

**CORRECTED**  
*SESSION OF 2007*

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 351**

As Agreed to April 25, 2007

**Brief\***

SB 351 would require all agencies, boards, and commissions to utilize the Office of Administrative Hearings (OAH) for hearings held in accordance with the Kansas Administrative Procedure Act (KAPA) on and after July 1, 2009. The bill also would require the Director of OAH to designate a qualified presiding officer from another agency if OAH cannot furnish one of its presiding officers within 60 days of an agency's request for hearing.

The bill also provides that agencies coming under KAPA in 2009 would transfer presiding officers and support personnel to OAH.

**Conference Committee Action**

The Conference Committee adopted the Senate position with the following changes:

- Delete the provision that authorized the Secretary of Agriculture or a hearing officer from OAH be the presiding officer unless the party requests a hearing officer be appointed by the Secretary; and
- Provide that agencies coming under KAPA in 2009 would transfer presiding officers and support personnel to OAH.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **Background**

The Senate Committee amended the bill, as introduced, to strike all of the agencies, boards, and commissions that are exempted from utilizing the OAH within the Department of Administration for hearings held in accordance with the Kansas Administrative Procedure Act. Additionally, the Senate Judiciary Committee added the requirement that if OAH cannot furnish a presiding officer within 60 days, the Director shall designate a full-time employee of an agency to serve as presiding officer.

The House Committee amended the bill by inserting the provisions as follows:

- Require that a presiding officer could not be a hearing officer;
- Provide that agencies coming under KAPA in 2009 would transfer presiding officers and support personnel to OAH;
- Strike the provision that allows the Secretary of Agriculture to appoint a hearing officer; and
- Provide clarifying and technical amendments.

The House Committee of the Whole amended the bill to exclude the Kansas Corporation Commission and the Board of Tax Appeals.

The Conference Committee adopted the Senate position with the following changes:

- Delete the provision that authorized the Secretary of Agriculture or a hearing officer from OAH be the presiding officer unless the party requests a hearing officer be appointed by the Secretary; and
- Provide that agencies coming under KAPA in 2009 would transfer presiding officers and support personnel to OAH.