

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

May 6, 2015
Room 152-S—Statehouse

Members Present

Representative Sharon Schwartz, Chairperson
Senator Vicki Schmidt, Vice-chairperson
Senator Oletha Faust-Goudeau
Senator Tom Hawk
Senator Ralph Ostmeyer
Representative Janice Pauls
Representative Ed Trimmer

Members Absent

Senator Garrett Love
Representative Steve Huebert
Representative Jerry Lunn
Representative Jim Ward
Representative Valdenia Winn

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Whitney Howard, Kansas Legislative Research Department
Natalie Scott, Office of Revisor of Statutes
Shirley Jepson, Committee Assistant

Conferees

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife, Parks and Tourism
Michael Duenes, Litigation Counsel, Kansas Corporation Commission
Mike Hoeme, Director, Transportation Division, Kansas Corporation Commission

Morning Session

The meeting was opened at 8:05 a.m. by Chairperson Sharon Schwartz.

Approval of Minutes

The Committee discussed the use of “a.m.” and “p.m.” after the members’ names in the March 13, 2015, meeting minutes. The Committee decided it was appropriate because the meeting was divided into two distinct parts, one early morning and the second after adjournment of both legislative sessions.

Representative Pauls moved to approve the minutes of March 13, 2015, as written. Motion seconded by Senator Ostmeyer. Motion approved on a voice vote.

Review and Comment on proposed rule and regulation noticed for hearing by the Department of Wildlife, Parks and Tourism

KAR 115-25-9a, deer, open season, bag limit, and permits, additional considerations, Fort Riley.

Chris Tymeson, Chief Legal Counsel, Department of Wildlife, Parks and Tourism, appeared before the Committee to address the proposed rule and regulation. Mr. Tymeson explained the proposed rule and regulation establishes deer open season, bag limit, and permits with additional considerations for Fort Riley. The proposed rule and regulation changes the season dates for Fort Riley to accommodate the training missions on Fort Riley.

There were no questions from the Committee.

Review and Comment on proposed rule and regulation noticed for hearing by the State Corporation Commission

KAR 82-4-3a, hours of service.

Michael Duenes, Litigation Counsel, Kansas Corporation Commission (KCC), and Mike Hoeme, Director, Transportation Division, KCC, appeared before the Committee to address the proposed rule and regulation. Mr. Duenes explained the proposed rule and regulation would bring Kansas in line with previously enacted federal regulations on the 34-hour restart rule, as well as incorporating edits to reflect minor grammatical and form corrections, recent updates to other Federal Motor Carrier Safety Administration (FMCSA) regulations, deletions of provisions applicable only to Alaska, and exemptions for certain intrastate tow truck operations from these hours of service requirements.

Responding to a question from the Committee regarding why the agency is adopting the FMCSA’s 2013 version of the regulations, Mr. Duenes indicated the process of adopting the rules and regulations is started by the agency in December and the new FMCSA regulations are not received until March or April of the following year, causing a one-year lag. The Committee expressed concern with the replacement of the federal definition of “agricultural commodities,”

noting the exception of honey, poultry products, and timber products from the state definition. Mr. Duenes indicated the agency felt the federal definition of agricultural commodities has been expanded from the prior definition and may give more flexibility. Staff noted it is important the definition of “agricultural commodities” match what currently is in statute; however, the Committee Revisor indicated “agricultural commodities” currently is not defined in statute. A Committee member suggested the agency consider reviewing the issue but holding any change to the definition until a future amendment to this rule and regulation.

Staff also questioned the deletion of the definition of “automatic on-board recording device” on page 6, 82-4-3a(a)(2)(B), when the term is referred to elsewhere in the regulations being adopted by reference.

COMMITTEE COMMENTS AND RECOMMENDATIONS

Department of Wildlife, Parks and Tourism

The Joint Committee on Administrative Rules and Regulations reviewed for comment the rule and regulation KAR 115-25-9a, deer, open season, bag limit, and permits, additional considerations, Fort Riley. After discussion, the Committee had no comments.

Kansas Corporation Commission

The Joint Committee on Administrative Rules and Regulations reviewed for comment the rule and regulation KAR 82-4-3a, hours of service. After discussion, the Committee had the following comment.

KAR 82-4-3a. The Committee is concerned about the clarity of the definition of the term “agricultural commodity” and requests the agency review whether the definition should be made consistent with the federal definition. In addition, the Committee requests that the agency review the deletion of the definition of the term “automatic on-board recording device” to determine if it should be retained because of its use in 49 CFR 395.15 as adopted by KAR 82-4-3a(a)(7).

Adjournment

The meeting was adjourned at 8:40 a.m. The next meeting of the Committee is “on call of the Chair.” The Chairperson requested members bring a calendar to the next meeting in order to set future meeting dates during the Interim.

Prepared by Shirley Jepson
Edited by Jill Shelley, Whitney Howard,
and Raney Gilliland

Approved by the Committee on:

August 10, 2015
(Date)