

March 11, 2019

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the March 11, 2019, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on March 11, 2019, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the following.

Board of Healing Arts

KAR 100-11-1, amount.

After discussion, the Committee reported the following comment.

KAR 100-11-1. The Committee suggests the agency clarify the language of the rule and regulation at the public hearing to make it clear the late renewal fee is a fee in addition to the license renewal fee.

Department of Wildlife, Parks and Tourism

KAR 115-25-8, elk; open season, bag limit, and permits; **KAR 115-25-9**, deer; open season, bag limit, and permits.

After discussion, the Committee reported no comments.

KAR 115-2-1, amount of fees; **KAR 115-2-3**, camping, utility, and other fees; **KAR 115-2-4**, boating fees; **KAR 115-3-2**, rabbits, hares, and squirrels, legal equipment, taking methods, and possession; **KAR 115-4-4**, big game, legal equipment and taking methods; **KAR 115-4-11**, big game and wild turkey permit applications; **KAR 115-8-2**, blinds, stands, and decoys; **KAR 115-9-5**, hunting, fishing, and furharvester licenses, state park permits, effective dates.

KAR 115-4-4. The Committee notes in subsection (f) it is permissible to hunt big game while riding a horse or mule, but believes riding is not permissible while hunting other animals. Please explain why this is permissible while hunting big game and not when otherwise hunting.

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, this information is expected to be included in the public notice. Further, e-mail requests for public accommodation are expected to be included as a part of the public notice. 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 a 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.