

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
SUBSTITUTE FOR HOUSE BILL NO. 2115**

As Recommended by Senate Committee on
Judiciary

Brief*

Senate Sub. for Sub. for HB 2115 would amend the Kansas Administrative Procedure Act (KAPA) to allow electronic service of items filed by parties, petitions for intervention, orders, notices, requests for information by the State Corporation Commission or Director of Taxation in adjudicative proceedings, or written communications regarding hearings before the Commissioner of Insurance or Director of Taxation. 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 Act for Judicial Review to allow electronic service of an order, pleading, or other matter when authorized by Supreme Court rule or a local rule.

Background

Sub. for HB 2115 would have enacted Mija Stockman’s Law, creating a special sentencing rule for the crime of aggravated battery when a person is driving under the influence and great bodily harm to another person or

*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>

disfigurement of another person results from such act. The contents of that bill were added to HB 2055.

The Senate Judiciary Committee agreed to strike the contents of Sub. for HB 2115 and add the contents of SB 19 as a substitute bill.

SB 19

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

In the Senate Committee, 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. No other testimony was presented.

According to the fiscal note prepared by the Division of the Budget, 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 it is unlikely the bill would have a fiscal impact on the Judicial Branch. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.