

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2312

As Recommended by House Committee on
Water and Environment

Brief*

HB 2312 would make several changes to existing law regarding the administrative appeals procedure for certain fertilizer and water orders.

The bill would require that notice be provided and there is an opportunity for a hearing under the Kansas Administrative Procedure Act (KAPA) before final action could be taken on the certain fertilizer orders (*i.e.* custom blending of fertilizers, ammonium nitrate dealers, and fertilizer brand registration).

In addition, the bill would codify current rules and regulations that allow for review of water orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA). The bill would also clarify current law that allows for the Secretary to review water orders and establish a uniform administrative appeals process for water orders.

Finally, the bill would repeal KSA 82a-1902, which currently requires the Department of Administration to contract with or employ administrative law judges, court reporters, and other personnel to conduct the proceedings that occur when an order of the Chief Engineer is reviewed.

*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 House Committee on Water and Environment at the request of a representative of the KDA. In the House Committee hearing, a KDA representative provided testimony in favor of the bill stating the bill is a clean-up bill to provide clarity and uniformity to the administrative appeals process of certain fertilizer and water orders. No other testimony was provided on the bill.

The fiscal note prepared by the Division of the Budget states enactment of the bill would have no fiscal effect.