Temporary Regulations and the State Rules and Regulations Board

Temporary regulations are reviewed by the State Rules and Regulations Board (SRRB) and are in effect for 120 days beginning on the date approved by the SRRB or a later date specified in the regulation.

The members of the **State Rules and Regulations Board** are:

- Robert Hutchison, Chair, representing Attorney General Kris Kobach
- Sen. Kellie Warren, Chair of the Joint Committee on Administrative Rules and Regulations
- Rep. Barb Wasinger, Vice-Chair of the Joint Committee on Administrative Rules and Regulations
- Sen. Oletha Faust-Goudeau, Ranking Minority Member of the Joint Committee on Administrative Rules and Regulations
- Sen. Rick Billinger, Chair of Senate Committee on Ways and Means
- Clay Barker, representing Secretary of State Scott Schwab
- Charles Long, representing Secretary of Administration Adam Proffitt

The Attorney General is the Chair of the SRRB, and the SRRB meets upon call by the Chair of the SRRB. Robert Hutchison is the Attorney General's designee, so he is the chair of the SRRB.

The Secretary of State is Secretary to the SRRB. Lara Murphy is designated as the Secretary to the SRRB. Contact Lara at 785-296-0082 when you are in the process of getting your temporary regulations approved so that an SRRB meeting may be scheduled.

The Secretary of State requires the original and 4 copies each of the certificate of adoption, stamped temporary regulations, and stamped economic impact statement. (Temporary regulations and their EIS must be approved by the Office of the Budget unless they are federally mandated. There is no economic impact threshold for temporary regulations.) The SRRB asks for written testimony to be provided. The testimony can be provided at the time the regulations are submitted or sometime before the SRRB meeting. Submit all information to Lara Murphy.

The criterion for approving a temporary regulation is set out in K.S.A. 77-422. "(a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if the state agency and the state rules and regulations board finds that the **preservation of the public peace, health, safety or welfare necessitates or makes desirable** putting such rule and regulation into effect **prior to the time** it could be put into effect if the agency were to comply with the notice, hearing, and publication requirements of this act or prior to the effective date prescribed by K.S.A. 77-426, and amendments thereto."

At the State Rules and Regulations Board meeting, you will provide a brief review of your temporary regulations and the reason the regulations need to be approved as temporary. You will want to specifically state that you need your regulation to be in effect as a **temporary** regulation **to protect the public peace, health, safety or welfare**.

You may be asked why this is considered an "emergency" regulation. Temporary regulations used to be called emergency regulations. There doesn't have to be an "emergency," but it does have to meet the public peace, health, safety or welfare criteria and you will want to state why there is an urgency for the regulation to be in effect as a temporary regulation.

You may be asked why the permanent regulation was not put into effect before now. You should let the Board members know if a permanent regulation was approved to mirror the temporary regulation, if the public hearing has been set, and if the notice of public hearing has been filed with the Secretary of State's office.