

SESSION OF 2002

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2488**

As Recommended by House Committee on
Judiciary

Brief*

Sub. for HB 2488 would make changes to the Kansas Administrative Procedure Act (KAPA) concerning state agencies and presiding officers, as follows.

Expansion of Responsibilities—Office of Administrative Hearings. The bill creates a new central Office of Administrative Hearings (OAH) within the Department of Administration. The bill also establishes a director of OAH. All powers and duties of the current office of administrative hearing and the Secretary of Administration would be transferred to OAH and the director. The OAH would provide for presiding officers to conduct administrative hearings. Presiding officers under the current setup and all support personnel involved with KAPA hearings will be transferred to OAH. All property and records will also transfer. In addition, all funds under the current system will transfer to OAH. These funds can only be used for the original purpose for which they were appropriated. These provisions are effective on July 1, 2006.

Phase in Provisions. Cabinet level agencies as well as small boards or commissions would be phased in under the new provisions each year. By fiscal year 2006, the OAH will become an independent agency within the executive branch of government.

Agencies Affected—Time Frame. The various agencies will come under the OAH as follows:

*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/cgi-bin/fulltext/bills.cgi>

Year 1—Effective July 1, 2002

Department of Social and Rehabilitation Services
Juvenile Justice Authority
Department on Aging
State Board of Pharmacy
Board of Nursing
Kansas Board of Examiners in Fitting and Dispensing of
Hearing Aids
Board of Examiners in Optometry
Emergency Medical Services Board
Kansas Dental Board
Emergency Medical Services Council
Kansas Human Rights Commission

Year 2—Effective July 1, 2003

Kansas Department of Wildlife and Parks
Department of Revenue
State Board of Veterinary Examiners
Behavioral Sciences Regulatory Board
Kansas Real Estate Commission
Real Estate Appraisal Board
State Board of Mortuary Arts
State Board of Cosmetology
Kansas Board of Barbering
State Board of Technical Professions
State Board of Tax Appeals

Year 3—Effective July 1, 2004

Department of Health and Environment
State Board of Healing Arts
Kansas Lottery
Kansas Racing Commission
Kansas State Banking Board
State Department of Credit Unions
Office of the Securities Commissioner of Kansas
Kansas Public Employees Retirement System
Board of Adult Care Home Administrators
State Treasurer
Board of Accountancy
Pooled Money Investment Board

Year 4—Effective July 1, 2005

Department of Agriculture, except water transfer hearings
Department of Human Rights
State Corporation Commission
State Conservation Commission
Kansas Water Office
Agriculture Labor Relations Board
Kansas Animal Health Department
Citizens' Utility Ratepayer Board

Year 5—Effective July 1, 2006

All other KAPA hearings

Background

Supporters of the bill included a conferee from the Judicial Council, a Washburn University Law School Professor, and an auditor with Legislative Post Audit.

Opposition was expressed on behalf of the Kansas Department of Revenue and the Department of Agriculture. Informational material and concerns were voiced by the conferee from the OAH.

The revised fiscal note indicates that when the office of OAH includes all agencies that conduct KAPA hearings, the OAH would need to hire new staff in addition to those transferred. There is an immediate need to establish a consolidated office involving many new expenses in addition to issues regarding a new system of billing and funding.