

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 3, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long-Mast- excused
Representative Dean Newton- excused
Representative Rick Rehorn- excused
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Cindy Lash, Kansas Post Audit
Dan Riley, Chief Counsel, Kansas Department of Agricultural
Richard Cram, Department of Revenue

The hearing on **SB 421 - eminent domain; filing the appraisers report within 45 days after entry of order,** was opened.

Senator John Vratil requested the bill but was not able to attend the meeting. He provided written testimony which states that in most cases the 20 day time period is not long enough and it usually has to be extended. (Attachment 1)

The hearing on **SB 421** was closed.

The hearing on **SB 141 - phasing in the use of administrative hearings over years,** was opened.

Randy Hearrell, Kansas Judicial Council, explained that the Office of Administrative Hearings (OAH) was established in July 1998. It conducts adjudicative hearings for SRS and other state government entities. Over a period of several years the House has had bills which expanded the entities which would use OAH, but the Senate has not. Under this bill, the attorney, hearing officer and support personnel from the affected agency would be transferred to OAH. The expansion would take place over a five year period and anyone not listed under the phase-in would be included in 2009. (Attachment 2)

Cindy Lash, Kansas Post Audit, did an audit in 2001 and found that officials from the 8 agencies who'd voluntarily contracted with OAH were pleased with the quality of the work and thought the hearings officers were fair, efficient, and knowledgeable. 2 agency officials said they'd saved money. Post audit found that those officials who expressed concerns about such things as losing control over the process, hearing officers not having enough knowledge of an agency's particular issue or losing federal funding did not present significant barriers to further centralize the OAH.

Dan Riley, Chief Counsel, Kansas Department of Agricultural, appeared as an opponent to the bill. He feels that OAH is excessive in cost by charging a \$25 filing fee and \$70 per hour. The bill does not provide a source of revenue for additional costs to the agency. (Attachment 3)

Richard Cram, Department of Revenue, saw the proposed bill as adding another layer between those the Department is suppose to be regulating. While he opposed the bill he did request an amendment to clarify that KAPA hearings currently presided over the Director of ABC, Director of Taxation and Director of Motor Vehicles not be affected by this legislation. (Attachment 4)

The hearing on **SB 141** was closed.