

Approved: February 24, 2010

Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on February 16, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Johnson - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Daniel Yoza, Office of the Revisor of Statutes

Corey Carnahan, Kansas Legislative Research Department

Raney Gilliland, Kansas Legislative Research Department

Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

N/A

Others attending:

See attached list.

Chairman Powell began the meeting with distribution of a proposed balloon amendment (Attachment 1) on **HB 2493** - Eliminating classifications of dams and water obstructions.

Action on HB 2493:

Matt Scherer III, P.E., Program Manager, Division of Water Resources, Kansas Department of Agriculture, answered questions from members of the Committee relative to the proposed balloon amendment.

After discussion by members of the Committee, it was decided that due to lack of sufficient information to make a motion, no action would be taken on this bill. Chairman Powell suggested the possibility of appointing a Subcommittee to further progress the bill.

The next meeting is scheduled for February 24, 2010.

The meeting was adjourned at 4:07 p.m.

AG. & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 2-16-10

NAME	REPRESENTING
Mary Scherer	KDA
Wigh Keck	Hlin Law firm
Chris Tynes	KDWP
John Donkey	KS Lust Ass'n

HOUSE BILL No. 2493

By Committee on Appropriations

1-20

~~9 AN ACT repealing K.S.A. 2009 Supp. 82a-303b, relating to classifications
10 of dams and water obstructions.~~

~~11
12 Be it enacted by the Legislature of the State of Kansas:
13 Section 1. K.S.A. 2009 Supp. 82a-303b is hereby repealed.
14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.~~

AN ACT concerning dams; relating to dam inspection; amending K.S.A. 2009 82a-303b and repealing the existing section.

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

Section 1. K.S.A. 2009 Supp. 82a-303b is hereby amended as follows:

Insert:

(d) Any dam that impounds less than 100 acre feet at the top of the spillway shall be exempt from this section.

(e) Any dam owned by a watershed district shall be exempt from this section.

Sec. 2. K.S.A. 2009 Supp. 82a-303b is hereby repealed.

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

82a-303b. Inspection of dams by chief engineer; access to private property; costs of inspection; failure to comply, penalties. (a) (1) In order to secure conformity with adopted rules and regulations and to assure compliance with the terms, conditions or restrictions of any consent or permit granted pursuant to the provisions of K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief engineer or an authorized representative of the chief engineer shall have the power and the duty to inspect any dam or other water obstruction. Upon a finding pursuant to subsection (a) of K.S.A. 82a-303c, and amendments thereto, by the chief engineer that a dam is unsafe, the chief engineer shall order an annual inspection of the dam until it is either in compliance with all applicable provisions of this act, any rules and regulations promulgated pursuant to this act, permit conditions and orders of the chief engineer; or the dam is removed. The safety inspection shall be conducted by the chief engineer or authorized representative and the cost shall be paid by the dam owner. The class and size of a dam provided for by the provisions of this act shall be defined by rules and regulations adopted by the chief engineer pursuant to K.S.A. 82a-303a, and amendments thereto. Inspection fees are as follows:

Size of Dam	Inspection fee
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$4,000.

(2) Each hazard class C dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every three years, unless otherwise ordered by the chief engineer.

(3) Each hazard class B dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every five years unless otherwise ordered by the chief engineer.

(4) Within 60 days of the date of inspection, a report of the inspection shall be provided to the chief engineer by the licensed professional engineer who conducted the inspection. The report shall document the physical condition of the dam, describing any deficiencies observed, an analysis of the capacity of the dam and its spillway works, compliance of the dam with approved plans and permit conditions, changes observed in the condition of the dam since the previous inspection, an assessment of the hazard classification of the dam including a statement that the engineer either agrees or disagrees with the current classification, and any other information relevant to the safety of the dam or specifically requested by the chief engineer.

(5) Upon failure of a dam owner to comply with the applicable inspection interval, the chief engineer or such chief engineer's authorized representative shall conduct a mandatory inspection of the dam and the costs as established by this act for the inspection shall be paid by the owner, in addition to any other remedies provided for violations of this act.

(6) The failure to file a complete and timely report as required by the provisions of this act, or the failure to submit the fees assessed for inspections conducted by the chief engineer or such chief engineer's authorized representative shall be deemed a violation of this act and subject to the penalties provided by K.S.A. 82a-305a, and amendments thereto.

(b) For the purpose of inspecting any dam or other water obstruction, the chief engineer or an authorized representative of the chief engineer shall have the right of access to private property. Costs for any work which may be required by the chief engineer or the authorized representative prior to or as a result of the inspection of a dam or other water obstruction shall be paid by the owner, governmental agency or operator of such dam or other water obstruction.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 2009 Supp. 82a-328, and amendments thereto.

History: L. 1978, ch. 431, § 3; L. 2002, ch. 138, § 4; July 1. ←

Insert:
