



**Kansas Legislative Research Department**

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

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December 4, 2020

**To:** Kansas Legislature

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

**Re:** Report of the December 2, 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 December 2, 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 Agriculture**

KAR 4-34-1, definitions; KAR 4-34-22, license required to cultivate or produce industrial hemp for commercial purposes; KAR 4-34-23, planting and preharvest requirements; KAR, 4-34-24, sampling, testing, and harvest requirements; KAR 4-34-25, effective disposal, violations; KAR 4-34-26, transportation of industrial hemp; KAR 4-34-27, planting restrictions, signage requirements, volunteer plants; KAR 4-34-28, access to records and property; KAR 4-34-29, negligent violations, corrective action plans; KAR 4-34-30, state educational institutions.

The Committee notes it expects compliance with requirements in KSA 77-416(b)(2) for the agency to "consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions and members of the public that may be affected by the proposed rule and regulation or that may provide relevant information." It suggests listing consulted entities in the Economic Impact Statement provided with the proposed rules and regulations.

**KAR 4-34-27.** The Committee requests information on how the required distances between specified hemp-related activities and certain types of structures in proposed KAR 4-34-27 were determined.

### **Kansas Human Rights Commission**

KAR 21-40-10, revoked (was docket); KAR 21-41-1, revoked (was who may file); KAR 21-41-2, submission of complaints and responses; KAR 21-41-3, contents of complaints; KAR 21-41-4, revoked (was time of filing); KAR 21-41-6, amendment, supplementation; KAR 21-41-

8, dismissal before hearing; KAR 21-41-10, criminal and civil proceedings; KAR 21-41-11, revoked (was service of complaint).

The Committee notes it expects compliance with requirements in KSA 77-416(b)(2) for the agency to “consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions and members of the public that may be affected by the proposed rule and regulation or that may provide relevant information.” It suggests listing consulted entities in the Economic Impact Statement provided with the proposed rules and regulations. The Committee notes many who will file complaints with the Commission or respond to complaints may not receive sufficient notice of changes that are noted only on the agency website and in the *Kansas Register*.

**KAR 21-41-6.** The Committee requests the agency provide the legal authority, whether statute, case law, or other authority, that authorizes dismissal of an amended complaint or a supplement to a complaint that would change or add a protected category different from that alleged in the initial complaint, except within the time period for filing a new complaint.

The Committee commends the Commission for undertaking a comprehensive update of its rules and regulations and encourages proceeding with the update with all deliberate speed.

## **Kansas Corporation Commission**

KAR 82-4-30a, applications for interstate registration.

The Committee had no comments.

## **State Board of Healing Arts**

KAR 100-6-2a, resident active license qualifications.

**KAR 100-6-2a.** The Committee recommends withdrawing this proposed rule and regulation, as was suggested in testimony, until it can be presented with a package of related updates to the Board’s rules and regulations, including KAR 100-6-2a.

## **Kansas Insurance Department**

KAR 40-1-28, insurance holding companies, reporting forms and instructions; KAR 40-1-52, corporate governance annual disclosure, reporting forms and instructions.

The Committee had no comments.

## **Kansas Department of Revenue**

KAR 92-19-47, revoked (was “retailer” [definition]); KAR 92-19-67, revoked (was sales by corporations, businesses, organizations and associations organized not-for-profit).

**Request.** The Committee requests more detailed information on what the agency seeks to achieve with these proposed changes to the retailers’ sales tax rules and regulations.