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Testimony in Support of HB 2433
Proponent

Mr. Chair and Members of the Committee,

My name is Dustin Madden, and I serve as a Councilmember for the City of Russell, and I appreciate the opportunity to provide testimony in support of House Bill 2433.

HB 2433 is a necessary and timely clarification of Kansas law. It reaffirms that the authority to regulate the appropriation and transfer of water, except for domestic wells, rests with the Chief Engineer and the Water Transfer Hearing Panel, as established under Chapter 82a of the Kansas Statutes. This bill preserves a clear, consistent, and statewide framework for water governance, which is essential for long-term planning, investment, and stewardship of Kansas's most critical natural resource.

Kansas has long recognized that water does not respect political boundaries. For that reason, the Legislature wisely vested regulatory authority over water rights, changes in use, and interbasin or long-distance transfers in state-level experts who are charged with balancing hydrology, existing water rights, conservation, and the public interest. The Chief Engineer and the Water Transfer Hearing Panel already administer a comprehensive process that includes technical review, public notice, opportunities for objection, and judicial review. HB 2433 does not weaken this process; it protects it from fragmentation and duplication.

Without this clarification, counties may adopt regulations that conflict with or override state approvals, creating uncertainty even after an applicant has fully complied with state law. This undermines finality, discourages investment, and exposes cities, utilities, and water right holders to shifting standards depending on county lines rather than science and statute. HB 2433 ensures that once the state process is followed and approvals are granted, those decisions carry meaning and stability.

For communities facing unreliable or declining water supplies, long-term planning is not optional, it is essential! For the City of Russell specifically, water reliability is not a hypothetical concern. Russell has faced recurring supply challenges even outside of formally declared drought conditions, driven by limited source redundancy and vulnerability to contamination events such as harmful algae blooms. Municipal water projects often require decades of study, conservation efforts, and regulatory review before they can move forward. Allowing duplicative or conflicting county regulation after state approval jeopardizes those efforts and threatens economic stability, public health, and regional resilience.

HB 2433 provides clarity, consistency, and respect for Kansas's established water law framework. It reinforces the Legislature's intent that water appropriation and transfer decisions be made by qualified state authorities applying uniform standards for all Kansans.

For these reasons, I respectfully urge the Committee to support House Bill 2433.

Thank you.

Dustin Madden
Councilmember