

December 12, 2018

PRELIMINARY REPORT

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

cc: Linda Craghead, Secretary of Wildlife, Parks and Tourism

Re: December 10, 2018, Hearing on Proposed Rules and Regulations from the 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.

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

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.

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 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 notice. Finally, agencies are expected to verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *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 Raney L. Gilliland, Director of Legislative Research, 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 Mr. Gilliland, 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 Mr. Gilliland 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.