

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2114**

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

Sub. for HB 2114 would amend law regarding dams and water obstructions, safety inspections, fees, and civil penalties.

Definitions (Section 1)

The bill would define “modification” as any action the Chief Engineer determines would change the physical dimensions or hydraulic characteristics of any dam, stream obstruction, or channel change that is under the jurisdiction of the Chief Engineer.

The bill would state that any structure that is defined as a “dam” in continuing law would be considered a water obstruction and not as a dam if the primary purpose of the structure is to serve as a:

- Dry detention road fill for state, county, or municipal government; or
- Low head dam that has a maximum height below the lowest stream bank.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Application Fees (Section 2)

The bill would establish application fees for a permit to construct a dam to be:

- \$5,000 for a hazard class C dam;
- \$3,000 for a hazard class B dam; and
- \$1,500 for a hazard class A dam that does not qualify for exemptions in continuing law.

The bill would establish applications fees for a permit to modify or add to a dam to be:

- \$3,000 for a hazard class C dam;
- \$2,000 for a hazard class B dam; and
- \$1,000 for a hazard class A dam that does not qualify for exemptions in continuing law.

The bill would create a new post-construction permit fee based on the size of the watershed area in the following amounts:

- Less than 5 square miles – \$200;
- Between 5 and 50 square miles – \$400; and
- More than 50 square miles – \$1,000.

Inundation Map (Section 2)

The bill would require the Chief Engineer to permanently display an inundation map (map) for each permitted dam on the Kansas Department of Agriculture's (KDA) website and provide copies of the maps to the zoning authority or county clerk, if a zoning authority does not exist, for each county where any land included on a map is located.

If current maps have not been provided to the Chief Engineer, the bill would require the Chief Engineer, if funding is available, to prepare or update maps for all permitted dams and display the maps on KDA's website and provide copies to the zoning authority or county clerk.

Dam Inspections (Section 3)

Inspector Requirements

The bill would add “licensed professional engineer approved by the Chief Engineer” (approved engineer), Division of Water Resources (DWR), KDA, and “intern engineer,” (intern engineer) as defined in continuing law, and is under the supervision of an approved engineer, to the list of persons that would have the power and duty to inspect any dam or other water obstruction.

Inspections, Fees, and Classification Scheme

The bill would clarify the Chief Engineer could adopt rules and regulations regarding the class and size of a dam for the purpose of assessing inspection fees as provided for in this section of the bill.

The bill would require the dam owner to pay inspection fees to the KDA for each inspection other than an inspection that a dam owner elects to have conducted at the dam owner’s own expense, as provided for in this act.

The bill would require safety inspections to occur at the following times for the following class of dams:

- For hazard class C dams – every three years;
- For hazard class B dams – every five years; and
- For hazard class A dams that do not qualify for exemptions in continuing law – every 10 years.

The bill would reorganize this section of the law regarding safety inspections and require safety inspections required by this act to be conducted by the Chief Engineer, or an authorized representative of the Chief Engineer who is an approved engineer or intern engineer.

A dam owner could elect to have any required safety inspection performed at the owner's own expense, provided the inspection is performed by an engineer authorized to perform inspections in accordance with this act.

The bill would not require a safety inspection to be conducted for any dam for which the owner has submitted an inundation map to the Chief Engineer that demonstrates the failure of the dam would only inundate real property or fixtures to real property owned by the owner.

The bill would require that if the Chief Engineer reclassifies a dam to a higher hazard classification and this has not occurred by any actions of the owner, the dam would be subject to the inspection requirements for the higher hazard classification, but the owner would not be charged for inspections that are in excess of those that would have been required by the previous lower hazard classification.

The bill would authorize any engineer authorized to perform inspections in accordance with this act to have the right to access private property conditioned on seven days' prior notice of the inspection being provided to the owner, except for an instance when the Chief Engineer determines that emergency action, as defined in continuing law, is or may be necessary.

The bill would make other clarifying amendments regarding the addition of an approved engineer or intern engineer, the failure to provide a complete and timely report to the KDA, and who is responsible for paying for a safety inspection.

Penalties and Moneys to be Deposited (Section 4)

Penalties and Violations

The bill would add "intentionally" as a condition for violation of any provision of this act.

The bill would set penalties for violation of laws and rules and regulations regarding dams. A person could be subject to a civil penalty no less than \$100 and no more than \$1,000 per violation. In the case of continuing violations, each notice provided by the Chief Engineer and the required corrective action would be considered a separate violation if the corrective action identified in the notice has not commenced within seven days of receiving the notice. The bill would allow the civil penalty to be assessed in addition to any other penalty provided by law.

The bill would prohibit any civil penalty to be imposed without written order of the Chief Engineer.

The bill would allow any person aggrieved by an order to the Chief Engineer regarding this section of the law to appeal to a district court of competent jurisdiction in the manner provided by the Kansas Judicial Review Act.

Moneys to be Deposited

The bill would require all moneys collected by the Chief Engineer, except for penalties, to be deposited in the State Treasury and be credited to the Water Structures Fund. All moneys collected for penalties would be deposited in the State General Fund.

Technical and Conforming Amendments (Throughout)

The bill would make technical and conforming amendments to continuing law.

Background

The bill was introduced by the House Committee on Water at the request of the Chief Engineer on behalf of KDA.

The bill was referred to the House Committee on Water on January 2, 2025; the next day, the bill was referred to the House Committee on Agriculture and Natural Resources.

House Committee on Agriculture and Natural Resources

In the House Committee hearing on February 14, 2025, **proponent** testimony was provided by the Deputy Secretary of Agriculture, who stated the national inventory of dams in November 2024 counted 6,490 dams in the state—2,531 of these dams are state-regulated. Of the 2,531, 328 are high hazard potential dams and 176 significant hazard potential dams. The changes requested in the bill reflect the recommendations of an independent dam safety program evaluation, the consultants for which were funded by the 2022 Legislature.

Written-only proponent testimony was provided by the Executive Director of the Association of State Dam Safety Officials.

Neutral testimony was provided by a representative of the Kansas Society of Professional Engineers, who requested amendments to the bill to clarify the role of a licensed professional engineer in the inspection process.

Written-only neutral testimony was provided by representatives of Kansas Farm Bureau and League of Kansas Municipalities.

Opponent testimony was provided by a representative of the Kansas Livestock Association (KLA), who detailed KLA's concerns with the bill and provided recommended amendments that could remove the KLA's opposition. The concerns generally included required inspections, reclassification of a dam's hazard class, DWR entering private property without prior notice, lack of publicly accessible data, civil fines and criminal liability, and using fines to fund the program.

No other testimony was provided.

On February 11, 2026, the House Committee received written-only **proponent** testimony from the Executive Director of the Association of State Dam Safety Officials that reiterated the organization's support of the bill.

On February 12, 2026, the House Committee amended the bill to:

- Define “modification”;
- Require the Chief Engineer to display inundation maps for each permitted map on the KDA's website and provide the maps to the local zoning authority or county clerk, and if funding is available, require the Chief Engineer to prepare or update maps, display them on the KDA's website, and provide the maps to the local zoning authority or county clerk;
- Add intern engineer to the list of persons who would have the power and duty to inspect any dam or other water obstruction;
- Remove provisions related to safety inspections and costs of safety inspections;
- Require dam owners to pay inspection fees to the KDA for each inspection other than an inspection that a dam owner elects to have conducted at the dam owner's own expense;
- Reorganize language regarding safety inspections conducted by a licensed professional engineer, approved engineer, or intern engineer;
- Require the Chief Engineer, approved engineer, or intern engineer to conduct safety inspections, but allow an owner to elect to have the required safety inspection done at the owner's expense, provided

the inspection is performed by an engineer authorized to perform inspections in accordance with this act;

- Not require safety inspections of dams for which the owner has submitted an inundation map to the Chief Engineer that demonstrates failure of the dam would only inundate real property or fixtures to real property owned by the owner;
- Making certain requirements for inspections should a dam be reclassified to a higher hazard classification;
- Add “or supervised” to report making, to reflect the addition of “intern engineer”;
- Clarify who is responsible for payments of certain safety inspections;
- Clarify who is authorized to have the right of access to private property and allow for emergency right of access with seven days prior notice to the owner;
- Add “intentionally” as a condition for violation of any provision of this act;
- Add a seven-day grace period for a corrective action to be corrected before being considered a separate violation;
- Require all moneys collected by the Chief Engineer, except for civil penalties, to be deposited in the State Treasury to the credit of the Water Structures Fund;
- Require all moneys collected by the Chief Engineer for civil penalties to be deposited in the State General Fund; and

- Make technical and conforming amendments.

The House Committee recommended a substitute bill be passed incorporating the amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA estimates an additional 2.0 licensed engineer positions would be required for annual total expenditures of \$249,528 (\$90,000 base salary plus benefits of \$34,764 per position). The agency estimates the revised fee structure would generate approximately \$255,000 in new revenue, which would provide sufficient funding for inspections and enforcement of the rules and regulations under the Obstructions in Streams Act. KDA anticipates similar expenditures in FY 2027.

The Office of Judicial Administration (OJA) indicates enactment of the bill could increase the number of cases filed in district courts because it allows for appeals of Chief Engineer orders to be filed. This would increase the time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. The OJA also states enactment of the bill could result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, OJA states that until the Judicial Branch has had an opportunity to operate under the bill's provisions, a fiscal effect cannot be determined.

The Kansas Water Office indicates enactment of the bill would not have a fiscal effect on agency operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Water; dams; levees; water obstructions; fees; Kansas Department of Agriculture; Division of Water Resources; Chief Engineer