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To: House Committee on Agriculture and Natural Resources, Representative Ken Rahjes, Chair

From: Kent Askren, Public Policy Director for Kansas Farm Bureau

Date: February 14, 2025

Re: Written neutral testimony on HB 2114

Chair Rahjes and members of the committee, on behalf of Kansas Farm Bureau (KFB) I want to thank you for the opportunity to provide written neutral testimony for HB 2114. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Kansas is inundated with watershed dams, ponds, and stream crossings, most of which are on property owned by our members to conduct the daily business of farming and ranching. Onerous, expensive, and complicated laws governing dams and stream obstructions make it difficult to remain in compliance with state law.

HB 2114 would elevate the standards to define "dam" back to or like what we had a decade or so ago. We must ask, have catastrophic dam failures become commonplace to justify this increased authority again?

Filing fees proposed in Section 2 of the bill would go up exponentially. KFB does not have explicit policy on what filing fees should be, but our member developed policy prefers shared watershed planning and construction costs by those within the watershed benefiting from the protection afforded by these dams. Our policy also does not support increasing dam owners' liability when development occurs downstream in the inundation zone.

Dam inspection frequency and costs, born by the dam owner, are already a heavy financial burden. At the KFB headquarters in Manhattan, a high hazard Class C dam was constructed almost 40 years ago (and performing well) providing flood protection for numerous housing developments and roadways downstream. Every 3 years KFB alone foots the bill for thousands of dollars to have a licensed engineer inspect the dam. I've accompanied the engineer on these inspections several times and in my unprofessional opinion, much of what the engineer did could have been done by an unlicensed technician who has a basic understanding of the engineering principles and can operate a camera or drone to provide a report a PE then evaluates.

Our technological advancements could be key in helping to ensure data collected in timely and economical fashion is used to protect the public. Given our record in Kansas, dam failures, let alone catastrophic failures, are rare, if they even happen at all.

Civil penalties multiplied by each passing day when dealing with dams and obstructions that took weeks if not months to construct or repair is a big concern. Just reading the bill, would you feel confident going back to your farm or ranch that you fully understand when you are or are not in compliance?

We appreciate the work of KDA to administer our dam and stream obstruction program for the protection of property and life and we have a fabulous track record, but HB 2114 may be going overboard in costs, penalties, and standards.

Thank you for the opportunity to provide written neutral testimony for HB 2114.