

February 14, 2013

The Honorable Ty Masterson, Chairperson
Senate Committee on Ways and Means
Statehouse, Room 545-S
Topeka, Kansas 66612

Dear Senator Masterson:

SUBJECT: Fiscal Note for SB 153 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 153 is respectfully submitted to your committee.

SB 153 would amend current law regarding the regulation of dams by the Kansas Department of Agriculture. The bill would include the following changes:

1. Measure the height of a dam from the lowest elevation of the streambed, downstream toe, or outside limit of the dam to the elevation of the top of the dam;
2. No longer require the prior written consent of the Chief Engineer of the Department of Agriculture for the construction or modification of a dam with the following specifications: a height of less than 30 feet and with the capacity to impound less than 150 acre feet of water; and, a hazard class A dam as defined by the Chief Engineer;
3. Eliminate the current procedures used by the Chief Engineer to select professional engineers to perform application reviews, evaluate those reviews, and issue rulings within 45 days. Language to allow for hearings according to the Administrative Procedures Act for application permit denials would also be eliminated;
4. Eliminate the inspection fees for hazard class 1, 2, 3, and 4 dams; and
5. Assess inspection costs and penalties to the dam owner, should an owner of a hazard class B or C dam not comply with inspection intervals required by the Chief Engineer. The penalties would be \$2,500 for a hazard class B dam and \$4,000 for a hazard class C dam.

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Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	(\$213,800)
Expenditure	--	--	--	(\$213,800)
FTE Pos.	--	--	--	(4.00)

The passage of SB 153 would reduce both revenue and expenditures for the Department of Agriculture by \$213,800 in FY 2014. The amount of federal funds used for the regulation of dams is based on the number of dams inspected. Because the bill would reduce the number of inspections performed, federal fund revenue would decrease by \$207,800 and fee fund revenue would decrease by \$6,000. There would be a corresponding decrease in expenditures, and the Department would eliminate 4.00 FTE positions. Any fiscal effect associated with SB 153 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mark Heim, Agriculture