



**To:** House Committee on Water  
**From:** David Barfield, P.E.  
Kansas Society of Professional Engineers  
**Date:** February 16, 2022  
**Re:** Neutral Testimony for HB 2686

Mr. Chairman and members of the committee,  
Thank you for the opportunity to offer remarks regarding HB 2686.

Today I am here to present remarks from the Kansas Society of Professional Engineers (KSPE). My name is David Barfield, a licensed professional engineer specializing in water policy. My career includes 35 years with the Division of Water Resources (DWR) within the Kansas Department of Agriculture, the last 12 years as its Chief Engineer. I retired from state service early 2020. I am currently a water resources consultant for a variety of clients including GMDs, cities, industry, and irrigators.

KSPE represents the individual licensed professional engineers across the state. For over 110 years, KSPE has worked to promote engineering and public safety by delivering professional engineering services and encouraging licensure, in addition to advocating legislation and public policy for the betterment of human welfare and the industry.

First and foremost, KSPE appreciates the hundreds of collective hours Chairman Highland and the committee is dedicating to this important topic. KSPE has a large portion of membership engaged in various aspects of water management while performing their duties as licensed professional engineers. To that end, our remarks today are limited to the bill's scope as it pertains to the role of licensed professional engineers, particularly DWR's Chief Engineer and state-mandated dam safety inspections.

For over twenty years, KSPE has maintained a strong policy to support the role of DWR Chief Engineer. This includes the Chief Engineer being a licensed professional engineer and in a classified position, along with empowering them to provide independent, scientific based, engineering judgements regarding the allocation of the water resources. KSPE supports HB 2686's maintenance of the Chief Engineer's classified status and their role within the proposed Department of Water and Environment.

HB 2686 also proposes to alter the existing practice for state-mandated dam safety inspections by changing the law from requiring a licensed professional engineer to inspect hazard class C and hazard class B dams to providing an option to just have the inspection supervised by a professional engineer. This change, located in Section 181 of

the bill, has generated considerable comments from our membership. Some members note they are comfortable with the proposed option as long as the inspection remains under professional engineer oversight. Other members oppose the change and believe the inspection should be performed only by a professional engineer, particularly in urban and urbanizing area and high hazard dams throughout the state.

Because of this variance, KSPE does not support the proposed change at this time. As our Society continues to receive feedback, KSPE may communicate a new position on this specific section (Section 181).

If such a change is made to state-mandated dam safety inspection requirements, KSPE asks the Committee to consider the purpose. KSPE's mission ensures engineering licensure is in place to protect the health, safety and welfare of the public. Kansas' existing requirement for the licensed inspector, like nearby states Oklahoma, Missouri and Colorado, was put in place as a safeguard for high hazard dams. KSPE believes the question at hand should be whether the oversight by a professional engineer is sufficient and not be driven by convenience and cost savings. Safety is paramount.

We sincerely appreciate the opportunity to voice our comments.

Respectfully,

David Barfield