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March 6, 2020

Secretary Brad Loveless  
Department of Wildlife, Parks and Tourism  
1010 S. Kansas Ave., Room 200  
Topeka, Kansas 66612

Dear Secretary Loveless:

At its meeting on March 3 the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations promulgated by your agency. The enclosed Committee report from that meeting contains comments for which a response from your agency is expected.

The enclosed 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 respond to each question or comment of the Committee and 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.

Failure to respond to each and every comment contained in this report may result in a request from the Committee that a spokesperson from the agency appear before the Committee to explain the agency's failure to reply.

Thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jill A. Shelley". The signature is written in blue ink and is positioned above the typed name.

Jill A. Shelley,  
Principal Research Analyst



**Kansas Legislative Research Department**

*Providing nonpartisan, objective research and fiscal analysis for the Kansas Legislature since 1934*

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March 6, 2020

**To:** Kansas Legislature

**From:** Joint Committee on Administrative Rules and Regulations

**Re:** Report of the March 3, 2020, 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 March 3, 2020. 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.

**Board of Veterinary Examiners**

KAR 70-5-1, fees.

The Committee had no comments.

**Kansas Board of Regents**

New Article 25, AO-K to Work Program: KAR 88-25-1, program title; KAR 88-25-2, AO-K career pathways, industry-recognized credentials; KAR 88-25-3, career readiness certificate; KAR 88-25-4, high school equivalency requirements; KAR 88-25-5, fee.

The Committee requests additional information about the fees for materials required for each student working to earn career readiness certification. Specifically, the Committee asks the number of such certifications sought each year, the approximate materials fee for each, who decides whether to waive the fee and, if the institutions on the approved credentials and pathways list make available such information, how much the institutions waive in materials fees.

The Committee asks the agency to provide information about the process used to determine which institutions are included in the approved credentials and pathways list dated August 30, 2019. It also asks which institutions are in the process of applying or declined to participate.

The Committee requests additional information about the competency levels associated with the ACT National Career Readiness Certificate,

including the employer competency percentage associated with each level of certificate achievement.

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

KAR 115-4-2, big game and wild turkey, general provisions; KAR 115-4-4, big game, legal equipment and taking methods; KAR 115-4-6, deer, management units; KAR 115-25-8, elk, open season, bag limit, and permits; KAR 115-25-9, deer, open season, bag limit, and permits.

KAR 115-25-7, antelope, open season, bag limit, and permits.

KAR 115-25-20, sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation.

The Committee requests a legal analysis regarding the statutory authority for the Secretary of Wildlife, Parks and Tourism to conduct an auction on January 2, 2020, involving a set of antlers from a buck shot by a poacher in Osage County in 2011.

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

New Article 78, Business entities: KAR 100-78-1, business entity certificate of authorization, expiration date; KAR 100-78-2, fees.

The Committee had no comments.

### **Kansas State Board of Nursing**

KAR 60-11-116, reinstatement of inactive or lapsed license; KAR 60-11-119, payment of fees; KAR 60-13-110, reinstatement of inactive or lapsed authorization.

The Committee had no comments.

### **Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation, Storage Tank Section**

KAR 28-44-12, general provisions; KAR 28-44-13, program scope; KAR 28-44-14, definitions; KAR 28-44-15, application for installation or modification of an underground storage tank; KAR 28-44-16, underground storage tank systems, design, construction, installation, modification and notification; KAR 28-44-17, underground storage tank registration and operating permit; KAR 28-44-18, registration of nonregulated underground storage tanks; KAR 28-44-19, general operating requirements; KAR 28-44-20, underground storage tank contractor licensing; KAR 28-44-21, underground storage tank installer and remover licensing; KAR 28-44-22, underground storage tank tester licensing; KAR 28-44-23, release detection; KAR 28-44-24, release reporting, investigation, and confirmation; KAR 28-44-25, release response and corrective action for UST systems; KAR 28-44-26, out-of-service UST systems and closure;

KAR 28-44-27, financial responsibility; KAR 28-44-28, revoked (was aboveground storage tank fees); KAR 28-44-29, aboveground storage tank operating permit; KAR 28-44-30, operator training and requirements; KAR 28-44-31, UST systems with field-constructed tanks and airport hydrant fuel distribution systems.

KR 28-44-17. The Committee is concerned that “within seven days” in subsection (c) could be insufficient time to complete and submit a registration form and asks how the agency determined the timeframe.

In many of the proposed rules and regulations, the agency requires communications to be “in writing” but does not define “in writing.” The Committee asks whether the agency intends to include electronic communications and suggests the agency define the term for the purpose of these rules and regulations.

The Committee requests information about funding for the Storage Tank Section, including balances in state funds applicable to the program (*e.g.*, the Aboveground Petroleum Storage Tank Release Trust Fund and the UST Redevelopment Fund), federal moneys received, and the amounts directed to or received from the State General Fund, over the past five years. The Committee notes the agency states the additional funds from fee increases will contribute to the costs of enhancing outreach efforts to the regulated community, operating and maintaining a new database, and provide for online permitting, and requests any additional information to justify increasing fees.