

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2113**

As Agreed to April 2, 2007

Brief*

HB 2113 would amend a statute governing the use of administrative hearings by the Kansas Department of Credit Unions to require that credit unions' board of directors or individuals named in the administrative action be given a hearing or the opportunity to have a hearing in accordance with the Kansas Administrative Procedures Act (KAPA). Under current law, credit unions appeal an administrative order under specific sections of KAPA that requires the appeal of an administrative action to district court.

Conference Committee Action

The Conference Committee agreed to the Senate amendments to the bill and agreed to further amend the bill to remove the provisions applying to the utilization of the Office of Administrative Hearings. The Committee amendments removed both the provision that applied to the Department of Credit Unions and the provision applying to all state agencies, boards, and commissions.

Background

HB 2113 was requested by the Kansas Department of Credit Unions whose representative indicated that the bill would

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remedy the appeals process for administrative orders by allowing credit unions a hearing or an opportunity to have a hearing at the administrative level prior to any appeal to the district court. Appeals from the administrative hearing level would continue to be governed by the Kansas Act for Judicial Review, as allowed currently in KSA 17-2241. The bill was supported by the Kansas Credit Union Association.

The Senate Committee on Financial Institutions and Insurance amendment clarifies who (the credit union board of directors or the individuals named in the administrative action) would be granted a hearing or opportunity for hearing. The Senate Committee further amended the bill to add the Kansas Department of Credit Unions to the list of agencies utilizing the Office of Administrative Hearings on and after July 1, 2007.

The Senate Committee of the Whole amendment would require all state agencies, boards and commissions not subject to provisions of current law (the last set of agencies, boards, and commissions would be required to utilize OAH for adjudicative hearings on and after July 1, 2008) to utilize the Office of Administrative Hearings on and after July 1, 2009. The Kansas Department of Credit Unions would be required, under this bill, to use OAH on and July 1, 2007.

The fiscal note on the original bill prepared by the Division of the Budget indicates that the bill would not have a fiscal effect.

credit unions administrative hearings; KAPA