

December 21, 2018

REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report on the December 10, 2018, Meeting of the Joint Committee on Administrative Rules and Regulations

At its meeting on December 10, 2018, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the following.

Kansas Department of Wildlife, Parks and Tourism

KAR 115-2-7, backcountry access pass, fee, exceptions, and general provisions; **KAR 115-7-1**, fishing, legal equipment, methods of taking, and other provisions; **KAR 115-7-4**, fish, processing and possession; **KAR 115-7-10**, fishing, special provisions; **KAR 115-18-8**, retrieval and possession of game animals, sport fish, and migratory game birds.

After discussion, the Committee reported the following comments:

KAR 115-2-7. The Committee is concerned with the \$50 admission fee and believes the amount may limit the number of people who have access to this portion of the Little Jerusalem State Park.

KAR 115-11-2, controlled shooting areas, operational requirements.

After discussion, the Committee reported no comments.

KAR 115-25-5, turkey, fall season, bag limit, and permits; **KAR 115-25-6**, turkey, spring season, bag limit, permits, and game tags; **KAR 115-25-14**, fishing, creel limit, size limit, possession.

Concern. Although the Committee is aware that these rules and regulations are exempt, the Committee wishes to express its concern with the economic impact of closing certain turkey hunting units and encourages the Commission to consider this impact when finalizing these rules and regulations.

Board of Cosmetology

KAR 69-1-10, potentially disqualifying civil and criminal records, advisory opinion, fee.

Comment. The Committee asks the Board to reconsider the fee proposed for issuing an advisory opinion and asks the Board to consider setting a fee equal to the appropriate license fee, but not more than \$50.

Board of Emergency Medical Services

KAR 109-5-1, continuing education; **KAR 109-8-1**, examination; **KAR 109-8-2**, scheduling examinations for certification; **KAR 109- 11-6a**, paramedic course approval.

After discussion, the Committee reported no comments.

Kansas Department of Agriculture

Division of Animal Health

KAR 9-18-6, fees; **KAR 9-18-9**, inspections of premises; **KAR 9- 18-28**, pet animal foster homes.

After discussion, the Committee reported no comments.

Plant Protection and Weed Control Program

KAR 4-34-1, definitions; **KAR 4-34-2**, certified seed; **KAR 4-34-3**, license approval process; **KAR 4-34-4**, research license applications; **KAR 4-34-5**, licenses issued by the department, general requirements for licensees; **KAR 4-34-6**, research grower license; **KAR 4-34-7**, research distributor license; **KAR 4-34-8**, research processor license; **KAR 4-34-9**, state educational institution research license; **KAR 4-34-10**, administrative license; **KAR 4-34-11**, state advisory board; **KAR 4-34-12**, fees; **KAR 4-34- 13**, modification of license; **KAR 4-34-14**, land-use restrictions; **KAR 4-34-15**, movement of industrial hemp, restrictions on sale or transfer of industrial hemp, compliance with applicable law; **KAR 4-34-16**, voluntary withdrawal, voluntary partial destruction; **KAR 4-34-17**, pre-harvest and harvest requirements, harvest certificates; **KAR 4-34-18**, pre-harvest inspection, sample collection, testing and post-testing actions; **KAR 4-34-19**, postharvest inspection, sample collection, testing and post-testing actions; **KAR 4-34-20**, reports; **KAR 4-34-21**, violations, disciplinary sanctions.

[Note: The Committee will resume the hearing on the above rules and regulations during the January 7, 2019, meeting].

State Board of Mortuary Arts

KAR 63-5-3, potentially disqualifying civil and criminal records, advisory opinion, fee.

Comment. The Committee asks the Board to reconsider the fee proposed for issuing an advisory opinion and asks the Board to consider setting a fee equal to the appropriate license fee, but not more than \$50.

Kansas Department of Health and Environment

KAR 28-35-146a, determination of hourly rate and full cost, fee payments; KAR 28-35-147a, schedule of fees.

Comment. The Committee wishes to commend the agency for informing those impacted before going forward with this rule and regulation.

Board of Healing Arts

KAR 100-28a-14, different practice location (Physician Assistants).

After discussion, the Committee reported no comments.

KAR 100-76-2, licensure by examination (Acupuncturists).

After discussion, the Committee reported no comments.

Kansas Department of Labor

KAR 51-9-17, release 3.1 standards for trading partner profiles, submission of data, first reports of injury.

After discussion, the Committee reported no comments.

Kansas Department for Children and Families

KAR 30-46-10, definitions; KAR 30-46-13, right to interview; KAR 30-46-15, notice of decision; KAR 30-46-17, expungement of record of perpetrator from child abuse and neglect central registry.

Comment. The Committee requests clarification as to whether the supervisors of agency social workers are also licensed social workers. Please provide information on this topic.

Request. The Committee requests a copy of policy 2502 from the agency's Prevention and Protection Services Policy and Procedure Manual.

Kansas Department for Children and Families

KAR 30-4-34, public assistance program; KAR 30-4-35, application process; KAR 30-4-36, redetermination of eligibility; KAR 30-4-38, rights of applicants and recipients; KAR 30-4-40, department responsibility to applicants and recipients; KAR 30-4-41, assistance planning for TANF; KAR 30-4-50, assistance eligibility; KAR 30-4-51, eligibility process; KAR 30-4-54, citizenship, alienage, and residence; KAR 30-4-55, cooperation; KAR 30-4-64, work program requirements for TANF; KAR 30-4-70, eligibility factors specific to the TANF program; KAR 30-4-76, the food assistance program, work and other eligibility requirements; KAR 30-4-77, the

food assistance program, state option, education requirement; KAR 30-4-90, revocation (was eligibility factors specific to the GA program); KAR 30-4-92, low income energy assistance program; KAR 30-4-93, child care assistance program; KAR 30-4-98, funeral assistance; KAR 30-4-100, payment standards for the TANF and foster care programs; KAR 30-4-107, property exemption; KAR 30-4-109, personal property; KAR 30-4-111, income; KAR 30-4-113, exempt income; KAR 30-4-120, revocation (was special needs for applicants and recipients of TAF); KAR 30-4-130, types of payments and payees; KAR 30-4-140, payments, penalties, enforcement.

KAR 30-4-41. The Committee suggests that rather than using the term “cohabiting boyfriend or girlfriend” that the agency use the term “cohabiting partner” as is used in other rules and regulations in this particular set.

KAR 30-4-92. In subsection (b), the Committee asks the agency to clarify “heating fuel” to include electricity and all other types of fuel used for heating.

KAR 30-4-107. The agency should evaluate whether this rule and regulation covers the content in KAR 30-4-109 and, if it does, KAR 30-4-107 could then be revoked.