

# House Committee on Agriculture

## Senate Bill 120

### Kansas Rural Water Association

Testimony by Doug Mays

March 22, 2023

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide comments on SB 120.

The Kansas Rural Water Association has active membership of 265 rural water districts in Kansas, as well as 475 municipalities. The mission of the KRWA is to provide education, technical assistance and leadership to public water and wastewater utilities in order to enhance public health and to sustain Kansas' communities.

For many years frustrations have been expressed by systems and engineers alike over long delays getting simple projects approved by KDHE. KDHE has been far, far behind and slow with plan approval. Their response, no doubt true, has been that they have had difficulties hiring and retaining engineers to do the reviews. There remains, however, a valid question: Why would any pipeline plans need to be submitted to KDHE if designed by a licensed Professional Engineer?

Senate Bill 120 as currently amended would allow the Secretary of Health and Environment to adopt rules and regulations authorizing public water supply systems with "qualified staff" to approve the extension of distribution systems or the replacement of segments of distribution systems without the necessity of securing an additional permit for the extension or replacement if the plans for the extension or replacement are prepared by a Professional Engineer as defined by K.S.A. 74-7003, and amendments thereto. This is a step in the right direction, but a small one.

The assumption is that "qualified" means Professional Engineer. The lack of sensible logic about not having to submit plans to KDHE if the system has an "in-house engineer on staff" is flawed. That same engineer could be moonlighting on another similar project -- but simply because that engineer is contracted by the smaller system, is no reason that the design would be less credible. The size the system has no correlation to the proficient review that would be provided by a Professional Engineer, whether directly employed or contracted by a public water system. Therefore, it is reasonable and sensible to recognize the competence of licensed Professional Engineers while assisting KDHE to fulfill their other assigned responsibilities in a timely manner.

Thank you, Mr. Chairman. I have attached suggested language amending SB 120.

I will be happy to stand for questions at the appropriate time.

amending K.S.A 65-163 (a) (3).

**3)** Public water supply systems that employ professional engineers on staff or by contract shall not be required to secure an additional permit for the extension of distribution systems or replacement of segments of distribution systems if plans for such extension or replacement are prepared by a professional engineer as defined by K.S.A. 74-7003, and amendments thereto.

Article 70. - STATE BOARD OF TECHNICAL PROFESSIONS

**74-7021. Professional engineers; qualifications for licensure; intern engineer certificate.** (a) Minimum qualifications of applicants seeking licensure as professional engineers are the following:

- (1) Graduation from a college or university program that is adequate in its preparation of students for the practice of engineering, as determined by the board in accordance with applicable rules and regulations;
- (2) the satisfactory passage of an examination in the fundamentals of engineering as utilized by the board;
- (3) proof of four years of engineering experience of a character satisfactory to the board, as defined by rules and regulations of the board; and
- (4) the satisfactory passage of an examination in professional practice as utilized by the board.