

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 19

As Amended by Senate Committee on Judiciary

Brief*

SB 19, as amended, 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 Kansas 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

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

In a hearing before the 2015 Senate Committee on Judiciary, a representative of the Judicial Council testified in support of the bill, explaining it was the product of a 2013

*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>

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. The 2015 Senate Committee recommended the bill favorably. The bill subsequently was withdrawn from the Calendar and rereferred to the Senate Committee on Judiciary.

Before the 2016 Senate Committee on Judiciary, a representative of the Department for Children and Families testified in support of the bill. Representatives of the Kansas Office of Administrative Hearings and the Department for Aging and Disability Services submitted written testimony supporting the bill. The Senate Committee adopted technical amendments to update statutory references.

According to the fiscal note prepared in 2015 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 could not be provided. 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 is not reflected in *The FY 2016 Governor's Budget Report*.