

2023 Kansas Statutes

2-1931. Penalty for violation of act or contract orders; request for hearing; appeal. (a) Any person who commits any of the following may incur a civil penalty as provided by this section:

- (1) Any violation of the Kansas water right transition assistance program act or any rule and regulation adopted thereunder; and
 - (2) any violation of term, condition or limitation defined and or imposed within the contractual agreement between the division and the water right owner.
- (b) Any participant who violates any section of a water right transition assistance program contract shall be subject to either one or both of the following:
- (1) A civil penalty of not less than \$100 nor more than \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section; and
 - (2) repayment of the grant amount in its entirety plus a penalty at 6% of the full grant amount.
- (c) Any penalties or reimbursements received under this act shall be reappropriated for use in the water right transition assistance program.
- (d) No civil penalty or order for repayment shall be imposed except upon the written order of the secretary or the secretary's designee. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any person, within 15 calendar days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reason therefor.
- (e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.
- (f) The provisions of this section shall expire on July 1, 2022.

History: L. 2006, ch. 174, § 2; L. 2012, ch. 105, § 2; L. 2021, ch. 74, § 11; May 6.