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August 25, 2026

To: Kansas Legislature

From: Joint Committee on Administrative Rules and Regulations

Re: Report of the August 19, 2026, 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 on August 19, 2026. 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 Agriculture, Division of Water Resources

KAR 5-16-1, revocation (was definitions); KAR 5-16-3, complete multiyear flex account application; KAR 5-16-4, conditions on the term permit; KAR 5-16-6, multi-year flex accounts; KAR 5-16-7, establishment contrary to the public interest; KAR 5-25-21, revocation (was alternative method for calculating the amount of water deposited in a multiyear flex account).

Request. The Committee requests information concerning the water use application review process, including the length of the review process and a description of other steps involved, actions the agency has taken to reduce review times, and the effectiveness of those measures. It also requests information on which circumstances would require a data center to submit a water application to the Division, which type of permit would be required, and the process for approval or denial.

Request. The Committee notes a nuclear energy project in Kansas that would involve building nuclear reactors under an aquifer, and it requests the agency provide information on potential effects on water usage and whether these operations could affect the remaining water in the aquifer.

Kansas Department of Health and Environment

Article 16. Water Pollution Control

KAR 28-16-62, terms and conditions of permits.

The Committee had no comments..

Article 31. Hazardous Waste Management Standards and Regulations

KAR 28-31-10, hazardous waste monitoring fees; KAR 28-31-10b, hazardous waste permit application fees.

The Committee notes the fee has increased by 100 percent and is concerned with the effects on the regulated community and its customers. It requests information on why the agency did not phase in increases over time.

Article 35. Radiation

KAR 28-35-135c, definitions; KAR 28-35-135h, definitions; KAR 28-35-135m, definitions; KAR 28-35-135p, definitions; KAR 28-35-135x, definitions; KAR 28-35-147a, schedule of fees; KAR 28-35-244a, radiographic imaging systems other than fluoroscopic, dental intraoral, or computed tomography X-ray systems; KAR 28-35-247a, intraoral dental radiographic imaging systems; KAR 28-35-297, analytical X-ray equipment requirements; KAR 28-35-298, area requirements; KAR 28-35-299, operating requirements; KAR 28-35-300, personnel requirements; KAR 28-35-301a, additional requirements for closed-beam X-ray systems; KAR 28-35-301b, additional requirements for open-beam configurations; KAR 28-35-301c, additional requirements for handheld X-ray systems with open-beam configurations.

KAR 28-35-247a. The Committee notes the phrase "unless otherwise authorized by the department" in paragraph (h)(3) of this proposed rule and regulation, asks whether that would allow the agency to establish a new waiver process for dental office employee radiation protection while operating handheld X-ray devices, and asks the agency to consider addressing both lead aprons and the use of dosimetry badges.

Kansas State Library

KAR 54-1-17, exclusion from regional system of cooperating libraries.

The Committee commends the State Library Board for its work in addressing stakeholder concerns over the past year. However, it also recognizes that there are additional stakeholder concerns and asks that the State Library Board consider the perspectives provided by the Salina Public Library concerning the meaning of "clearly impair" within the definition of "manifest harm."

KAR 54-1-17. In subsection (g), the Committee is concerned with the creation of regulatory provisions governing testimony before the Board, because it could result in stifling public testimony. The Committee observes that rules regarding the conduct of a board are not typically included in rules and regulations, which have the force and effect of law; and it notes that other government entities, including Legislative committees, allow for testimony to be presented as time permits. The Committee recommends striking the sentence that limits oral testimony to five minutes, to preserve the authority of the chairperson to determine the duration of oral testimony of any conferee.

The Committee recognizes the concern presented by the Salina Public Library regarding dual taxation of library district residents during a library's transition period while exiting the regional system and asks that the State Board address this concern.

Emergency Medical Services Board

KAR 109-3-3, emergency medical responder; authorized activities; KAR 109-3-4, emergency medical technician; authorized activities; KAR 109-3-5, advanced emergency medical technician; authorized activities; KAR 109-10-1a, approved emergency medical responder education standards; KAR 109-10-1b, approved emergency medical technician education standards; KAR 109-10-1c, approved advanced emergency medical technician education standards; KAR 109-10-1d, approved paramedic education standards.

The Committee had no comments.

Department of Wildlife and Parks

KAR 115-2-2, motor vehicle permit fees; KAR 115-2-3, camping, utility, and other fees; KAR 115-8-1, department lands and waters: hunting, furharvesting, and discharge of firearms; KAR 115-25-9a, deer; open season, bag limit, and permits; additional considerations; military subunits.

KAR 115-25-5, turkey; fall season, bag limit, and permits.

Concern. The Committee is concerned that the Department is not striking a fair balance between residents and non-residents when regulating the availability and cost of hunting permits and asks that it consider the impact on tourism when making these decisions.

Request. The Committee is concerned with the availability of hunting land in Kansas and requests that the Department provide a map of available public hunting lands and walk-in lands.

Request. The Committee requests that the agency provide information concerning the annual upkeep costs for trails and information concerning why trail use permits were removed from rules and regulations.