



To: House Committee on Agriculture & Natural Resources
From: Travis Lowe, CAE
Kansas Society of Professional Engineers
Date: February 13, 2025
Re: Neutral Testimony for HB 2114

Mr. Chairman and members of the committee,

Thank you for the opportunity to offer our thoughts on behalf of the Kansas Society of Professional Engineers (KSPE) for HB 2114.

KSPE represents licensed professional engineers across the state, many of whom play a critical role in dam engineering and conservation efforts, ensuring sustainable water management and infrastructure safety. For over 120 years, KSPE has worked to promote engineering by delivering professional development services, encouraging licensure, and advocating legislation and public policy for the betterment of the health, safety and welfare of the public.

HB 2114 amends the Watershed District Act related to the process for inspections for hazard class dams. The bill essentially brings dam inspections, in house, under the Kansas Department of Agriculture and, in turn, charges dam owners a permit fee and cost for the required inspections.

The purpose of KSPE's testimony is to clarify the bill language to ensure the Department staff, or an outsourced representative, or anyone else, who performs these inspections remain licensed professional engineers.

Under current Kansas law, high hazard (Class C) dams require a safety inspection by a licensed professional engineer every three years, while significant hazard (Class B) dams require one every five years.

HB 2114, as currently written, lacks explicit language requiring that dam inspections be conducted by a licensed professional engineer (PE), leaving open the possibility that individuals without PE licensure could perform these critical evaluations.

As an example, Section 3 of the bill outlines who can perform the inspections of dams, noting "The chief engineer or an authorized representative of the chief engineer, including a licensed professional engineer approved by the chief engineer, shall have the power and the duty to inspect any dam or other water obstruction."

Moreover, on page five, the bill strikes the current law requiring that high hazard dams and significant hazard require a safety inspection licensed professional engineer and replaces it with the chief engineer, or an authorized representative of the chief engineer, including a licensed professional engineer approved by the chief engineer.

Our concern relates to language stating “including” instead of a clear mandate of “who is a licensed professional engineer.”

Since the inception of this concept last session, KSPE has worked closely with the Kansas Department of Agriculture staff and appreciates their open dialogue. It is our understanding we share the strategic intent for licensed professional engineers to perform the inspections for high hazard (Class B) dam and high hazard (Class C) dams.

If the committee considers advancing the bill, KSPE respectfully asks the committee to clarify the language with an amendment in Section 3 that notes *all inspectors of high hazard (Class C) dams and significant hazard (Class B) dams shall be a licensed professional engineer qualified in design, construction, maintenance and operation of dams.*

Or alternatively, clarify the language in each mention of the inspector, as follows:

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(D) ~~The cost shall be paid by the dam owner~~ *shall pay the department the costs of any safety inspection that:*

- (i) is conducted by the chief engineer or an authorized representative of the chief engineer who is an employee of the department **and licensed professional engineer qualified in design, construction, maintenance and operation of dams** or*
- (ii) the department contracts for the performance of a licensed professional engineer approved by the chief engineer.*

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(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 or an authorized representative of the chief engineer,~~ ***including a who is a licensed professional engineer qualified in design, construction, maintenance and operation of dams** approved by the chief engineer, at least every three years.*

(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 or an authorized representative of the chief engineer,~~ ***including a who is a licensed professional engineer***

qualified in design, construction, maintenance and operation of dams approved by the chief engineer, at least every five years.

The precedent for the role of the qualified licensed professional engineer for the inspection of these dams is well rooted in Kansas Statute, as well as our neighboring states and the model state dam safety program, as recommended by the United States Department of Homeland Security and Association of State Dam Safety Officials.

Without a clear requirement for licensed professional engineer oversight, this gap could allow inspectors without the necessary engineering expertise to assess dam safety, potentially leading to inaccurate evaluations and increased public risk. Ensuring that licensed professional engineers are responsible for these inspections is essential to maintaining the structural integrity of Kansas dams and safeguarding communities downstream.

Thank you for the opportunity to submit our thoughts for your consideration.