

Agency number	[Note: Quotations from agency submissions are in Times New Roman type.]	POTENTIAL FOR REVOCATION				ADDITIONAL INFORMATION	
		<u>Briefly describe the public purpose of the rule and regulation.</u>	<u>Number of times that response was cited</u>	<u>Briefly describe how revocation would affect Kansans.</u>	<u>Number of times that response was cited</u>	<u>Additional information necessary to understanding the necessity of this rule and regulation</u>	<u>Number of times that response was cited</u>
24	(i) Kansas wheat commission;	To establish a mill levy to provide funding to the wheat commission	1	If the rule were not active, the duties of the wheat commission would need to be funded via a new method	1	[no response]	
25	(ii) Kansas state grain inspection department;	The agency gave a specific answer for each rule and regulation.					
26	(iii) Kansas department for aging and disability services;			The agency gave a specific answer for each rule and regulation. Of those, 338 mentioned there would be a lack of clarity on the topic, and 82 mentioned there would be a lack of specificity regarding the requirement.		For Agency 30 Article 22, Licensing of Psychiatric Hospitals; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons, the agency states "Federal certification will be a KDHE responsibility per MOU going forward."	14
						Kansas residential care facilities provide housing for individuals who are unable to live independently due to functional or cognitive limitations. RCFs do not receive either state or federal funding although individuals living in an RCF may be a recipient of home-and community-based services to Medicaid beneficiaries.	1
27	(iv) Kansas energy office;	The agency gave a specific answer for each rule and regulation.	26	It would not affect Kansans if revoked. The regulation is not in active use.	26	[no responses]	
28	(v) department of health and environment;	Provides definitions of terms frequently used throughout the applicable set of regulations for the benefit of the regulated community.	46	Would remove standards that prevent health or environmental risks associated with performance of the regulated activity.	311		
		This regulation adopts minimum federal standards, subject to modifications, necessary to protect public health and the environment from potential risks associated with the regulated activity.	31	Loss of Agreement State Status with NRC due to incompatibility of regulations. Kansas licensees would be subject to Federal oversight and significant increases in costs for licensing and compliance.	229		
		Substitutes federal terms with corresponding state-specific terms in Kansas, ensuring regulations are appropriately adopted for the state of Kansas.	9	Limit the State's ability to effectively administer the Medicaid program, including but not limited to appropriate provision of services and payment of claims.	135		

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	(v) department of health and environment; (continued)		Sets the standards for who must have a background check to be in the child care setting.	3	The Kansas State Implementation Plan approved by EPA is the federal standard in Kansas. Revocation of these Kansas implementing regulations and standards would result in loss of State Implementation Plan Approval Status with the EPA and Kansas sources of air pollution would be subject to Federal oversight resulting in significant increased costs for permitting and compliance. Any failure to conserve and control air pollution in Kansas would adversely impact the health of Kansas and downwind state citizens.	97			
			Sets the standards for the physical premises on which care is provided.	2	Would remove definitions needed to understand the terms used throughout the applicable regulations.	63			
			Sets standards for materials and activities used by the program.	2	Medicaid is a joint federal and state program. As such, KDHE is required to enact program standards in accordance with federal law. The failure to enact proper program requirements could affect KDHE's compliance with federal program requirements and future funding of the program. CMS has reviewed KDHE Regulations.	53			
			Sets safe food handling standards and nutritional guidelines.	2	The Kansas Residential Lead Hazard Prevention Program authorized by EPA is the federal standard in Kansas. Revocation of these Kansas implementing regulations and standards would result in loss of State ran program and the authorized status with the EPA. Without this program in place, Kansas contractors would be subject to Federal oversight resulting in significant increased costs for licensing/certification and compliance. Any failure to regulate lead based paint hazards in Kansas would adversely impact the health of Kansas citizens, specifically children are the most impacted.	53			
			Sets medical record requirements, tuberculosis guidelines, immunizations requirements, health practices.	2	Risk of public health from x-ray dose due to uncalibrated and improperly used radiation producing devices.	46			
			Sets procedures and practices for emergency situations.	2	Revocation would negatively affect Kansans because it would remove standards that prevent health or environmental risks associated with performance of the regulated activity.	44			

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	(v) department of health and environment; (continued)		Requires existing MSW landfills to design, install, and operate gas collection/control systems per 40 CFR §60.752(b)(2) & §60.753 standards. Requires compliance and monitoring under 40 CFR §60.755 & §60.756, with active gas collection systems meeting 40 CFR 60.759 standards.	2	No impact as regulation safeguards will be incorporated into Article 45.	27			
			Requirements to maintain use logs of sources in order to recreate exposures from source activity.	2	KDHE would be unable to finance the program that administers and oversees the regulated activity.	26			
			Requirements to maintain and follow operating and emergency procedures in order to protect the public from excessive radiation exposure.	2	Would have no effect as these regulations are no longer used.	19			
			Requirements of regulation have been placed in other regulations.	5	111(d) Plans approved by EPA become the federal standard in Kansas for existing sources. Revocation of these Kansas established implementing regulations and standards would result in affected sources becoming subject to EPA Federal Implementation Plans promulgated for sources not covered by state plans increasing operating and compliance costs.	16			
			Requirements for transportation containers and packages to prevent contamination and exposure from radioactive material impacting the public due to vehicle accidents or other emergency situations.	2	Would disrupt alignment between federal and state environmental regulations, leading to confusion and potential non-compliance for the regulated community. This could result in regulatory inefficiencies, legal challenges, and risks to environmental protection efforts, impacting public health and safety.	15			
			Requirements for the use of x-ray devices to reduce unnecessary dose with beam limitation, exposure control, x-ray tube positioning, and functioning of the device in parameters that improve imaging and reduce dose to patients and workers.	2	This regulation is approved under both the Kansas Part 70 State Operating Permit Program and the State Implementation Plan by EPA and is the federal standard in Kansas. Revocation of these Kansas implementing regulations and standards would result in loss of State Implementation Plan Approval Status with the EPA and Kansas sources of air pollution would be subject to Federal oversight resulting in significant increased costs for permitting and compliance. Any failure to conserve and control air pollution in Kansas would adversely impact the health of Kansas and downwind state citizens.	13			

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	(v) department of health and environment; (continued)		Requirements for radiation surveys and records to ensure that employees and members of the public are not subject to excessive radiation exposure.	2	Loss of FEMA certification for offsite response to nuclear power plant emergencies. Required to ensure training and planning is maintained to protect public from radiological releases.	12			
			Requirements for personal dosimetry and alarming dosimeters to protect workers from receiving excessive dose.	2	Limiting the options a facility could use to meet the financial requirements set out in 28-29-2101 or 2102.	11			
			Regulation has never been implemented; no local support for approach	3	The Kansas Asbestos Control Program is authorized by EPA to administer the federal National Emission Standards for Hazardous Air Pollutants for Asbestos in Kansas. Revocation of these Kansas implementing regulations and standards would result in loss of the State ran program and authorized status with the EPA. Without this program in place, Kansas licensed contractors would be subject to Federal oversight resulting in significant increased costs for licensing/certification and compliance. Any failure to regulate asbestos hazards in Kansas would adversely impact the health of Kansas citizens.	11			
			Reasonable charges, but not in excess of "Range maximum."	5	Without clear definitions, reporting could be inconsistent, incomplete, or inaccurate.	10			
			Reasonable and customary fees will be paid, not in excess of "range maximum."	2	Revocation would not affect Kansans because this regulation has been superseded by Articles 45 and 45a of K.A.R. Chapter 28 which maintain protection of Kansas public health and the environment.	9			
			Reasonable and customary charges, but not in excess of "Range maximum."	5	The Kansas Part 70 State Operating Permit Program approved by EPA is the federal standard in Kansas. Revocation of these Kansas implementing regulations and standards would result in loss of Part 70 Approval Status with the EPA and Kansas sources of air pollution would be subject to Federal oversight resulting in significant increased costs for permitting and compliance. Any failure to conserve and control air pollution in Kansas would adversely impact the health of Kansas and downwind state citizens.	9			
			Prescribes due process procedures concerning an agency action alleged to adversely affect persons subject to, or with an interest in, the agency action.	4	Would have no impact because this practice is not occurring in Kansas.	9			

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	(v) department of health and environment; (continued)		Plans have been replaced with new approaches for wastewater planning	2	Would lead to increased radon exposure/lung cancer risk for Kansans, as well as increasing the chance that systems are improperly installed. Improperly installed systems can not only lead to increased radon exposure but increase the chances of electrical or other failures.	9			
			Outlines the responsibility of people who apply for services.	2	Would remove defined terms and potentially invalidate portions of the regulation, create confusion.	8			
			Outlines rules regarding animals in the child care setting.	2	Would remove standards and/or procedures for public participation concerning the regulated activity.	8			
			Outlines payment details and claims for providers to provide services.	2	Would require HHAs [home health agencies] in Kansas to be subject to federal oversight and increased costs for licensing and compliance.	7			
			Outlines application procedures and requirements, sets advertising restrictions.	2	Loss of delegation agreements for federal standards and authority to be the approved permitting authority under Title V of the Clean Air Act. Kansas sources subject to federal standards would be regulated by the EPA, increasing their operating and compliance costs. Any failure to conserve and control air pollution in Kansas would adversely impact the health of Kansans and downwind state citizens.	6			
			Lists conditions eligible for treatment.	2	No impact, existing programs can handle issues in a coordinated fashion	5			
			Establishes standards for conducting the regulated activity necessary to protect public health and the environment from potential risks associated with such activity. This regulation establishes a schedule of fees and/or procedures for payment of fees associated with costs incurred by the agency to administer the program overseeing the regulated activity.	2	No impact, requirements retained by other regulations	5			
			Establishes standards and/or procedures for public participation concerning the regulated activity.	9	Unqualified individuals may be responsible for the hearing screening program	5			

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	(v) department of health and environment; (continued)		Establishes standards for conducting the regulated activity necessary to protect public health and the environment from potential risks associated with such activity.	141	Would invalidate licensure.	5			
			Establishes requirements and/or procedures concerning maintenance of finances necessary to assure the completion of the regulated activity in conformance with established standards.	3	Would not affect Kansans as the regulations sunset in 2022 and are not being used.	5			
			Establishes requirements and/or procedures concerning maintenance of finances necessary to assure completion of the regulated activity in conformance with established standards.	9	Would remove due process procedures concerning an agency action alleged to adversely affect persons subject to or with an interest in the subject of the agency action.	4			
			Establishes New Source Review permitting requirements for minor sources or major sources with projects that are not subject to PSD or NA requirements.	4	Create hardship in determining financial resources and erroneously excluding/including applicants/recipients.	3			
			Establishes a schedule of fees and/or procedures for payment of fees associated with costs incurred by the agency to administer the program overseeing the regulated activity.	20	Creates the risk that an individual who should not be around children in care would be in the environment.	3			
			Describes the financial eligibility breakdown.	2	Loss of the department ability to assess health and environmental impacts from power generating facilities including nuclear facilities.	3			
			Describes priority list for persons with specific diagnoses.	2	The agency would not have funds sufficient to resolve hazards resulting from the unexpected cessation and/or improper performance of the regulated activity.	3			
			Definitions of technical terms used in regulations.	25	Would expose children to risks during emergent situations due to potential unpreparedness of the facility.	3			
			Covered in Article 45.	27	Would remove standards that prevent health or environmental risks associated with performance of the regulated activity and it would remove standards and/or procedures for public participation concerning the regulated activity.	3			

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	(v) department of health and environment; (continued)		Adopts minimum federal standards, subject to modifications, necessary to protect public health and the environment from potential risks associated with the regulated activity. However, the federal program no longer exists.	16	Costs could increase and services could increase.	2			
			Adopts minimum federal standards, subject to modifications, necessary to protect public health and the environment from potential risks associated with the regulated activity.	125	Costs money by allowing ineligible insureds to remain with coverage.	2			
					Could endanger public health. Proximity of wastewater systems to water sources prevents contamination, ensuring safe drinking water. Removal of this safeguard risks waterborne diseases, environmental damage, and economic losses due to healthcare costs and reduced tourism or agriculture.	2			
					Establishes standards for conducting the regulated activity necessary to protect public health and the environment from potential risks associated with such activity.	2			
					Financial burden goes back to providers for services provided.	2			
					Hospitals would lack oversight over practitioners at every level.	2			
					May cause risk to children who need services due to the specific condition.	2			
					No application guidelines would be required per applicant; missing information.	2			
					No guidance for how to calculate eligibility cutoff for services; financial burden goes back to families.	2			
					Puts children at risk of communicable disease or preventable health complications.	2			
					Puts children at risk of injury.	2			
					Puts children at risk of underqualified staff being unprepared. Removes safeguards.	2			
					Removes ambiguity and confusion, standardizes practices.	2			

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	(v) department of health and environment; (continued)				Revocation of this regulation would lead to insufficient funds to ensure proper closure and post-closure of facilities, creating risk to human health and the environment and the expenditure of public moneys for environmental cleanup.	2			
					Revocation would negatively affect Kansans because KDHE would be unable to finance the program that administers and oversees the regulated activity.	2			
					Revocation would not affect Kansans.	2			
					Vital Statistics would not have the funding to provide the community with necessary vital records.	2			
					Would effect enrollment numbers.	2			
					Would heighten the risk of tuberculosis transmission in educational settings, endangering students, faculty, and staff, potentially leading to outbreaks and increased public health burdens.	2			
					Would lead to confusion and inefficiency in administering the trauma system program.	2			
					Would negatively affect Kansans by removing standards that prevent health or environmental risks associated with hazardous waste treatment, storage or disposal facilities.	2			
					Would place Kansans at risk for substandard care.	2			
					Would possibly result in skilled and non-medical services being delivered by untrained workers.	2			
					Would remove standards that prevent health or environmental risks associated with performance of the regulated activity. Would negatively affect Kansans because KDHE would be unable to finance the program that administers and oversees the regulated activity.	2			
30	(vi) Kansas department for children and families;		exempts certain types of income when considering benefit amounts	2	would allow people with adequate resources to receive benefits	5			
			The agency gave a specific answer for each rule and regulation.	72	Negatively impact investigation of abuse and neglect and defending appeals to OAH.	4			
					May negatively impact adoption process	3			
					would inhibit judicial economy	3			
					DQ hearings are required by HHS and must be administered by some state agency	2			
					would restrict ability of DCF to address fraudulent receipt of benefits and pursue recoupment	2			

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					would take away an option for further review of actions impacting clients	2		
					would violate federal anti-discrimination laws	2		
					would violate federal rules that require exemption of some types of income	2		
					The agency gave a specific answer for each rule and regulation.	48		
33	(vii) park and resources authority;	<i>The agency was abolished in 1987 and its powers, duties, functions, and property were transferred to the Secretary of Wildlife and Parks.</i>						
35	(viii) state salvage board;	<i>The agency was abolished in 1975 and its powers and duties transferred to the Secretary of Transportation.</i>						
36	(ix) Kansas department of transportation;		The agency gave a specific answer for each rule and regulation.	86	The agency gave a specific answer for each rule and regulation.	56	The agency gave a specific answer for each rule and regulation.	20
			Implements the Transportation Revolving Fund, which provides financial assistance to local governments for transportation projects.	9	Would remove safety requirements to purchase and operate permits of large loads	11	Required to define different types of permitted loads in the state of Kansas along with the requirements to safely operate and move the loads while travelling through Kansas. Federal funds would be jeopardized if KS failed to enforce its laws and regulations in this area. Withholding of 7 percent of the State's apportionments for NHPP, STBG, HSIP, CMAQ, National Highway Freight Program (NHFP), and Metropolitan Planning. Withheld apportionments are restored if enforcement is shown to be acceptable within 1 year; otherwise, the withheld funds are apportioned to all other eligible States.	10
			The regulation allows KDOT to, when appropriate, provide financial assistance for an intermodal transportation project.	9	Revocation would eliminate a source of financing for local governments for transportation projects.	9	This is shown as in active use due to existing outstanding loans that are still active. The agency no longer issues these loans so when the existing loans are paid off the regulation will no longer need to be in active use.	9
			Supports the statewide 800 MHz radio communications system maintained by the Kansas Department of Transportation.	5	Revocation would eliminate KDOT's ability to support an intermodal project through this fund.	9	Outlines the Appeal Process	4
			The rule defines the terms for a highway rest area regulation.	2	Authorize compliance with the provisions of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto. K.S.A. 58-3501.	8		
					Revocation could lead to differed maintenance and safety hazards on railroad facilities in Kansas.	5		
					Revocation would eliminate a financing option for governmental entities, nongovernmental entities and public safety agencies to acquire access to or equipment for the statewide radio communications system.	5		

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					Revocation of this regulation would make the process of bidding on KDOT state road and bridge construction projects more difficult and impact completion of these projects.	2			
					Revoking this rule would harmfully impact the fair and equitable use of the state's highway rest areas.	2			
					The unregulated use of stud tires may result in increased damage to highway infrastructure and increase the manufacture/sale/use of unsafe studded traction equipment.	2			
37	(x) Kansas highway patrol;	KL RD Note: There are no active rules and regulations under this agency number.							
38	(xi) savings and loan department;		The agency gave a specific answer for each rule and regulation.	26	Not applicable. Savings and loan code was abolished in 2018.	26		All of the listed statutes were repealed in 2018, with enactment of 2018 HB 2157 (Chapter 83)	26
39	(xii) Kansas turnpike authority;		The agency gave a specific answer for each rule and regulation.	31	The agency gave a specific answer for each rule and regulation.	31			
40	(xiii) insurance department;		The agency gave a specific answer for each rule and regulation.	262	The agency gave a specific answer for each rule and regulation.	261		This regulation is required for accreditation by the NAIC (National Association of Insurance Commissioners) Financial Regulation Standards and Accreditation Program. In one, the agency added, "That is, if a company is domiciled in an accredited state, the other states in which that company is licensed and/or writes business may be assured that, because of its accredited status, the domiciliary state insurance department is adequately monitoring the financial solvency of that company."	22
								2024 HB 2790 transfers registration [under the Professional Employer Organization Registration Act] to the Kansas Secretary of State effective January 1, 2025.	2
								other answers	5
41	(xiv) food service and lodging board;	<i>The agency was abolished in 1975.</i>							
42	(xv) commission on alcoholism;	<i>The agency was abolished in 1975.</i>							
43	(xvi) corrections ombudsman board;	<i>See Agency 44.</i>							
44	(xvii) department of corrections;		The agency gave a specific answer for each rule and regulation.	206	KDOC IMPP [internal management policy and procedures] already incorporates this KARs information.	8			

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					KDOC IMPP on this subject is detailed; therefore KAR is not necessary	2		
					N/A	195		
					The agency gave a specific answer for each rule and regulation.	12		
45	(xviii) Kansas prisoner review board;		The agency gave a specific answer for each rule and regulation.	16				
46	(xix) executive council;							
47	(xx) mined-land conservation and reclamation (KDHE);	See KDHE						
48	(xxi) department of labor—employment security board of review;		The agency gave a specific answer for each rule and regulation.	17	The agency gave a specific answer for each rule and regulation.	17	The agency gave a specific answer for each rule and regulation.	17
49	(xxii) department of labor;		The agency gave a specific answer for each rule and regulation.	81	The agency gave a specific answer for each rule and regulation.	25	The agency gave a specific answer for each rule and regulation.	6
			This rule brings Kansas child labor standards into line with federal law.	18	Revoking this rule would allow businesses not subject to federal child labor laws to employ minors in occupations that businesses subject to federal laws cannot. That would create an unfair advantage over employers subject to federal law.	20	Transferred. This regulation is the responsibility of the State Fire Marshall pursuant to K.S.A. 44-932(c). KLRD Note: The State Fire Marshall provided information on the boiler rules and regulations in its 2023 report.	91
			This regulation specifies who may do absentee voting and imposes limitations.	2	Revoking this rule could affect the integrity of union elections.	16	K.S.A. 38-602 uses the language "shall adopt appropriate rules and regulations."	21
			This regulation specifies how to proceed if someone has been challenged as an unqualified voter.	2	Revoking this regulation could increase wage theft by employers not subject to the FLSA, creating an unfair advantage over employers subject to the FLSA.	9	KAR 49-55-9 requires that "...safety instructions for each amusement ride in a conspicuous location under a waterproof covering..." Given that every piece of safety signage that I have seen to date is weatherproof, requiring that signage be "under a waterproof covering" seems unnecessarily broad.	2
			This regulation specifies how the Secretary will notify the interested parties of the election results.	2	Revoking this regulation would hinder the Department's ability to effectively and efficiently deal with impasses.	6		
			This regulation gives the Secretary of Labor to determine the type of ballot for elections.	2	It would prevent teachers from their right to be in a union.	5		
			Provides guidance on calculating fire protection, law enforcement OT.	2	Revoking this regulation could result in increased wage theft by employers.	5		

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					This regulation pertains to a law that the Legislature repealed in 1972, so there would be no negative impact.	5			
					Revoking this regulation could make it more difficult for the Department to process the petition for an all union agreement. This could be used as a bad-faith stalling tactic for negotiations.	3			
					Revoking this regulation would hinder the Department's ability to perform its duties under the Professional Negotiations Act in a timely and efficient manner.	3			
					It would prevent teachers from their right to be in a union, and hinder the Department's ability to conduct the election in a timely and efficient manner.	2			
					Revoking this regulation would hinder the Department's ability to effectively and efficiently deal with prohibited practice complaints.	2			
					Revoking this rule could result in delays to elections.	2			
50	(xxiii) department of labor—division of employment; and		The agency gave a specific answer for each rule and regulation.	56	Revoking this rule would make it more difficult for the Agency to define the terms under the administration of the Kansas Employment Security Law, K.S.A. 44-701 <i>et seq.</i>	3			
					The agency gave a specific answer for each rule and regulation.	48			
51	(xxiv) department of labor—division of workers compensation;		The purpose of the regulation is to assist in the implementation of K.S.A. 44-510(g).	7	Revocation of the regulation would adversely affect those subject to its application by injecting ambiguity into the administration of the Act.	8		The agency noted paper copies are no longer required and the rule and regulation (KAR 51-18-4) should be amended.	1
			The agency gave a specific answer for each rule and regulation.	40	The agency gave a specific answer for each rule and regulation.	41			