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MEMORANDUM

To: Joint Committee on Administrative Rules and Regulations

From: Office of Revisor of Statutes

Date: October 5, 2020

Subject: Authority for Proposed Rules and Regulations for October 5, 2020 Meeting

Department of Agriculture: KAR 9-2-35 and 9-3-9

Authorized by K.S.A. 47-607, 47-607d, 47-610, 47-657 and 47-2101

K.S.A. 47-607: (b) The animal health commissioner shall prescribe, by rules and regulations, procedure whereby certificates of health and other required statements and declarations may be submitted to the commissioner at the time of shipment.

K.S.A. 47-607d: The animal health commissioner may adopt such rules and regulations as necessary to carry out the purposes of this act.

K.S.A. 47-610: The state animal health commissioner is hereby directed to protect the health of domestic animals of the state from all contagious or infectious diseases and for this purpose is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as necessary.

K.S.A. 47-657: (a) The state animal health commissioner, whenever the commissioner deems it necessary, shall formulate and announce the rules under which approved test for brucellosis in cattle shall be applied and for all proceedings subsequent to such application:

- (1) No person or laboratory other than those indicated for that purpose by the animal health commissioner shall test cattle for brucellosis;
 - (2) all charts showing result of test and conditions existing at the time of test, together with a history and description of cattle, shall be submitted to the animal health commissioner immediately upon completion of test and the animal health commissioner shall render an opinion thereon. Such decision shall be final and shall be recorded in the office of the animal health commissioner.
- (b) The animal health commissioner may at once apply the quarantine and other regulations issued under the provisions of law to animals found infected with brucellosis.

K.S.A. 47-2101: (c) The animal health commissioner shall adopt any rules and regulations necessary to enforce the provisions of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, ensure compliance with federal requirements and protect domestic animals and wildlife from disease risks related to domestic deer production.

Department of Health and Environment: KAR 28-19-719 (revocation) and 28-19-720

Authorized by K.S.A. 65-3005

(a) The secretary shall have the power to:

- (1) Adopt, amend and repeal rules and regulations implementing and consistent with this act.

Department of Transportation: KAR 36-45-1 through 36-45-10

Authorized by K.S.A. 8-1921 and 68-404

K.S.A. 8-1921: (a) Commencing on and after January 1, 2020, each company that operates an escort vehicle service in this state shall register annually with the secretary of transportation in accordance with rules and regulations adopted by the secretary.

K.S.A. 68-404: The secretary of transportation shall have the following powers, duties, authority and jurisdiction:

...

(k) to adopt rules and regulations to carry out the provisions of this act and any other laws relating to the secretary or department of transportation;

(l) to adopt rules and regulations relating to debarment and suspension of contractors for cause;

Board of Cosmetology: KAR 69-3-8

Authorized by K.S.A. 65-1903

(i) The board may adopt through rules and regulations a curriculum for cosmetology, nail technology, esthetics and electrology instructor training to be provided in a licensed school of cosmetology.

Corporation Commission: KAR 82-4-3a

Authorized by K.S.A. 66-1,112, 66-1,112g and 66-1,129

K.S.A. 66-1,112: (b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

K.S.A. 66-1,112g: The commission shall issue permits to private motor carriers of property and require the filing of annual and other reports, and such additional data as may be required by the commission in carrying out the provisions of this act. The commission may adopt rules and regulations relating to private motor carriers of property.

K.S.A. 66-1,129: (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act...

Wildlife, Parks and Tourism Commission: KAR 115-1-1, 115-2-1, 115-4-4a, 115-7-3, 115-7-10, 115-18-7, 115-18-10, 115-18-12 and 115-25-14

Authorized by K.S.A. 32-807, 32-956, 32-969 and 32-988

K.S.A. 32-807: The secretary shall have the power to:

(a) Adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations as necessary to implement, administer and enforce the provisions of the wildlife, parks and tourism laws of this state;

K.S.A. 32-956: (a) The secretary shall adopt, in accordance with K.S.A. [32-805](#), and amendments thereto, rules and regulations concerning the prohibition of certain wildlife from the waters and lands in this state.

K.S.A. 32-969: (e) The secretary may adopt, in accordance with K.S.A. [32-805](#), and amendments thereto, rules and regulations for each regular or special wild turkey hunting season and for each management unit regarding wild turkey permits and game tags...

K.S.A. 32-988: (a) The secretary is authorized to adopt, in accordance with K.S.A. [32-805](#), and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following

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limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

...

(f) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. [32-805](#), and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Department of Health and Environment: KAR 129-6-103

Authorized by K.S.A. 65-1,254 and 75-7403

K.S.A. 65-1,254 (d) All rules and regulations, orders and directives of the Kansas health policy authority which relate to the functions transferred by K.S.A. [65-1,252](#) through [65-1,258](#), and amendments thereto, and which are in effect on the effective date of K.S.A. [65-1,252](#) through [65-1,258](#), and amendments thereto, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

K.S.A. 75-7403 (a) The secretary of health and environment is hereby authorized to establish policies and to adopt rules and regulations for the implementation and administration of the powers, duties and functions prescribed for or transferred to the department as provided by law.

Board of Barbering : KAR 61-4-3

Authorized by K.S.A. 65-1825a and 74-120

K.S.A. 65-1825a (a) Except with regard to sanitation standards provided for by K.S.A. [65-1,148](#), and amendments thereto, the board may adopt rules and regulations necessary to carry out the provisions of this act.

K.S.A. 74-120 (a) Notwithstanding any other provision of law, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration.

...

(b) (4) All persons, boards, commissions or similar licensing bodies shall adopt and publicly maintain all necessary rules and regulations for the implementation of this section.