

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 243

As Amended by House Committee on Federal
and State Affairs

Brief*

SB 243 would transfer the State Civil Service Board (Board) from the Department of Administration (DOA) to the Office of Administrative Hearings (OAH). The bill also would transfer the filing of disciplinary appeals from the Director of Personnel Services in DOA to the Director of Administrative Hearings in OAH and would subject the Board to provisions of the Kansas Administrative Procedure Act (KAPA).

The bill would take effect on July 1, 2017.

Background

The bill was referred to the Senate Committee on Federal and State Affairs Committee during the 2015 Legislative Session.

At the hearing before the Senate Committee on Federal and State Affairs during the 2016 Legislative Session, representatives from the OAH and the DOA appeared in favor of the bill. The representatives testified the DOA has contracted with OAH for many years and formally transferring authority from DOA to OAH would create efficiencies related to record-keeping, preparation of materials, and responses to inquiries. No neutral or opponent testimony was presented on the bill.

*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>

The Senate Committee on Federal and State Affairs amended the bill to reference current statutes since the bill was introduced during the 2015 Legislative Session. The Senate Committee also amended the bill to make the effective date July 1, 2017.

At the hearing before the House Committee on Federal and State Affairs, representatives from the OAH and the DOA appeared in favor of the bill. No neutral or opponent testimony was presented on the bill.

The House Committee on Federal and State Affairs amended the bill to provide that appeals of disciplinary determinations are to be filed with the Director of Administrative Hearings in OAH. The House Committee also amended the bill by striking a provision related to Board hearings and inserting language that would apply the provisions of KAPA in such hearings.

According to the fiscal note prepared by the Division of the Budget in 2015, DOA and OAH have indicated there would be no effect to the state budget in FY 2016 because of the bill's effective date. Currently, DOA contracts with the OAH for board functions using its appropriation from the State General Fund of \$67,500. This funding would simply be appropriated to OAH beginning in FY 2017. [The bill, as a result of the Senate Committee amendment, would become effective on July 1, 2017, the start of FY 2018.]