agency shall**
29 **maintain, for not less than three years after its effective date, such**
30 **minutes or other records, together with any recording, transcript or**
31 **other record made of the hearing and a list of all persons who**
32 **appeared at the hearing and who they represented, any written**
33 **testimony presented at the hearing and any written comments**
34 **submitted during the public comment period.**

35 **(e) No rule and regulation shall be adopted by a board,**
36 **commission, authority or other similar body except at a meeting which**
37 **is open to the public and notwithstanding any other provision of law to**
38 **the contrary, no rule and regulation shall be adopted by a board,**
39 **commission, authority or other similar body unless it receives**
40 **approval by roll call vote of a majority of the total membership**
41 **thereof.**

42 **Sec. 5. K.S.A. 2017 Supp. 77-422 is hereby amended to read as**
43 **follows: 77-422. (a) A rule and regulation may be adopted by a state**

1 agency as a temporary rule and regulation if the state agency and the
2 state rules and regulations board finds that the preservation of the
3 public peace, health, safety or welfare necessitates or makes desirable
4 putting such rule and regulation into effect prior to the time it could
5 be put into effect if the agency were to comply with the notice, hearing
6 and publication requirements of this act or prior to the effective date
7 prescribed by K.S.A. 77-426, and amendments thereto.

8 (b) Temporary rules and regulations may be adopted without the
9 giving of notice and the holding of a hearing thereon.

10 (c) (1) A temporary rule and regulation shall take effect:

11 (A) After approval by the *director of the budget, the secretary of*
12 *administration and the attorney general as provided by K.S.A. 77-420,*
13 *and amendments thereto;*

14 (B) after approval by the state rules and regulations board as
15 provided by K.S.A. 77-423, and amendments thereto; and

16 (C) upon filing with the secretary of state.

17 (2) The effective date of all or specific parts of a temporary rule
18 and regulation may be delayed to a date later than its filing date if the
19 delayed effective date of such rule and regulation, or specific parts
20 thereof, is clearly expressed in the body of such rule and regulation.

21 (3) A temporary rule and regulation shall be effective for a period
22 not to exceed 120 days except that, for good cause, a state agency may
23 request that a temporary rule and regulation may be renewed one
24 time for an additional period not to exceed 120 days.

25 (d) A temporary rule and regulation which amends an existing
26 rule and regulation shall have the effect of suspending the force and
27 effect of the existing rule and regulation until such time as the
28 temporary rule and regulation is no longer effective. In such case, at
29 the time the temporary rule and regulation ceases to be effective, the
30 existing permanent rule and regulation which was amended by the
31 temporary rule and regulation shall be in full force and effect unless
32 such existing rule and regulation is otherwise amended, revoked or
33 suspended as provided by law.

34 (e) Temporary rules and regulations shall be numbered in
35 accordance with the numbering arrangement approved by the
36 secretary of state and otherwise shall conform to the approval,
37 adoption and filing requirements of this act, insofar as the same can be
38 made applicable.

39 ~~Sec. 6.~~ K.S.A. 2017 Supp. 77-423 is hereby amended to read as
40 follows: 77-423. There is hereby created a state rules and regulations board
41 consisting of the attorney general or the attorney general's designee, the
42 secretary of state or the secretary of state's designee, the secretary of
43 administration or the secretary of administration's designee, the

1 chairperson of the joint committee on administrative rules and regulations
2 or a member of the joint committee designated by the chairperson from the
3 same house of the legislature as the chairperson ~~and~~, the vice-chairperson
4 of the joint committee on administrative rules and regulations or a member
5 of the joint committee designated by the vice-chairperson from the same
6 house of the legislature as the vice-chairperson, *and the ranking minority*
7 *member of the joint committee on administrative rules and regulations or*
8 *a member of the joint committee designated by the minority leader of the*
9 *same house of the legislature as the chairperson.* If a member is
10 designated to serve on the board by the chairperson or vice-chairperson of
11 the joint committee, the designated member shall serve in lieu of the
12 designating officer on a temporary or permanent basis as specified by the
13 designating officer. The attorney general shall be the chairperson of the
14 board. The secretary of state shall serve as the secretary to the board. The
15 state rules and regulations board shall determine whether a rule and
16 regulation should be adopted as a temporary rule and regulation, shall
17 determine the rules and regulations to be published in the Kansas
18 administrative regulations and in the annual supplement to such
19 regulations as provided for in this act and shall perform such other duties
20 as may be required by this act.

21 Sec. ~~3~~ 7. K.S.A. 2017 Supp. 77-436 is hereby amended to read as
22 follows: 77-436. (a) There is hereby established a joint committee on
23 administrative rules and regulations ~~which shall consist~~ *consisting* of five
24 senators and seven members of the house of representatives. The five
25 senator members shall be appointed as follows: Three by the committee on
26 organization, calendar and rules and two by the minority leader of the
27 senate. The seven representative members shall be appointed as follows:
28 Four by the speaker of the house of representatives and three by the
29 minority leader of the house of representatives. The committee on
30 organization, calendar and rules shall designate a senator member to be
31 chairperson or vice-chairperson of the joint committee as provided in this
32 section. The speaker of the house of representatives shall designate a
33 representative member to be chairperson or vice-chairperson of the joint
34 committee as provided in this section. *The minority leader of the senate*
35 *shall designate a senator member to be the ranking minority member of*
36 *the joint committee as provided in this section. The minority leader of the*
37 *house of representatives shall designate a representative member to be the*
38 *ranking minority member of the joint committee as provided in this*
39 *section.*

40 (b) A quorum of the joint committee on administrative rules and
41 regulations shall be seven. All actions of the committee may be taken by a
42 majority of those present when there is a quorum. In odd-numbered years
43 the chairperson *and the ranking minority member* of the joint committee

1 shall be the designated ~~member~~ *members* of the house of representatives
2 from the convening of the regular session in that year until the convening
3 of the regular session in the next ensuing year. In even-numbered years the
4 chairperson *and the ranking minority member* of the joint committee shall
5 be the designated ~~member~~ *members* of the senate from the convening of
6 the regular session of that year until the convening of the regular session of
7 the next ensuing year. The vice-chairperson shall exercise all of the powers
8 of the chairperson in the absence of the chairperson.

9 (c) All proposed rules and regulations shall be reviewed by the joint
10 committee on administrative rules and regulations during the public
11 comment period required by K.S.A. 77-421, and amendments thereto. ~~As~~
12 ~~part of such review, the committee may direct communications to state~~
13 ~~agencies making comments and recommendations, and indicating~~
14 ~~concerns and approval or disapproval of any proposed rules and~~
15 ~~regulations.~~ The committee may introduce such legislation as it deems
16 necessary in performing its functions of reviewing administrative rules and
17 regulations.

18 (d) **The committee shall issue a report to the legislature following**
19 **each meeting making comments and recommendations and indicating**
20 **concerns about any proposed rule and regulation. Such report shall be**
21 **made available to each agency that had proposed rules and**
22 **regulations reviewed at such meeting during the agency's public**
23 **comment period for such proposed rules and regulations required by**
24 **K.S.A. 77-421, and amendments thereto. If having a final report**
25 **completed by the public hearing required by K.S.A. 77-421, and**
26 **amendments thereto, is impractical, a preliminary report shall be**
27 **made available to the agency containing the committee's comments.**
28 **The preliminary report shall be incorporated into the final report and**
29 **made available to each agency.**

30 (e) All rules and regulations filed each year in the office of secretary
31 of state shall be subject to review by the joint committee. The committee
32 may introduce such legislation as it deems necessary in performing its
33 functions of reviewing administrative rules and regulations.

34 ~~(e)~~(f) The joint committee shall meet on call of the chairperson as
35 authorized by the legislative coordinating council. All such meetings shall
36 be held in Topeka, unless authorized to be held in a different place by the
37 legislative coordinating council. Members of the joint committee shall
38 receive compensation ~~and~~, travel expenses and subsistence expenses or
39 allowances as provided in K.S.A. 75-3212, and amendments thereto, when
40 attending meetings of such committee authorized by the legislative
41 coordinating council.

42 ~~(f)~~(g) Amounts paid under authority of this section shall be paid from
43 appropriations for legislative expense and vouchers therefor shall be

1 prepared by the director of legislative administrative services and
2 approved by the chairperson or vice-chairperson of the legislative
3 coordinating council.

4 ~~Sec. 4.~~ **8.** K.S.A. 2017 Supp. 77-416, **77-420, 77-420a, 77-421, 77-**
5 **422, 77-423** and 77-436 are hereby repealed.

6 ~~Sec. 5.~~ **9.** This act shall take effect and be in force from and after its
7 publication in the statute book.