

REVISED
SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 19

As Amended by House Committee on Judiciary

Brief*

SB 19 would amend hearing provisions in the Kansas Administrative Procedure Act (KAPA) to allow electronic service of items filed by parties, petitions for intervention, orders, and notices. The bill also would amend KAPA provisions related to adjudicative proceedings before the State Corporation Commission and Director of Taxation to allow electronic service of requests for information in such proceedings as well as specified written communications regarding the proceeding. The bill would amend a KAPA provision related to adjudicative proceedings before the Commissioner of Insurance to allow electronic service of specified written communications regarding the proceeding.

A party would have to consent to electronic service, and such service would be complete upon transmission or as specified in the consent. The consent would have to specify when service is complete. The bill would amend the KAPA definitions statute to define “writing,” “written,” or “in writing” to include electronically transmitted and stored information.

Similarly, the bill would amend the Kansas Judicial Review Act to allow electronic service of an order, pleading, or other matter when authorized by Supreme Court rule or a local rule.

*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>

Background

The bill was introduced by the Senate Judiciary Committee at the request of the Kansas Judicial Council.

In the 2015 Senate Committee hearing, a representative of the Judicial Council testified in support of the bill, explaining it was the product of a 2013 study by the Council's Administrative Procedure Advisory Committee. Representatives of the Department for Children and Families and the Kansas Office of Administrative Hearings submitted written testimony supporting the bill.

In the 2016 House Committee on Judiciary hearing, representatives of the Judicial Council and the Office of Administrative Hearings testified in support of the bill. Representatives of the Department for Children and Families, Department for Aging and Disability Services, and Department of Agriculture submitted written testimony supporting the bill.

The House Committee adopted an amendment changing the term "sending" to "transmitting."

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Administrative Hearings, the Kansas Insurance Department, the Kansas Corporation Commission, and the Kansas Association of Counties indicate allowing electronic service could reduce costs related to postage, copying, and processing, but a reliable estimate of such savings cannot be provided at this time. The Office of Administrative Hearings indicates there would be nonrecurring implementation costs that could be absorbed within its currently budgeted resources. The Office of Judicial Administration indicates the bill is unlikely to have a fiscal impact on the Judicial Branch. Any fiscal effect associated with the bill was not reflected in *The FY 2016 Governor's Budget Report*.