

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

February 5, 2003
Room 527S—Statehouse

Members Present

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

Members Absent

Senator Chris Steineger
Senator Dwayne Umbarger
Representative Andrew Howell
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

Kathleen Smith, Kansas Department of Revenue
Jim Weisgerber, Kansas Department of Revenue
Susan Linn, Pharmacy Board
Ron Seeber, Hein Law Office
Andy Sanchez, Kansas Association of Public Employees
Christy Lane, Kansas Department on Aging
Janis DeBoer, Kansas Department on Aging
Alice Knatt, Kansas Department on Aging

Wednesday, February 5, 2003

The meeting was called to order by Chairman Holmes at 12:15 p.m.

Chairman Holmes welcomed Susan A. Linn to the meeting to speak to the proposed rules and regulations noticed for hearing by the Board of Pharmacy. KAR 68-2-15, name tags; and KAR 68-8-1, advertising. Committee members applauded the agency for making name tags mandatory for all personnel in the pharmacy. It was felt that being able to identify the person and the position held in the pharmacy would be beneficial to everyone.

There were no questions by Committee members and Ms. Linn was thanked for her appearance before the Committee.

Jim Weisgerber was recognized by Chairman Holmes to speak to the proposed rules and regulations noticed for hearing by the Kansas Department of Revenue. KAR 92-19-200, refund of sales tax paid upon food; definitions of "member of a household"; KAR 92-19-201, refund of sales tax paid upon food; definition of domicile; KAR 92-19-202, refund of sales tax paid upon food; right of representative to make a claim on behalf of claimant; and KAR 92-19-203, refund of sales tax paid upon food; death of claimant subsequent to filing claim; disbursement of refund.

Mr. Weisgerber explained the purpose behind the regulations was to reflect in regulations recent statutory amendments to KSA 79-3633. These rules and regulations are to clarify the statutory provisions that talk about but do not define terms used in the statute but necessary for carrying out the act. He stated that KARs 92-19-201, 202, and 203 are patterned after regulations in place for the Homestead property tax law and regulations.

Mr. Weisgerber responded to several questions from a member who expressed the concern that some people make a claim for a sales tax refund, but do not reside in Kansas for the full year for which they make the claim. He asked the conferee to review the filing process to determine whether there is a way to implement a more limited filing, perhaps on a pro rata basis of the time spent in the state.

There being no further questions, Mr. Weisgerber was thanked for appearing before the Committee.

Chairman Holmes recognized Christy Lane, Senior Policy Manager for the Kansas Department on Aging, to speak to the proposed rules and regulations noticed for hearing by the Kansas Department on Aging (Attachment 1). KAR 26-2-3, reporting and unearned funds requirements and KAR 26-2-6, audits.

Ms. Lane stated that the regulations are being amended to place in the regulations the current policy of the Department.

Concerning KAR 26-2-3, a Committee member stated that a waiver needs to be added to allow for late filing due to a natural disaster. Additionally, a member noted that the economic impact statement is incomplete and should be amended prior to the public hearing to better reflect the actual moneys collected, spent, saved, or shifted.

There being no further questions, Ms. Lane was thanked by the Chairman for her appearance.

COMMENTS ON PROPOSED RULES AND REGULATIONS

Board of Pharmacy. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning employee name tags and advertising. After discussion, the Committee expressed the following comments.

KAR 68-2-15. The Committee appreciates the Board's concern for the public need to be aware of who provides pharmacy services and commends them for a complete identification of providers by an appropriate name tag.

Department of Revenue. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning retailer's sales tax. After discussion, the Committee expressed the following comments.

KAR 92-19-201. Review payment of food tax refunds to persons who do not reside in the state for a full year. Perhaps the refund could be prorated or paid using some other method that reflects less than full-time residence in the state. The review should include whether or not a statutory change is necessary to implement such a change in refunding the food tax to otherwise eligible persons.

Department on Aging. The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning reporting and unearned funds requirements and audits. After discussion, the Committee expressed the following comments.

KAR 26-2-3. Should a waiver for late filing also be provided if caused by a natural or man-made disaster?

Economic Impact. The economic impact statement is too indefinite. The statement should be revised for your public hearing to be more explicit about total moneys collected, spent, saved, or shifted.

Chairman Holmes stated that the next meeting would be February 12, 2003 at 12:00 noon in Room 531-N. The meeting was adjourned at 1:00 p.m.

Prepared by Judy Glasgow and Bill Wolff

Approved by Committee on:

April 1, 2003