

Rep. Emil Bergquist and House Local Government Committee

Re: Testimony in support of HB 2433

I am writing this letter in support of HB 2433.

As I am certain you are aware HB 2433 clarifies that the State of Kansas governs the regulation and use of water in Kansas. It would prohibit Counties from attempting to duplicate State water law and regulations in local codes. It is very important that the state ensure that all water rights in Kansas are governed by uniform and consistent laws and controlled by the statutorily authorized State agencies.

I had the privilege of serving in the Kansas Senate when several changes were enacted to Kansas' water transfer law. From the work that the legislature did then it is certain that if Counties are allowed to duplicate State water law in local zoning codes, it would result in 105 distinct and non-uniform regulatory processes that water right owners would have to follow, in addition to the mandated State process. A water right owner may have rights in multiple counties associated with the same use, further complicating matters.

If counties have the ability to duplicate State water law and regulations in local zoning code that would result in those processes being weaponized against a specific use. Daries, feedlots, power plants, ethanol facilities, data centers, public water suppliers, and other uses of water could be targeted, not for any legitimate land use consideration, but via a duplicate regulatory process involving water rights, disguised as a land use consideration.

KSA 19-1901a protects oil and gas operations from duplicate regulation.

Section (19) states: *“Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.”*

This KSA demonstrates that a previous Legislature saw the need for consistent and uniform application of State laws regarding oil and gas operations, and the potential chaos that could result if there were potentially 105 duplicative regulatory processes in addition to the State control. HB 2433 would codify that same protection for water right owners and users.

Thank you for your consideration,

Janis K. Lee, Retired Senator