

2023 Kansas Statutes

82a-1901. Orders of chief engineer; review. (a) Orders of the chief engineer of the division of water resources of the department of agriculture pursuant to K.S.A. 82a-708b and 82a-711, and amendments thereto, and K.S.A. 82a-737 and 82a-770, and amendments thereto, and failure of the chief engineer to act pursuant to K.S.A. 82a-714, and amendments thereto, shall be subject, upon timely request within 15 days of service of the order pursuant to K.S.A. 77-531, and amendments thereto, or the chief engineer's failure to act timely pursuant to K.S.A. 82a-714, and amendments thereto, to an administrative hearing by a hearing officer designated according to subsection (b) and otherwise in accordance with the provisions of the Kansas administrative procedure act.

(b) The chief engineer shall provide an opportunity for a hearing to be conducted before the chief engineer or before a hearing officer appointed by the chief engineer. Such hearing officer shall not be a current employee of the department of agriculture, shall be licensed as an attorney in this state and shall be knowledgeable in the areas of water policies and administrative procedure. Such hearing officer, as directed by the chief engineer, shall either provide recommendations to the chief engineer for issuance of an initial order or issue an initial order.

(c) Orders of the chief engineer of the division of water resources of the department of agriculture issued pursuant to K.S.A. 42-703, 42-722, 42-722a, 82a-708b, 82a-711 and 82a-718, and amendments thereto, and K.S.A. 82a-737, 82a-770, 82a-1038 and 82a-1041, and amendments thereto, regardless of whether the order is deemed an initial order pursuant to K.S.A. 77-526, and amendments thereto, and failure of the chief engineer to act pursuant to K.S.A. 82a-714, and amendments thereto, and any order issued pursuant to subsection (b), shall be subject, upon timely request within 30 days of service of the order pursuant to K.S.A. 77-531, and amendments thereto, or the chief engineer's failure to act timely pursuant to K.S.A. 82a-714, and amendments thereto, to review by the secretary of agriculture pursuant to K.S.A. 77-527, and amendments thereto, and otherwise in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final order of the department of agriculture issued pursuant to this section shall not be subject to reconsideration pursuant to K.S.A. 77-529, and amendments thereto.

(e) This act shall not affect any administrative proceeding pending before the chief engineer of the division of water resources of the department of agriculture, the secretary of agriculture or any administrative hearing officer on July 1, 2017, and such matter shall proceed as though no change in the law had been made with regard to such proceeding.

History: L. 1999, ch. 130, § 10; L. 2004, ch. 145, § 50; L. 2010, ch. 17, § 221; L. 2013, ch. 111, § 9; L. 2017, ch. 23, § 5; July 1.