



**Kansas Legislative Research Department**

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October 26, 2022

**To:** Kansas Legislature

**From:** Jill Shelley, Principal Research Analyst

**Re:** Report of the October 18, 2022, Meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations (Committee) provides its comments on rules and regulations reviewed at its meeting of October 18, 2022. Agencies are asked to respond to each comment or request for information; responses are compiled and maintained by staff of the Kansas Legislative Research Department.

### **Kansas Human Rights Commission**

KAR 21-34-1, definitions; KAR 21-34-17, revoked (was substantially limit; criteria for determination); KAR 21-34-18, revoked (was substantially limit; definition with respect to the major life activity of “working”; criteria for determination).

The Committee commends the Commission for its outreach to 17 organizations, seeking their input on the proposed rule and regulation changes.

### **Kansas State Department of Education**

KAR 91-1-200, definition of terms; KAR 91-1-201, type of licensure; KAR 91-1-202, endorsements; KAR 91-1-203, licensure requirements; KAR 91-1-204, licensure of out-of-state and foreign applicants; KAR 91-1-209, additional endorsements.

The Committee notes the changes in the rules and regulations were not prompted by changes to the statutes.

The Committee commends the Department for its efforts to address the teacher shortage in Kansas by reducing barriers to obtaining a Kansas teaching license for a person who has held a teaching, school leadership, or school specialist license in another state.

## **Office of the Attorney General**

KAR 16-12-4, program requirements (batterer intervention).

The Committee commends the Office for reviewing its program requirements to ensure the program better serves Kansans.

## **Kansas State Board of Healing Arts**

- KAR 100-69-10, license renewal; continuing education (athletic trainers).
- KAR 100-73-7, license renewal; continuing education (radiologic technologists).
- KAR 100-28b-2, application for licensure; KAR 100-28b-4, approved national certification; KAR 100-28b-7, continuing education; KAR 100-28b-11, licensees who direct, supervise, or delegate acts that constitute the independent practice of midwifery; requirements and limitations; KAR 100-28b-12, assessment of patient for identifiable risks; KAR 100-28b-19, unprofessional conduct. (midwifery)

The Committee notes KSA 65-28b07, the authorizing statute for these proposed rules and regulations, requires midwifery rules and regulations to be adopted no later than January 1, 2017, and these have been presented in October 2022. It further notes that rules and regulations deemed necessary to protect the health and safety of Kansans should have been in effect when a professional license became available for this profession. The Committee expresses its displeasure with both the Board of Healing Arts and the Kansas State Board of Nursing for their failure to meet the statutory deadline for these rules and regulations.

## **Kansas Department of Wildlife and Parks**

KAR 115-5-1, furbearers and coyotes; legal equipment, taking methods, and general provisions; KAR 115-17-6, revoked (was commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation); KAR 115-17-7, commercial harvest of mussels prohibited; KAR 115-17-8, revoked (was commercial harvest of mussels; legal equipment, taking methods, and general provisions); KAR 115-17-9, revoked (was commercial mussel fishing; open areas); KAR 115-17-14, revoked (was commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions, and permit revocation); KAR 115-25-11, furbearers; open seasons and bag limits.

The Committee had no comments.

## **Kansas Department of Health and Environment**

- KAR 28-19-517, Class I operating permits; annual emissions inventory and fees; KAR 28-19-546, Class II operating permits; annual emission inventory and fees; KAR 28-19-564, Class II operating permits; permits-by-rule; sources with actual emissions less than 50 percent of major source thresholds.

The Committee is skeptical of information heard in agency testimony that the fee increases proposed will not increase costs to ratepayers.

- KAR 28-4-114, applicant; licensee (day care homes).

The Committee urges the Department to reduce burdensome regulations that are not necessary to protect health and safety. It requests the Department provide information on capacity limits and ratios for day care home providers and group day care home providers in surrounding states.

### **Kansas Corporation Commission**

KAR 82-4-1, definitions; KAR 82-4-2a, authority of agents, employees, or representatives authorized by commission; KAR 82-4-3, exemption from the motor carrier safety regulations; 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 82-4-27, applications for certificates of convenience and necessity and certificates of public service; KAR 82-4-30a, applications for interstate registration; KAR 82-4-50, passenger carriers.

The Committee had no comments.

### **Behavioral Sciences Regulatory Board**

KAR 102-1-1, definitions; KAR 102-1-5a, supervised experience and supervisor qualifications; KAR 102-2-1a, definitions; KAR 102-2-8, supervision; KAR 102-2-12, licensed specialist clinical social work licensure requirements; KAR 102-3-1a, definitions; KAR 102-3-3a, education requirements; KAR 102-3-7a, postgraduate supervised professional experience requirement to be licensed as a clinical professional counselor; KAR 102-4-1a, definitions; KAR 102-4-7a, postgraduate supervised professional work experience requirement; KAR 102-5-1, definitions; KAR 102-5-7a, professional postgraduate supervised experience requirement for a clinical marriage and family therapist; KAR 102-7-1, definitions; KAR 102-7-6, professional postgraduate supervised experience requirement for a clinical addiction counselor.

The Committee had no comments.