

SESSION OF 2007

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 351**

As Amended by House Committee of the Whole

**Brief\***

SB 351, as amended, 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 would clarify that the presiding officer of an agency could not be the hearing officer for administrative hearings. In addition, those agencies coming under KAPA in 2009 would transfer full-time presiding officers and support personnel to the office of OAH to become full-time employees of OAH. The bill also would strike provisions that allow the Secretary of Agriculture to appoint a hearing officer.

In addition, the bill would exempt from KAPA the Kansas Corporation Commission and Board of Tax Appeals.

**Background**

The proponents of the bill as introduced in the Senate Judiciary Committee included Darrel Holaday, Advanced Market Concepts, and J. Thomas Thull, Bank Commissioner, Office of the State Bank Commissioner.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

There was no testimony in opposition to the bill as introduced.

The Senate Judiciary Committee amended the bill 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 inserted 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 inserted the exemption for the Kansas Corporation Commission and the Board of Tax Appeals.

The fiscal note on the bill as introduced is not applicable to the bill as amended by the Senate Judiciary Committee.