

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

February 10, 2012
Room 152-S—Statehouse

Members Present

Senator Vicki Schmidt, Chairperson
Representative Carl Holmes, Vice-chairperson
Senator Ralph Ostmeyer
Senator Tim Owens
Senator Allen Schmidt
Representative Joe Patton
Representative Janice Pauls
Representative Ed Trimmer
Representative Valdenia Winn

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Ken Wilke, Office of the Revisor of Statutes
Nobuko Folmsbee, Office of the Revisor of Statutes
Toni Beck, Committee Assistant

Conferees

Julene Miller, Kansas Board of Regents
Mary Blubaugh, MSN, RN, Kansas Board of Nursing
Charlie Hunt, Kansas Department of Health and Environment
Christine Mennicke, Kansas Department of Health and Environment
Chris Tymeson, Kansas Department of Wildlife, Parks and Tourism
Cheryl Magathan, Kansas Real Estate Appraisal Board
Susan Somers, Kansas Board of Accountancy

Others Attending

See attached list.

The meeting was called to order at 1:40 p.m. by Chairperson Schmidt. The purpose of the meeting was to review and discuss certain rules and regulations of various state agencies.

Kansas Board of Regents

Chairperson Schmidt called upon Julene Miller, General Counsel, Kansas Board of Regents, for testimony proposing rules and regulations for the Kansas Board of Regents.

Definitions; qualifications required for the admission of a Kansas resident who is under the age of 21; qualifications required for the admission of a Kansas resident who is 21 or older; qualifications required for the admission of a nonresident who is under the age of 21; qualifications required for the admission of a nonresident who is 21 or older; methods for state educational institutions to use when evaluating qualifications for admission; qualifications required for the admission of a Kansas resident who is under the age of 21; qualifications required for the admission of a Kansas resident who is 21 or older; qualifications required for the admission of a nonresident who is under the age of 21; qualifications required for the admission of a nonresident who is 21 or older; methods for state educational institutions to use when evaluating qualifications for admission; requirements for the qualified admission precollege curriculum; functional equivalents of the qualified admission precollege curriculum, residents; and functional equivalents of the qualified admission precollege curriculum, nonresidents (Attachment 1).

Qualified Admissions per Julene Miller's testimony of rules and regulations with comments:

KAR 88-29-1 is definitions used as basis for qualifications. No additional questions.

KAR 88-29-5 GED basis for qualifications. A Committee member inquired as to the proper name being GED certificate or GED diploma. Agency will research that verbiage for clarification of issues.

KAR 88-29-6 clarification of GED qualifications in reference to home schooling. Senator Owens inquired as to specific definition of non-accredited private school vs. home schooling. Ms. Miller referred to the original statute. Representative Pauls commented the requirements related to home schools are set in Kansas rules and regulations.

KAR 88-29-7 states accredited high school plus a 21 ACT score. No additional questions.

KAR 88-29-7a clarifies terminology of nonresident applications only. No additional questions.

KAR 88-29-10 clarifies calculations for admission officers only. No additional questions.

KAR 88-29a-5 through 29a-19 clarification for state university admissions after 2015 and incorporates the terminology of GED basis qualifications.

KAR 88-29a-6 establishes 2.0 grade point average (gpa) on transferable college credit hours. No additional questions.

KAR 88-29a-7 establishes 2.5 gpa requirement in addition to achieving 21 ACT with cumulative GPA of 2.0 in transferable college credit hours. No additional questions.

KAR 88-29a-7a establishes standards for nonresident freshmen applicants with a 2.0 on transferable college credit hours. No additional questions.

KAR 88-29a-10 clarifies the high school has already calculated the qualified admission course GPA. Mr. Wilke inquired if there is a 4.0 scale formula. Senator Owens stated that "Kansas specific" diminishes the importance of this rule and regulation.

KAR 88-29a-11 amends the social science requirements to three generic units. Senator Owens expressed disappointment at the low standard placed upon U.S. government course work.

KAR 88-29a-18 establishes functional curriculum equivalents for Kansas residents. Chairperson Schmidt commented on the issue of previous "D" grades being allowable as functional credits.

KAR 88-29a-19 clarification of nonresidents equivalents precollege curriculum. Representative Winn inquired as to how the Board of Regents establishes new regulations. The response was that admissions offices at the institutions develop the standards and exceptions for home school qualifications.

Additional Comments:

Representative Winn questioned whether KAR 88-29a-11 is specific to Kansas and asked for clarification of use of the exception window by home-schooled students.

Ms. Miller stated the Board of Regents is striving for balance in the rules and regulations in clarifying the rules and regulations to the Committee.

Kansas Real Estate Appraisal Board

Chairperson Schmidt received proposed administrative regulations for the Kansas Real Estate Appraisal Board. Cheryl Magathan appeared on behalf of the agency. This rule and regulation, KAR 117-7-1; decreases license fees from \$275 to \$250. No questions were asked.

Kansas Board of Accountancy

Chairperson Schmidt called on Susan Somers, Executive Director, to offer testimony to the Committee.

KAR 74-1-4 is the transfer of examination credit. Representative Owens asked if the agency is softening its stance on requirements; Somers replied no, it is not.

KAR 74-2-7 disallows credit for repeat courses.

KAR 74-4-3a deals with incomplete forms for renewal applications.

KAR 74-4-7 clarifies the ability to claim credit for course work until completed.

KAR 74-4-8 refers to course work allowed for continuing education.

KAR 74-4-10 clarifies that CPE used for reinstatement does not count for renewal.

KAR 74-5-2 adopts definitions from professional standards with excluded sections. Mr. Wilke asked if these documents are on file; Ms. Somers replied they are.

KAR 74-5-101 updates materials adopted.

KAR 74-5-202 compliance with standards in updated standards adopted by reference.

KAR 74-5-302 retention of client record is being revoked as it is redundant with KAR 74-5-401.

KAR 74-11-6 definitions from updated materials adopted by reference.

Chairperson Schmidt inquired if there are questions over the above-listed statutes; there were none.

Kansas Wildlife, Parks and Tourism

Chairperson Schmidt called on Chris Tymeson, Kansas Wildlife, Parks and Tourism (KWPT), for testimony.

KAR 115-4-2 is a permanent regulation that establishes provisions for big game and wild turkeys, transportation of the animal, and permits. The permit must be in a visible location following the kill before moving from the site. No individual shall copy, reproduce, or possess any copy or reproduction of a big game or wild turkey permit or carcass tag. No additional questions.

KAR 115-4-4 will allow any individual possessing a youth big game permit or any individual 55 years of age or older, crossbows of not less than 125 pounds of draw weight, using arrows not less than 16 inches in length that are equipped with broadhead points incapable of passing through a ring with a diameter of three-quarters of an inch when fully expanded. A big game hunter using crossbow equipment may possess non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals. No additional questions.

KAR 115-4-4a makes the same changes as in KAR 115-4-4 for turkey archery season. No questions.

An exempt rule and regulation has not been published by KWPT, as of yet. A copy will be forwarded electronically to members of the Committee on February 16, 2012, at the request of Chairperson Schmidt.

Kansas Board of Emergency Medical Services

Chairperson Schmidt called upon Carman Allen of the Kansas Board of Emergency Medical Services to speak to the proposed regulation concerning advanced emergency medical technician (AEMT) transition course approval. Committee members had no questions and Ms. Allen was thanked for her appearance.

Kansas State Board of Nursing

Chairperson Schmidt called on Mary Blubaugh, MSN, RN, Executive Director, Kansas State Board of Nursing, for her testimony ([Attachment 2](#)).

Ms. Blubaugh reviewed the advanced practice registered nurse (APRN) rules and regulations being proposed for implementation. She commented there are five major changes, including changing “advanced registered nurse practitioner “ to “advanced practice registered nurse” and “category” to “role.” Many amendments also update “certification” to “licensure.”

KAR 60-11-101 is a title change only.

KAR 60-11-102 changes title, licensure, and role.

KAR 60-11-103 changes title, licensure, and role, and makes technical changes.

KAR 60-11-104 is title and role change.

KAR 60-11-104a is title change and licensure technical changes.

KAR 60-11-105 is title and licensure changes.

KAR 60-11-106 is a title change and “advanced” role.

KAR 60-11-107 is a title change and change in role to “advanced.”

KAR 60-11-113 is a title and licensure change, and it specifies renewal requirements.

KAR 60-11-116 changes title and licensure.

KAR 60-11-118 makes title and licensure changes.

KAR 60-11-119 changes only title and licensure.

KAR 60-11-120 changes certificate to license only.

KAR 60-11-121 changes role and licensure.

KAR 60-13-112 changes licensure and continuing education and makes three technical changes.

KAR 60-12-102, KAR 60-16-103, and KAR 60-16-104 make changes recommended by the agency's IV task force.

KAR 60-17-101 is a title change with two technical changes.

KAR 60-17-104 changes title and role.

KAR 60-17-105 changes title, role, and licensure. It also revises the length of a program.

KAR 60-17-110 is a title change only.

KAR 60-17-111 is a title, licensure and role change with one technical change.

Kansas Department of Health and Environment, Bureau of Waste Management

Chairperson Schmidt called on Bill Bider, Bureau of Waste Management. Mr. Bider provided the Committee with a map showing the construction and demolition landfills subject to new design or operating requirements (Attachment 3). He introduced Christine Mennicke.

Ms. Mennicke, Bureau of Waste Management, presented a review of current remediation projects that have problems with gas generation in landfills. Landfills in Rice, Butler, Sedgwick, Montgomery, and Johnson counties are subject to new requirements to reduce production of gases.

Representative Holmes questioned whether temporary landfills would have the same criteria as suggested in the rules and regulations. Ms. Mennicke stated the rules and regulations are specific only to permitted landfills according to the conferee. No additional questions.

KAR 28-29-300 amends a rule and regulation relating to habitable structures and the amount of waste. Mr. Wilke asked whether this includes only the distance to those structures with human habitation. He also asked if treated wood is included in this rule and regulation, which it is. No additional questions.

KAR 28-29-330 defines which landfills are required to take additional action. Ms. Mennicke referred to the chart (Attachment 4) that shows for which landfills no action is to be taken; further regulations do not apply to them. No additional questions.

KAR 28-29-331 control of hazardous and explosive gasses at construction and demolition (C&D) landfills in documentation of applicability. No additional questions.

KAR 28-29-332 specified additional design requirements including drainage and pumps that will apply to approximately ten landfills; expense \$140,000 per facility. Mr. Wilke asked if an alternate design is available due to varying geography. Ms. Minnecke stated this issue has been considered. No additional questions.

KAR 28-29-333 adds operating requirements that reduce the amount of precipitation that enters the landfill and will affect ten landfills, according to the conferee. Water analysis would be around \$1,000 per unit. No additional questions.

KAR 28-29-334 deals with monitoring system designs and design plans. No additional questions.

KAR 28-29-335, monitoring, requires sampling; the cost is approximately \$100 per year.

KAR 28-29-336 outlines responses when gas levels exceed limits.

KDHE staff demonstrated how the agency ensures human health consideration, and depending on results, the frequency of monitoring, and corrective action that will be taken as the next step. In response to a question, Mr. Bider said these rules and regulations do not apply to emergency landfills.

Kansas Department of Health and Environment

Chairperson Schmidt called on Charlie Hunt, Director, Bureau of Epidemiology and Public Health Informatics, Department of Health and Environment, for these rules and regulations dealing with reporting of abortions.

KAR 28-56-1 terminology only. Mr. Wilke asked whether documents referenced are for public inspection. The Chairperson requested the definitions of subsections (4) and (2) be placed in alphabetical order.

KAR 28-56-2 specifies reports submitted within 15 days of the abortion. Ken Wilke asked when the 15-day clock starts; which begins on day of initiation; first visit. Representative Winn asked about standard documentation for race, specifically Hispanic. This is because of a federal requirement. No additional questions.

KAR 28-56-3, additional reporting requirements for abortions performed at 22 weeks or greater. No additional questions.

KAR 28-56-4, partial birth abortions. No additional questions.

KAR 28-56-5 if abortion results in live birth. No additional questions.

KAR 28-56-6, requirements for physicians to report on minors in case of emergencies. No additional questions.

KAR 28-56-7, monthly reporting if performing abortions. No additional questions.

KAR 28-56-8, late-term abortions reported in separate affidavits. No additional questions.

KAR 28-56-9 establishes a time frame for correcting abortion reports. No questions.

KAR 28-56-10, medical information retained by provider. No questions.

Ken Wilke, Office of the Revisor of Statutes, suggested the inclusion of Chapter 91 of the 2011 Session Laws which reconciles many of the statutory citations used in the history section of each of these proposed administrative rules and regulations.

Chairperson Schmidt asked whether all questions have been answered satisfactorily. Mr. Wilke stated they had been.

Chairperson Schmidt thanked the members of the Committee for spending their Friday afternoon at the Administrative Rules and Regulations Committee meeting.

The meeting was adjourned at 3:35 p.m.

Prepared by Toni Beck
Edited by Raney Gilliland

Approved by the Committee on:

April 9, 2012
(Date)