

May 21, 2019

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the May 14, 2019, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on May 14, 2019, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations listed below and provided its comments.

Wildlife, Parks and Tourism Commission

KAR 115-25-7, antelope; open season, bag limit, and permits; **KAR 115-25-9a**, deer; open season, bag limit, and permits; additional considerations; military subunits.

After discussion, the Committee reported no comments.

Kansas Bureau of Investigation

New Article 23, Kansas Asset Seizure and Forfeiture Repository: **KAR 10-23-1**, definitions; **KAR 10-23-2**, accuracy and completeness, duplicate reporting prohibited; **KAR 10-23-3**, means of reporting; **KAR 10-23-4**, seizure for forfeiture report; **KAR 10-23-5**, forfeiture fund report; **KAR 10-23-6**, point of contact.

After discussion, the Committee reported no comments.

Office of the Attorney General

New Article 18, Elder and Dependent Adult Abuse Prevention Council: **KAR 16-18-1**, definitions; **KAR 16-18-2**, membership, meetings; **KAR 16-18-3**, duties.

Request. The Committee requests information on the timing of the formation of the Elder and Dependent Adult Abuse Prevention Council and the dissolution of the current Senior Consumer Protection Advisory Council. The Committee recommends the agency monitor the work of the Elder and Dependent Adult Abuse Prevention Council and, if that council is found to be effective and efficient in the duties outlined in **KAR 16-18-3**, consider recommending legislation to establish the Elder and Dependent Adult Abuse Prevention Council in statute.

Kansas Department of Health and Environment

KAR 28-1-20, immunizations, schools, child care facilities, and preschool or child care programs operated by a school.

After discussion, the Committee reported no comments.

Repealing all of Article 55, PCB Facility Construction Permit Standards and Regulations: KAR 28-55-1, revocation (was applicability and definitions); KAR 28-55-2, revocation (was PCB facility construction permit application); KAR 28-55-3, revocation (was procedures for review of polychlorinated biphenyl [PCB] facility permit applications); KAR 28-55-4, revocation (was modification of transfer of permits); KAR 28-55-5, revocation (was standards for PCB facilities).

After discussion, the Committee reported no comments.

Kansas Board of Regents

KAR 88-28-6, fees.

The Committee expresses its appreciation for the agency's elimination of specific fees that had been charged to private and out-of-state postsecondary education institutions and its review of whether such fees were efficient to administer.

Board of Technical Professions

KAR 66-7-4, potentially disqualifying civil and criminal records, advisory opinion, fee.

After discussion, the Committee reported no comments.

AGENCY EXPECTATIONS

Prior to filing with the Secretary of State, agencies are expected to review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Agencies are encouraged to include their website address in the filing notice where proposed rules and regulations can be located. In addition, if any agency accepts written comments by e-mail, it is expected the public notice will include this information, as are directions for e-mail requests for public accommodation. Finally, agencies are expected to verify the adoption by reference of any materials included in the regulations is properly completed as prescribed in the Department of Administration's current *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

This report should be part of the public record on these regulations. The Committee may review the regulations the agency ultimately adopts, and it reserves any expression of legislative concern to that review.

To assist in that final review, agencies are expected to inform the Committee and its Kansas Legislative Research Department (KLRD) staff, in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes that have been made following the public hearing. Agencies are expected to notify the Committee and KLRD, in writing, when the agency has adopted the regulations as permanent, delayed implementation of the regulations, or decided not to adopt any of the regulations. Agencies are expected to indicate separately to the Committee and KLRD any changes made to the proposed regulations reviewed by the Committee.

Failure to respond to each and every comment contained in this report may result in a request that a spokesperson from the agency appear before the Committee to explain the agency's failure to reply. Any request to appear is based upon the direction to legislative staff from the Committee.