

## 2021 Kansas Statutes

- 77-514. Presiding officer.** (a) For all agencies, except for the state board of tax appeals, the agency head, one or more members of the agency head or a presiding officer assigned by the office of administrative hearings shall be the presiding officer.
- (b) Any person serving or designated to serve alone or with others as presiding officer is subject to disqualification for administrative bias, prejudice or interest.
- (c) Any party may petition for the disqualification of a person promptly after receipt of notice indicating that the person will preside or promptly upon discovering facts establishing grounds for disqualification, whichever is later.
- (d) A person whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.
- (e) If a substitute is required for a person who is disqualified or becomes unavailable for any other reason, any action taken by a duly appointed substitute for a disqualified or unavailable person is as effective as if taken by the latter.
- (f) If the office of administrative hearings cannot provide a presiding officer, a state agency may enter into agreements with another state agency to provide presiding officers to conduct proceedings under this act.
- (g) Notwithstanding any quorum requirements, if the agency head of a professional or occupational licensing agency is a body of individuals, the agency head, unless prohibited by law, may designate one or more members of the agency head to serve as presiding officer and to render a final order in the proceeding.
- (h) Except as otherwise provided by law, in any proceeding under this act, a person shall not be eligible to act as presiding officer, and shall not provide confidential legal or technical advice to a presiding officer in the proceeding, if that person:
- (1) Has served in an investigatory or prosecutorial capacity in the proceeding or a proceeding arising out of the same event or transaction; or
  - (2) is supervised or directed by a person who would be disqualified under paragraph (1).
- History:** L. 1984, ch. 313, § 14; L. 1995, ch. 175, § 2; L. 1997, ch. 182, § 92; L. 2004, ch. 145, § 38; L. 2009, ch. 109, § 7; L. 2014, ch. 141, § 80; July 1.