



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 9, 1978

ATTORNEY GENERAL OPINION NO. 78- 9

The Honorable Geneva J. Anderson
House Chairman of Joint Committee on
Administrative Rules and Regulations
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Rules and Regulations--Fiscal Impact Statement--Review

Synopsis: The Attorney General is not authorized to review the fiscal impact statement prepared pursuant to K.S.A. 77-420(b) for sufficiency, form or legality.

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Dear Representative Anderson:

You advise that in reviewing newly adopted rules and regulations of the Board of Healing Arts, it was noted that the fiscal impact statement accompanying these regulations addressed only the fiscal effect of the proposed regulation upon the agency, with no mention of the fiscal effect upon health care providers or the general public. K.S.A. 77-416(b) provides in pertinent part thus:

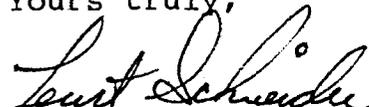
"At the time of drafting any proposed rule and regulation or amendment to any existing rule and regulation the state agency shall prepare a statement of the fiscal or financial effect or impact of such proposed rule and regulation or amendment upon all governmental agencies or units and private businesses which will be subject thereto."

The Honorable Geneva J. Anderson
Page Two
January 9, 1978

You inquire whether this office reviews fiscal impact statements for form, legality and sufficiency, and if not, who, if anyone, is authorized to do so.

Under K.S.A. 77-420(b), this office reviews proposed rules and regulations for the "form and legality" of such rules and regulations. In addition, under K.S.A. 77-421, this office reviews the list of parties to be noticed of a public hearing upon all proposed permanent and certain proposed temporary rules and regulations. However, we are neither required nor authorized to review the form of the notice of the hearing itself, to determine whether it contains, as this provision requires, an adequate and fairly descriptive "statement of the terms or the substance of the proposed rules and regulations or . . . description of the subjects and issues involved," nor are we authorized to review the sufficiency of the fiscal impact statement which is required to accompany the notice of such public hearings.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj