

Approved March 5, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Michael R. O'Neal at
Chairperson

3:30 ~~xxx~~/p.m. on February 19, 1990 in room 313-S of the Capitol.

All members were present except:

Representatives Buehler, Peterson, Shriver and Whiteman, who were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Sherman Parks, Deputy Assistant Secretary of State
A. J. Kotich, Department of Human Resources
Mark Stafford, Assistant Attorney General
Matt Lynch, Judicial Council

BILL REQUESTS:

Sherman Parks, Deputy Assistant Secretary of State, requested the Committee introduce a bill that would expand who could sign a corporate annual report. The bill would also allow the receipt of facsimile materials. He also requested introduction of a bill addressing the notary law.

Representative Snowbarger moved and Representative Lawrence seconded to introduce the two bills requested by the Secretary of State's office. The motion passed.

A. J. Kotich, Department of Human Resources, requested the Committee introduce a bill concerning the Public Employee Relations Board that deals with labor management relations.

Representative Snowbarger moved to introduce the bill requested by the Department of Human Resources. Representative Lawrence seconded the motion. The motion passed.

Representative Gomez moved to introduce, as a Committee bill, legislation concerning drug forfeiture. Representative Everhart seconded the motion. The motion passed.

Representative Douville moved to introduce, as a Committee bill, legislation requested by Judge Herbert W. Walton, to amend K.S.A. 20-310a (d), concerning judges pro tem, to add after "act", the words "or other action within the jurisdiction of a district magistrate judge as provided in K.S.A. 20-302b". Representative Snowbarger seconded the motion. The motion passed.

Representative Hochhauser moved to introduce legislation allowing parties to request a change in judge without a showing of cause. Representative Everhart seconded the motion. The motion passed.

Representative Vancrum moved to introduce legislation concerning limited liability of professional corporations. Representative Solbach seconded the motion. The motion passed.

HEARING ON HB 2996

Notice of agency action resulting in right to request a hearing pursuant to KAPA must include a statement informing a person that written request for hearing must be filed with agency within 15 days of notice

Mark Stafford, Assistant Attorney General, testified HB 2996 amends the Kansas Administrative Procedures Act in order to clarify the time period within which a person may request a hearing following agency action. The time period prescribed for requesting a hearing is 15 days, see Attachment I.

Matt Lynch, Judicial Council, in response to a Committee question, stated the Judicial Council has not objected to this bill.

The hearing on HB 2996 was closed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxxx~~ p.m. on February 19, 1990.

Representative Solbach moved to report HB 2996 favorably, and that it be placed on the consent calendar. Representative Snowbarger seconded the motion. The motion passed.

The Chairman reported the Child Support subcommittee has concluded their study and will furnish a report to the Committee as soon as it is prepared. The subcommittee is recommending the Supreme Court receive a memorandum from the Judiciary Committee with some suggestions for clarification of the existing Child Support Guidelines in three areas. One of the concerns the subcommittee has is with the provisions for time spent with the noncustodial parent. Another concern is with the child support obligation formula for incomes of \$2,000 or less. The other area of concern is with bonuses. The subcommittee has addressed these concerns and a letter to the Supreme Court including these recommendations will be drafted and submitted to the Committee for approval.

The subcommittee also studied HB 2469 on income withholding and HB 2470 on revivor of dormant judgments. The subcommittee determined that the amendments contained in HB 2470, revivor of dormant judgments, are also contained in a request for a Committee bill by Representative Solbach and Representative Whiteman.

Representative Solbach moved and Representative Whiteman seconded to withdraw the bill request for introduction of this matter as a Committee bill. The motion passed.

The subcommittee recommends that HB 2470 be reported favorably.

Representative Solbach moved to report HB 2470 favorably. Representative Whiteman seconded the motion. The motion passed.

The Chairman reported the subcommittee on child support is recommending some amendments to HB 2469. One amendment will make HB 2469 apply only to Title IV-D cases. As soon as the amendments are prepared they will be presented to the subcommittee.

The Committee meeting was adjourned at 4:20 p.m. The next meeting will be Tuesday, February 20, 1990, at 3:30 p.m. in 313-S.



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Before the House Committee on Judiciary
House Bill No. 2996

Testimony Presented by
Assistant Attorney General Mark W. Stafford
On Behalf of Attorney General Robert T. Stephan
February 19, 1990

Attorney General Stephan thanks this committee for an opportunity to support House Bill No. 2996. We request passage of this bill as an amendment to the Kansas administrative procedures act in order to clarify the time period within which a person may request a hearing following agency action.

Presently, an agency may issue a summary order which is subject to the right to request a hearing. The summary order must include notice of the expiration of the time for requesting a hearing. However, no time period for making such a request is prescribed by statute.

The legislative history of the Kansas administrative procedures act includes many amendments, some of which involved delayed effective dates, and some of which were again amended before being printed in the Kansas Statutes Annotated. Under the original law, summary proceedings were available if the agency adopted appropriate regulations. A party could obtain

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Attachment I

review of the summary order by filing a written request within 15 days after service of the order. See K.S.A. 1988 Supp. 77-539.

Chapter 356, section 3 of the 1988 Session Laws added to K.S.A. 1987 Supp. 77-508 a provision allowing agencies to issue orders subject to a right to a hearing. The time period prescribed for requesting a hearing was 15 days. This amendment, which was consistent with K.S.A. 1988 Supp. 77-539, never appeared in the Kansas Statutes Annotated. Chapter 283 of the 1989 Session Laws deleted this amendment to K.S.A. 1988 Supp. 77-508 and repealed K.S.A. 1988 Supp. 77-539. The result is a lack of a prescribed time period for requesting a hearing following agency action. House Bill No. 2996 would supply the appropriate time period.

Section 2(b) of the bill is appropriate in light of other substantive law which may provide a different time period for requesting a hearing.

We have approached the staff at the Judicial Council regarding the need for this amendment. We were advised that, since the appropriate committee was not scheduled to meet in the near future, the material would be mailed to committee members for their review. To date we have received no objection to the amendment.

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