

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:15 a.m. on March 22, 2002 in Room 123-S of the Capitol.

All members were present except:

Committee staff present:

Sherman Parks, Revisor of Statutes
Norman Furse, Revisor of Statutes
April Holman, Legislative Research
Debra Hollon, Legislative Research
Lea Gerard, Committee Secretary

Conferees appearing before the committee:

Phil Harness, Dept. of Human Resources
Carolyn Bloom, Physical Therapist
Janet Buchanan, KCC

Others attending:

See attached list.

HB 2719–Amendments to state purchasing statutes

Norman Furse, Revisor of Statutes briefed the committee on changes to **HB 2719**, Page 4, stating the section covers competitive purchasing statutes as it relates to the state agencies and the Director of Purchasing.

Senator Barone moved, seconded by Senator Emler to amend **HB 2719**, Page 4, Line 36 and 37, after the word “subsection” to read (h), (i) or (j). Motion carried.

Senator Barone moved, seconded by Senator Emler to amend **HB 2719**, Page 4, Line 26, to insert “Except as otherwise provided”, before the word “Purchases”. Motion carried.

John Houlihan, Director of Purchases, had concern with an amendment for **HB 2719**, Page 5, Line 11 that would allow state agencies to purchase outside of the state-wide contract without his approval. Currently there is a policy in place that allows state agencies to obtain approval to purchase supplies from any source that is cheaper than the price in the state contract (Attachment 1). A form is filled out by the state agency and faxed to the Director of Purchases for approval. Approximately 75% of the requests are approved within 24 hours.

After committee discussion it was decided the current system was working to make purchases and the amendment was not adopted.

Senator Barone moved, seconded by Senator Jordan to move **HB 2719** as amended out favorably for passage. Motion carried.

HB 2729–Workers compensation; wholly dependent children.

Phil Harness, Director of Workers Compensation, testified in support of **HB 2729** (Attachment 2). It accomplishes the following four things:

1. Provides that limited liability company members will be defined the same as individuals employers, partners, or self-employed persons who are not subject to the Workers Compensation Act.
2. Provides that persons receiving workers compensation death benefits will continue to be required to file an annual statement with the insurance carrier, self-insured employer, or group pool that is paying death benefits to prove the person’s continued eligibility for the benefits.
3. Provides that the Division of Workers Compensation records are that are open to public inspection will no longer include individuals social security number.
4. Provides that the Secretary of Revenue will be required to disclose to the Division of Workers Compensation names, addresses and social security numbers of individual income tax payers to verify information in the Division database.

CONTINUATION SHEET

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Phil Harness stated since the time the bill was first drafted there have been two other items that passed the Workers Compensation Advisory Council for **HB 2729** (Attachment 3).

The committee discussed the proposed amendment to address 44-510-K that defines costs for **HB 2729**. Chairperson Brownlee requested that Senator Emler work with Phil Harness to see if there is an appropriate statute that would define cost.

Senator Emler stated he had a proposed amendment for **HB 2729** (Attachment 4) that would add one member from the Kansas Physical Therapy Group to the Advisory Panel for Workman's Comp. The proposed amendment came from **SB 566**.

Carolyn Bloom, Physical Therapist, testified in support of the proposed amendment for **HB 2729**. Physical Therapists have provided services to patients who have received workman's compensation payments for approximately the last 29 years in Topeka. Physical Therapists provide a large amount of care for workman's comp. patients. As of today, there is not a Physical Therapist on the committee to give input as to the appropriate utilization of physical medicine rehabilitation codes.

Terry Leatherman, KCCI, testified as a neutral party on the proposal to add a Physical Therapist to the Workman's Comp. Advisory Council. The KCCI's concern of adding a Physical Therapist is that currently there is a labor representative, a management representative and many medical providers which typically vote as a bloc.

Wayne Michael, AFL-CIO, testified as a neutral party to the proposal of adding a Physical Therapist to the Workman's Comp Advisory Council. The panel that was originally set-up in 1993 had more authority than now. Labor and Management input now has less impact due to the medical bloc.

Terry Humphrey, Executive Director, Kansas Trial Lawyers Association, presented written testimony as an opponent for **HB 2729** (Attachment 5).

There being no further conferees wishing to testify, the hearing on **HB 2729** was closed.

Janet Buchanan, KCC, briefed the committee on the status of deployment for Broadband and competition (Attachment 6).

Chairperson Brownlee asked Janet Buchanan on Page 12 of the attachment where it says "Confidential" why that information cannot be provided. Janet Buchanan stated for Southwestern Bell's data, except for total line count, they consider that information confidential. For all years but 2001, she was able to find publicly available information. The Southwestern Bell information for year 2000 was provided by ARMIS data that the FCC collects and that data is not yet available for 2001. Chairperson Brownlee stated why is it that Southwestern Bell has to submit the information to the FCC but when the KCC makes a request for it they will not provide the information. Janet Buchanan stated the Commission has grown more concerned about the amount of information that is considered confidential and will be working in the near future with Southwestern Bell to examine more closely what actually is confidential.

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for Monday, March 25, 2002 at 8:30 a.m.