

April 19, 2019

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the March 28, 2019, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on March 28, 2019, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations listed below and provided its comments.

Board of Nursing

KAR 60-4-101, payment of fees.

After discussion, the Committee reported no comments.

Department of Wildlife, Parks and Tourism

KAR 115-5-1, furbearers and coyotes, legal equipment, taking methods, and general provisions; **KAR 115-5-2**, furbearers and coyotes, possession, disposal, and general provisions; **KAR 115-5-4**, nonresident bobcat hunting permit, tagging, disposal, legal equipment, shooting hours, and general provisions; **KAR 115-6-1**, fur dealer license, application, authority, possession of furs, records, and revocation; **KAR 115-8-1**, department lands and waters, hunting, furharvesting, and discharge of firearms; **KAR 115-13-4**, field trial permit, furbearers and coyotes; **KAR 115-20-7**, migratory doves, legal equipment, taking methods, and possession; **KAR 115-25-11**, furbearers, open seasons and bag limits.

After discussion, the Committee reported no comments.

Board of Pharmacy

KAR 68-11-1, fees for examination and licensure as a pharmacist; **KAR 68-11-2**, fees for premises and service registrations and permits.

After discussion, the Committee reported no comments.

State Corporation Commission

KAR 82-4-1, definitions; **KAR 82-4-2a**, authority of agents, employees, or representatives authorized by commission; **KAR 82-4-3b**, procedures for transportation workplace drug and alcohol testing programs; **KAR 82-4-3c**, testing for controlled substances and alcohol use; **KAR 82-4-3d**, safety fitness procedures; **KAR 82-4-3f**, general motor carrier safety regulations; **KAR 82-4-3g**, qualifications of drivers; **KAR 82-4-3h**, driving of commercial motor vehicles; **KAR 82-4-3i**, parts and accessories necessary for safe operation; **KAR 82-4-3j**, inspection, repair, and maintenance; **KAR 82-4-3k**, transportation of hazardous materials, driving and parking rules; **KAR 82-4-3l**, transportation of migrant workers; **KAR 82-4-3m**, employee safety and health standards; **KAR 82-4-3n**, minimum levels of financial responsibility for motor carriers; **KAR 82-4-3o**, imminent hazard; **KAR 82-4-20**, transportation of hazardous materials by motor vehicles; **KAR 82-4-21**, requiring insurance; **KAR 82-4-22**, intrastate insurance requirements; **KAR 82-4-24a**, standard insurance forms; **KAR 82-4-27**, applications for certificates of convenience and necessity and certificates of public service; **KAR 82-4-30a**, applications for interstate registration; **KAR 82-4-40**, revocation (was passengers on property-carrying vehicles); **KAR 82-4-42**, emergency and occasional equipment; **KAR 82-4-44**, revocation (was discontinuing service); **KAR 82-4-46**, revocation (was uniform system of accounts and annual reports); **KAR 82-4-48**, bills of lading and freight bills; **KAR 82-4-48a**, revocation (was motor carriers of property other than household goods carriers electing to be subject to uniform bills of lading and antitrust immunity regulations); **KAR 82-4-50**, passenger carriers; **KAR 82-4-51**, revocation (was treatment of passengers by common carrier); **KAR 82-4-53**, common motor carrier rates and charges; **KAR 82-4-56a**, household goods and passenger carrier tariffs; **KAR 82-4-57**, powers of attorneys and concurrences; **KAR 82-4-58d**, revocation (was financial filings requirements for abandonment of motor carrier passenger service); **KAR 82-4-63**, contested and uncontested motor carrier hearings; **KAR 82-4-65**, protestants; **KAR 82-4-66**, revocation (intrastate carriers serving specified incorporated or specified unincorporated municipalities); **KAR 82-4-68**, collective rate-making agreements; **KAR 82-4-85**, rate applications filed by carriers party to a collective rate-making agreement; **KAR 82-4-86**, revocation (was vehicle inspection stations).

After discussion, the Committee reported the following comment.

The Committee commends the agency for its work to streamline these rules and regulations.

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.