

## MINUTES

### JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

April 5, 2010  
Room 152-S—Statehouse

#### Members Present

Senator Vicki Schmidt, Chairperson  
Representative Carl Holmes, Vice-chairperson  
Senator Karin Brownlee  
Senator Janis Lee  
Senator Ralph Ostmeyer  
Senator Chris Steineger  
Representative John Faber  
Representative Steve Huebert  
Representative Shirley Palmer  
Representative Joe Patton  
Representative Jan Pauls  
Representative Ed Trimmer

#### Staff Present

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

#### Others Present

George Barbee, Kansas State Board of Technical Professions  
M. L. Dyck, Kansas State Board of Technical Professions  
Mark Stafford, Home Inspectors Registration Board  
Justin McFarland, Kansas Board of Examiners in Optometry and Board of Pharmacy  
Chris Tymeson, Kansas Department of Wildlife and Parks  
Sean Miller, Capitol Strategies  
John Smith, Kansas Department of Credit Unions  
Michael Baugh, Kansas Department of Credit Unions  
John Wine, Kansas Insurance Department  
Linda Sheppard, Kansas Insurance Department  
Stephen Williamson, KU Cancer Center

Marci Nielsen, KU Medical Center  
Lane Letourneau, Kansas Department of Agriculture  
Dave Starkey, Kansas Department of Agriculture  
Roy Jensen, KU Cancer Center  
Mary Blubaugh, Kansas State Board of Nursing  
David Barfield, Kansas Department of Agriculture  
Debra Billingsly, Kansas Board of Pharmacy  
Christina Morris, Kansas Board of Pharmacy  
Phyllis Gilmore, Behavioral Sciences Regulatory Board  
Mike Cochran, Kansas Department of Health and Environment, Bureau of Water  
Cynthia Khan, Kansas Department of Health and Environment, Bureau of Water  
Berend Koops, Hein Law Firm

### **Monday, April 5 Morning Session**

Chairperson Vicki Schmidt called the meeting to order at 10:00 a.m. The Chairperson asked the Committee for action on the minutes of the February 26, 2010, meeting. *Senator Ostmeyer moved that the minutes be approved as presented; Representative Holmes seconded the motion. The motion carried.*

Mark Stafford was welcomed by the Chairperson to speak to the proposed rules and regulations noticed for hearing by the Kansas Home Inspectors Registration Board. KAR 130-4-1, code of ethics, and KAR 130-4-2, standards of practice.

The Committee members had questions for Mr. Stafford about these rules and regulations. Mr. Stafford stated that he was not able to answer questions of a technical nature and that Jeff Barnes would be the person who could answer those types of questions. Chairperson Schmidt asked that Mr. Stafford relay to Mr. Barnes how important it is that a Board member come before the Committee to answer the questions that come up regarding proposed rules and regulations in the future. A Committee member noted that home inspection is optional at this time. It was also noted that the inspection performed under KAR 130-4-2 would not ensure a house would meet city code standards. The Committee members stated that there were many conflicts in what could be and what could not be included in a home inspection. The Committee members found conflicting language in several sections of the Standards of Practice where items were included in both things to inspect and things that were excluded from inspection. Items of concern included, on page 7, 3) a) i) heating systems and components (3) flue pipes, dampers, chimneys and combustion gas venting were to be inspected, but under items not required to be inspected was 3) a) ii) (1) (b) the interior of chimneys and flues, which seemed to be in contradiction. On Page 9, item (13) required inspection of items that were included; however, in ii) 6) (c) these items are not to be inspected. A Committee member had concerns about items on page 14, section iii) about inspection of only a representative number of some components including hand railings and guardrails. The Committee felt that all of these safety related items should be inspected. A question was raised by a Committee member whether a copy of the *State of Kansas Home Inspection Standards of Practice* and the *Code of Ethics* would be provided to each inspector as he or she became licensed. Mr. Stafford did not know if this was to be the practice. The Committee stated that when a person contracted for a home inspection, the client should receive a list of what the inspection would and would not cover. Several Committee members expressed disappointment in the development of these rules and regulations. A question was raised on page 13, h) i) 2)(b) regarding the word "seawalls", indicating seawalls probably would not be relevant in Kansas. A question arose about the composition of the Board and

how its members were appointed. Mr. Stafford stated he could not answer that question. It was suggested that there should be a wider range of experience on the Board. The Committee recommended that additional groups be notified about these rules and regulations, including real estate boards, title companies, lenders, and others who would be impacted by the inspections. A Committee member suggested that there be a mission statement showing what a home inspection would include.

Chairperson Schmidt recognized Chris Tymeson, Chief Counsel, to address the proposed rules and regulations noticed for hearing by the Kansas Department of Wildlife and Parks. KAR 115-4-4, big game; legal equipment and taking methods; KAR 115-4-4a, wild turkey; legal equipment and taking methods; and KAR 115-18-7, use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities; application, permit, and general provisions.

Mr. Tymeson stated that these three proposed rules and regulations allow the use of non-broadhead-tipped arrows while hunting if the arrows are not used to take or attempt to take big game animals. There were no questions.

Mr. Tymeson reviewed the exempt proposed rules and regulations noticed for hearing by the Kansas Wildlife and Parks Commission. KAR 115-25-7, antelope, open season, bag limit, and permits; KAR 115-25-8, elk; open season, bag limit and permits; and KAR 115-25-9, deer; open season, bag limit, and permits. There were no questions.

Justin McFarland was recognized by Chairperson Schmidt to speak to the proposed rule and regulation noticed for hearing by the Kansas Board of Examiners in Optometry. KAR 65-4-3, fees.

Mr. McFarland stated that the fee changed on this rule and regulation would increase the fee to obtain license renewal upon the failure to renew license before expiration date from \$250.00 to \$500.00 and to change the fee for conversion of license status from inactive to active from \$450.00 to \$100.00.

A Committee member requested that the Economic Impact Statement include information as to what has occurred in the past regarding the number of persons who have not renewed on time to give a better idea of the amount of increase that might be expected. Mr. McFarland stated that this could be done.

Chairperson Schmidt welcomed George Barbee, Chairperson, to speak to the proposed rules and regulations noticed for hearing by the Kansas State Board of Technical Professions (Attachment 1). KAR 66-8-6, reexamination; KAR 66-10-1, architectural experience of a character satisfactory to the board; KAR 66-12-1, minimum standards for the practice of land surveying; and KAR 66-14-10, licensure in another jurisdiction.

Mr. Barbee referred to the *Kansas Technical Professions, Volume 15, No. 2, dated April, May, June 2010*. (A copy of this paper can be obtained from the office of the Kansas State Board of Technical Professions, Landon State Office Bldg., 900 SW Jackson Street, Suite 507, Topeka, KS 66612.) On page 5 of the paper, Mr. Barbee noted that Kansas has had a higher percentage of persons pass the tests on the first time in comparison to the national percentage.

A Committee member noted that in KAR 66-8-6 (a) the last sentence probably should include subsection (b) since (a) refers to retaking the examination two additional times and (b) addresses the subsequent attempts to retake the examination. Staff stated that in KAR 66-14-10, subsection (b), there should be a cross reference to the specific regulation where the continuing education requirements could be found.

John P. Smith, Administrator, was recognized by Chairperson Schmidt to address the proposed rule and regulation noticed for hearing by the Department of Credit Unions. KAR 121-10-1, definitions.

In response to a question from a Committee member, Mr. Smith stated that Kansas is requiring that, in addition to holding a valid permit to practice issued by a state board of accountancy, an independent certified public accountant also must be registered with the Kansas Board of Accountancy.

Chairperson Schmidt welcomed John Wine, Staff Attorney, to speak to the proposed rule and regulation noticed for hearing by the Kansas Insurance Department (Attachment 2). KAR 40-4-43, hospital, medical and surgical expense insurance policies and certificates; prohibiting certain types of discrimination.

A Committee member asked if this regulation would be in conflict with the federal health reform law. Mr. Wine stated that he could not answer that question but referred the question to Dr. Marci Nielson, KU Medical Center. She stated that she believed that the proposed regulation would not conflict with the federal health reform law. Dr. Roy Jensen also addressed the Committee stating that this rule and regulation was not in conflict with the federal law and the federal law will not take effect until 2014.

Chairperson Schmidt recognized David Barfield, Chief Engineer, to speak to the proposed rule and regulation noticed for hearing by the Department of Agriculture, Division of Water Resources. KAR 5-17-2, application to deposit a water right into a water bank or withdraw a deposit.

Staff noted that the word "any" should be inserted in the seventh line, so it would read "if any water use occurred." Mr. Barfield stated this would be done.

Mary Blubaugh, Executive Administrator, was recognized by Chairperson Schmidt to speak to the proposed rule and regulation noticed for hearing by the Kansas State Board of Nursing. KAR 60-16-105, revoked.

The Committee had no questions.

The Chairperson recessed the meeting until 1:30 p.m.

### **Afternoon Session**

The meeting was reconvened at 1:30 p.m. by Chairperson Vicki Schmidt.

Senator Brownlee provided Committee members with an e-mail she received from Linda Sheppard, Director of the Accident and Health Division, Kansas Insurance Department answering the question regarding the proposed health insurance regulation discussed earlier in detail (Attachment 3).

Chairperson Schmidt welcomed Doug Farmer, Director of State Employees Health Benefit Plan, to speak to the proposed rules and regulations noticed for hearing by the State Employees Health Care Commission. KAR 108-1-1, eligibility; KAR 108-1-3, school district employee health care benefits plan; and KAR 108-1-4, local unit of government employee health care benefits plan.

Mr. Farmer stated that the three proposed rules and regulations change the waiting period for new employees from 60 days to 30 days. KAR 108-1-4 would allow the addition of non-state groups eligible under the statute, if approved by the Kansas State Employees Health Care Commission.

It was pointed out by a Committee member that in all three proposed rules and regulations, definitions are scattered throughout and it would be better if all definitions were located at the beginning of each regulation. Mr. Farmer stated that he would take this recommendation back to the Commission. One Committee member had questions on the Economic Impact Statement which stated that the additional cost to the state agencies could be more than two million dollars per year. The Committee members noted that in such tight budget times, this addition would be an important budget consideration. It was the Committee's recommendation that a copy of the letter to the State Employees Health Care Commission be sent to the Chairpersons and Ranking Minority members of the House Appropriations Committee and the Senate Ways and Means Committee, and House and Senate Leadership of both parties.

Staff noted that in KAR 108-1-1, page 10, (iv) the words "which is" should be inserted in the last sentence so that it would read "and which is hereby adopted." Mr. Farmer stated that this would be done. Mr. Farmer responded to all questions from the Committee.

The Chairperson recognized Mike Cochran, Chief of the Geology Section, to speak to the rules and regulations noticed for hearing by the Kansas Department of Health and Environment, Division of Environment, Bureau of Water (Attachment 4). KAR 28-46-1, general requirements; KAR 28-46-2a, definitions; KAR 28-46-3, classification of injection wells; KAR 28-46-4, injection of hazardous or radioactive wastes into or above an underground source of drinking water; KAR 28-46-5, application for injection well permits; KAR 28-46-6, conditions applicable to all permits; KAR 28-46-7, draft permits; KAR 28-46-8, fact sheets; KAR 28-46-9, establishing permit conditions; KAR 28-46-10, term of permits; KAR 28-46-11, schedules of compliance; KAR 28-46-12, requirements for recording and reporting of monitoring results; KAR 28-46-13, effect of a permit; KAR 28-46-14, transfer of permits; KAR 28-46-15, modification and reissuance of permits; KAR 28-46-16, termination of permits; KAR 28-46-17, minor modifications of permits; KAR 28-46-18, area permits; KAR 28-46-19, emergency permits; KAR 28-46-20, corrective action; KAR 28-46-21, public notice, public comments, and public hearings; KAR 28-46-22, signatories; KAR 28-46-27, prohibition of fluid movement into underground sources of drinking water; KAR 28-46-28, establishing maximum injection pressure; KAR 28-46-29, design and construction requirements; KAR 28-46-29a, operation of class III salt solution mining wells; KAR 28-46-30, monitoring and reporting requirements for class I wells; KAR 28-46-30a, monitoring and reporting requirements for class III salt solution mining wells; KAR 28-46-30b, groundwater monitoring for class III salt solution mining wells; KAR 28-46-31, information to be considered by the secretary; KAR 28-46-33, mechanical integrity testing; KAR 28-46-34, plugging and abandonment; KAR 28-46-35, state inspection and right of entry; KAR 28-46-40, exempted aquifers; KAR 28-46-41, sharing of information; KAR 28-46-44, sampling and analysis techniques; and KAR 28-46-45, salt solution mining well operation; fees.

The following regulations are being revoked: KAR 28-43-1; KAR 28-43-2; KAR 28-43-3; KAR 28-43-4; KAR 28-43-5; KAR 28-43-6; KAR 28-43-7; KAR 28-43-8; KAR 28-43-9; KAR 28-43-10; and KAR 28-43-11.

Staff noted that in KAR 28-46-1 the adoption by reference should be done by a date certain such as "July 1, 2008." Staff also pointed out that the notice of hearing did not list all the KAR rules and regulations that were to be heard. This could require a corrected notice of hearing to be published. A Committee member had a question regarding KAR 28-46-2a about the definition of "secretary" since it included the "secretary's authorized representative." It was suggested that agency staff review the rules and regulations and determine if the secretary only (not the secretary's

representative) is to do certain tasks. Committee staff stated in KAR 28-46-7 that all material adopted by reference in other rules and regulations should be cross referenced here to make it easier to locate them. In KAR 28-46-10, Mr. Cochran responded to staff questions on how the agency determined the length of a permit to be less than 10 years. Committee staff suggested that there should be some criteria to show how the agency staff arrive at the time periods. A Committee member had questions concerning KAR 28-46-29, page 2, (h) and the curing time for cement mixtures used in casings and requested some clarification of the amount of time before pressure can be applied to a production casing. A Committee member noted that the total amount of what the fees will generate needs to be included in the economic impact statement rather than just the proposed increase per unit.

Phyllis Gilmore was recognized by the Chairperson to speak to the proposed rule and regulations noticed for hearing by the Behavioral Sciences Regulatory Board. KAR 102-5-3, education requirements.

Ms. Gilmore stated that the rule and regulations clarified practicum supervision requirements and added the option of a 300-hour practicum when combined with an additional 400 hours of postgraduate supervised client contact. This amendment enables implementation of HB 2162 which was passed by the 2009 Legislature. There were no questions from the Committee.

Chairperson Schmidt welcomed Christine Morris to address proposed rules and regulations noticed for hearing by the Kansas Pharmacy Board. KAR 68-21-1, definitions; KAR 68-21-2, electronic reports; KAR 68-21-3, waivers for electronic reports; KAR 68-21-4, notice of requests for information; KAR 68-21-5, access to information; KAR 68-21-6, reciprocal agreements with other states to share information; and KAR 68-21-7, drugs of concern.

Committee staff asked whether the Kansas Pharmacy Board had checked with the Secretary of State concerning the approval of authentication of electronic identification devices or certificates to be sure these are within the requirements of the Uniform Electronic Transactions Act, see 16-1601. Ms. Morris stated that she would check to be sure that they did meet the requirements. In KAR 68-21-6, a Committee member noted that in subsection (c) the fifth word should be "be" not "by." In KAR 68-21-7, Committee staff stated that the term "stakeholders" should be defined somewhere in the regulations.

Justin McFarland was introduced by the Chairperson to speak to a proposed rule and regulation noticed for hearing by the Kansas Pharmacy Board. KAR 68-7-11, medical care facility pharmacy.

A question was raised concerning the pharmacy technician certification and where it was referred to in the regulations. Ms. Billingsley stated that the regulations covering ratios for supervision give the option of having pharmacy technician certifications, in order to go from a supervisory level of two to one to a level of three to one. She stated that it is an option and not a requirement.

Chairperson Schmidt recognized Kevin Ireland, attorney, to address the proposed rules and regulations noticed for hearing by the Kansas State Department of Education. KAR 91-41-1, definitions; and KAR 91-40-27, parental consent. A Committee member noted that the definitions beginning on page 5 with subsection (q) need to be alphabetized.

The Chairperson stated that the next meeting would be held in May when the Legislature returns to session. Staff will notify Committee members of the specific date.

The Chairperson adjourned the meeting at 3:45 p.m.

Prepared by July Glasgow  
Edited by Jill Shelley

Approved by Committee on:

May 4, 2010

(Date)

### **Committee Comments on Proposed Rules and Regulations**

**Kansas Home Inspectors Registration Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning code of ethics, and standards of practice for registrants. After discussion, the Committee had the following comments.

Standards of Practice. The Committee is concerned that with respect to the inspection of electrical systems it appears that an inspector is to inspect the operation of ground fault circuit interrupter receptacles and circuit breakers using the built-in test button (page 9, (c)(i)(13)), yet under the items that the inspector is not required to inspect are ground fault circuit interrupters breakers using the installed test buttons if doing so will or could cause damage to any item or create a safety risk (page 9, (c)(ii)(6)(c)). This appears to be in conflict since one must test to determine if there is any damage potential. Please review for any similar conflicts and make appropriate adjustments.

Standards of Practice. Under the Structural Systems and Components section, (e)(ii) on page 11, there is a requirement that the inspector "shall probe a representative number of components." The Committee believes that it is unclear what this number would be in order to meet the requirement of a "representative number." The Committee has a similar question about the interior systems and components on page 14, particularly stairways, balconies, and hand railings and guardrails. Please review and modify appropriately.

Standards of Practice. In the section dealing with Exterior and Interior Systems and Components, a requirement is included to inspect "seawalls." The Committee questions whether seawalls should be included in Kansas standards.

Request. The Committee believes that it is important that various groups of individuals in Kansas have access to the requirements outlined in these regulations. Among those the Committee believes should be aware of these requirements are lenders, realtors, and individuals associated with title companies. Please inform the Committee of the Board's outreach to these groups and how the Board intends to notify home inspectors.

Request. The Committee believes that it would be helpful to have a checklist of those items which are to be included in a home inspection and those items which are excluded from a home inspection. This checklist would be helpful and informative to

sellers, purchasers, lenders, realtors, and individuals associated with title companies. Please consider the development of such a checklist and make it available to the appropriate individuals.

Question. The Committee is aware that the agency has a website which contains useful information. However, how may an individual review the documents referred to in this set of regulations if that individual has no access via the Internet?

Concern. The Committee is concerned that no representative of the Board was present at the review of the proposed rules and regulations. The Committee believes that the comments and concerns of the members of the Committee provide guidance to members of the Board in understanding the concerns of legislators. Please make an effort to have at least one member of the Board present at future meetings where proposed rules and regulations of the agency are reviewed by the members of the Joint Committee on Administrative Rules and Regulations.

**Kansas Department of Wildlife and Parks.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning big game, legal equipment and taking methods; wild turkey, legal equipment and taking methods; use of crossbows and locking draws for big game and wild turkey hunting by persons with disabilities, application, permit, and general provisions. After discussion, the Committee had no comment.

**Kansas Board of Examiners in Optometry.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning fees. After discussion, the Committee had the following comment.

Economic Impact Statement. The Committee believes that the Economic Impact Statement should be expanded to include estimated income from the fee adjustments for each category which is being proposed for change.

**Kansas State Board of Technical Professions.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning reexamination; architectural experience of a character satisfactory to the board; minimum standards for the practice of land surveying; and licensure in another jurisdiction. After discussion, the Committee had the following comments.

KAR 66-8-6. In subsection (a), the Committee believes that the reference should be to both subsections (b) and (c).

KAR 66-14-10. In subsection (b), the Committee believes it would be helpful to reference the actual regulation number to assist the reader in locating the continuing education requirements.

**Kansas Department of Credit Unions.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions. After discussion, the Committee had no comment.



**Kansas Insurance Department.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning hospital, medical, surgical expense insurance policies and certificates, prohibiting certain types of discrimination. After discussion, the Committee had no comment.

**Division of Water Resources, Kansas Department of Agriculture.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning application to deposit water right into a water bank or withdraw a deposit. After discussion, the Committee had the following comment.

KAR 5-17-2. In subsection (a), the Committee suggests the addition of the word “any” between “if” and “water” in the proposed new language for clarity.

**Kansas State Board of Nursing.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning advisory committee (revocation). After discussion, the Committee had no comment.

**Kansas State Employees Health Care Commission.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning eligibility; school district employee health care benefits plan; and local unit of government employee health care benefits plan. After discussion, the Committee had the following comments.

KAR 108-1-1. The Committee suggests that a definition for “substantial gainful activity” be established since it is a determinant factor in “permanent and total disability.” Does the term mean “employment”?

Comment. Please consider placing the definitions in one section alphabetically and the policy in subsequent rules and regulations.

Concern. The members of the Committee are concerned about the costs associated with these rules and regulations and their impact on the State’s budget. For example, the Economic Impact Statement states that the proposed KAR 108-1-1 will cost an additional \$2.429 million to all state agencies. For KAR 108-1-4, the Economic Impact Statement indicates that there may be a need for additional employees to add new public employee groups to the state plan. This letter to Secretary Goossen will be forwarded to the Legislative Leadership as well as the chairpersons and ranking minority members of the Senate Ways and Means Committee and the House Appropriations Committee.

**Kansas Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning general requirements; definitions; classification of injection wells; injection of hazardous or radioactive wastes into or above an underground source of drinking water; application for injection well permits; conditions applicable to all permits; draft permits; fact sheets; establishing permit conditions; term of permits; schedules of compliance; requirements for recording and reporting of monitoring results; effect of a permit; transfer of permits; modification and reissuance

of permits; termination of permits; minor modifications of permits; area permits; emergency permits; corrective action; public notice, public comments, and public hearings; signatories; prohibition of fluid movement into underground sources of drinking water; establishing maximum injection pressure; design and construction requirements; operation of class III salt solution mining wells; monitoring and reporting requirements for class I wells; monitoring and reporting requirements for class III salt solution mining wells; groundwater monitoring for class III salt solution mining wells; information to be considered by the secretary; mechanical integrity testing; plugging and abandonment; state inspection and right of entry; exempted aquifers; sharing of information; sampling and analysis techniques; salt solution mining well operations, fees; and revocations. After discussion, the Committee had the following comments.

KAR 28-46-1. The Committee believes that there needs to be a date certain for the adoptions by reference from the Code of Federal Regulations.

KAR 28-46-2a.. With respect to the definition of the term “secretary,” please review the entire set of proposed regulations to determine whether, in all places where the term “secretary” is used, if the agency also wants to give that authority to the “secretary’s authorized representative.”

KAR 28-46-7. In subsection (b), please consider including cross references to the KAR where the Code of Federal Regulations is adopted.

KAR 28-46-10. The Committee is concerned that there are no criteria for the length of time of the permit. Please consider the inclusion of criteria to determine the length of time of the permit.

KAR 28-46-29. The Committee is concerned whether the 72-hour time frame is sufficiently long for the cement mixture to cure. It also appears that the regulation is silent on the time frame before pressurization may occur, and the Committee believes that a standard should be established. In addition, the Committee believes that the logs need to be reviewed by a third party to determine their adequacy.

Concern. The Committee is concerned that at some point in the future structures may be built in close proximity to one of these wells and believes that the agency should address this by preventing any structure from being built near one of these wells when the facility is closed.

Concern. The Notice of Hearing does not include references to all rules and regulations in Article 46 nor does it include a summary of each of the proposed regulations. Please review to determine whether this jeopardizes the adequacy of the notice of hearing.

Economic Impact Statement. The Committee believes that the Economic Impact Statement should be rewritten to include additional detail on estimated costs and the additional amount of money being raised by the adjustments in the fees.

**Kansas State Behavioral Sciences Regulatory Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning education requirements. After discussion, the Committee had no comment.

**Kansas Pharmacy Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions; electronic reports; waivers for electronic reports; notice of requests for information; access to information; reciprocal agreements with other states to share information; and drugs of concern. After discussion, the Committee had the following comments.

KAR 68-21-1 and KAR 68-21-2. The Committee questions whether the agency has discussed these proposed rules and regulations with officials with the Secretary of State's Office to determine whether they meet the requirements of the Uniform Electronic Transaction Act.

KAR 68-21-6. In subsection (c), the word "by" should be "be."

KAR 68-21-7. The Committee believes the term "stakeholders" should be defined to clarify who would be notified.

**Kansas Pharmacy Board.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning medical care facility pharmacy. After discussion, the Committee had the following comment.

KAR 68-7-11. The Committee questions whether there is specific statutory authority for the agency to require a pharmacy technician to become certified.

**Kansas State Department of Education.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning definitions, and parental consent. After discussion, the Committee had the following comment.

KAR 91-40-1. Please alphabetize the terms in this proposed rule and regulation.