

Members

Sen. Luke Kenley, Chairperson
Sen. Teresa Lubbers
Sen. Lindel Hume
Sen. Richard Young
Rep. Jerry Denbo
Rep. John Frenz
Rep. Michael Murphy
Rep. Phil Hinkle



ADMINISTRATIVE RULES OVERSIGHT COMMITTEE

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MEETING MINUTES¹

Meeting Date: October 4, 2002
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Luke Kenley, Chairperson; Sen. Teresa Lubbers; Sen. Lindel Hume; Rep. Jerry Denbo; Rep. John Frenz; Rep. Michael Murphy; Rep. Phil Hinkle.

Members Absent: Sen. Richard Young.

I. Call to Order and Update by Chairperson on Requests for Review of Rules:

Senator Kenley called the meeting to order at 10:10 A.M. and provided the members with an update on the two rule requests pending before the Committee. The Chairperson reported that he had been unable to reach Representative Brent Steele concerning the letter he had sent the Committee expressing concern over rules governing storage of gunpowder.

The Chairperson then updated the Committee on the issues surrounding the Department of Health camping rule. He reported that the Department, after discussions with him, would be initiating another rule making process during which the Department would

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address the concerns expressed. The Chairperson discussed a letter from the Department concerning their intent to change the rule. (Exhibit 1) Ms. Liz Carroll, Assistant Commissioner for Health Care Regulatory Services, reported that the Department had been working with the camping associations well as Senator Kenley to amend the rules. In response to a question from Representative Hinkle, Ms. Carroll indicated that the issues surrounding the availability of a cervical collar were going to be resolved in the amended rule. Even though the rule as adopted July 28 does require that cervical collars be available, that rule will not be enforced and will be amended.

II. Update on Identification Requirements for Driver's Licenses:

Senator Kenley said that in addition to the public testimony taken at the September 10 meeting, two persons had asked to testify concerning the identification requirements for driver's licenses. He took testimony prior to the update by Commissioner Gerald Coleman in case there was something in the testimony on which he would want to comment.

Ms. Susan Tully, Federation for American Immigration Reform (FAIR), explained that she works for a national, not for profit corporation based in Washington, D.C. She stated that in a time where homeland security is important, proper identification is essential. Driver's licenses, which were intended to certify that a person is competent to drive, have become a major source of identification. The events of September 11, 2001, have shown that there are loopholes in the issuance of driver's licenses. It is the position of her organization that primary identification should be used for both issuance and renewal of all driver's licenses. In answer to questions, she said that it is important for renewals because improper licenses could have been initially issued before security tightened up, so just having a driver's license does not ensure that the identification is valid.

Mr. Bob Barber, Americans for Legal Immigration, provided the Committee with testimony he had presented to the Commission on Hispanic/Latino Affairs (Exhibit 2) and information on Americans for Legal Immigration (Exhibit 3). Mr. Barber made his comments very brief and asked the members to read his prior testimony. He did emphasize that Social Security numbers are the key to issuance of valid licenses.

The Chairperson indicated that the members had copies of the new (October 1, 2002) guidelines for driver's licenses (Exhibit 4), the old guidelines (Exhibit 5), and the comparison provided by the Bureau of Motor Vehicles (Exhibit 6). He then called on Mr. Gerald Coleman, Commissioner, Bureau of Motor Vehicles (BMV), to explain changes made to the identification requirements for driver's licenses.

Commissioner Coleman said that the BMV was trying to balance security with convenience. In the new procedures, they reduced the number of documents required. The BMV also added documents which could be used for identification to the list. For renewals, proof of residency is now required only for changes of address. Commissioner Coleman said that there had been good feedback concerning the changes. The BMV has also added an information line for customers to call. The day prior to the meeting four hundred calls were received. The BMV is continuing to refine the requirements.

In answer to questions concerning getting the new information out to the public, Commissioner Coleman said that they have had good press coverage. Also, information is available on their web site, and there are lists of the new requirements in the branches. Senator Kenley said that the Committee still believed that a rule making process would be beneficial. He stated that he was impressed with the efforts the BMV has made. Had there been a rule making process, mistakes could have been found prior to implementing the procedures.

III. Final Report:

Chairperson Kenley outlined the draft final report. There was discussion concerning the automatic issuance of commercial driver's licenses (CDL) when there is a court finding of hardship for issuance of a driver's license. The concerns centered around the fact that the court should be able to make the decision to issue both a driver's license and a CDL. However, the court finding of a hardship for a driver's license should not automatically result in issuance of a CDL also. The courts need to make a conscious decision to issue both in order for both to be issued. The final report was amended to recommend that the BMV take steps to insure that when a hardship license is issued the issuance of the CDL would be acceptable if the court ordered it but not automatic. Commissioner Coleman said that the Attorney General and the BMV were working on modifications to the CDL process. In answer to a question, Ms. Jennifer Thuma, Deputy Attorney General, said that there were some changes that could be accomplished procedurally and some that may require legislation. The members consented to the changes made to the draft report.

By consent, the Committee agreed to amend the recommendation urging a report by the Personnel Department concerning salaries for motor carrier inspectors. As amended, the recommendation states that copies of the report should be provided to the four caucus fiscal analysts for the General Assembly (in addition to the Budget Agency).

The report was adopted as amended by a unanimous voice vote.

IV. Adjournment:

The meeting was adjourned at 11:00 A.M.