

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2466

As Amended by House Committee on Judiciary

Brief*

HB 2466, as amended, would amend the Kansas Administrative Procedures Act to allow certain documents to be served by electronic means. Specifically, the bill would allow parties to serve copies of any filed item on all parties by electronic means, if the party to be served has consented to service by electronic means. Similarly, the bill would allow service of an order or notice to be made upon the party or party's attorney of record, if any, by sending a copy of the order or notice to the person by electronic means, if such person has consented to service by electronic means. In that instance, service would be complete upon transmission or as otherwise specified in the consent. The bill would require the consent to specify when such service is complete. The bill also would amend the Administrative Procedures Act by replacing "mailed to" with "served upon" in several places to reflect the use of electronic means for service and defining "writing," "written," or "in writing" as any worded or numbered expression that can be read, reproduced, and later communicated, including electronically transmitted and stored information.

Further, the bill would amend the law governing judicial review of agency action to allow service of an order, pleading or other matter to be made upon the parties to the agency proceeding and their attorneys of record, if any, by sending a copy of it to them by electronic means when authorized by Supreme Court rule or a local rule. Additionally, the bill would provide that when a party has the right or is required to do some act or take some proceedings within a prescribed

*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>

period after service or an order, pleading, or other matter and it is served by electronic means, three days would be added to the prescribed period. The addition of three days is already allowed when served by mail.

Background

In the House Judiciary Committee, representatives of the Kansas Judicial Council and Office of Administrative Hearings appeared in support of the bill. No opponents offered testimony.

The House Committee amended the bill to provide parties could serve copies of any filed item on all parties by electronic means, only if the party to be served has consented to service by electronic means.

The fiscal note prepared by the Division of the Budget indicates passage of the bill, as introduced, could affect expenditures as a small number of documents that otherwise would have been mailed by the court could now be sent by electronic means. The precise effect upon the Judicial Branch is unknown, however. The Office of Administrative Hearings (OAH) estimates additional expenditures of \$5,000 in FY 2014 based on a one-time expenditure of \$3,000 to configure and update agency software systems in preparation for daily electronic filings, as well as \$2,000 for new server hardware for the proper and reliable archiving of increased electronic records. For FY 2015, OAH estimates annual expenditures of \$1,000 for a third-party vendor to provide a secure electronic mail interface environment, which OAH indicates is necessary to assure confidentiality of protected case information and to have a system in which transmission and receipt of formal communications could be verified.