



Kansas Legislative Research Department

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

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

December 21, 2022

To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the December 13, 2022, 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 13, 2022. 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.

State Board of Regents

Article 9a, Kansas Promise Scholarship (new): KAR 88-9a-1, definitions; KAR 88-9a-2, application; KAR 88-9a-3, appeal procedure; KAR 88-9a-4, scholarship awards; KAR 88-9a-5, scholarship agreement; KAR 88-9a-6, postponement of or release from promise scholarship agreement requirements; KAR 88-9a-7, repayment.

KAR 88-9a-6. The Committee expresses its concern that only one person, the Board of Regents' Director of Student Financial Aid, will determine whether a Promise Scholarship recipient has made a "best possible effort" to fulfill the requirements of the scholarship agreement.

KAR 88-28-1, definitions; KAR 88-28-2, minimum requirements; KAR 88-28-3, certificates of approval; KAR 88-28-4, site or virtual visits; KAR 88-28-8, closure of an institution; KAR 88-28-9, ownership changes; KAR 88-28-10, provisional certificate of approval.

The Committee had no comments.

Kansas Bureau of Investigation

Article 25, Testing Oral Fluid for Law Enforcement Purposes (new): KAR 10-25-1, definitions; KAR 10-25-2, preliminary oral fluid screening test devices.

The Committee expresses its concern that the approved device's cutoff values for indicating a drug or its metabolite has been detected in an oral fluid sample are determined only by the manufacturer of the device and are not established in the rule and regulation. The Committee notes no scientific evidence was presented regarding whether a positive result using this device indicates impairment or indicates only the presence of detectable substances. It asks the KBI to provide to the Committee studies and literature that the KBI relied upon in determining the device appropriately indicates a positive result.

Office of the State Bank Commissioner

KAR 17-11-24, sale of tangible personal property to bank or trust company executive officers, employees, directors, and related interests.

The Committee expresses concern that sales of tangible personal property to bank or trust company officers, employees, directors, or related interests without approval from the Commissioner, without an established market price and without a public offering to determine whether the amount realized is in fact the actual value of the property, could facilitate self-dealing and disadvantage consumers.