

## HOUSE BILL No. 2600

By Committee on Federal and State Affairs

2-10

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1 AN ACT concerning administrative procedures; relating to service of  
2 certain orders or notices; amending K.S.A. 2013 Supp. 77-511 and 77-  
3 518 and repealing the existing sections.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 77-511 is hereby amended to read as  
7 follows: 77-511. (a) Except to the extent that the time limits in this  
8 subsection are inconsistent with limits established by another statute, a  
9 state agency shall process an application for an order on which a statute  
10 provides for a hearing under this act as follows:

11 (1) Within 30 days after receipt of the application, the state agency  
12 shall acknowledge receipt thereof and inform the applicant of the name,  
13 official title, mailing address and telephone number of a state agency  
14 member or employee who may be contacted regarding the application. As  
15 soon as practicable, the state agency shall notify the applicant of any  
16 apparent errors or omissions. Failure to detect such errors or omissions  
17 does not preclude the state agency from raising them at a later stage of the  
18 proceeding.

19 (2) When practicable, within 90 days after receipt of a completed  
20 application, the state agency shall:

21 (A) Approve or deny the application, in whole or in part, on the basis  
22 of emergency or summary proceedings, if those proceedings are available  
23 under this act for disposition of the matter; or

24 (B) commence a formal hearing or a conference hearing in  
25 accordance with this act.

26 (b) Except to the extent that the time limits in this subsection are  
27 inconsistent with limits established by another statute, a state agency shall  
28 process a request for a hearing as follows:

29 (1) Within 30 days after receipt of the request, the state agency shall  
30 acknowledge receipt thereof and if the state agency has not previously  
31 done so, the state agency shall notify the applicant of the name, official  
32 title, mailing address and telephone number of a state agency member or  
33 employee who may be contacted regarding the request; and

34 (2) when practicable, within 90 days after receipt of the request the  
35 state agency shall commence a formal or conference hearing in accordance  
36 with this act unless a statute makes the granting of a hearing discretionary

1 with the state agency and the state agency determines not to conduct a  
2 hearing.

3 (c) For purposes of this section, a hearing commences when the state  
4 agency or presiding officer notifies a party that a prehearing conference or  
5 other stage of the hearing will be conducted. *Notice of the commencement*  
6 *of the hearing shall be provided to all parties by restricted mail as such*  
7 *term is defined in K.S.A. 60-103, and amendments thereto.*

8 (d) If a timely and sufficient application has been made for renewal of  
9 a license with reference to any activity of a continuing nature, the existing  
10 license does not expire until the state agency has taken final action upon  
11 the application for renewal or, if the state agency's action is unfavorable,  
12 until the last day for seeking judicial review of the state agency's action or  
13 a later date fixed by the reviewing court.

14 Sec. 2. K.S.A. 2013 Supp. 77-518 is hereby amended to read as  
15 follows: 77-518. (a) The presiding officer for the hearing shall set the time  
16 and place of the hearing and give reasonable written notice at least 10 days  
17 prior to the hearing to all parties and to all persons who have filed written  
18 petitions to intervene in the matter. Service of notices shall be made in  
19 accordance with K.S.A. 77-531, and amendments thereto, *except that if no*  
20 *previous notice of the proceeding has been provided to the parties, then*  
21 *such notice shall be sent to each party by restricted mail as such term is*  
22 *defined in K.S.A. 60-103, and amendments thereto.*

23 (b) The notice shall include a copy of any prehearing order rendered  
24 in the matter.

25 (c) To the extent not included in a prehearing order accompanying it,  
26 the notice shall include:

27 (1) The names and mailing addresses of all parties and other persons  
28 to whom notice is being given by the presiding officer;

29 (2) the name, official title, mailing address and telephone number of  
30 any counsel or employee who has been designated to appear for the state  
31 agency;

32 (3) the official file or other reference number, the name of the  
33 proceeding and a general description of the subject matter;

34 (4) a statement of the time, place and nature of the hearing;

35 (5) a statement of the legal authority and jurisdiction under which the  
36 hearing is to be held;

37 (6) the name, official title, mailing address and telephone number of  
38 the presiding officer;

39 (7) a statement of the issues involved and, to the extent known to the  
40 presiding officer, of the matters asserted by the parties; and

41 (8) a statement that a party who fails to attend or participate in a  
42 prehearing conference, hearing or other stage of an adjudicative  
43 proceeding may be held in default under this act.

1 (d) The notice may include any other matters the presiding officer  
2 considers desirable to expedite the proceedings.

3 (e) The state agency shall cause notice to be given to persons entitled  
4 to notice under any provision of law who have not been given notice under  
5 subsection (a) by the presiding officer. Notice under this subsection shall  
6 be given in the manner specified by such provision of law or, if no such  
7 manner is specified, in a manner to be determined by the agency. If a  
8 person other than the agency is directed to give notice under this  
9 subsection, the agency shall require that the person furnish proof that the  
10 notice has been given. Notice under this subsection may include all types  
11 of information provided in subsections (a) through (d) or may consist of a  
12 brief statement indicating the subject matter, parties, time, place and nature  
13 of the hearing, manner in which copies of the notice to the parties may be  
14 inspected and copied and name and telephone number of the presiding  
15 officer.

16 Sec. 3. K.S.A. 2013 Supp. 77-511 and 77-518 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its  
18 publication in the statute book.