

As Amended by House Committee

Session of 2021

**HOUSE BILL No. 2087**

By Committee on Federal and State Affairs

1-21

1 AN ACT concerning administrative rules and regulations; relating to  
2 review by the director of the budget; amending K.S.A. 77-416, 77-420,  
3 77-420a, 77-421 and 77-422 and repealing the existing sections.  
4

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

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

23 (b) (1) At the time of drafting a proposed rule and regulation or  
24 amendment to an existing rule and regulation, the state agency shall  
25 consider the economic impact of the proposed rule and regulation. The  
26 state agency shall prepare an economic impact statement that shall include:

27 (A) An analysis, brief description, and cost and benefit quantification  
28 of the proposed rules and regulations and what is intended to be  
29 accomplished by their adoption. If the approach chosen by the Kansas  
30 agency to address the policy issue is different from that utilized by  
31 agencies of contiguous states or of the federal government, the economic  
32 impact statement shall include an explanation of why the Kansas agency's  
33 rule and regulation differs;

34 (B) whether the proposed rule and regulation is mandated by federal  
35 law as a requirement for participating in or implementing a federally  
36 subsidized or assisted program and whether the proposed rules and

1 regulations exceed the requirements of applicable federal law;  
 2 (C) an analysis specifically addressing the following factors:  
 3 (i) The extent to which the rule and regulation will enhance or restrict  
 4 business activities and growth;  
 5 (ii) the economic effect, including a detailed quantification of  
 6 implementation and compliance costs, on the specific businesses, business  
 7 sectors, public utility ratepayers, individuals and local governmental units  
 8 that will be affected by the proposed rule and regulation and on the state  
 9 economy as a whole;  
 10 (iii) the businesses that would be directly affected by the proposed  
 11 rule and regulation;  
 12 (iv) the benefits of the proposed rule and regulation compared to the  
 13 cost;  
 14 (v) measures taken by the agency to minimize the cost and impact of  
 15 the proposed rule and regulation on business and economic development  
 16 within the state of Kansas, local government and individuals; *and*  
 17 (vi) an estimate, ~~expressed as a single dollar figure,~~ of the total annual  
 18 implementation and compliance costs that are reasonably expected to be  
 19 incurred by or passed along to businesses, local governmental units or  
 20 members of the public and a determination of whether those costs will  
 21 exceed \$3,000,000 over any two-year period; ~~and~~  
 22 ~~(vii) an estimate of the total implementation and compliance costs~~  
 23 ~~that are reasonably expected to be incurred by or passed along to~~  
 24 ~~businesses, local governmental units and individuals as a result of the~~  
 25 ~~proposed rule, expressed as a single dollar figure.~~  
 26 (2) The state agency shall consult with the league of Kansas  
 27 municipalities, Kansas association of counties and the Kansas association  
 28 of school boards, as appropriate, when preparing the economic impact  
 29 statement of a proposed rule and regulation which increases or decreases  
 30 revenues of cities, counties or school districts or imposes functions or  
 31 responsibilities on cities, counties or school districts that will increase their  
 32 expenditures or fiscal liability. The agency shall consult and solicit  
 33 information from businesses, business associations, local governmental  
 34 units, state agencies or institutions and members of the public that may be  
 35 affected by the proposed rule and regulation or that may provide relevant  
 36 information.  
 37 (3) As required pursuant to the provisions of K.S.A. 77-420(d), and  
 38 amendments thereto, the state agency shall reevaluate and, when  
 39 necessary, update the economic impact statement when directed to do so  
 40 by the director of the budget and, if approved by the director of the budget,  
 41 shall submit the revised economic impact statement at the time of filing a  
 42 rule and regulation with the secretary of state. If a public hearing was held  
 43 prior to the adoption of the rule and regulation, a state agency at the time

\$1,000,000 over any two-year period from the effective date of this act through June 30, 2024, or exceed

on and after July 1, 2024

1 of filing a rule and regulation with the secretary of state shall include as a  
2 part of the economic impact statement a statement specifying the time and  
3 place at which the hearing was held and the attendance at the hearing. A  
4 copy of the current economic impact statement shall be available from the  
5 state agency upon request by any party interested therein.

6 *(4) The implementation and compliance costs determined under*  
7 *subsection (b)(1)(C)(vi) shall be those additional costs reasonably*  
8 *expected to be incurred and shall be separately identified for the affected*  
9 *businesses, local governmental units and members of the public. In*  
10 *determining total additional costs of such proposed rules and regulations,*  
11 *the state agency shall not account for any actual or estimated cost savings*  
12 *that may be realized by the implementing state agency, local government*  
13 *or by members of the public.*

14 (c) Pursuant to the provisions of K.S.A. 77-420, and amendments  
15 thereto, the director of the budget shall review the economic impact  
16 statement prepared by any state agency and shall prepare a supplemental  
17 or revised statement and an independent analysis by the director of the  
18 budget of the cost and the factors as set forth in subsection (b)(1)(A) and  
19 (C) and subsection (e). If possible, the supplemental or revised statement  
20 shall include a reliable estimate in dollars of the anticipated change in  
21 revenues and expenditures of the state. It also shall include a statement, if  
22 determinable or reasonably foreseeable, of the immediate and long-range  
23 economic impact of the rule and regulation upon persons subject thereto,  
24 small employers and the general public. If, after careful investigation, it is  
25 determined that no dollar estimate is possible, the statement shall set forth  
26 the reasons why no dollar estimate can be given. Every state agency is  
27 directed to cooperate with the division of the budget in the preparation of  
28 any statement pursuant to this subsection when, and to the extent,  
29 requested by the director of the budget. The director of the budget shall  
30 follow the procedures set forth in K.S.A. 77-420, and amendments thereto,  
31 in evaluating and accepting or rejecting the proposed rule and regulation.  
32 No agency shall submit a rule and regulation to the secretary of state for  
33 filing before receiving the approval of the director of the budget as  
34 provided in this subsection and K.S.A. 77-420, and amendments thereto.

35 (d) At the time of drafting a proposed environmental rule and  
36 regulation or amendment to an existing environmental rule and regulation,  
37 the state agency shall consider the environmental benefit of such proposed  
38 rule and regulation or amendment. Prior to giving notice of a hearing on a  
39 proposed rule and regulation, the state agency shall prepare an  
40 environmental benefit statement that shall include a description of the need  
41 for and the environmental benefits that will likely accrue as the result of  
42 the proposed rule and regulation or amendment. The description shall  
43 summarize, when applicable, research indicating the level of risk to the

1 public health or the environment being removed or controlled by the  
 2 proposed rule and regulation or amendment. When specific contaminants  
 3 are to be controlled by the proposed rule and regulation or amendment, the  
 4 description shall indicate the level at which the contaminants are  
 5 considered harmful according to currently available research. The state  
 6 agency may consult with other state agencies when preparing the  
 7 environmental benefit statement. The state agency shall reevaluate and,  
 8 when necessary, update the statement at the time of filing a rule and  
 9 regulation with the secretary of state. A copy of the current environmental  
 10 benefit statement shall be available from the state agency upon request by  
 11 any party interested therein.

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

14 (1) A description of the capital and annual costs of compliance with  
 15 the proposed rules and regulations, and the persons who will bear those  
 16 costs;

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

21 (3) a description of the costs that would likely accrue if the proposed  
 22 rules and regulations are not adopted, the persons who will bear the costs  
 23 and those who will be affected by the failure to adopt the rules and  
 24 regulations; and

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

27 (f) ~~In 2021~~ 2023, the legislative post audit committee shall direct the  
 28 legislative division of post audit to conduct an audit to study:

29 (1) The accuracy of economic impact statements submitted by state  
 30 agencies pursuant to this section for the immediately preceding seven  
 31 years;

32 (2) the impact the review by the director of the budget has had on the  
 33 accuracy of economic impact statements submitted by state agencies  
 34 pursuant to this section; and

35 (3) whether the ~~\$3,000,000~~ cost figure is the appropriate amount of  
 36 economic impact to trigger the hearing procedure required by K.S.A. 77-  
 37 420(a), and amendments thereto.

38 Sec. 2. K.S.A. 77-420 is hereby amended to read as follows: 77-420.

39 (a) (1) *Except as further provided by this subsection*, every rule and  
 40 regulation proposed to be adopted by any state agency, ~~before~~ *after* being  
 41 submitted to the secretary of administration and the attorney general as  
 42 required by this section, shall be submitted with the economic impact  
 43 statement for the rule and regulation required by K.S.A. 77-416, and

\$1,000,000 or

1 amendments thereto, to the director of the budget for review of the  
 2 accuracy and completeness of the agency's economic impact statement.  
 3 ~~The director of the budget shall make an independent determination of the~~  
 4 ~~amount of implementation and compliance costs reasonably expected to be~~  
 5 ~~incurred by or passed along to businesses, local government and~~  
 6 ~~individuals over any two-year period as a result of the proposed rule and~~  
 7 ~~regulation and shall conduct an independent analysis of the factors set~~  
 8 ~~forth in K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto.~~  
 9 Every rule and regulation ~~approved~~ *requiring approval* by the director of  
 10 the budget shall be stamped as approved, and the date of approval shall be  
 11 indicated.

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

\$1,000,000 from the effective date of this act through  
 June 30, 2024, or more than

on and after July 1, 2024,

17 ~~(A) approve the rule and regulation if the director independently~~  
 18 ~~determines that the economic impact statement is accurate, demonstrates a~~  
 19 ~~complete analysis as required by K.S.A. 77-416(b)(1)(A) and (C) and (e),~~  
 20 ~~and amendments thereto, and the director concurs with the economic~~  
 21 ~~impact statement; or~~

22 ~~(B) disapprove the rule and regulation~~ *agency shall provide a copy of*  
 23 *the economic impact statement to the director; but the director shall not be*  
 24 *required to review or approve the proposed rule and regulation.*

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

\$1,000,000 from the effective date of this act through  
 June 30, 2024, or more than

on and after July 1, 2024,

29 ~~(A) approve the proposed rule and regulation, if the agency, prior to~~  
 30 ~~the submission or the resubmission of a rule and regulation to the director,~~  
 31 ~~holds a public hearing and finds that the costs of the proposed rule and~~  
 32 ~~regulation have been accurately determined and are necessary for~~  
 33 ~~achieving legislative intent and the director, after an independent analysis,~~  
 34 ~~concurs with the agency's findings and analysis and approves the~~  
 35 ~~economic impact statement; or~~

36 ~~(B) disapprove the proposed rule and regulation.~~

37 (4) *If an agency is proposing a rule and regulation because of a*  
 38 *federal mandate as described in K.S.A. 77-416(b)(1)(B), and amendments*  
 39 *thereto, the agency shall provide a copy of the economic impact statement*  
 40 *to the director; but the director shall not be required to review or approve*  
 41 *the proposed rule and regulation, regardless of the implementation and*  
 42 *compliance cost of the proposed rule and regulation.*

43 (5) *For the purposes of this subsection, the implementation and*

1 *compliance cost shall be calculated from the effective date of the rule and*  
2 *regulation.*

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

\$1,000,000 from the effective date of this act through June 30,  
2024; or greater than

18 (c) Every rule and regulation proposed to be adopted by any state  
19 agency ~~that has been approved by the director of the budget pursuant to the~~  
20 ~~provisions of subsection (a)~~, before being submitted to the attorney general  
21 *and the director of the budget as required* under this section, shall be  
22 submitted to the secretary of administration for approval of its  
23 organization, style, orthography and grammar subject to such requirements  
24 as to organization, style, orthography and grammar as the secretary may  
25 adopt. Every rule and regulation submitted to the secretary of  
26 administration under this subsection shall be accompanied by a copy of  
27 any document which is adopted by reference by the rule and regulation.  
28 Every rule and regulation approved by the secretary of administration  
29 under this subsection shall be stamped as approved and the date of such  
30 approval shall be indicated therein.

on and after July 1, 2024,

31 (d) Every rule and regulation proposed by any state agency that has  
32 been approved ~~by the director of the budget and~~ the secretary of  
33 administration as provided in ~~subsections (a) and~~ subsection (c), before  
34 ~~being adopted or filed~~ *submitted to the director of the budget as required*  
35 *under this section*, shall be submitted to the attorney general for an opinion  
36 as to the legality of the same, including whether the making of such rule  
37 and regulation is within the authority conferred by law on the state agency.  
38 The attorney general shall promptly furnish an opinion as to the legality of  
39 the proposed rule and regulation so submitted. Every rule and regulation  
40 submitted to the attorney general under this subsection shall be  
41 accompanied by a copy of any document which is adopted by reference by  
42 the rule and regulation. Every rule and regulation approved by the attorney  
43 general under this subsection shall be stamped as approved and the date of

1 such approval shall be indicated therein.

2 (e) No rule and regulation shall be filed by the secretary of state  
3 unless:

4 (1) The rule and regulation has ~~been approved by the director of the~~  
5 ~~budget~~ *complied with the provisions of subsection (a)*;

6 (2) the organization, style, orthography and grammar have been  
7 approved by the secretary of administration;

8 (3) the rule and regulation has been approved in writing by the  
9 attorney general as to legality;

10 (4) the rule and regulation has been formally adopted by the state  
11 agency after it has ~~been approved by the director of the budget~~ *complied*  
12 *with the provisions of subsection (a)*, the secretary of administration and  
13 the attorney general and is accompanied by a certified or other formal  
14 statement of adoption when adoption is by an executive officer of a state  
15 agency, or by a certified copy of the roll call vote required for its adoption  
16 by K.S.A. 77-421, and amendments thereto, when adoption is by a board,  
17 commission, authority or other similar body;

18 (5) the rule and regulation to be filed is accompanied by a copy of the  
19 economic impact statement as provided by K.S.A. 77-416, and  
20 amendments thereto, that ~~has been reviewed and approved by the director~~  
21 ~~of the budget as provided by~~ *complies with the provisions of* subsection  
22 (a); and

23 (6) the rule and regulation to be filed is accompanied by a copy of the  
24 environmental benefit statement required by K.S.A. 77-416, and  
25 amendments thereto, if applicable.

26 Sec. 3. K.S.A. 77-420a is hereby amended to read as follows: 77-  
27 420a. No rule and regulation shall be adopted prior to the effective date of  
28 the statute authorizing its adoption, but prior to the effective date of such  
29 statute, the proposed rule and regulation may be submitted to ~~the director~~  
30 ~~of the budget, the secretary of administration and to, the attorney general~~  
31 *and to the director of the budget* for approval as required by K.S.A. 77-  
32 420, and amendments thereto, and notice of the proposed rule and  
33 regulation may be given and a hearing held thereon in the manner  
34 provided by K.S.A. 77-421, and amendments thereto.

35 Sec. 4. K.S.A. 77-421 is hereby amended to read as follows: 77-421.  
36 (a) (1) Except as provided by subsection (a)(2), subsection (a)(3) or  
37 subsection (a)(4), prior to the adoption of any permanent rule and  
38 regulation or any temporary rule and regulation which is required to be  
39 adopted as a temporary rule and regulation in order to comply with the  
40 requirements of the statute authorizing the same and after any such rule  
41 and regulation has been approved by ~~the director of the budget, the~~  
42 ~~secretary of administration and, the attorney general~~ *and the director of*  
43 *the budget*, the adopting state agency shall give at least 60 days' notice of

1 its intended action in the Kansas register and to the secretary of state and  
2 to the joint committee on administrative rules and regulations established  
3 by K.S.A. 77-436, and amendments thereto. The notice shall be provided  
4 to the secretary of state and to the chairperson, vice chairperson, ranking  
5 minority member of the joint committee and legislative research  
6 department and shall be published in the Kansas register. A complete copy  
7 of all proposed rules and regulations and the complete economic impact  
8 statement required by K.S.A. 77-416, and amendments thereto, shall  
9 accompany the notice sent to the secretary of state. The notice shall  
10 contain:

11 (A) A summary of the substance of the proposed rules and  
12 regulations;

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

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

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

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

24 (F) a specific statement that the period of 60 days' notice constitutes a  
25 public comment period for the purpose of receiving written public  
26 comments on the proposed rules and regulations and the address where  
27 such comments may be submitted to the state agency. Publication of such  
28 notice in the Kansas register shall constitute notice to all parties affected  
29 by the rules and regulations.

30 (2) Prior to adopting any rule and regulation which establishes  
31 seasons and fixes bag, creel, possession, size or length limits for the taking  
32 or possession of wildlife and after such rule and regulation has been  
33 approved by the secretary of administration and the attorney general, the  
34 secretary of wildlife, parks and tourism shall give at least 30 days' notice  
35 of its intended action in the Kansas register and to the secretary of state  
36 and to the joint committee on administrative rules and regulations created  
37 pursuant to K.S.A. 77-436, and amendments thereto. All other provisions  
38 of subsection (a)(1) shall apply to such rules and regulations, except that  
39 the statement required by subsection ~~(a)(1)(E)~~ (a)(1)(F) shall state that the  
40 period of 30 days' notice constitutes a public comment period on such  
41 rules and regulations.

42 (3) Prior to adopting any rule and regulation which establishes any  
43 permanent prior authorization on a prescription-only drug pursuant to



1 K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or  
2 reimbursement for pharmaceuticals under the pharmacy program of the  
3 state medicaid plan, and after such rule and regulation has been approved  
4 by the director of the budget, the secretary of administration and the  
5 attorney general, the secretary of health and environment shall give at least  
6 30 days' notice of its intended action in the Kansas register and to the  
7 secretary of state and to the joint committee on administrative rules and  
8 regulations created pursuant to K.S.A. 77-436, and amendments thereto.  
9 All other provisions of subsection (a)(1) shall apply to such rules and  
10 regulations, except that the statement required by subsection ~~(a)(1)(E)~~ (a)  
11 (1)(F) shall state that the period of 30 days' notice constitutes a public  
12 comment period on such rules and regulations.

13 (4) Prior to adopting any rule and regulation pursuant to subsection  
14 (c), the state agency shall give at least 60 days' notice of its intended action  
15 in the Kansas register and to the secretary of state and to the joint  
16 committee on administrative rules and regulations created pursuant to  
17 K.S.A. 77-436, and amendments thereto. All other provisions of  
18 subsection (a)(1) shall apply to such rules and regulations, except that the  
19 statement required by subsection ~~(a)(1)(E)~~ (a)(1)(F) shall state that the  
20 period of notice constitutes a public comment period on such rules and  
21 regulations.

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

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

30 (B) the reasons for any substantial change between the text of the  
31 proposed adopted or amended rule and regulation contained in the  
32 published notice of the proposed adoption or amendment of the rule and  
33 regulation and the text of the rule and regulation as finally adopted.

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

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

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

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

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

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

11 (d) When, pursuant to this or any other statute, a state agency holds a  
12 hearing on the adoption of a proposed rule and regulation, the agency shall  
13 cause written minutes or other records, including a record maintained on  
14 sound recording tape or on any electronically accessed media or any  
15 combination of written or electronically accessed media records of the  
16 hearing to be made. If the proposed rule and regulation is adopted and  
17 becomes effective, the state agency shall maintain, for not less than three  
18 years after its effective date, such minutes or other records, together with  
19 any recording, transcript or other record made of the hearing and a list of  
20 all persons who appeared at the hearing and who they represented, any  
21 written testimony presented at the hearing and any written comments  
22 submitted during the public comment period.

23 (e) No rule and regulation shall be adopted by a board, commission,  
24 authority or other similar body except at a meeting which is open to the  
25 public and notwithstanding any other provision of law to the contrary, no  
26 rule and regulation shall be adopted by a board, commission, authority or  
27 other similar body unless it receives approval by roll call vote of a  
28 majority of the total membership thereof.

29 Sec. 5. K.S.A. 77-422 is hereby amended to read as follows: 77-422.

30 (a) A rule and regulation may be adopted by a state agency as a temporary  
31 rule and regulation if the state agency and the state rules and regulations  
32 board finds that the preservation of the public peace, health, safety or  
33 welfare necessitates or makes desirable putting such rule and regulation  
34 into effect prior to the time it could be put into effect if the agency were to  
35 comply with the notice, hearing and publication requirements of this act or  
36 prior to the effective date prescribed by K.S.A. 77-426, and amendments  
37 thereto.

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

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

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

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

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

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

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

12 (d) A temporary rule and regulation which amends an existing rule  
13 and regulation shall have the effect of suspending the force and effect of  
14 the existing rule and regulation until such time as the temporary rule and  
15 regulation is no longer effective. In such case, at the time the temporary  
16 rule and regulation ceases to be effective, the existing permanent rule and  
17 regulation which was amended by the temporary rule and regulation shall  
18 be in full force and effect unless such existing rule and regulation is  
19 otherwise amended, revoked or suspended as provided by law.

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

24 Sec. 6. K.S.A. 77-416, 77-420, 77-420a, 77-421 and 77-422 are  
25 hereby repealed.

26 Sec. 7. This act shall take effect and be in force from and after its  
27 publication in the Kansas register.