



**Kansas Legislative Research Department**

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

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504  
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

August 17, 2020

**To:** Kansas Legislature

**From:** Jill Shelley, Principal Research Analyst

**Re:** Report of the August 10, 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 August 10, 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.

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

KAR 115-5-1, furbearers and coyotes, legal equipment, taking methods, and general provisions; KAR 115-6-1, fur dealer license, application, authority, possession of furs, records, and revocation.

**Concern.** The Committee is concerned about the safety of hunting in dim light or at night using artificial light, scopes and equipment that amplify visible light, and thermal-imaging scopes and thermal-imaging equipment. The Committee requests the agency provide information on safety of hunting using this equipment and in which nearby states this is allowed. The Committee also suggests that authority for allowing use of various types of devices for hunting purposes be reviewed by the appropriate standing committees of the Legislature during the 2021 Legislative Session.

KAR 115-14-12, falconry, permits, applications, and examinations; KAR 115-14-13, falconry, facilities, equipment, care requirements, and inspections; KAR 115-14-14, falconry, taking, banding, transporting, and possessing raptors.

**KAR 115-14-12.** The Committee requests additional information about legal responsibilities of parents and guardians assigned in paragraph (j)(1), including the origin of this provision and any applicable case law.

**Request.** For several preceding years and the current year, the Committee requests information on the numbers of falconry permits

issued and renewed in Kansas and the numbers of raptor take permits available and issued.

### **State Board of Healing Arts**

KAR 100-7-1, designated examinations for medicine and surgery and osteopathic medicine and surgery, limitation on attempts; KAR 100-76-6, continuing education.

The Committee had no comments.

### **State Board of Regents**

Revocation of Article 10 (was all of Article 10, Tax-Sheltered Annuity Program): KAR 88-10-1 through KAR 88-10-8, KAR 88-10-10 and KAR 88-10-12, revoked; Revocation of Article 11 (was all of Article 11, Tax-Sheltered Annuity Programs for Persons Covered by KSA 74-4925b): KAR 88-11-1 through KAR 88-11-9, KAR 88-11-11 and KAR 88-11-12, revoked.

The Committee expresses its appreciation for the revocation of unnecessary rules and regulations.

KAR 88-30-1, definitions; KAR 88-30-2, election of coverage.

The Committee had no comments.

KAR 88-29-1, revoked (was definitions); KAR 88-29-3, categories of admission; KAR 88-29-11, revoked (was requirements for the qualified admission precollege curriculum); KAR 88-29-12, establishment of a qualified admission precollege curriculum by an accredited high school in Kansas; KAR 88-29-13, content requirements for qualified admission computer technology courses; KAR 88-29-14, content requirements for qualified admission English courses; KAR 88-29-15, content requirements for qualified admission mathematics courses; KAR 88-29-16, content requirements for qualified admission natural science courses; KAR 88-29-17, content requirements for qualified admission social science courses; KAR 88-29-18, revoked (was functional equivalents of the qualified admission precollege curriculum, residents); KAR 88-29-19, revoked (was functional equivalents of the qualified admission precollege curriculum, nonresidents); KAR 88-29a-1, definitions; KAR 88-29a-5, qualifications required for the admission of a Kansas resident who is under the age of 21; KAR 88-29a-6, qualifications required for the admission of a Kansas resident who is 21 or older; KAR 88-29a-7, qualifications required for the admission of a nonresident who is under the age of 21; KAR 88-29a-7a, qualifications required for the admission of a nonresident who is 21 or older; KAR 88-29a-9, admission policies for state educational institutions; KAR 88-29a-10, methods for state educational institutions to use when evaluating qualifications for admission; KAR 88-29a-11, requirements for the qualified admission precollege curriculum; KAR 88-29a-18, functional equivalents of the qualified admission precollege curriculum, residents; KAR 88-29a-19, functional equivalents of the qualified admission precollege curriculum, nonresidents; KAR 88-29b-1, definitions; KAR 88-29b-3, categories of admission; KAR 88-29b-5, qualifications required for the admission of a Kansas resident who is under the age of 21; KAR 88-29b-6, qualifications required for the admission of a Kansas resident who is age 21 or older; KAR 88-29b-7, qualifications required for the admission of a nonresident who is under the age of 21; KAR 88-29b-7a, qualifications

required for the admission of a nonresident who is 21 or older; KAR 88-29b-9, admission policies; KAR 88-29b-10, methods for evaluating qualifications for admission.

New Article 29c, State University Admissions Beginning with Review of Applications for 2021 Summer Session: KAR 88-29c-1, definitions; KAR 88-29c-5, qualifications required for the admission of a Kansas resident who is under the age of 21; KAR 88-29c-7, qualifications required for the admission of a nonresident who is under the age of 21; KAR 88-29c-9, admission policies for state educational institutions; KAR 88-29c-10, methods for state educational institutions to use when evaluating qualifications for admission.

New Article 29d, University of Kansas Admissions Beginning with Review of Applications for 2021 Summer Session: KAR 88-29d-1, definitions; KAR 88-29d-5, qualifications required for the admission of a Kansas resident who is under the age of 21; KAR 88-29d-7, qualifications required for the admission of a nonresident who is under the age of 21; KAR 88-29d-9, admission policies; KAR 88-29d-10, methods for evaluating qualifications for admission.

**Request.** The Committee requests information on the numbers of students rejected for admission, resident and nonresident separately, with numbers provided specifically for the University of Kansas.

### **Office of the Attorney General**

KAR 16-14-1, fees; KAR 16-14-10, submission of required information; KAR 16-14-11, definitions.

**Request.** The Committee requests a list of the scrap metal dealers who have paid the annual scrap metal dealer registration fee or have paid any fees associated with a criminal history background check, such as fees for fingerprinting. The Committee also requests information on the amounts paid by each registrant.

KAR 16-20-1, compliance with the Kansas open meetings act during an emergency declaration.

**Request.** The Committee requests information on the specific authority for provisions in KAR 16-20-1(h).

### **State Board of Technical Professions**

KAR 66-6-1, seals and signatures; KAR 66-6-10, license statuses; KAR 66-7-1, applications; KAR 66-8-3, engineering examinations; KAR 66-8-4, professional surveyor examinations; KAR 66-9-5, surveying curriculum approved by the board; KAR 66-10-4, landscape architecture work experience; KAR 66-10-9, engineering experience; KAR 66-10-10b, surveying experience required of a graduate in a four-year related science curriculum other than land surveying or engineering; KAR 66-10-10c, surveying experience required of an applicant who completed 12 semester hours of approved surveying coursework; KAR 66-10-12, surveying experience; KAR 66-10-13, geology experience; KAR 66-11-5, admission requirements for fundamentals of surveying examination.

**KAR 66-7-1.** The Committee requests information on the agency's procedures and requirements regarding transcripts when the educational institution has ceased operations and cannot itself provide a transcript.

The Committee notes the responses provided in Section H. of the Economic Impact Statement for each rule and regulation reviewed for this agency did not indicate consultation with associations or members of the professions during development of the changes to the rules and regulations. It suggests the agency provide more specific information.

Article 14, continuing education requirements: KAR 66-14-1, requirements; KAR 66-14-2, definitions; KAR 66-14-3, continuing education activities; KAR 66-14-5, computation of credit; KAR 66-14-6, exemptions; KAR 66-14-7, records; KAR 66-14-8, reinstatement; KAR 66-14-9, proof of compliance; KAR 66-14-10, revoked (was licensure in another jurisdiction); KAR 66-14-11, revoked (was dual licensee); KAR 66-14-12, disallowance.

**Request.** For several preceding years and the current year, the Committee requests information on the numbers surveyors and their average age.

### **Department of Health and Environment**

KAR 28-1-40, definitions; KAR 28-1-41, contact tracers; KAR 28-1-42, contact data, communication with contacts; KAR 28-1-43, surrender or destruction of contact data; KAR 28-1-44, sunset provision.

**Request.** The Committee requests information related to contact tracers, paid directly, paid under contract, or volunteer, at the agency and in local health departments in Kansas. It requests information on current numbers of those who are paid, under contract, or volunteer and the numbers of contact tracers the Department of Health and Environment and the local health agencies plan to hire in response to the COVID-19 pandemic. It also asks what background checks are required for contact tracers.

**Request.** The Committee requests information on the data points collected about each contact and requests a copy of any script used by contact tracers at the agency and at major health departments across the state. It requests information on how these scripts vary from scripts used for contact tracing with regard to other infectious diseases and precisely how a person contacted gives consent for participating in COVID-19 contact tracing.

**Request.** The Committee requests information with regard to the security of data collected by contact tracers. The information requested includes the owners of the devices used to capture the data, where the data are kept, how those data are transferred, types of protections for the data such as encryption, the software used for contact tracing, the process by which the software was selected, the related infrastructure and software costs, and the locations of servers on which the data are stored. The

Committee expresses its concern with retention of data related to contact tracing. It notes the COVID-19 Contact Tracing Privacy Act enacted in 2020 Special Session HB 2016 that authorizes this contact tracing expires May 1, 2021, and asks how the agency will ensure no personal data related to COVID-19 contact tracing will be retained.