

Office of Chief Counsel
1000 SW Jackson, Suite 500
Topeka, KS 66612



Phone: (785) 296-6003
Fax: (785) 296-2702
Pat.Doran@ks.gov
<https://admin.ks.gov/>

Adam C. Proffitt, Secretary
Pat Doran, Chief Counsel

Laura Kelly, Governor

K.S.A. 77-440

Comprehensive Review of Department of Administration and Office of Information Technology Services Administrative Rules and Regulations

Joint Committee on Administrative Rules & Regulations
Kansas State Capitol Building
300 W. 10th
Topeka, KS 66612

RE: Department of Administration and Office of Information Technology Services Review
of Rules & Regulations

To the Joint Committee on Administrative Rules & Regulations:

As directed by the recently enacted statute, K.S.A. 77-440, the Department of Administration and the Office of Information Technology Services has completed their comprehensive review of all rules and regulations they administer pursuant to Kansas Agency Regulation 1-1 *et seq.* The review was completed and the following report and recommendations were compiled under the direction of the Department of Administration's Chief Counsel, Pat Doran. As a result of the review, the Department of Administration proposes revocation of eight (8) regulations.

The Committee is encouraged to contact Mr. Doran if you have questions or need information regarding any of the regulations that are addressed within the report.

Sincerely,

Adam C Proffitt

Adam Proffitt
Secretary of Administration

Jeff Maxon

Jeff Maxon
Interim Chief Information Technology Officer

COMPREHENSIVE REVIEW OF DEPARTMENT OF ADMINISTRATION RULES AND REGULATIONS

OVERVIEW

K.S.A. 77-440 directs all state agencies to review all rules and regulations adopted by it under the provisions of K.S.A. 77-415 *et seq.*, every five years, and that each state agency shall submit a report to the Joint Committee on Administrative Rules and Regulations on or before July 15 of the year that corresponds to such state agency under this law. The purpose of this review is to evaluate the rules and regulations adopted by the state agency as to whether the rule or regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d). The Secretary of State and Legislative Research have created a standardized form (“KLRD Standardized Form”) to compile all regulations and answer questions related to the statutory intent of K.S.A. 77-440. Furthermore, any individual reference to “rule” or “regulation” within this comprehensive review shall mean both “rule” and “regulation” and shall be used interchangeably.

Explanation of the KLRD Standardized Form

The KLRD Standardized Form lists each Regulation in ascending order and as titled within the Kansas Agency Regulations (“K.A.R.”). This version of the KLRD Standardized Form includes each regulation subordinate to Agency 1 of the K.A.R. The KLRD Standardized Form contains five (5) separate groups of columns which relate to identifying certain aspects and review of each individual regulation. The first group of columns are color coded by orange and labeled as “Identifying the Rule and Regulation,” which provide the regulation number, title, type, effective date, authorizing statute, and implementing statute (if any). The second group of columns are color coded as yellow and labeled as “Necessity” which provide information on whether the regulation is necessary for the implementation and administration of state law and whether the regulation serves an identifiable public purpose in support of state law. The options in which to respond to this column are only “Yes” or “No.” The third group of columns are color coded blue and labeled as “Potential for Revocation” which provide space for a state agency to briefly describe the effect of revocation of that specific regulation, if the regulation is; (1) being revoked, and (2) not in active use and revocation would require a change to the authorizing or implementing statute and what those changes would be. The fourth group of columns color coded as green and labeled as “Ties to Federal Programs” which provides information on whether the regulation is: (1) federally required for state participation in a federal program or authority, (2) necessary for federal delegation of enforcement authority to the State, and (3) (if federally required) the state and federal program names and the federal agency name. The fourth column also includes information related to whether federal moneys may be in jeopardy if the rule and regulation were repealed, and if that is the case, the approximate amount received for the recent fiscal year. The final and fifth column includes any additional information necessary to understanding the necessity of this rule and regulation.

Executive Summary

As a result of this review, the Department of Administration and Office of Information Technology Services identified eight (8) regulations for revocation and determined the remaining regulations to be necessary for the implementation and administration of state law and serve an identifiable public purpose in support of state law, subject to the supplemental recommendations as discussed below. The eight (8) regulations that the Department of Administration and Office of Information Technology Services recommend being revoked are as follows:

K.A.R. 1-9-21 – Hours, Leaves, Employee-Management Relations, Nepotism.

K.A.R. 1-21 *et. seq.* – United States Savings Bond Deduction Program – includes five (5) individual regulations.

K.A.R. 1-68 *et. seq.* – Average Fuel Economy Standards for State-Owned Motor Vehicles – includes two (2) individual regulations.

Supplemental Recommendations

The Kansas Department of Administration recommends that the regulations within Article 17 not be revoked, though the regulations are not being actively used. The purpose of Article 17 consists mainly of regulations affecting the procedures of the long-disbanded Central Motor Pool. It is unclear whether other state agencies are utilizing the portion of regulations that refer to “[s]tate-owned or operated motor vehicles.” A state-owned or operated motor vehicle is defined as “all motor vehicles, including privately owned motor vehicles, authorized for use on official state business.” In conclusion, it is unclear what effect revocation would potentially have with respect to use of **all** state vehicles and would require coordination with all state entities which utilize state-owned vehicles.

Furthermore, the Kansas Department of Administration and the Office of Information Technology Services recommends that Articles 31-38 remain in place, despite the regulations being drafted for the Division of Computer Services which no longer exists. The Office of Information Technology Services, being a newly formed state entity, is still in the process of determining what impact revoking regulations within these Articles will have and to what extent new regulations must be put in place before or immediately thereafter.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 15, 2023

Sent via email to jill.shelley@klrd.ks.gov

RE: Kansas Department of Agriculture HB 2087 Regulation Review

Members of the Committee:

Provided with this letter are spreadsheets relevant to the information requested pursuant to HB 2087 for regulations administered by the Kansas Department of Agriculture (KDA). The KDA regulations for which the agency was required to provide a report this year include those relevant to our Division of Water Resources (Agency 5 spreadsheet), Division of Animal Health (Agency 9 spreadsheet), Division of Conservation (Agency 11 spreadsheet), and many Programs within our Division of Agribusiness Services (Agency 4 spreadsheet).

Please let me know if you have any questions or would like further information.

Thank you.

Sincerely,

/s/Stephanie A. Kramer

Stephanie A. Kramer
Chief Counsel
Kansas Department of Agriculture
785-564-6714
stephanie.kramer@ks.gov



900 SW Jackson, Suite 201
Topeka, KS 66612-1235
(785) 296-3171

KansasCash.ks.gov

Delivered via email only (Jill.Shelley@klrd.ks.gov; Jordan.Milholland@klrd.ks.gov) to:

Joint Committee on Administrative Rules and Regulations
Representative Barb Wasinger, Chair
c/o Jill Shelley and Jordan Milholland
Kansas Legislative Research Department
68-W, Statehouse
300 SW 10th
Topeka, KS 66612-1504

July 13, 2023

Dear Rep. Wasinger, Ms. Shelley, and Mr. Milholland,

Enclosed is the Office of the Kansas State Treasurer's report on its review and evaluation of rules and regulations pursuant to K.S.A. 77-440. This information is being submitted in the template spreadsheet provided to our office by the Kansas Legislative Research Department.

To summarize our agency's evaluation, all regulations currently maintained by the Office of the Kansas State Treasurer remain necessary for the implementation and administration of state law, and are not being revoked.

However, through this five-year review process and other efforts, we have identified several regulations that we intend to update in light of various changes to federal and state laws since the regulations were originally adopted. An update to K.A.R. 3-3-2 will expand eligibility for the Housing Loan Deposit Program, as further detailed in the spreadsheet. Otherwise, we anticipate that the regulatory amendments will not result in major substantive changes. Instead, they will promote clarity by updating references to current authorizing and implemented statutes, and clarifying existing requirements in light of subsequent changes to federal and state law. We look forward to sharing these proposed updates with the Committee.

The State Treasurer's Office appreciate the Committee's attention to this matter, and the Legislative Research Department's helpful guidance as we all navigate this new statutory review process.

Very truly yours,

John A. Hedges
Staff Attorney
Office of the Kansas State Treasurer

Encl.

cc: Jeff Chanay, Assistant Treasurer (via email)



Kansas Bureau of Investigation

Tony Mattivi
Director

Kris W. Kobach
Attorney General

July 15, 2023

Joint Committee on Administrative
Rules and Regulations
c/o Committee Assistant John Willey
Via email: John.Willey@House.ks.gov

RE: Kansas Administrative Regulations Review Per K.S.A. 77-440 and HB 2087

Dear Mr. Willey,

Please find attached to this letter the report required by Kansas Statutes Annotated 77-440 and HB 2087 detailing the information for each Kansas Administrative Regulation (KAR) in effect for the Kansas Bureau of Investigation (KBI). We utilized the form sent to us by Legislative Research but noted that there was one new set of KARs that were not included in the spreadsheet, and no way to add it on the same sheet as the others. To ensure we are in compliance with the requirements of the statute, we added a second page to this workbook for KARs 10-25-1 and 10-25-2 dealing with the preliminary screening of oral fluids.

Should you, or any members of the committee, have questions about these regulations or their importance to Kansans and the smooth administration of the programs they cover, please do not hesitate to reach out.

Sincerely,

Legal Division
Kansas Bureau of Investigation

Office of the Secretary
401 SW Topeka Boulevard
Topeka, KS 66603



Phone: 785-581-7303
Fax: 785-368-6294

Amber Shultz, Secretary

Laura Kelly, Governor

June 13, 2023

Jill Shelley
Jordan Milholland
Kansas Legislative Research Department
68-W, Statehouse
300 SW 10th
Topeka, KS 66612-1504

Re: Regulation Review for Agricultural Labor Relations Board (Agency 12)

Dear Ms. Shelley and Mr. Milholland:

Please find attached our report concerning regulations related to the Agricultural Labor Relations Board (ALRB). Since the regulations are not entirely clear as to which statutes they implement, we reviewed the legislation which created the ALRB. This included conducting legislative research looking at the original versions of the statutes and changes the Legislature made over the years.

We also reviewed laws that impacted the Board's operations, such as K.S.A. 75-37,121(h)(4) (requiring the ALRB to use the Office of Administrative Hearings for adjudicative hearings under the Kansas Administrative Procedures Act on and after July 1, 2008) and the Kansas Administrative Procedures Act (KAPA) to determine if any regulations can revoke and which ones we need to amend.

We determined we can revoke K.A.R. 12-2-14 as K.S.A. 77-518 pertains to hearing notices under KAPA. We intend to use the expedited revocation process under K.S.A. 77-426(d) to revoke K.A.R. 12-2-14.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "Amber Shultz". The signature is written in a cursive, flowing style.

Amber Shultz
Secretary of Labor, Kansas

cc: Martin Walter, Chief Counsel

Sandy Johnson, Deputy Director
Todd Thornburg, Deputy Chief Counsel
Tim Triggs, Labor Conciliator

Kansas Department of Revenue
Office of Policy and Research
109 SW 9th St.
Topeka, KS 66601-3506
Mark Burghart, Secretary



Phone: 785-296-6093
Fax: 785-296-7928
www.ksrevenue.org

Laura Kelly, Governor

June 1, 2023

Jill Shelley, Principal Research Analyst
Kansas Legislative Research Department
State Capitol, Room 68-West
Topeka, Kansas 66612

RE: K.S.A. 77-440 Rules and Regulations Five-Year Review
14 – Kansas Department of Revenue – Division of Alcoholic Beverage Control

Dear Ms. Shelley,

Pursuant to K.S.A. 77-440(b)(1), the Kansas Department of Revenue's Division of Alcoholic Beverage Control ("ABC") submits the attached report to the Joint Committee on Administrative Rules and Regulations. The report summarizes ABC's review of its rules and regulations pursuant to K.S.A. 77-440. Out of 213 ABC regulations, 179 regulations were identified as necessary for the implementation and administration of state law. 34 regulations were identified as unnecessary. ABC intends to revoke these 34 unnecessary regulations using the expedited revocation process provided by K.S.A. 77-426(d).

If you have any questions about this report, please contact Taylor Murray at taylor.murray@ks.gov or (785) 296-6093.

Sincerely,

Taylor Murray
Attorney, Office of Policy and Research

Attachments:

1 - Agency 14 Revenue ABC – HB 2087 Completed Form

Cc. Rep. Barbara Wasinger, Chair, Joint Committee on Administrative Rules and Regulations
Sen. Kellie Warren, Vice Chair, Joint Committee on Administrative Rules and Regulations
Rep. John Carmichael, Ranking Minority Member, Joint Committee on Administrative Rules and Regulations
Jordan Milholland, Kansas Legislative Research Department



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Rep. Barb Wasinger
Chair, Joint Committee on Administrative Rules and Regulations
Kansas Statehouse Room 521-E
300 SW 10th Avenue
Topeka, KS 66612

Rep. John Carmichael
Ranking Minority Member, Joint Committee on Administrative Rules and Regulations
Kansas Statehouse Room 451-S
300 SW 10th Avenue
Topeka, KS 66612

July 25, 2023

Chairwoman Wasinger:

In accordance with K.S.A. 77-440 in the matter of rules and regulations subject to five-year review, please see the attached spreadsheet report from the Office of the Attorney General. The report also includes regulations for the Crime Victims Compensation Board and Charities Registration. Please let our agency know if you have any questions or need additional information regarding this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Hutchison".

Robert C. Hutchison
Deputy Attorney General, Civil Division
Office of Attorney General Kris W. Kobach
120 SE 10th Avenue, Second Floor
Topeka, KS 66612



700 S. W. Jackson
Suite 300
Topeka, KS 66603-3796

Office of the State
Bank Commissioner

Phone: (785) 380-3939
Fax: (785) 371-1229
www.osbckansas.org

David L. Herndon, Bank Commissioner

Laura Kelly, Governor

June 12, 2023

Joint Committee on Rules and Regulations
C/O Chairwoman Barb Wasinger
Room 521-E
300 SW 10th Ave,
Topeka, KS 66612

2022 HB 2087 Regulation Review of the Office of the State Bank Commissioner

Dear Chairwoman Wasinger:

The OSBC has conducted its regulations issued under the Kansas Banking Code, the Kansas Mortgage Business Act, and the Credit Services Organization Act. There are no regulations issued under the Kansas Money Transmitter Act. K.S.A. 77-440 and 2022 HB 2087 has three regulation review schedules for the Office of the State Bank Commissioner. K.S.A 77-440(b)(2)(A)(xvii); (C)(xix); and (D)(xix, xx). After consulting with Legislative Research, we believe this bill intends for the Uniform Consumer Credit Code regulations to be reviewed in 2025. The Office of the State Bank Commissioner also has issued joint rules under articles 103 and 104, which will be reviewed in 2026.

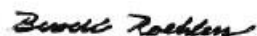
We are pleased to announce that we will be revoking three regulations under the new notice procedures. These regulations are K.A.R. 17-11-14, 17-11-16, and 17-22-1. Two more regulations, K.A.R. 17-16-1 and 17-21-2, were reviewed and we determined only a portion of the regulation is necessary. We will add the necessary portions to other regulations and will repeal K.A.R. 17-16-1 and 17-21-2 at that time. The one definition currently in K.A.R. 17-1-1 has been deemed unnecessary. However, we are in the process of modifying other Banking Code regulations and will be adding new definitions. We will remove the unnecessary definition at that time.

The remaining 61 Banking Code regulations, all six Kansas Mortgage Business Act regulations, and the one regulation under the Credit Services Organization Act were considered relevant and necessary to implement state law. Bank regulation by its very nature is very thorough, which requires substantial statutory and regulatory oversight. However, Kansas chartered banks face significantly less regulatory burdens than national banks. The Office of the Comptroller of

Currency regulates national banks and has issued more regulations in just the first three of its 66 parts in active use. The majority of the Banking Code regulations either establishes standards to gain statutorily required State Banking Board or Commissioner approval or sets record retention requirements. The Kansas Mortgage Business Act and the Credit Services Organization Act regulations follow the same lead as the Banking Code in establishing how entities can gain the statutorily required approval or establishes application fees the legislature has granted the Office of the State Bank Commissioner authority to set.

Please contact me at (785) 379-3892 or brock.roehler@osbckansas.org if you have any questions.

Sincerely,



Brock Roehler
General Counsel
Office of the State Bank Commissioner

Enclosure Agency 17 HB 2087 Form