

Written Testimony in Opposition to HB 2433

January 27, 2026

Kansas House Committee on Local Government
The Honorable Emil Bergquist, Chairman
Room 281-N, State Capitol Building
300 SW 10th Avenue
Topeka, KS 66612-1504

Chairman and Members of the Committee,

My name is Commissioner Bob Rein. I am the President of the Kansas Natural Resource Coalition (KNRC), and I am appearing before the Committee today on behalf of the organization.

KNRC is an instrumentality of Kansas Boards of County Commissioners, formed to represent county interests on matters involving natural resources, land use, and local governance. Our membership currently consists of thirty-five Kansas counties, representing approximately one-third of the counties in the state.

Thank you for the opportunity to submit testimony in opposition to House Bill 2433.

After careful review, HB 2433 can be plainly understood as an expansion of state-level authority—specifically the authority of the Chief Engineer and the Water Transfer Hearing Panel—at the direct expense of county home rule powers. This authority does not currently exist under Kansas law and is not found in the existing statutory grant of power to the Chief Engineer under KSA 82a-706b(a).

In effect, HB 2433 restricts a county's ability to act within its jurisdiction on matters related to water appropriation or transfer, while simultaneously granting the state additional authority beyond what is currently authorized in Chapter 82a of the Kansas Statutes Annotated. This represents a significant shift of authority from local government to the state.

HB 2433 accomplishes this in several concerning ways.

First, the bill grants additional authority to the Chief Engineer and the Water Transfer Hearing Panel that is not found under KSA 82a-706b(a). Existing law already vests the Chief Engineer with broad authority to administer and enforce the Kansas Water Appropriation Act. HB 2433 goes further by insulating that authority from any local action, effectively centralizing control over water transfers and appropriations without clear statutory justification.

Second, subsection (40)(A) prohibits counties from enacting or enforcing any resolution, or otherwise regulating water transfers or appropriations, if such action is deemed to conflict with, interfere with, be more stringent than, or duplicate the control, regulation, enforcement, or oversight exercised by the Chief Engineer or the Water Transfer Hearing Panel pursuant to Chapter 82a.

This language presumes an inherent conflict between state authority and local government and resolves that presumed conflict entirely in favor of the state, eliminating the ability of counties to respond to local impacts or conditions related to water transfers within their jurisdiction.

Steering Committee Members

Bob Rein, President (Pawnee) | Duke Strobel, Vice President (Russell) | Marcus Rogge, Treasurer (Haskell)
Jim Daily (Clark) | Becky Larson (Wallace) | Cody Younkin (Logan)

Third, subsection (40)(B) explicitly states that counties shall not require any license or permit, including conditional use permits, nor impose any condition, restriction, limitation, requirement, fee, or charge related to the appropriation or transfer of water.

By enumerating these prohibitions, the bill implicitly acknowledges that counties arguably possess such authority under existing law—particularly under county home rule powers codified at KSA 19-101a(a), which authorizes counties to transact all county business and perform all powers of local legislation and administration they deem appropriate, subject only to constitutional and statutory limitations.

HB 2433 is the statutory mechanism by which the Legislature seeks to withdraw those powers.

Fourth, subsection (40)(C) applies these prohibitions both prospectively and retroactively to all existing and future county resolutions, to the extent such resolutions affect past, present, or future transfers or appropriations of water.

Retroactive nullification of duly adopted county resolutions raises serious constitutional concerns. Applying new statutory prohibitions to invalidate prior lawful actions undermines legal certainty, due process, and the reasonable reliance of counties and landowners on existing law.

Fifth, subsection (40)(D) states that nothing in the bill prohibits a county from utilizing zoning or sanitary code requirements to regulate the location or use of domestic water wells.

While this provision appears to preserve a narrow category of county authority, it does not offset the broader removal of local power over non-domestic water transfers and appropriations. This limited carve-out does little to address the substantial loss of county authority elsewhere in the bill.

Finally, subsection (b) appears to require counties to adopt legislation implementing the requirements of HB 2433. As written, this provision is unclear and internally inconsistent, raising questions regarding enforcement, uniformity, and legislative intent. At minimum, this subsection requires clarification to avoid confusion and unnecessary litigation.

In closing, KNRC respectfully objects to HB 2433 and urges the Committee to vote no on the bill. As Kansas relies on locally driven decision-making to address complex issues, it is prudent for state leaders to respect the long-established authority of local governments to act on matters most directly affecting their constituents. Water is a critical resource for Kansas counties, and the responsibility to protect this essential need should remain with elected officials closest to the people, rather than being removed from local government and centralized in a single state-level authority.

Our Counties have not asked for this legislation and cannot stand by while the State continues to gain more and more power at the expense of local control.

Thank you for the opportunity to provide testimony and we respectfully urge the Committee to vote no on HB 2433.

Respectfully submitted,

Commissioner Bob Rein
President, Kansas Natural Resource Coalition

cc: KNRC Board
Senator Jerry Moran
Senator Roger Marshall
Representative Ron Estes
Representative Tracey Mann