

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

January 10, 2005
Room 514-S—Statehouse

Members Present

Senator Dwayne Umbarger, Chairman
Senator Bill Bunten
Senator Karin Brownlee
Senator Chris Steineger
Representative Jerry Henry
Representative Carl Holmes
Representative Andrew Howell
Representative Jan Pauls

Members Absent

Representative Eric Carter
Representative Candy Ruff
Representative Sharon Schwartz
Senator Don Betts

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Kenneth Wilke, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Judy Glasgow, Secretary

Others Present

Representative Lance Kinzer
Representative Scott Schwab
Senator Dennis Wilson
Senator Ralph Ostmeyer
Mary Lou Davis, Kansas Board of Cosmetology
Mike Hoeme, Kansas Corporation Commission
Paula Johnson, Kansas Corporation Commission
Dave Halferty, Kansas Department on Aging
Deletria L. Nash, Kansas Insurance Department

Chairman Umbarger called the meeting to order at 9:05 a.m., January 10, 2005. New members assigned to the Committee for the 2005 Legislative Session were introduced—Representatives Kinzer and Schwab and Senators Wilson and Ostmeyer.

The Chairman recognized Mary Lou Davis, Executive Director, Kansas Board of Cosmetology, to speak to the proposed rules and regulations noticed for hearing by the Board of Cosmetology. KAR 69-1-4, grades necessary to pass licensure examinations; development and administration of licensure examinations.

Ms. Davis explained that the proposed change was made to ensure the health and safety of the consuming public by requiring an average of at least 75 percent on the client protection section of the practical examination.

Staff suggested that the two requirements listed in (1) should be separated and listed as individual items for clarification. After responding to general questions from Committee members, Ms. Davis was thanked for her presentation before the Committee.

Paula Johnson, Advisory Counsel, Kansas Corporation Commission, was introduced by the Chairman to speak to the proposed rules and regulations noticed for hearing by the Kansas Corporation Commission. KAR 82-4-3, exemption from the motor carrier safety regulations; KAR 82-4-3a, hours of service; KAR 82-4-3b, procedures for transportation workplace drug and alcohol testing program; KAR 82-4-3c, testing for controlled substances and alcohol use; KAR 82-4-3d, safety fitness procedures; KAR 82-4-3e, minimum levels of financial responsibility for motor carriers; KAR 82-4-3f, general motor carrier safety regulations; KAR 82-4-3g, qualifications of drivers; KAR 82-4-3h, driving of commercial motor vehicles; KAR 82-4-3i, parts and accessories necessary for safe operation; KAR 82-4-3j, inspection, repair, and maintenance; KAR 82-4-3k, transportation of hazardous materials; driving and parking rules; KAR 82-4-3l, transportation of migrant workers; and KAR 82-4-3m, employee safety and health standards.

Ms. Johnson stated that these proposed rules and regulations update all but one currently contained in KAR 82-4-3 to the 2003 Code of Federal Regulations. Each is moved to its own regulation for ease in updating the adoptions in the future and make permanent the adoption of the 2003 hours of service regulations that have been in effect on a temporary basis since January 4, 2004. There are no major changes to any of these regulations.

Committee members noted that on page 6, KAR 82-4-3f, the term “Kansas Corporation” should be inserted before “commission” for clarification. Members noted that the commission title should be capitalized throughout the rules and regulations. The Committee suggested that the agency add the statement to the notice that “e-mail comments will be accepted by the agency on the proposed rules and regulations.” Ms. Johnson stated that this would be included in future notices. She responded to general questions from the Committee members concerning whether or not this would make the test too restrictive, stating that the primary aim was to insure consumer safety. The Chairman thanked Ms. Johnson for her presentation before the Committee.

Dave Halferty, Kansas Department on Aging, was recognized by Chairman Umbarger to speak to the proposed rules and regulation noticed for hearing by the Kansas Department of Social and Rehabilitation Services. KAR 30-10-18, rates of reimbursement.

Mr. Halferty stated that the regulations are being amended to add language to require that non-base year cost reports be adjusted to the base-year period before being used to set rates for new nursing homes. After answering general questions from Committee members, the Chairman thanked Mr. Halferty for appearing before the Committee.

Chairman Umbarger recognized Deletria Nash, staff attorney for the Kansas Insurance Department, to address the proposed rules and regulations noticed for hearing by the Kansas Insurance Department (Attachment 1). KAR 40-3-53, fire and casualty insurance; electronic verification of insurance.

Ms. Nash stated that this regulation will make vehicle registration more convenient for consumers wishing to renew their vehicle registration electronically by requiring all insurers except those who meet the requirements to request an exemption to participate in this program.

A question was raised by a Committee member concerning the use of drivers' licenses in the process of renewal and if they were subject to the Open Records Act. Ms. Nash stated that she did not think so and thought that this was under closed records. She stated she would check with the Department of Revenue and get back to the Committee.

After answering general questions from the Committee, the Chairman thanked Ms. Nash for her appearance before the Committee.

Staff from the Revisor of Statutes Office handed out a copy of the proposed bill concerning persons in the custody of the Commissioner of Juvenile Justice that the Committee had requested (Attachment 2). After discussion by the Committee, *Representative Howell moved to suggest prefiling the bill in the House of Representatives, the motion was seconded by Senator Bunten. Motion passed.*

The Committee was informed that there would have to be at least one Committee meeting before March 14, 2005. There being no further business, Senator Umbarger adjourned the meeting at 10:10 am.

Committee Comments on Proposed Rules and Regulations

Kansas Board of Cosmetology. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning grades necessary to pass licensure examinations, development and administration of licensure examinations. The Committee expressed the following comment:

K.A.R. 69-1-4. Consider renumbering subsection (a) to make the intent clearer.

Kansas Corporation Commission. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning exemption from the motor carrier safety regulations; hours of service; procedures for transportation; workplace drug and alcohol testing programs; testing for controlled substances and alcohol use; safety fitness procedures; minimum levels of financial responsibility for motor carriers; general motor carrier safety regulations; qualifications of drivers; driving of commercial motor vehicles; parts and accessories necessary for safe operation; inspection, repair, and maintenance; transportation of hazardous materials, driving and parking rules; transportation of migrant workers; and employee safety and health standards. The Committee expressed the following comment:

General Comment. The Committee believes that it would be helpful to refer to the complete name of the Commission when referring to the Commission's address.

Department of Social and Rehabilitation Services. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning rates of reimbursement. The Committee had no comment.

Kansas Insurance Department. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning fire and casualty insurance, electronic verification of insurance, and had the following request.

Comment. The members of the Committee are interested in knowing what mechanisms are in place to protect the information submitted by insureds during the application for a renewal of motor vehicle registrations.

Prepared by Judy Glasgow
Edited by Raney Gilliland and
Melissa Calderwood

Approved by Committee on:

March 4, 2005
(date)