



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 18, 2020

PROPOSED REVOCATIONS, JCARR MEETING OF JANUARY 8, 2021

Kansas Department of Agriculture		
Reference	Title	Text
Article 8. Noxious Weeds		
KAR 4-8-39	Adoption of multiflora rose control program.	(a) The control practices contained in the “official multiflora rose control program,” published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of multiflora rose in the state of Kansas. (b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office.
KAR 4-8-41	Biological control plan.	(a) No person shall use any predator, parasite, disease causing organism, or any other substance or method to provide biological control of musk thistle without first having prepared a biological control plan that meets the requirements of this regulation. Each biological control plan shall state the area where biological controls are proposed. No person shall implement any part of a biological control plan unless that person first obtains both the written recommendation of the county noxious weed director for the area described in the plan and the written approval of the secretary. The location of a biological control area may be limited to specific areas where the application of herbicides would be difficult or inappropriate. (b) No organism shall be used for the biological control of musk thistle except <i>Rhinocyllus conicus</i> , <i>Trichosirocalus horridus</i> , or any other organism approved by the Kansas department of agriculture as being effective for this purpose. (c) A continuous musk thistle-free border shall be maintained around each site where biological control methods are used. This border zone shall be maintained free of musk thistle by either the application of approved chemicals or the use of approved cultural practices. (d) Based upon the criteria set forth in subsection (e) below, the width of the border shall be specified by the county noxious weed director of the county in which the proposed biological control site is located. The width of the border shall not be less than 150 feet. (e) The width of the border shall reflect the county noxious weed director’s consideration of the following factors:

		<p>(1) The direction of the prevailing wind during the months of June and July;</p> <p>(2) the presence of any shelter belts or hedgerows;</p> <p>(3) the direction of the slope of the terrain;</p> <p>(4) the density of the musk thistle population; and</p> <p>(5) the density of the population of the organism to be used.</p> <p>(f) Each approved biological control area plan shall meet all of the following requirements:</p> <p>(1) Herbicide treatments for the control of musk thistle, when necessary, shall be made only during the periods from October 1st through April 15th.</p> <p>(2) Hay shall not be moved from within the biological control area unless the biological control area has been inspected and certified as musk thistle-free by the county noxious weed director within the seven days preceding the harvesting of the hay.</p> <p>(3) The appropriate noxious weed control program shall be used to control any other noxious weed located within the biological control area.</p> <p>(g) Failure to comply with any provision of an approved biological control plan or any provision of the Kansas noxious weed law or any rule and regulation promulgated thereunder shall constitute grounds for revocation of the biological control plan by the secretary. No approved biological control plan shall be revoked before the applicant has been given an opportunity to appear before the secretary or the secretary's designee regarding the proposed revocation.</p>
KAR 4-8-42	Adoption of bull thistle control program.	<p>(a) The control practices contained in the "official bull thistle control program," published by the Kansas department of agriculture on November 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of bull thistle in the state of Kansas.</p> <p>(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office.</p>
KAR 4-8-43	Noxious weeds; declaration of county as a sericea lespedeza disaster area.	<p>The board of county commissioners of any county may petition the Kansas secretary of agriculture to declare that county to be a sericea lespedeza disaster area. (a) The petition form, which shall be provided by the secretary, shall include the following information:</p> <p>(1) The number of acres of sericea lespedeza identified on private land;</p> <p>(2) the number of acres of sericea lespedeza identified on public land;</p> <p>(3) the approximate amount of expenditures by private and public land managers to control the infestation;</p> <p>(4) the county mil levy for noxious weeds and the extent to which the acres infested by sericea lespedeza are being treated; and</p> <p>(5) a specific, practical action plan detailing the county's approach to contain and manage the acres infested with sericea lespedeza in the county.</p> <p>(b) Following approval of the petition by the board of county commissioners, the petition shall be submitted to the secretary for approval or denial.</p> <p>(c) A county may be designated as a sericea lespedeza disaster area by the secretary based upon the following criteria:</p> <p>(1) The percent of land area in the county estimated to be infested with sericea lespedeza;</p> <p>(2) the percent of acres known to have been treated for sericea lespedeza;</p> <p>(3) a designation of whether or not the county is an exporter of native hay or mulch;</p>

		<p>(4) the percent of mil levy for weed control that is dedicated to sericea lespedeza control; and</p> <p>(5) a specification of whether the acreage of sericea lespedeza is equal to or greater than two percent of any of the following:</p> <p style="padding-left: 40px;">(A) The total land area of the county;</p> <p style="padding-left: 40px;">(B) the amount of private land in the county; or</p> <p style="padding-left: 40px;">(C) the amount of public land in the county.</p> <p>(d) Random spot checks of counties designated as sericea lespedeza disaster areas may be conducted by the secretary to ensure consistent implementation as approved in the action plan.</p>
Kansas Real Estate Commission		
Reference	Title	Text
Article 3. Persons Holding Licenses; Duties		
KAR 86-3-21	Trust account documentation.	<p>(a) Except as specified in paragraph (a)(6), each supervising broker or branch broker that maintains a trust account shall file a consent to audit, which is commonly known as a “trust account report”, with the commission, on a form approved by the commission, within 10 days of the occurrence of any of the following:</p> <p style="padding-left: 40px;">(1) The establishment of a new primary office or branch office;</p> <p style="padding-left: 40px;">(2) a change in the name of the supervising broker or branch broker;</p> <p style="padding-left: 40px;">(3) a change in the status of the supervising broker or branch broker;</p> <p style="padding-left: 40px;">(4) a change in the name of the primary office or branch office;</p> <p style="padding-left: 40px;">(5) a change in the account number for the trust account or a change in the financial institution in which the trust funds are held;</p> <p style="padding-left: 40px;">(6) a change in the supervising broker for the primary office or the branch broker for the branch office. This trust account report shall be filed by the new broker responsible for supervising the office; or</p> <p style="padding-left: 40px;">(7) the filing of a report on closing trust account, unless the primary office or branch office has been closed.</p> <p>(b) Each supervising broker or branch broker that closes a trust account shall notify the commission by filing a “report on closing trust account” with the commission, on a form approved by the commission, accompanied by a copy of the bank statement showing that the trust account has been closed, within 10 days of the occurrence of any of the following:</p> <p style="padding-left: 40px;">(1) Closure of the trust account;</p> <p style="padding-left: 40px;">(2) closure of the primary office or branch office, unless an exemption not to maintain a trust account has been granted by the commission for each trust account that was in existence at the time the primary office or branch office closed; or</p> <p style="padding-left: 40px;">(3) a change in the account number for the trust account or a change in the financial institution in which the trust funds are held.</p>