

2021 Kansas Statutes

77-420. Director of the budget; economic impact statement; approval of rules and regulations; annual report to the legislature; approval of rules and regulations by secretary of administration and attorney general; requirements for filing with secretary of state. (a) (1) Every rule and regulation proposed to be adopted by any state agency, before being submitted to the secretary of administration and the attorney general as required by this section, shall be submitted with the economic impact statement for the rule and regulation required by K.S.A. 77-416, and amendments thereto, to the director of the budget for review of the accuracy and completeness of the agency's economic impact statement. The director of the budget shall make an independent determination of the amount of implementation and compliance costs reasonably expected to be incurred by or passed along to businesses, local government and individuals over any two-year period as a result of the proposed rule and regulation and shall conduct an independent analysis of the factors set forth in K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto. Every rule and regulation approved by the director of the budget shall be stamped as approved, and the date of approval shall be indicated.

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

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

(B) disapprove the rule and regulation.

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

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

(B) disapprove the proposed rule and regulation.

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

(c) Every rule and regulation proposed to be adopted by any state agency that has been approved by the director of the budget pursuant to the provisions of subsection (a), before

being submitted to the attorney general under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection shall be stamped as approved and the date of such approval shall be indicated therein.

(d) Every rule and regulation proposed by any state agency that has been approved by the director of the budget and the secretary of administration as provided in subsections (a) and (c) before being adopted or filed shall be submitted to the attorney general for an opinion as to the legality of the same, including whether the making of such rule and regulation is within the authority conferred by law on the state agency. The attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the attorney general under this subsection shall be stamped as approved and the date of such approval shall be indicated therein.

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

- (1) The rule and regulation has been approved by the director of the budget;
- (2) the organization, style, orthography and grammar have been approved by the secretary of administration;
- (3) the rule and regulation has been approved in writing by the attorney general as to legality;
- (4) the rule and regulation has been formally adopted by the state agency after it has been approved by the director of the budget, the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421, and amendments thereto, when adoption is by a board, commission, authority or other similar body;
- (5) the rule and regulation to be filed is accompanied by a copy of the economic impact statement as provided by K.S.A. 77-416, and amendments thereto, that has been reviewed and approved by the director of the budget as provided by subsection (a); and
- (6) the rule and regulation to be filed is accompanied by a copy of the environmental benefit statement required by K.S.A. 77-416, and amendments thereto, if applicable.

History: L. 1965, ch. 506, § 6; L. 1972, ch. 354, § 1; L. 1977, ch. 321, § 6; L. 1979, ch. 304, § 3; L. 1980, ch. 304, § 3; L. 1982, ch. 386, § 3; L. 1983, ch. 307, § 3; L. 1985, ch. 307, § 1; L. 1988, ch. 366, § 33; L. 1995, ch. 171, § 3; L. 2010, ch. 95, § 8; L. 2018, ch. 117, § 2; June 7.