

Implementation of 2022 HB 2087 and the Amended Rules and Regulations Process

There are a number of changes to the rules and regulations process necessary for the implementation of 2022 HB 2087, effective April 28, 2022. The most significant changes involve the approval order and the role of the Director of the Budget. For those agencies with regulations currently in the review process, or for those who have regulations awaiting final adoption after the 60-day public comment period, you will not be required to start the review process over.

For agencies with regulations already in the review process:

All agencies will need to complete the revised Economic Impact Statement (EIS) form attached to this email.

- For regulations that are NOT federally mandated and DO exceed \$1 million in economic impact over any two-year period through June 30, 2024, or exceed \$3 million over any two-year period on or after July 1, 2024:
 - If you have **not** held a preliminary budget hearing as described in 2022 HB 2087, Sec. 3 (a)(3), you must hold a hearing before submitting your regulation(s) and EIS to Budget. Budget will now be the third approval after Administration and the Attorney General (AG).
 - If you **have** already held a preliminary budget hearing, fill out the revised EIS form to submit to Budget with your regulation(s) after they are approved by the AG.
- For regulations that ARE federally mandated, regardless of fiscal impact:
 - Fill out the revised EIS form;
 - submit one copy of the revised EIS to Budget after the regulations are approved by the AG;
 - submit a second copy of the revised EIS with a copy of the approved regulation(s), hearing notice, and environmental benefits statement (if applicable) to the Secretary of State.

Regulations that have already received approval stamps by Budget, Administration, and the AG prior to April 28, 2022, may continue in the process as they are, **with a revised EIS**.

Regulations that require Budget, Administration, or AG directed changes will go back to:

- Administration for the first approval
- the AG for the second approval
- Budget with the revised EIS for the third approval **only for** regulations that are NOT federally mandated and DO exceed \$1 million in economic impact over any two-year period through June 30, 2024, or exceed \$3 million over any two-year period on or after July 1, 2024

Once the regulation receives all the necessary approvals and the agency is ready to publish their 60-day notice of public hearing, the following shall be submitted to the Secretary of State:

- a Word version of the hearing notice
- a PDF or a copy of the stamped regulations

- a PDF or a copy of the revised EIS (stamped by Budget if required by 2022 HB 2087)
- a PDF or a copy of the environmental benefit statement (if applicable)

The Secretary of State will evaluate each regulation and EIS to see if each document has the approval stamp(s) required when the document was approved. The content requirements for the notice of public hearing were not altered by 2022 HB 2087.

For agencies that have already published a hearing notice but have not filed their adopted regulations with the Secretary of State:

- If post-hearing changes **are** needed and the agency is **not** required initiate new rulemaking procedures pursuant to K.S.A. 77-421(c):
 - Resubmit your changed regulation(s) for approval to:
 - Administration for the first approval;
 - the AG for the second approval;
 - Budget with the revised EIS updated with the hearing information for the third approval **only for** regulations that are NOT federally mandated and DO exceed \$1 million in economic impact over any two-year period through June 30, 2024, or exceed \$3 million over any two-year period on or after July 1, 2024.
 - Submit a copy of the revised EIS to Budget if Budget approval is not required.
 - Submit to the Secretary of State:
 - The original and one copy of the newly stamped regulation(s);
 - a revised EIS updated with the hearing information (stamped by Budget if required by 2022 HB 2087);
 - an adoption certificate or roll-call vote adopting the regulation(s).
- If **no** post-hearing changes are needed:
 - Submit the original and one copy of the stamped regulation(s) with the necessary approval stamps for the date each regulation was approved;
 - submit a revised EIS updated with the hearing information (stamped by Budget if required by 2022 HB 2087);
 - submit an adoption certificate or roll-call vote adopting the regulations;
 - submit an environmental benefit statement (if applicable).