



Kansas Legislative Research Department

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January 27, 2021

To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the January 8, 2021, 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 January 8, 2021. 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 (KLRD).

Kansas Legislature

The Committee notes statutes delegate legislative authority to agencies, which promulgate law in rules and regulations. It requests the Legislature, during the 2021 Legislative Session, review the rule and regulation process in Kansas and consider implementing changes that would provide the opportunity for legislators to request and provide additional review of rules and regulations and would invite more participation by the public in the review of proposed rules and regulations. It notes information on processes in other states was made available to the Committee and is available to legislators and the public on the Committee's KLRD webpage and as an attachment to the minutes of the Committee's October 5, 2020, meeting.

The Committee strongly recommends the 2021 Legislature thoroughly review the issue of occupational licensing in Kansas and notes the reports of the Joint Committee on Corrections and Juvenile Justice Oversight, the Kansas Criminal Justice Reform Commission, and this Committee's Subcommittee on Occupational Licensing on the topic.

Office of the State Bank Commissioner

KAR 17-24-2, mortgage business fees.

Request. The Committee requests additional information about how the amount of the increase in the application fee for renewal of registration as a loan originator was determined. It also requests information on the balance of the Bank Commissioner Fee Fund: its estimated year-end balance, the trend in the year-end balance over at least the previous five years, and the estimate of the amount needed in that fund.

Request. The Committee requests the agency explain its interpretation of law to allow remote work by a loan originator. KSA 9-2203(a) provides that “Mortgage business shall only be conducted in this state at or from a mortgage company licensed by the commissioner as required by this act.” KSA 9-2201(k) defines a mortgage company as: “. . . [A] person engaged in mortgage business from a principal place of business or branch office, which has been licensed as required by this act.”

Real Estate Commission

KAR 86-3-10, retention of records; KAR 86-3-18, trust account records; KAR 86-3-21, revoked (was trust account documentation); KAR 86-3-22, transaction identification.

The Committee had no comments.

Department of Agriculture

KAR 4-8-13, service of notices and statements; KAR 4-8-14a, herbicides approved for cost-share; KAR 4-8-27, adoption of control methods for musk thistle; KAR 4-8-28, adoption of control methods for Johnsongrass; KAR 4-8-29, adoption of control methods for field bindweed; KAR 4-8-30, adoption of control methods for hoary cress; KAR 4-8-31, adoption of control methods for Russian knapweed; KAR 4-8-32, adoption of control methods for bur ragweed; KAR 4-8-33, adoption of control methods for Canada thistle; KAR 4-8-34, adoption of control methods for leafy spurge; KAR 4-8-35, adoption of control methods for quackgrass; KAR 4-8-36, adoption of control methods for pignut; 4-8-37, adoption of control methods for kudzu; KAR 4-8-38, weed supervisor employment; KAR 4-8-39, revoked (was adoption of multiflora rose control program); KAR 4-8-40, adoption of control methods for sericea lespedeza; KAR 4-8-41, revoked (was biological control plan); KAR 4-8-42, revoked (was adoption of bull thistle control program); KAR 4-8-43, revoked (was noxious weeds, declaration of county as a sericea lespedeza disaster area); KAR 4-8-44, designation of noxious weeds; KAR 4-8-45, official control plans; KAR 4-8-46, annual report; KAR 4-8-47, management plan; KAR 4-8-48, contents of notices and statements.

KAR 4-8-38. The Committee requests additional information on the reason for the change in the rule and regulation to require a county, city, township, or district to hire its weed supervisor as an employee rather than employ the weed supervisor as an independent contractor and to prohibit renewal or extension of an independent contractor's contract. It requests the additional information include the statutory basis for that change and what other less costly options for the county, city, township, or district were considered.

KAR 4-8-44. The Committee suggests clarification in subsections (c) and (d) that more stringent control efforts may be applied to noxious weeds in categories B and C, at the direction of local officials. It requests information on how noxious weeds were categorized.

KAR 4-8-46. The Committee requests the agency make available on its website the annual reports required by this rule and regulation. It

suggests information from the annual weed eradication progress reports be summarized in the annual report required by KSA 74-504.

The Committee thanks the agency's representative for her thorough review of the proposed rules and regulations and the additional information provided on the topics the rules and regulations address.

Secretary of State

KAR 7-48-1, vote centers, plans, report.

The Committee requests clarification as to whether a county that submits a plan for vote centers could receive approval for that plan from the Secretary of State in time for vote centers to be available for use in the 2021 primary elections, given the requirement in the proposed rule and regulation that the plan must be submitted at least six months before implementation.

The Committee thanks the Secretary of State and local election officials, including those who worked in the polling places, for their work in conducting free, fair, and transparent elections in Kansas in 2020.

The Committee requests information on the specific procedures used to certify electronic voting machines at the state and county levels and to verify votes from electronic voting machines. It also requests the number of voting machines in Kansas that do not provide paper verification of the individual voter's votes.

Board of Healing Arts

KAR 100-6-2, education and training requirements; KAR 100-8-3, endorsement licenses; active practice requirements.

The Committee had no comments.

Department of Health and Environment

Article 65.—Emergency Planning and Right-to-Know: KAR 28-65-1, general provisions; KAR 28-65-2, definitions; KAR 28-65-3, submitting notifications and reports; KAR 28-65-4, fees.

The Committee had no comments.