

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on March 9, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Ann Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Secretary

Conferees appearing before the committee:

A. J. Kotich, Kansas Department of Human Resources
Rudy Leutzinger, Kansas Department of Human Resources
Wendy Harms, Kansas Aggregate Producers' Association
Dr. M. Lee Allison, State Geologist
Dave Shufelt, Division of Workers Compensation

Others attending: See attached list

HB 2767 - Transfer of maps of underground mines to control of state geologist

A. J. Kotich, Legal Counsel, Department of Human Resources (KDHR), testified **HB 2767** was introduced at the request of KDHR to transfer control of certain mine maps and plans to the state geologist. Present law directs the owner, agent or operator of every coal mine and of every underground rock and limestone mine in Kansas to keep an accurate map or plan of their mine and to file with the secretary of human resources. Human Resources does not regulate the health and safety of miners, and there is no reason for maps and plans to be filed with the secretary. In the interest of economy of management and efficiency, KDHR believes the state geologist is better equipped to survey mines, interpret and preserve maps, and make maps available to the public. There is no cost involved in this transfer or a need for additional personnel. (Attachment 1)

Rudy Leutzinger, Administrator, Industrial Safety and Health Division, KDHR, testified **HB 2767**, had received 3 inquiries for maps during the last year, 2 being from the state geologist. There are 7 boxes of maps and plans stored within KDHR archives.

Wendy Harms, Kansas Aggregate Producers' Association (KAPA), testified in support of **HB 2767**, stating KAPA is an industry-wide trade association whose members provide basic building materials to all Kansans. The industry consists of mining operations whose members routinely request the review of underground maps and other geological data. The transfer of mine maps and plans does not require any regulatory efforts or additional resources to be spent by the Kansas Geological Survey. (Attachment 2)

M. Lee Allison, State Geologist and Director, Kansas Geological Survey, testified in support of **HB 2767**, stating the transfer of the archiving of maps of coal and underground rock or limestone mines from the KDHR to the state geologist provides "one-stop shopping" for users. The state geologist already collects, archives, and disseminates data and reports on mines, as well as maps from other sources in Kansas. **HB 2767** provides a more efficient management for the archiving and makes available mine maps together with other materials at one location, at no increased cost. (Attachment 3)

The hearing on **HB 2767** was concluded.

CONTINUATION SHEET

SB 644 - Workers compensation; bill dispute resolution

Dave Shufelt, Assistant to the Director, Workers Compensation Division, briefed the Committee on the provisions contained in **SB 644**. Mr. Shufelt stated the proposed changes in Sections 1, 2 and 3 were submitted to the advisory council at its February meeting. They tabled any action at that time and were to consider the proposals at the meeting in March which was cancelled. The remaining sections have been recommended by the advisory council, as has the rewriting and simplifying of the peer review and utilization review procedures. (Attachment 4)

Section 1. Takes existing sections of KSA 1999 Supp. 44-510 and places them together with other sections dealing with comparable subject matter so the statute reads in a sequential fashion.

Section 2. Deals with the medical administrator and the medical fee schedule and places them together in the statute.

Section 3. Inserts a new provision that streamlines the medical bill dispute resolution and utilization review procedures; deletes the word "shall" and inserts the word "may" on Page 6 at lines 24 and 28; and changes the civil fine appeal process from the district court of Shawnee County to the workers compensation board.

Section 4. On Page 9, at line 36, adds the language "or under the supervision of". Present law requires blood or other samples to be collected by a "licensed health professional". This amendment allows non-licensed persons to collect and label test samples, but only under the supervision of a licensed professional.

Section 5. On Page 13, at line 40, includes in the definition of "health care provider" any person licensed to practice "audiology".

Sections 6 and 7. Technical amendments containing a repealer clause to bring the bill into conformity.

Section 8. On Page 19, at lines 2, 3 and 4, provides that the medical report of the health care provider appointed to perform an independent medical evaluation shall be considered by the administrative law judge without the necessity of taking his deposition.

Section 9. A conforming amendment.

Section 10. On Page 22, at lines 3 and 4, a grammatical clean-up.

Section 11. A conforming amendment.

Section 12. On Page 24, at lines 9, 10 and 11, is the repealer section and also repeals KSA 44-513 which provides for the apportionment of benefits when a conflict exists between dependents. The statute is no longer needed as KSA 44-510b provides a statutory formula for apportionment of benefits once the determination of dependency has been established.

Mr. Shufelt submitted an additional amendment for the Committee to consider, on Page 4 at line 41, to strike the words "~~the employer or carrier~~" and insert "service provider".

The hearing was concluded.

Senator Ranson moved, seconded by Senator Steineger, that the Minutes of the March 7th and March 8th meetings be approved. The vote was unanimous in favor of the motion.

The meeting adjourned at 8:45 a.m.

The next meeting is scheduled for March 10, 2000.