

SENATE BILL No. 540

By Committee on Natural Resources

2-9

9 AN ACT concerning water and watercourses; relating to dams; amending
10 K.S.A. 2005 Supp. 82a-302 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 82a-302 is hereby amended to read as
14 follows: 82a-302. (a) Each application for the consent or permit required
15 by K.S.A. 82a-301, and amendments thereto, shall be accompanied by
16 complete maps, plans, profiles and specifications of such dam or other
17 water obstruction, or of the changes or additions proposed to be made in
18 such dam or other water obstruction, the required application fee as pro-
19 vided in subsection (b) unless otherwise exempted, and such other data
20 and information as the chief engineer may require. *Breach inundation*
21 *maps shall be submitted with each application for a dam. The chief en-*
22 *gineer may require a breach inundation map for any existing permitted*
23 *structure when one was not included with the original application. All*
24 *required inundation maps shall also be contemporaneously filed by the*
25 *dam owner with the register of deeds in the county or counties in the dam*
26 *inundation zone.* The chief engineer shall maintain a list of licensed pro-
27 fessional engineers who may conduct the review of any application for
28 the consent or permit required by K.S.A. 82a-301, and amendments
29 thereto. Such list may include licensed professional engineers employed
30 by a local unit of government. Notwithstanding any law to the contrary,
31 an applicant for the consent or permit required by K.S.A. 82a-301, and
32 amendments thereto, may have the application reviewed by a licensed
33 professional engineer approved by the chief engineer pursuant to this
34 subsection provided such engineer is not an employee of the applicant.
35 If such licensed professional engineer finds that such dam or other water
36 obstruction meets established standards for the construction, modifica-
37 tion, operation and maintenance of dams and other water obstructions,
38 such findings shall be submitted in complete form to the chief engineer.
39 Upon such submittance, the chief engineer shall grant such consent or
40 permit within 45 days unless the chief engineer finds to the contrary that
41 such dam or other water obstruction does not meet established standards
42 for the construction, modification, operation and maintenance of dams
43 and other water obstructions. If the chief engineer declines to grant such

1 consent or permit based upon a contrary finding, the chief engineer shall
 2 provide to the applicant within 15 days a written explanation setting forth
 3 the basis for the chief engineer’s contrary finding. The chief engineer’s
 4 action in declining to grant such consent or permit and any hearing related
 5 thereto shall be conducted in accordance with the provisions of the Kan-
 6 sas administrative procedure act. Any person aggrieved by any order or
 7 decision of the chief engineer shall be entitled to appellate review in
 8 accordance with the provisions of the act for judicial review and civil
 9 enforcement of agency actions. Such applicant shall pay all costs associ-
 10 ated with the review by the licensed professional engineer.

11 (b) (1) The application shall be based upon the stage of construction
 12 at the time that a complete application has been submitted. The construc-
 13 tion in progress fee shall be applicable for construction begun prior to
 14 approval by the chief engineer. Such fee shall be in addition to any other
 15 penalty for an unpermitted structure. Such fees shall be as follows:

Fees for new dam or dam modification applications

17 Pre-Construction	Construction In Progress
18 \$200	\$500

19 (2) Permit fees for stream obstructions/channel changes application
 20 fee is based upon two criteria and are as follows:

- 21 (A) The drainage area category; and
- 22 (B) the stage of construction when the application is submitted.

23 Drainage Area Category	Pre-Construction	Construction In Progress
24 Major (Drainage area greater 25 than 50 square miles)	\$500	\$1000
26 Moderate (Drainage area 5 27 to 50 square miles)	\$200	\$400
28 Minor (Drainage area less than 29 5 square miles)	\$100	\$200
30 General Permit	\$100	\$200

31 (c) All fees collected by the chief engineer pursuant to this section
 32 shall be remitted to the state treasurer as provided in K.S.A. 2005 Supp.
 33 82a-328, and amendments thereto.

34 Sec. 2. K.S.A. 2005 Supp. 82a-302 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
 36 publication in the statute book.