

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

February 19, 2003
Room 531N—Statehouse

Members Present

Representative Carl Holmes, Chairman
Senator Karin Brownlee
Senator U. L. "Rip" Gooch
Representative Jerry Henry
Representative Andrew Howell
Representative Janice Pauls
Representative Sharon Schwartz

Members Absent

Senator Stan Clark
Senator Chris Steineger
Senator Dwayne Umbarger
Representative Candy Ruff
Representative Dan Williams

Staff Present

William G. Wolff, Kansas Legislative Research Department
Mitch Rice, Revisor of Statutes Office
Ken Wilke, Revisor of Statutes Office
Judy Glasgow, Committee Secretary

Others Present

Deletria L. Nash, Kansas Insurance Department
Penny Bowie, Board of Optometry
Bill Waters, Kansas Department of Revenue
Shelly Dechand, Division of the Budget
Robin Kempf, Kansas Board of Regents
Cindy Bontrager, Kansas Board of Regents
Diane Lindeman, Kansas Board of Regents
Chris Tymeson, Kansas Department of Wildlife and Parks

Wednesday, February 19, 2003

Chairman Holmes called the meeting to order at 12:10 p.m. Deletria Nash, staff attorney, was recognized to speak to the proposed rules and regulations noticed for hearing by the Kansas Insurance Department (Attachment 1). KAR 40-4-36, accident and sickness insurance; continuation and conversion policies; reasonable notice of right to continuation and right to convert.

Ms. Nash stated that the Commissioner was withdrawing KAR 40-5-110 from consideration at this time. There were no questions regarding KAR 40-4-36 and Chairman Holmes thanked her for appearing before the Committee.

Chairman Holmes recognized Bill Waters, Division of Property Valuation, Kansas Department of Revenue, to explain the proposed rules and regulations noticed for hearing by the Kansas Department of Revenue. KAR 96-6-4, experience requirements and KAR 93-6-7, reinstatement.

Mr. Waters stated that KAR 93-6-4 was submitted for clarification for the Registered Mass Appraisal (RMA) designation. The proposal does not change the total number of hours of appraisal experience required. He stated further that KAR 93-6-7 is a new regulation which allows a provision for reinstatement of a lapsed RMA designation. In response to a question from a Committee member, he explained that the period of two years allowed for reinstatement was selected because it is reasonable to expect that a person inactive longer than that would be out of touch with the profession and need the entire course of study.

Staff questioned the authority of the Secretary to adopt the proposed changes in rules and regulations since the statute seems to direct the adoption prior to October 1, 1997. For consideration is whether the statute was directive of a time in which initial rules and regulations had to be adopted or was it limited to that date. Mr. Waters stated that he would take these concerns back to the Department for consideration.

Mr. Waters was thanked for his presentation before the Committee by the Chairman.

Chairman Holmes called on Penny Bowie to address the Committee on the proposed rules and regulations noticed for hearing by the Kansas Board of Examiners in Optometry. KAR 65-5-6, continuing education.

Ms. Bowie explained the proposed rules and regulations and answered questions concerning continuing education and what would be acceptable concerning Internet presentations. Ms. Bowie responded that she did not think that the limit on Internet training precluded credit for live Internet presentations, but said she would review the issue with the Board.

A member pointed out that the economic impact statement was incomplete and should be revised prior to the public hearing to better reflect the additional costs to licensees, if any, from the adoption of the change.

Chairman Holmes thanked Ms. Bowie for appearing before the Committee.

Robin Kempf, Associate General Counsel for the Kansas Board of Regents, was welcomed to the Committee by Chairman Holmes to speak to the proposed rules and regulations noticed for hearing by the Kansas Board of Regents (Attachment 2). KAR 88-25-1, definitions; KAR 88-25-2, applicant eligibility; KAR 88-25-3, initial waiver awards; requirements; KAR 88-25-4, number of

waivers at a Kansas educational institution; KAR 88-25-5, available funds; KAR 88-25-6, part-time work status; and KAR 88-25-7, eligibility for subsequent academic years.

Ms. Kempf stated that these regulations were proposed to implement the Foster Care Tuition Waiver Program enacted during the 2002 Legislative Session. Ms. Kempf answered questions from members concerning the federal program requirements. Staff did note an incorrect section that should be corrected before the public hearing.

There being no further questions, Chairman Holmes thanked Ms. Kempf for her testimony before the Committee.

Chairman Holmes recognized Chris Tymeson, Department of Wildlife and Parks, to explain the proposed rules and regulations noticed for hearing. KAR 115-4-6, deer; management units; KAR 115-4-11, big game permit applications; KAR 115-17-6, commercial mussel fishing license; mussel salvage permit; license or permit application and requirements, authority, reports, general provisions, and license or permit revocation; KAR 115-17-7, commercial harvest of mussels; legal species, seasons, size restrictions, daily limits, and possession limits; KAR 115-17-8, commercial harvest of mussels; legal equipment, taking methods, and general provisions; KAR 115-17-9, commercial mussel fishing; open areas; and KAR 115-18-10, importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.

There were no questions on point with the proposed rules and regulations, but some members were concerned with how deer populations can be controlled in urban areas. While local units of government have their own ordinances related to the discharge of firearms, Mr. Tymeson stated that they might consider allowing archery permits during the deer season, but that would be up to each urban unit.

Mr. Tymeson was thanked for his presentation before the Committee.

COMMENTS ON PROPOSED RULES AND REGULATIONS

Insurance Department. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning credit insurance and accident and sickness insurance—continuation and conversion. After discussion, the Committee had no comment.

Division of Property Valuation. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning appraisal experience and reinstatement of a designation. After discussion, the Committee had no comment.

Board of Examiners in Optometry. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning continuing education. After discussion, the Committee expressed the following comment.

KAR 65-5-6. Rewrite the economic impact statement to correctly express the impact of the regulation. What is the additional cost to licensees or others, if any?

Kansas Board of Regents. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the foster care tuition waiver program. After discussion, the Committee had no comment.

Department of Wildlife and Parks. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning deer management districts, deer permits, commercial mussel fishing, and limitations on importation and possession of certain wildlife. After discussion, the Committee had no comment.

Chairman Holmes stated that the next meeting would be February 26, 2003, in Room 531-N. The meeting adjourned at 1:00 p.m.

Prepared by Judy Glasgow and Bill Wolff

Approved by Committee on:

April 1, 2003