

**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) **A An analysis, brief description, and cost and benefit**

1 **quantification** of the proposed rules and regulations and what is intended  
2 to be accomplished by their adoption. **If the approach chosen by the**  
3 **Kansas agency to address the policy issue is different from that**  
4 **utilized by agencies of contiguous states or of the federal government,**  
5 **the economic impact statement shall include an explanation of why the**  
6 **Kansas agency's rule and regulation differs;**

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

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

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

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

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

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

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

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

37 (iv) the benefits of the proposed rule and regulation compared to  
38 the cost;

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

43 (vi) an estimate, expressed as a single dollar figure, of the total

1 annual implementation and compliance costs that are reasonably  
2 expected to be incurred by or passed along to businesses, local  
3 governmental units or members of the public and a determination of  
4 whether those costs will exceed ~~\$5,000,000~~ \$3,000,000 over any two-  
5 year period; and

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

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

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

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

1 It also shall include a statement, if determinable or reasonably foreseeable,  
2 of the immediate and long-range economic impact of the rule and  
3 regulation upon persons subject thereto, small employers and the general  
4 public. If, after careful investigation, it is determined that no dollar  
5 estimate is possible, the statement shall set forth the reasons why no dollar  
6 estimate can be given. Every state agency is directed to cooperate with the  
7 division of the budget in the preparation of any statement pursuant to this  
8 subsection when, and to the extent, requested by the director of the budget.

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

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

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

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

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

1 (3) a description of the costs ~~which~~ *that* would likely accrue if the  
2 proposed rules and regulations are not adopted, the persons who will bear  
3 the costs and those who will be affected by the failure to adopt the rules  
4 and regulations; and

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

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

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

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

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

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

34 **(2) If the director independently determines that a proposed rule and**  
35 **regulation submitted or resubmitted by the agency will not result in**  
36 **implementation or compliance costs of more than ~~\$5,000,000~~ \$3,000,000**  
37 **for businesses, local government or individuals in any two-year period,**  
38 **the director shall:**

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

1 (B) disapprove the rule and regulation.

2 (3) If the director of the budget determines that the proposed rule and  
3 regulation will result in implementation and compliance costs of more  
4 than ~~\$5,000,000~~ **\$3,000,000** for businesses, local government or  
5 individuals in any two-year period, the director of the budget shall:

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

13 (B) disapprove the proposed rule and regulation.

14 (b) The director of the budget shall submit an annual report to the  
15 legislature and to the joint committee on administrative rules and  
16 regulations on the first day of the 2019 regular legislative session and  
17 subsequent regular legislative sessions on all rules and regulations  
18 approved or denied by the director. The report shall include the text of  
19 each rule and regulation reviewed, the final economic impact statement  
20 and a summary of the director's analysis supporting the decision to  
21 approve or reject the rule and regulation. The director shall immediately  
22 submit a separate report to the legislature, if in session, and the joint  
23 committee on administrative rules and regulations upon the approval or  
24 denial of a rule or regulation with costs determined to be greater than  
25 ~~\$5,000,000~~ **\$3,000,000** for businesses, local government or individuals  
26 over any two-year period. The report shall include an analysis of the  
27 agency's and the director's decisions with respect to the necessity of the  
28 cost of the rule and regulation to achieve legislative intent.

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

42 (b)(d) Every rule and regulation proposed by any state agency ~~which~~  
43 that has been approved by the *director of the budget and the secretary of*

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

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

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

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

18 ~~(2)~~**(3)** **the rule and regulation has been approved in writing by the**  
19 **attorney general as to legality;**

20 ~~(3)~~**(4)** **the rule and regulation has been formally adopted by the**  
21 **state agency after it has been approved by the *director of the budget,***  
22 ***the secretary of administration and the attorney general and is***  
23 ***accompanied by a certified or other formal statement of adoption***  
24 ***when adoption is by an executive officer of a state agency, or by a***  
25 ***certified copy of the roll call vote required for its adoption by K.S.A.***  
26 ***77-421, and amendments thereto, when adoption is by a board,***  
27 ***commission, authority or other similar body;***

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

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

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

1       **Sec. 4. K.S.A. 2017 Supp. 77-421 is hereby amended to read as**  
2 **follows: 77-421. (a) (1) Except as provided by subsection (a)(2),**  
3 **subsection (a)(3) or subsection (a)(4), prior to the adoption of any**  
4 **permanent rule and regulation or any temporary rule and regulation**  
5 **which is required to be adopted as a temporary rule and regulation in**  
6 **order to comply with the requirements of the statute authorizing the**  
7 **same and after any such rule and regulation has been approved by the**  
8 *director of the budget, the secretary of administration and the attorney*  
9 *general, the adopting state agency shall give at least 60 days' notice of*  
10 *its intended action in the Kansas register and to the secretary of state*  
11 *and to the joint committee on administrative rules and regulations*  
12 *established by K.S.A. 77-436, and amendments thereto. The notice*  
13 *shall be provided to the secretary of state and to the chairperson, vice*  
14 *chairperson, ranking minority member of the joint committee and*  
15 *legislative research department and shall be published in the Kansas*  
16 *register. A complete copy of all proposed rules and regulations and the*  
17 *complete economic impact statement required by K.S.A. 77-416, and*  
18 *amendments thereto, shall accompany the notice sent to the secretary*  
19 *of state. The notice shall contain:*

20       **(A) A summary of the substance of the proposed rules and**  
21 **regulations;**

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

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

28       **(D) the address where a complete copy of the proposed rules and**  
29 **regulations, the complete economic impact statement, the**  
30 **environmental benefit statement, if applicable, required by K.S.A. 77-**  
31 **416, and amendments thereto, may be obtained;**

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

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

40       **(2) Prior to adopting any rule and regulation which establishes**  
41 **seasons and fixes bag, creel, possession, size or length limits for the**  
42 **taking or possession of wildlife and after such rule and regulation has**  
43 **been approved by the secretary of administration and the attorney**



1 general, the secretary of wildlife, parks and tourism shall give at least  
2 30 days' notice of its intended action in the Kansas register and to the  
3 secretary of state and to the joint committee on administrative rules  
4 and regulations created pursuant to K.S.A. 77-436, and amendments  
5 thereto. All other provisions of subsection (a)(1) shall apply to such  
6 rules and regulations, except that the statement required by  
7 subsection (a)(1)(E) shall state that the period of 30 days' notice  
8 constitutes a public comment period on such rules and regulations.

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

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

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

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

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

1 and regulation and the text of the rule and regulation as finally  
2 adopted.

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

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

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

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

18 (B) is not a logical outgrowth of the rule and regulation as  
19 originally proposed.

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

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

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

1       **Sec. 5. K.S.A. 2017 Supp. 77-422 is hereby amended to read as**  
2 **follows: 77-422. (a) A rule and regulation may be adopted by a state**  
3 **agency as a temporary rule and regulation if the state agency and the**  
4 **state rules and regulations board finds that the preservation of the**  
5 **public peace, health, safety or welfare necessitates or makes desirable**  
6 **putting such rule and regulation into effect prior to the time it could**  
7 **be put into effect if the agency were to comply with the notice, hearing**  
8 **and publication requirements of this act or prior to the effective date**  
9 **prescribed by K.S.A. 77-426, and amendments thereto.**

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

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

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

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

18       **(C) upon filing with the secretary of state.**

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

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

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

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

41       ~~**Sec. 2-6. K.S.A. 2017 Supp. 77-423 is hereby amended to read as**~~  
42 ~~**follows: 77-423. There is hereby created a state rules and regulations board**~~  
43 ~~**consisting of the attorney general or the attorney general's designee, the**~~

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

23 ~~Sec. 3-7. 6.~~ K.S.A. 2017 Supp. 77-436 is hereby amended to read as  
24 follows: 77-436. (a) There is hereby established a joint committee on  
25 administrative rules and regulations ~~which shall consist~~ *consisting* of five  
26 senators and seven members of the house of representatives. The five  
27 senator members shall be appointed as follows: Three by the committee on  
28 organization, calendar and rules and two by the minority leader of the  
29 senate. The seven representative members shall be appointed as follows:  
30 Four by the speaker of the house of representatives and three by the  
31 minority leader of the house of representatives. The committee on  
32 organization, calendar and rules shall designate a senator member to be  
33 chairperson or vice-chairperson of the joint committee as provided in this  
34 section. The speaker of the house of representatives shall designate a  
35 representative member to be chairperson or vice-chairperson of the joint  
36 committee as provided in this section. *The minority leader of the senate*  
37 *shall designate a senator member to be the ranking minority member of*  
38 *the joint committee as provided in this section. The minority leader of the*  
39 *house of representatives shall designate a representative member to be the*  
40 *ranking minority member of the joint committee as provided in this*  
41 *section.*

42 (b) A quorum of the joint committee on administrative rules and  
43 regulations shall be seven. All actions of the committee may be taken by a

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

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

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

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

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

1        ~~(f)~~(g) Amounts paid under authority of this section shall be paid from  
2 appropriations for legislative expense and vouchers therefor shall be  
3 prepared by the director of legislative administrative services and  
4 approved by the chairperson or vice-chairperson of the legislative  
5 coordinating council.

6        Sec. ~~4-8~~, 7. K.S.A. 2017 Supp. 77-416, **77-420, 77-420a, 77-421, 77-**  
7 **422, 77-423** and 77-436 are hereby repealed.

8        Sec. ~~5-9~~, **8**. This act shall take effect and be in force from and after  
9 its publication in the ~~statute book~~ ***Kansas register***.