

**Testimony in Support of House Bill 2114
to the House Committee on Agriculture and Natural Resources
by Kelsey Olson, Deputy Secretary
Kansas Department of Agriculture
Friday, February 14, 2025**

Good afternoon, Chairman Rahjes and members of the committee. My name is Kelsey Olson, Deputy Secretary for the Kansas Department of Agriculture.

I appreciate the opportunity to testify in support of House Bill 2114. This bill proposes statutory revisions to the Stream Obstruction Act and associated regulations.

The Water Structures Program of the Kansas Department of Agriculture Division of Water Resources (KDA–DWR) is charged with protecting property and public safety, and is responsible for maintaining a safe inventory of dams in the state. In November 2024, the national inventory of dams counted 6,490 dams in the state of Kansas. Of those 6,490 dams, 2,531 are state regulated, including 328 high hazard potential dams and 176 significant hazard potential dams. The integrity of regulated Kansas dams — as well as the infrastructure and assets below the structure — is of noteworthy concern for KDA–DWR and the general public.

The 2022 Legislature recognized the need to address dam safety and funded an independent dam safety program evaluation to evaluate how Kansas’ dam safety program compares with other state programs, industry standards, and the model state dam safety manual. These evaluation teams provided recommendations which led to the development of proposed revisions to improve dam safety in Kansas.

The consultants recommended returning to agency-based dam inspections. Agency-based dam inspections will improve compliance and maintenance practices and improve the quality of the inspection reports. Kansas is one of few states in the nation to follow a model that requires dam owners to hire a licensed professional engineer to complete dam safety inspections. Currently, owners are required to submit a report once every 3 years for class C high hazard potential dams (HHPDs) and once every 5 years for class B significant hazard potential dams (SHPDs). Kansas does not require inspection of low hazard potential dams (LPHDs), meaning there is no process to find LPHDs that have a high probability of failure or that are no longer LPHDs. A change to routine inspection of LPHDs once every 10 years, along with returning to agency-based dam inspections, addresses these issues and better aligns with industry standards.

This bill adds a civil penalty provision to the statute to allow for an additional enforcement tool for non-compliance with regulations related to dams and stream obstructions. This penalty will not be less than \$100 and not more than \$1,000 per violation. The only current enforcement authority in the statute is enforcement through district courts. Consultants recommended a civil

penalty provision be added to the statute to allow for an additional enforcement tool for the agency to use in specific non-compliance situations. This addition will help increase compliance by owners of unsafe dams. Paired with the proposed agency-led inspections, these changes will significantly help in building relationships and communication with dam owners.

HB 2114 proposes changes to application fees. Currently, Kansas requires a \$200 fee for dam construction or modification to an existing dam. The \$200 fee does not sufficiently support the cost of the review time for these applications. Consultants recommended the following application fees to better be in line with other states and support the public safety enhancements for the dam safety program.

- High Hazard Potential Dam — \$5,000 New / \$3,000 Modification
- Significant Hazard Potential Dam — \$3,000 New / \$2,000 Modification
- Low Hazard Potential Dam — \$1,500 New / \$1,000 Modification

Additionally, HB 2114 establishes a road dry fill detention exemption. This would exempt state, county, or municipal dry detention road fill dams from the state's dam requirements. These exempted dams would be considered and permitted as stream obstructions instead.

The goal of the KDA–DWR Dam Safety Program is to reduce risks to life and property from dam failure. The revisions proposed in HB 2114 regarding agency-based dam inspections, civil penalty provisions, application fees, and road fill exemptions allow this program to carry out its goals.

Thank you again for the opportunity to testify in support of HB 2114. I'm happy to stand for questions at the appropriate time.