



Kansas Legislative Research Department

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To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the April 25, 2024, Meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations provides its comments on rules and regulations reviewed at its meeting on April 25, 2024. 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.

Department of Revenue

KAR 92-5-9, redemption of unused stamps; KAR 92-5-10, cigarettes unfit for sale.

KAR 92-3-7, revocation (was vehicles; separate delivery apparatus for each compartment; exception); KAR 92-3-10, revocation (was measuring vehicle tanks; vehicles affected; capacity marker; extent filled); KAR 92-3-11, revocation (was vehicle tanks; marking capacity; identifying tank; certificate; basis of tax payments); KAR 92-3-12a, revocation (was vehicle tanks; re-marking when damaged); KAR 92-3-14, revocation (was calibration unit number); KAR 92-3-19, revocation (was principal business for handling allowance). [Note: Article 3 is Motor Fuel Tax and Transportation of Liquid Fuel.]

The Committee had no comments.

Insurance Department

KAR 40-1-36, life and health insurance applications; underwriting; acquired immunodeficiency syndrome (AIDS); definitions; KAR 40-4-29a, revocation (was same [accident and sickness insurance standards for benefits]; renewability of individual hospital, medical, or surgical expense policy); KAR 40-8-7, excess lines insurance; agents; submission of affidavit required.

The Committee had no comments.

Kansas Department of Health and Environment

Family child care homes: KAR 28-4-113, definitions; KAR 28-4-114, applicant; licensee; KAR 28-4-114a, initial and ongoing professional development training; KAR 28-4-115, facility; KAR 28-4-116, daily care of children; KAR 28-4-116a, napping and sleeping; KAR 28-4-117, health care requirements for children under 16 years of age and recordkeeping; KAR 28-4-118, reporting suspected child abuse or neglect;

General regulations for family child care homes, child care centers, and preschools: KAR 28-4-122, requirements and definitions for general regulations; KAR 28-4-123, parental access; KAR 28-4-124, parental permission for children to go off-premises; KAR 28-4-126, health of individuals at least 16 years of age; KAR 28-4-127, telephone; emergency medical treatment; reporting requirements; KAR 28-4-128, safety and emergency procedures; KAR 28-4-129, swimming and wading activities; KAR 28-4-130, transportation; KAR 28-4-131, animals; KAR 28-4-132, child care practices; KAR 28-4-133, reporting critical incidents;

Child care centers and preschools: KAR 28-4-420, definitions; KAR 28-4-421, terms of temporary permit or license; KAR 28-4-422, applicant requirements; exclusions; application process; amended license; renewal; exceptions; advertising; KAR 28-4-423, physical plant; KAR 28-4-426, administration; KAR 28-4-427, program; KAR 28-4-428, staff requirements; KAR 28-4-428a, education and training requirements; KAR 28-4-429, staff qualifications; KAR 28-4-430, health practices; illness and abuse; general health requirements for staff; KAR 28-4-434, preschools; KAR 28-4-435, programs serving children with special health care needs and disabilities; KAR 28-4-436, child care centers: napping and sleeping; KAR 28-4-437, child care centers: outside area; KAR 28-4-438, child care centers: program; KAR 28-4-439, child care centers: food service; KAR 28-4-440, programs serving infants and toddlers; KAR 28-4-441, programs serving school-age children; KAR 28-4-442, revocation (the rule and regulation had no formal title).

The Committee appreciates the agency's efforts to keep Kansas children safe in state-licensed child care facilities. However, the Committee finds the agency has made policy decisions in these proposed rules and regulations and reminds the agency that the Legislature determines policy and such policy changes should be brought before the Legislature.

Although the Economic Impact Statement states no federal funding is tied to adoption of these rules and regulations, oral testimony indicated some of the changes are being made to meet federal requirements. The Committee requests clarification on which changes are federally required, whether any federal moneys for the agency or providers are tied to adoption of those requirements, and, if so, which and the amounts of the federal moneys. The Committee also requests specific information on costs to child care providers for meeting those requirements.

The Committee notes the changes proposed are extensive, requests the agency continue to work with child care providers to identify changes of particular concern to providers as being burdensome or costly, and requests the agency report to the Committee on any changes to the draft rules and regulations made because the change was considered to be burdensome or costly to providers. The Committee notes some of the proposed changes

appear to reduce regulatory specifications child care providers must meet and recognizes the statement made by the agency in its economic impact statement regarding the balancing of increased health and safety standards with economic realities faced by parents and licensees.

The Committee notes that the provision regarding storage of weapons and ammunition does not exist in state statutes and asks whether provisions regarding storage of weapons and ammunition or similar provisions have been challenged in court.

Kansas Department of Wildlife and Parks

KAR 115-7-3, fish; taking and use of baitfish or minnows; KAR 115-7-9, weigh-in black bass fishing tournaments; KAR 115-7-10, fishing; special provisions; KAR 115-17-3, commercial fish bait permit; requirement, application, and general provisions.

The Committee had no comments.

Kansas State Board of Cosmetology

KAR 69-15-6, application completion and deadlines; KAR 69-15-7, examinations for cosmetic tattoo artists, tattoo artists, or body piercers; KAR 69-15-9, renewal of practitioner licenses.

The Committee had no comments.

Department of Administration

KAR 1-16-21, registration and membership fees.

The Committee had no comments.