



To: Senate Judiciary

From: Nathan Eberline – Associate Legislative Director & Legal Counsel

Date: February 7, 2013

Re: HB 2051 – Opposing Elimination of County Exemption for Bank Stabilization

House Bill 2051 eliminates the exemption for a permit from the Department of Agriculture for “jetties or revetments for the purpose of stabilizing a caving bank” in KSA 82a-301. The Kansas Association of Counties opposes this change because it is sometimes necessary for governmental agencies to stabilize stream banks near bridges to protect the bridges from damage. This stabilization work is often of an emergency nature and has little effect on the stream or floodplain. To ensure counties can provide for its citizens and protect its infrastructure, we oppose the deletion of jetties or revetments unless alternate wording is proposed to allow some work without a permit.

Additionally, the proposed penalties for failing to inspect a dam are quite high—\$2,500 to \$4,000. Yet there is no requirement for the Department of Agriculture to notify the land owner in advance of an inspection requirement. KAC would prefer advance notification of an inspection as a prerequisite before levying a fine. This is less a county issue and more an issue to avoid fallout from unhappy property owners.

KAC’s biggest concern with HB 2051 is saving county power to stabilize caving banks with jetties or revetments. This exemption is important in emergency situations, and we support altering the bill to keep this tool in county hands. Thank you for your consideration.