

## **Rulemaking Process**

### **The Rule and Regulation Adoption Process**

Administrative rules and regulations may be temporary or permanent. The Rules and Regulations Filing Act outlines the statutory requirements for the filing of regulations by most executive branch agencies and for the review of the agency regulations.

### **Permanent Rules and Regulations Adoption Process**

The process for an agency's adoption of permanent Kansas Administrative Regulations (KARs) or changes to KARs in the following steps, which are to be followed in consecutive order:

Obtain approval

of the organization, style, orthography, and grammar of the proposed rules and regulations from the Secretary of Administration;

of the proposed rules and regulations from the Attorney General;

of the proposed rules and regulations from the Director of the Budget (Director). The Director is required to review the economic impact statement submitted with the rules and regulations and conduct an independent analysis of whether the agency has complied with all economic impact statement requirements;

The Director must approve the rule and regulation if the Director independently determines that the economic impact statement is complete and the Director concurs with the statement. However, if the implementation and compliance costs incurred by businesses, local government, or individuals over the initial five-year period following adoption of the rule and regulation would exceed \$1.0 million, the agency may not adopt the rule and regulation until a ratifying bill is enacted, except when the rule and regulation is proposed because of a federal mandate;

The Director must disapprove the proposed rule and regulation if the economic impact statement is incomplete or contains substantive inaccuracies;

The agency may modify the proposed rule and regulation and resubmit it.

Submit the notice of hearing, copies of the proposed rules and regulations as approved, the economic impact statement, and the environmental benefit statement (if required) to the Secretary of State, and submit a copy of the notice of hearing to the chairperson, vice-chairperson, and ranking minority member of the Joint Committee and to the Kansas Legislative Research Department (KLRD); the notice also must be published in the Kansas Register;

Review the proposed rules and regulations with the Joint Committee. The Joint Committee is required to review all proposed rules and regulations during the public comment period, which is at least 60 days for all rules and regulations;

Hold the public hearing and cause minutes or other records of the meeting to be made;

Initiate new rulemaking proceedings if the final rule and regulation would differ in subject matter or effect in any material respect from the rule and regulation as originally proposed or the rule and regulation is not the logical outgrowth of the rule and regulation as originally proposed;

Adopt the rules and regulations. At the time it adopts or amends a rule and regulation, the state agency is required to prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment.

File the final, adopted rules and regulations and associated documents with the Secretary of State.

[the Office's website](#)

### **Emergency Rulemaking**

A state agency may use emergency proceedings: In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or as otherwise provided by law. The state agency may take only such action as is necessary: To prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication or to remedy a situation for which use of emergency adjudication is otherwise provided by law.

The state agency shall render an order, including a brief statement of findings of fact, conclusions of law and policy reasons for the decision if it is an exercise of the state agency's discretion, to justify the state agency's decision to take the specific action.

The state agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when rendered. After issuing an order pursuant to this section, the state agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not justify the use of emergency proceedings.

**Kansas Register**

**Kansas Administrative Procedure Act**