

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

June 1, 2012
Room 152-S—Statehouse

Members Present

Senator Vicki Schmidt, Chairperson
Representative Carl Holmes, Vice-chairperson
Senator Oletha Faust-Goudeau
Senator Ralph Ostmeyer
Senator Allen Schmidt
Representative Steve Huebert
Representative Jan Pauls
Representative Ed Trimmer
Representative Caryn Tyson
Representative Valdenia Winn

Members Absent

Senator Tim Owens
Representative Joe Patton

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Nobuko Folmsbee, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Judy Glasgow, Administrative Assistant

Conferees

Chris Tymeson, Kansas Department of Wildlife, Parks and Tourism
Cheryl Magathan, Real Estate Appraisal Board

Others Present

Kevin Jones, Director of Law Enforcement, Kansas Department of Wildlife, Parks and Tourism
Sean Miller, Capitol Strategies

Chairperson Vicki Schmidt called the meeting to order at 10:30 a.m.

The Chairperson recognized Chris Tymeson, Kansas Department of Wildlife, Parks and Tourism, to speak to the rules and regulations noticed for hearing by the Kansas Department of Wildlife, Parks and Tourism. KAR 115-8-1, blinds, tree stands, and decoys; KAR 115-8-23, bait; hunting; KAR 115-8-24, commercial guiding on department lands; KAR 115-17-6, commercial mussel fishing license; mussel salvage permits; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation; KAR 115-17-7, commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits; KAR 115-17-8, commercial harvest of mussels; legal equipment, taking methods, and general provisions; KAR 115-17-9, commercial mussel fishing; open areas; KAR 115-20-7, doves; legal equipment, taking methods, and possession; KAR 115-25-1, prairie chickens; open seasons, bag limits, and possession limits; permit; KAR 115-25-9a, deer; open season, bag limit, and permits; additional considerations; Fort Riley; and KAR 115-25-20, sandhill crane; management unit, hunting season, shooting hours, bag and possession limits, and permit validation.

Mr. Tymeson introduced Kevin Jones, Director of Law Enforcement, Kansas Wildlife, Parks and Tourism.

Mr. Tymeson answered Committee members' questions concerning prairie chickens. He stated, of the two types of prairie chickens (prairie chickens and lesser prairie chickens), other states do not allow lesser prairie chickens to be hunted. He stated Kansas has 60 percent of the prairie chicken population.

Mr. Tymeson stated the striking of the words "rules and" in KAR 115-8-2 (f) was at the direction of the Department of Administration. He also answered a question on baiting.

Chairperson Vicki Schmidt welcomed Cheryl Magathan to speak to the proposed rules and regulations noticed for hearing by the Real Estate Appraisal Board. KAR 117-2-2, licensed classification; appraisal experience requirement; KAR 117-2-2a, licensed classification; experience supervision requirements; KAR 117-3-2, general classification; appraisal experience requirement; KAR 117-3-2a, general classification; experience supervision requirements; KAR 117-4-2, residential classification; appraisal experience requirement; KAR 117-4-2a, residential classification; experience supervision requirements; KAR 117-5-2, provisional classification; supervised experience requirements; KAR 117-5-2a, provisional classification; supervisor requirements; and KAR 117-8-1, revoked.

In response to a question from a Committee member, Ms. Magathan stated a drive-by appraisal would not include measurements taken on either the inside or the outside of the property; no photographs are taken but a quick drive-by would be included to see the property or check county property records. A Committee member asked Ms. Magathan to explain the process of the appraisal experience requirements. The Committee suggested the agency look at these steps and see if some adjustments could be made to help persons find a supervising appraiser since many appraisers are retirement age.

Staff noted that in KAR 117-2-2a, the agency should strike the words "the uniform standards of professional appraisal practice" to parallel KAR 117-2-1. Staff also noticed, on page 1 of KAR 117-2-2a, the phrase "during the period of supervision" has been used twice in paragraph 1; this may need to be clarified. Staff noted in KAR 117-5-2(f), the agency may not wish to list the paragraph when citing references; without paragraph references, when sections are updated or changed, it would not be necessary to update the rules and regulations. The Committee members asked a letter to be sent to the Attorney General's Office regarding the revocation of KAR 117-8-1, questioning the delegation of authority.

The Chairperson asked for action on the Committee minutes of April 9, 2012. Representative Winn asked that the minutes be amended to show she was in attendance at the meeting. *Senator Faust-Goudeau moved the minutes be approved as amended; Senator Ostmeyer seconded the motion. The motion passed.*

The Committee set the following dates for its meetings during the Interim Session:

- July 23, 2012, at 10:00 a.m.
- September 17, 2012
- November 26, 2012
- January 7, 2013

The Chairperson stated these dates could be changed if circumstances arise at a later date.

The Chairperson adjourned the meeting at 12:00 noon.

COMMITTEE COMMENTS ON PROPOSED RULES AND REGULATIONS JUNE 2012

Kansas Department of Wildlife, Parks and Tourism. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning tree stands, and decoys; bait, hunting; commercial guiding on department; commercial mussel fishing license, mussel salvage permits, license or permit application and requirements, authority, reports, general provisions, and license or permit revocation; commercial harvest of mussels, legal species, seasons, size restrictions, daily limits, and possession limits; commercial harvest of mussels, legal equipment, taking methods, and general provisions; commercial mussel fishing, open areas; doves, legal equipment, taking methods, and possession; prairie chickens, open seasons, bag limits, and possession limits, permit (exempt); deer, open season, bag limit, and permits, additional considerations, Fort Riley (exempt); and sandhill crane, management unit, hunting season, shooting hours, bag and possession limits, and permit validation (exempt). After discussion, the Committee had no comment.

Kansas Real Estate Appraisal Board. The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning classification, appraisal experience requirement; licensed classification, supervision requirements; general classification, appraisal experience requirement; general classification, experience supervision requirements; residential classification, appraisal experience requirement; residential classification, experience supervision requirements; provisional classification, supervised experience requirements; provisional classification, supervisor requirements; and revocation. After discussion, the Committee had the following comments.

KAR 117-2-2a. In paragraph (a)(1) and similar rules and regulations, the two sentences using the phrase “during the period of supervision” are confusing. Please consider linking the two sentences with language such as “in addition to” before the second sentence and deleting the duplicated phrase “during the period of supervision.” Also, in paragraph (a)4(B)(ii), the striking of KAR 117-8-1 may cause confusion with the use of “USPAP” since it will no longer be defined or

referenced. Please consider a means to clarify the issue in this location and others throughout this set of proposed rules and regulations such as a reference to K.S.A. 58-4121. The Committee is concerned about the availability of supervisors and the future number of qualified appraisers. The Committee requests information as to how the new requirement that a supervisor be in good standing for the preceding two years will affect the availability of supervisors in Kansas. The Committee also requests demographic information on appraisers in Kansas, including an analysis of their ages.

KAR 117-5-2. In subsections (f) and (g), the Committee suggests that the agency only reference the rule and regulation number and not any paragraphs within the rule and regulation since any change to those paragraph numbers by insertion or other numbering change would require this rule and regulation to be amended accordingly.

KAR 117-8-1. The Committee intends to seek input from the Attorney General on the revocation of this rule and regulation to determine whether there is an unlawful delegation of authority.

Prepared by Judy Glasgow
Edited by Raney L. Gilliland

Approved by the Committee on:

July 23, 2012
(Date)