

2023 Kansas Statutes

- 65-1956. Administrative proceedings; application of Kansas administrative procedure act and Kansas judicial review act; assessment of costs; final orders; disposition of moneys.** (a) For all professions regulated by the Kansas state board of cosmetology pursuant to K.S.A. 65-1940 through 65-1954, and amendments thereto, the board shall conduct any action in any administrative proceeding in accordance with the Kansas administrative procedure act. Such actions shall be reviewable in accordance with the Kansas judicial review act. Judicial review shall be taken if the petitioner files with the clerk of the reviewing court a bond with a sufficient surety, conditioned on the payment of all assessed costs, if the decision of the board is sustained. If appellate review of the district court's decision is sought in accordance with K.S.A. 77-623, and amendments thereto, then the board shall not be required to give a bond on such review.
- (b) For all professions regulated by the board pursuant to K.S.A. 65-1940 through 65-1954, and amendments thereto, if the board's order in any administrative proceeding under K.S.A. 65-1940 through 65-1954, and amendments thereto, is adverse to the applicant, apprentice or licensee, then the costs incurred by the board in conducting any investigation or proceeding under the Kansas administrative procedure act may be assessed against the parties to the proceeding in such proportion as the board may determine upon consideration of all relevant circumstances, including the nature of the proceeding and the level of participation by the parties. If the board is not the prevailing party in any such action, then such costs shall be paid from the cosmetology fee fund.
- (c) The board shall include any assessment of costs incurred as part of a final order rendered in a proceeding. The order shall include findings and conclusions in support of the assessment of costs.
- (d) For purposes of this section, "costs incurred" includes, but is not limited to:
- (1) Presiding officer fees and expenses, only if the board has designated or retained the services of an independent contractor or the office of administrative hearings to perform presiding officer functions;
 - (2) costs of preparing any transcripts;
 - (3) reasonable investigative costs;
 - (4) witness fees and expenses; and
 - (5) mileage, travel expenses and subsistence allowances of board employees and fees and expenses of agents of the board who provide services under K.S.A. 74-2702, and amendments thereto.
- (e) All moneys collected by the board following or arising from board proceedings shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the cosmetology fee fund.
- (f) This section shall be a part of and supplemental to K.S.A. 65-1940 through 65-1954, and amendments thereto.
- History:** L. 2023, ch. 40, § 1; July 1.