

HOUSE BILL No. 2433

By Representative Wasinger

1-9

1 AN ACT concerning the regulation of water use; clarifying county
2 authority over the transfer or appropriation of water; placing such
3 authority with the chief engineer and water transfer hearing panel;
4 amending K.S.A. 2025 Supp. 19-101a and repealing the existing
5 section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2025 Supp. 19-101a is hereby amended to read as
9 follows: 19-101a. (a) The board of county commissioners may transact all
10 county business and perform all powers of local legislation and
11 administration it deems appropriate, subject only to the following
12 limitations, restrictions or prohibitions:

13 (1) Counties shall be subject to all acts of the legislature ~~which~~ *that*
14 apply uniformly to all counties.

15 (2) Counties may not affect the courts located therein.

16 (3) Counties shall be subject to acts of the legislature prescribing
17 limits of indebtedness.

18 (4) In the exercise of powers of local legislation and administration
19 authorized under provisions of this section, the home rule power conferred
20 on cities to determine their local affairs and government shall not be
21 superseded or impaired without the consent of the governing body of each
22 city within a county ~~which~~ *that* may be affected.

23 (5) Counties may not legislate on social welfare administered under
24 state law enacted pursuant to or in conformity with public law No. 271 –
25 74th congress, or amendments thereof.

26 (6) Counties shall be subject to all acts of the legislature concerning
27 elections, election commissioners and officers and their duties as such
28 officers and the election of county officers.

29 (7) Counties shall be subject to the limitations and prohibitions
30 imposed under K.S.A. 12-187 through 12-195, and amendments thereto,
31 prescribing limitations upon the levy of retailers' sales taxes by counties.

32 (8) Counties may not exempt from or effect changes in statutes made
33 nonuniform in application solely by reason of authorizing exceptions for
34 counties having adopted a charter for county government.

35 (9) No county may levy ad valorem taxes under the authority of this
36 section upon real property located within any redevelopment project area

1 established under the authority of K.S.A. 12-1772, and amendments
2 thereto, unless the resolution authorizing the same specifically authorized
3 a portion of the proceeds of such levy to be used to pay the principal of
4 and interest upon bonds issued by a city under the authority of K.S.A. 12-
5 1774, and amendments thereto.

6 (10) Counties shall have no power under this section to exempt from
7 any statute authorizing or requiring the levy of taxes and providing
8 substitute and additional provisions on the same subject, unless the
9 resolution authorizing the same specifically provides for a portion of the
10 proceeds of such levy to be used to pay a portion of the principal and
11 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
12 and amendments thereto.

13 (11) Counties may not exempt from or effect changes in the
14 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

15 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
16 through 12-1,109, and amendments thereto, counties may not levy and
17 collect taxes on incomes from whatever source derived.

18 (13) Counties may not exempt from or effect changes in K.S.A. 19-
19 430, and amendments thereto.

20 (14) Counties may not exempt from or effect changes in K.S.A. 19-
21 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

22 (15) Counties may not exempt from or effect changes in K.S.A. 19-
23 15,139, 19-15,140 and 19-15,141, and amendments thereto.

24 (16) Counties may not exempt from or effect changes in the
25 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
26 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
27 1260 through 12-1270 and 12-1276, and amendments thereto.

28 (17) Counties may not exempt from or effect changes in the
29 provisions of K.S.A. 19-211, and amendments thereto.

30 (18) Counties may not exempt from or effect changes in the
31 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

32 (19) Counties may not regulate the production or drilling of any oil or
33 gas well in any manner ~~which~~ that would result in the duplication of
34 regulation by the state corporation commission and the Kansas department
35 of health and environment pursuant to chapter 55 and chapter 65 of the
36 Kansas Statutes Annotated, and amendments thereto, and any rules and
37 regulations adopted pursuant thereto. Counties may not require any license
38 or permit for the drilling or production of oil and gas wells. Counties may
39 not impose any fee or charge for the drilling or production of any oil or gas
40 well.

41 (20) Counties may not exempt from or effect changes in K.S.A. 79-
42 41a04, and amendments thereto.

43 (21) Counties may not exempt from or effect changes in K.S.A. 79-

1 1611, and amendments thereto.

2 (22) Counties may not exempt from or effect changes in K.S.A. 79-
3 1494, and amendments thereto.

4 (23) Counties may not exempt from or effect changes in K.S.A. 19-
5 202(b), and amendments thereto.

6 (24) Counties may not exempt from or effect changes in K.S.A. 19-
7 204(b), and amendments thereto.

8 (25) Counties may not levy or impose an excise, severance or any
9 other tax in the nature of an excise tax upon the physical severance and
10 production of any mineral or other material from the earth or water.

11 (26) Counties may not exempt from or effect changes in K.S.A. 79-
12 2017 or 79-2101, and amendments thereto.

13 (27) Counties may not exempt from or effect changes in K.S.A. 2-
14 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
15 1,178 through 65-1,199; *and* 65-3001 through 65-3028, and amendments
16 thereto.

17 (28) Counties may not exempt from or effect changes in K.S.A. 80-
18 121, and amendments thereto.

19 (29) Counties may not exempt from or effect changes in K.S.A. 19-
20 228, and amendments thereto.

21 (30) Counties may not exempt from or effect changes in the Kansas
22 911 act.

23 (31) Counties may not exempt from or effect changes in K.S.A. 26-
24 601, and amendments thereto.

25 (32) (A) Counties may not exempt from or effect changes in the
26 Kansas liquor control act except as provided by ~~paragraph~~ *subparagraph*
27 (B).

28 (B) Counties may adopt resolutions ~~which~~ *that* are not in conflict
29 with the Kansas liquor control act.

30 (33) (A) Counties may not exempt from or effect changes in the
31 Kansas cereal malt beverage act except as provided by ~~paragraph~~
32 *subparagraph* (B).

33 (B) Counties may adopt resolutions ~~which~~ *that* are not in conflict
34 with the Kansas cereal malt beverage act.

35 (34) Counties may not exempt from or effect changes in the Kansas
36 lottery act.

37 (35) Counties may not exempt from or effect changes in the Kansas
38 expanded lottery act.

39 (36) Counties may neither exempt from nor effect changes to the
40 eminent domain procedure act.

41 (37) Any county granted authority pursuant to the provisions of
42 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
43 subject to the limitations and prohibitions imposed under K.S.A. 19-5001

1 through 19-5005, and amendments thereto.

2 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
3 through 19-5005, and amendments thereto, counties may not exercise any
4 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
5 amendments thereto, including the imposition or levy of any retailers' sales
6 tax.

7 (39) Counties may not exempt from or effect changes in K.S.A. 65-
8 201 and 65-202(a), (b), (d), (e) and (f), and amendments thereto.

9 (40) (A) *A county shall not enact or enforce any resolution or*
10 *otherwise regulate the transfer or appropriation of water in any manner*
11 *that conflicts or interferes with, is more stringent than or would result in*
12 *the duplication of the control, regulation, enforcement or oversight of the*
13 *transfer or appropriation of water by the chief engineer or the water*
14 *transfer hearing panel pursuant to chapter 82a of the Kansas Statutes*
15 *Annotated, and amendments thereto, or any rules and regulations adopted*
16 *pursuant thereto.*

17 (B) *Counties shall not:*

18 (i) *Require any license or permit, including, but not limited to, any*
19 *conditional use permit, to appropriate or transfer water; or*

20 (ii) *impose any condition, restriction, limitation, requirement, fee or*
21 *charge to appropriate or transfer water.*

22 (C) *The provisions of this paragraph shall be applied prospectively*
23 *and retroactively and shall apply to all existing and future county*
24 *resolutions to the extent that such resolutions affect past, present or future*
25 *transfers or appropriations of water.*

26 (D) *Nothing in this paragraph shall be construed to prohibit a county*
27 *from utilizing zoning or sanitary code requirements to regulate the*
28 *location or use of domestic water wells.*

29 (b) Counties shall apply the powers of local legislation granted in
30 subsection (a) by resolution of the board of county commissioners. If no
31 statutory authority exists for such local legislation other than that set forth
32 in subsection (a) and the local legislation proposed under the authority of
33 such subsection is not contrary to any act of the legislature, such local
34 legislation shall become effective upon passage of a resolution of the
35 board and publication in the official county newspaper. If the legislation
36 proposed by the board under authority of subsection (a) is contrary to an
37 act of the legislature ~~which~~ that is applicable to the particular county but
38 not uniformly applicable to all counties, such legislation shall become
39 effective by passage of a charter resolution in the manner provided in
40 K.S.A. 19-101b, and amendments thereto.

41 (c) Any resolution adopted by a county ~~which~~ that conflicts with the
42 restrictions in subsection (a) is null and void.

43 Sec. 2. K.S.A. 2025 Supp. 19-101a is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the Kansas register.