The 2026 Kansas Legislative Session and Agriculture

New Protections for Property Rights, Water, and Rural Assets

Roger McEowen (roger.mceowen@washburn.edu) – Washburn University School of Law
Ag Law and Taxation Blog: https://agriculturallaw.lawprofessorsblogs.com/
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Overview

The 2026 Kansas legislative session has been particularly active concerning agriculture and rural landowners, with lawmakers focusing heavily on property rights and water management. Several key bills have been signed into law that directly impact how Kansans farm, ranch, and manage rural land.

Here is a detailed breakdown of the most significant legislative changes (in no particular order) for the Kansas agricultural community.

Property Rights and Land Management

Property rights remain a cornerstone of Kansas rural life, and recent legislation has focused on protecting owners from modern civil issues like squatting and liability.

The Removal of Squatters Act (HB 2378). Signed into law on April 6, this law establishes an expedited legal process for rural and residential landowners to remove unauthorized persons ("squatters") from their property and reclaim it. Instead of a long, drawn-out civil eviction, owners can now submit a notarized affidavit to local law enforcement stating that the occupant is unauthorized. The owner must swear that the occupant entered and remains unlawfully; is not a tenant or a "holdover" tenant (someone whose lease simply expired); is not an immediate family member; and has already been asked to leave but refused. Once the affidavit is verified, law enforcement is required to serve a notice (either hand-delivered or posted directly on the front door) to vacate within 24 hours that requires the squatter to leave the premises immediately. This applies to residential homes, commercial buildings, and mobile homes - crucial for farmers and ranchers with unoccupied farmhouses, outbuildings or seasonal hunting cabins, for example. To prevent abuse, the law includes criminal penalties for owners who file a false affidavit and allows for civil damages if someone is wrongfully removed.

Note: Law enforcement officers and agencies are granted immunity from liability for actions or property damage occurring during a removal conducted in "good faith." Also, the law provides that it doesn't apply against a wide range of immediate and extended family members (spouses, siblings, in-laws, etc.).

An owner who knowingly files a false affidavit can be charged with a Class A nonperson misdemeanor. Also, if a person is wrongfully removed, they can sue the owner for restoration of possession; actual costs and damages; triple the fair market rent as punitive damages; and attorney fees and court costs. The law is effective July 1, 2026.

Agritourism Liability Protections (Senate Substitute for HB 2111). This law amends the Agritourism Promotion Act. The law significantly expands the protections for specific types of agritourism operations in Kansas by limiting

the regulatory authority of local governments. The primary focus is on "nonpublic" operations where the activity is strictly tied to agricultural production. Specifically, the law exempts registered non-public agritourism operations from certain local building codes and zoning regulations that were originally designed for commercial urban spaces. The idea was to prevent "regulatory creep" where local cities or counties try to apply urban building codes to rural agritourism ventures, and reduce the administrative and financial burden on farmers and ranchers who host guests but do not operate as a standard "public" commercial venue.

Under the law, registered agritourism operations will be largely exempt from local building, fire, and safety codes that are not specifically designed for agricultural settings. For those using a barn for a wedding venue, a winery, or a farm-stay, for example, the local county cannot require the installation of industrial-grade sprinkler systems or ADA-compliant elevators that would typically be required for a "commercial" hotel or banquet hall in town, provided the structure meets basic safety standards and is used for agritourism. Registration is the key, a farm that just happens to have visitors is not covered.

Note: The location must be accessible to the public only by specific invitation from the operator. Also, the only activity conducted on the location must be "agricultural activity" (as defined by existing Kansas nuisance and "Right to Farm" laws). An operation loses exempt status if it sells goods or services not produced on-site (with a small exception for goods processed off-site using raw materials from that farm); rents out space for private events (like weddings or corporate retreats) that are not directly related to agritourism, or; allows the general public on the property without a specific invitation.

The law also reinforces the existing "Inherent Risk" protections found in K.S.A. 32-1433. To maintain this protection, the landowner must be registered with the Kansas Department of Commerce and post the specific "WARNING" sign at a "clearly visible location" near the property entrance. HB 2111 clarifies that as long as the landowner isn't "grossly negligent" (e.g., ignoring a known broken floorboard), the landowner cannot be held liable for injuries caused by natural farm risks like uneven ground, animal behavior, or weather. To reiterate, however, liability protection is not provided for "willful or wanton disregard" for safety.

Observation: The law creates a "safe harbor" for traditional agricultural operations that want to engage in limited, invitation-only agritourism (such as educational farm tours or private hunting leases) without being subjected to urban-style building codes or local safety inspections. However, once an operator moves into "commercial" territory (such as selling non-farm merchandise or hosting unrelated events) the local government regains its authority to enforce codes and regulations.[1] Farmers and ranchers looking to diversify through such things as pumpkin patches or "farm-to-table" events can now do so with less red tape, provided the farm is registered with the state agritourism program.

The law is effective July 1, 2026.

Kansas Motorsports Venue Protection Act (HB 2416). Known colloquially as the "Right-to-Race" bill, this legislation was a major priority for rural economic advocates and the racing community. It is designed to stop the "move-in and sue" pattern that has threatened historic tracks across the Midwest. This new law provides motorsports venues (often located on rural or converted agricultural land) with immunity from civil lawsuits based on nuisance (claims that the noise, vibration, light, or traffic, etc., from the track interferes with a neighbor's use and enjoyment of their land), "taking" (inverse condemnation), or similar legal theories related to noise, light, or

dust. The protection applies specifically against plaintiffs who acquired or developed their property after the establishment of the racetrack (the "coming-to-the-nuisance" defense), provided the property is within five miles of the venue. However, it is important to note that the law does not protect tracks from other types of lawsuits (e.g., personal injury, contract disputes, or negligence unrelated to nuisance claims).

To be shielded, a venue must meet specific operational criteria:

Consecutive Operation: The track must have been in consecutive operation with no lapse in activity greater than four years.

Compliance: The venue must operate in substantial compliance with any applicable zoning or land-use permits that were in effect at the time of its establishment.

For rural landowners and agribusiness owners, the legislation is more than just about "race cars." Many Kansas farmers and ranchers lease land for, or personally operate, dirt tracks, tractor pulls, and mud-bogging events. The law protects these revenue streams from being shut down by new residential developments expanding into rural areas. The law is effective July 1, 2026.

Observation: Motorsports in Kansas generate over $743 million annually. By protecting these venues, the state ensures that the surrounding rural economies (gas stations, equipment rentals, and local hospitality) remain stable.

Water Rights and Infrastructure

Stream Obstruction and Dam Regulation (Sub for HB 2114). This new law updates the regulatory framework governing dams, levees, and stream obstructions in Kansas. The law focuses on clarifying definitions, restructuring permit and inspection fees, establishing disclosure requirements for land buyers, and introducing new civil penalties for non-compliance. The primary goal of this legislation is to refine the definitions used by the Kansas Department of Agriculture (KDA) to determine what requires a permit and what does not. Previously, the legal distinction between a small stream crossing (like a culvert) and a formal dam was often blurry, leading to unnecessary permitting for farmers and ranchers. The law explicitly clarifies which structures shall be considered water obstructions (such as low-water crossings or bridge piers) and which must be regulated as dams. This reduces "accidental" non-compliance for rural landowners who are simply maintaining access across a creek on their property.

The law refines what structures are under the jurisdiction of the Chief Engineer of the Division of Water Resources (DWR). For construction of something that is not a dam (such as a bridge, culvert or approved structures for confined animal feeding facilities), the law clarifies that such projects are exempt from permitting if the project is in a non-incorporated area (rural), the obstruction and any water it backs up are more than 300 feet from the property line, and the drainage area above the project is less than 640 acres (one square mile).[2] These "water obstructions" include dry retention road fill projects for government entities, low head dams (where the maximum height is below the lowest stream bank) and, as indicated, wastewater storage for confined animal feeding operations.

Note: This "Safe Harbor" is intended to let farmers maintain their own field crossings without having to call the state, provided they aren't flooding their neighbors.

A permit is required from the Chief Engineer if a structure meets either of the following criteria: (1) the structure is 25 feet or more in height; or (2) the structure is six feet or more in height AND has the capacity to store 50 acre-feet or more of water (measured at the top of the emergency spillway).

Note: Height is measured from the lowest elevation of the natural streambed (or the lowest point on the "toe" of the dam) to the very top of the dam.

If a structure meets the permit thresholds, the law applies stricter oversight based on its "Hazard Class." This is determined by what is downstream from the dam, not the size of the dam itself. The law also updates the fee structure by increasing the application fees for permits to construct, modify, or add to a dam. It also introduces a "pre-construction permit fee" and ties the fee amount to the hazard classification of the dam (Class A, B, or C) rather than just a flat rate. High-hazard dams (those near downstream structures or homes) will carry higher oversight costs. The law allows the fee increases to cover the actual cost of engineering reviews, with fee scaling often based on the dam's hazard class.

- **Class A (Low Hazard):** Where failure might damage farmland or local roads, but loss of life is not expected. The law allows for some permit exemptions if the dam is under 30 feet tall and holds less than 125 acre-feet, provided the location is registered with the DWR. The permit application fee for Hazard Class A is $250.
- **Class B (Significant Hazard):** Where failure could cause significant property damage (like destroying a home or a high-traffic road). The permit application fee for Hazard Class B is $500.
- **Class C (High Hazard):** Where failure would likely cause the loss of at least one human life. These require the most frequent inspections and the highest permit fees under the new law. The permit application fee for Hazard Class C is $1,000.

For water obstructions, fees are tiered based on the watershed area, and range from $100 to $500. In addition, a new set of fees is introduced for permits sought after construction has already begun or been completed (ranging from $200 to $800). In addition, the law sets inspection fees for DWR-led inspections, ranging from $1,000 to $3,000 depending on the size of the dam (Classes 1 through 4).

Also introduced is a civil penalty ranging from $100 to $1,000 per violation. Unlike permit fees (which go to the Water Structures Fund specifically to be used for the administration of the Water Structures Act) these new civil penalties are credited to the State General Fund.

The law also codifies the requirement that any construction or major modification of a regulated dam must be overseen by a licensed professional engineer (PE) (or a certified intern engineer under the direct supervision of a licensed PE). While this was often standard practice, making it a statutory requirement is intended to ensure that the liability for the structural integrity of the dam is professionally managed. This means that a regulated dam cannot be "self-designed." Instead, a licensed PE must sign off on the plans and oversee the construction to ensure it meets state safety specifications. Also, owners of dams are strictly required to hire a private PE for periodic safety inspections (every 3 years for Class C, every 5 years for Class B, every 10 years for Class A (low

hazard dams)). Reports must be submitted within 60 days of inspection and must include a physical condition assessment and an analysis of spillway capacity.

Observation: For landowners with a private pond or a small dam on the property, this law simplifies and may potentially exempt smaller stream crossings from "dam" status. However, the construction of a larger irrigation reservoir or a livestock pond that meets the "dam" height/volume thresholds, are subject to higher permit fees and stricter engineering requirements. This means that farmers with private dams or irrigation reservoirs may see changes in how inspections are handled, potentially allowing certified non-state entities to perform these checks.

The law also includes a requirement for transparency when selling land near dams. Any landowner selling or subdividing land within the "inundation zone" (the area at risk of flooding if the dam fails) must file a formal notice with the Register of Deeds.[3] If a landowner fails to file this notice, they become responsible for the increased inspection costs if the dam is later reclassified to a higher hazard level due to the new development.

Observation: HB 2114 modernizes Kansas water law by shifting more of the financial burden of regulation and inspection onto owners, while simultaneously protecting the public through stricter disclosure requirements for those buying property downstream of a dam. It gives the DWR more "teeth" to enforce compliance through civil penalties rather than relying solely on criminal prosecution.

The effective date is July 1, 2026.

Water Right Change-of-Use Notification (HB 2477). This law amends the Kansas Water Appropriation Act to increase public transparency and expand the notification requirements for new water appropriations and significant changes to existing water rights. The law shifts more responsibility to the KDA to maintain digital records and ensures that a broader group of neighboring landowners are informed of potential water usage changes. Specifically, the law amends the notice requirements for "change-of-use" water applications. Previously, neighbors were not always directly notified if a nearby water right was being moved or significantly altered, provided it stayed within certain regulatory parameters. The law changes the notification standard to ensure those with "skin in the game" are informed.

The Chief Engineer is now required to provide written notification to all water right owners who have a point of diversion (well or surface intake) located within one-half mile of 1) any application for a new diversion of water; 2) any application to change a point of diversion by more than 300 feet; or 3) the boundaries of a proposed Water Conservation Area (WCA). Previously, notice was often restricted to other "water right owners." The law expands this to include all landowners within the specified radius, regardless of whether they hold a formal water right. In addition, notice must be provided to everyone within one-half mile of the proposed diversion or change. The Chief Engineer retains the authority to extend this radius further via rules and regulations if a specific situation warrants it.

Note: The law removes the requirement that the KDA must act "in conjunction with" local Groundwater Management Districts (GMDs) to issue these individual notices. This places the direct burden of notification on the state department. While the KDA handles notice, GMDs maintain their 45-day window to review and provide written recommendations on any newly proposed WCAs.

Observation: If a landowner decides to move a high-capacity irrigation well 500 feet closer to the property line, the state must send a letter to the adjacent owner. The adjacent owner will no longer have to rely on checking local legal notices in the newspaper to find out about the move.

The law requires the KDA to maintain an online, interactive map on its official website showing the location of all applied-for diversions and requested changes (of more than 300 feet). All final orders issued by the Chief Engineer regarding these applications must be posted online, providing a clear public record of approved changes. This will allow agribusiness owners and land appraisers to now see real-time "pending" water changes across the state. This is crucial during land acquisitions, because it will reveal potential future water conflicts that aren't yet visible in the permanent records. The KDA has until July 1 to finalize the technology for the interactive map and the new mailing protocols.

The law updates the process for establishing WCAs, which are voluntary agreements where groups of landowners agree to use less water to extend the life of an aquifer. The law also clarifies the "corrective control" measures that can be established within a WCA, including closing an area to new appropriations; limiting daily, monthly, or annual groundwater withdrawals; implementing rotation systems for water use; and ensuring that no management plan results in the impairment of existing water rights.

Observation: This ensures that local water boards have a seat at the table when neighbors are creating "mini-districts" that could affect the broader regional water table.

Summary Comparison of Prior Law with HB 2477

Feature	Pre-2026 Process	Under HB 2477 (Post-July 1)
Direct Notice	Often limited to very close proximity.	Mandatory 1/2-mile radius notice.
Public Tracking	Physical filings or static PDFs.	Live, interactive digital map.
WCA Review	Informal GMD consultation.	Statutory 45-day GMD review period.

Observation: The 1/2-mile rule is particularly important in areas with high-density irrigation. For ag producers and rural homeowners who rely on a domestic well, the law provides an early warning system. Also, if a nearby commercial or industrial water user applies to move their point of diversion, the producer/homeowner will have a statutory window of time to file a formal comment or protest if it is believed that the change in point of diversion will impair water access. By requiring an online map and expanding notice to all landowners (not just those with competing water rights), the law ensures that anyone within a half-mile radius has the opportunity to understand how a nearby well move or a new water appropriation might affect their property and the local water table.

The effective date is July 1, 2026.

Livestock and Crop Protection

Increased Penalties for Livestock Theft (HB 2413). This law represents a major shift in how Kansas prosecutes agricultural crimes, moving away from "value-based" sentencing and toward a "zero-tolerance" felony model. Specifically, the law elevates the theft of cattle and horses as well as farm machinery to a Level 5 nonperson

felony, regardless of the animal's market value. Historically, stealing a single calf in Kansas might have been treated as a misdemeanor if the market value was low enough. HB 2413 removes that loophole.

Note: Level 5 felony status applies regardless of the dollar value of the animal or equipment. Whether someone steals a $500 yearling or a $5,000 bull, the felony level remains the same. A Level 5 felony in Kansas typically carries a presumptive sentence of imprisonment rather than just probation, especially for repeat offenders.

The law also introduces specific protections for other farm assets that are frequently targeted. The theft of grain or hay is classified as a Severity Level 6, nonperson felony. In addition, law enforcement has the authority to seize and forfeit property (such as trailers or trucks) used in the commission of stealing farm machinery.

Observation: Kansas lawmakers pushed for this law because other livestock states such as Oklahoma and Texas already had much harsher penalties. Proponents argued that Kansas had become a "soft target" for professional cattle rustlers who knew they would face lighter sentences if caught in Kansas compared to these other locations.

The law provides law enforcement significantly more leverage to pursue high-level felony charges. The goal is that the "Level 5" designation (which shifts the crime into a category often resulting in prison time) will serve as a stronger deterrent against professional rustling rings. Interestingly, the law also includes unique language regarding "transnational repression," requiring law enforcement to receive training on identifying harassment or intimidation of residents by foreign entities - a nod to protecting the security of the broader agricultural supply chain.

The effective date is July 1, 2026.

Taxes and Fees

Seed Registration Fees (SB 425). This new law amends the Kansas Seed Law and the Plant Pest and Agriculture Conservation Fee Fund. The law focuses on increasing the maximum allowable registration fees for seed wholesalers and retailers, introducing a tiered late-fee structure for renewals, and establishing a grace period for both agricultural seed and live plant dealers. The law also increasesthe maximum annual registration fees for seed wholesalers (from $300 to $400) and retailers (from $30 to $50). The funds are earmarked to sustain the KDA's seed inspection and quality control programs, which ensure that the seed farmers buy is viable and weed-free.

Registration is required for each place of business. If an individual operates as both a wholesaler and a retailer at the same location, they must register (and pay) for both categories. Wholesalers are prohibited from selling seed to any buyer they know (or should know) is not actively registered with the state.

The law also introduces a standardized penalty system for late renewals to encourage timely registration and refines the licensing process for those selling live plants, maintaining protections for small-scale and temporary sellers.

Observation: The law provides the KDA with additional revenue potential to administer seed and plant laws while codifying a clear "grace period" for businesses. By implementing tiered late fees, the state creates a standardized

incentive for dealers to maintain active registrations without immediately penalizing those who are only a few days late.

Effective July 1, 2026.

Property Tax "Protest Petition" (HB 2745). This law creates a mechanism where local taxing jurisdictions (excluding schools) can be forced into a "protest petition" if they increase property tax collections by more than three percent over the previous year. If five percent of voters sign the petition, the tax increase is blocked. This gives rural landowners a powerful tool to curb rising property taxes driven by spiking land valuations. Effective July 1, 2026.

Regulatory "De Novo" Review

HB 2183. This law prohibits state courts from automatically deferring to a regulatory agency's interpretation of a law. Thus, if a farmer is in a legal dispute with a state agency over a regulation, the judge must now interpret the law "from scratch" (de novo) rather than simply taking the agency's word for it. This levels the playing field for private landowners against the "administrative state." This aligns Kansas law with a 2024 U.S. Supreme Court opinion.[4]

Effective July 1, 2026.

Public Nuisance Reform

SB 462. This lawintroduces significant hurdles for plaintiffs in civil litigation, specifically targeting negligence claims involving "wrongful conduct" and narrowing the scope of public nuisance lawsuits. The law shifts power toward the state Attorney General and protects commercial entities from broad nuisance theories.

The law codifies a strict prohibition against recovering damages if the plaintiff was breaking the law at the time of the injury. A person participating in "wrongful conduct" cannot sue for negligence or collect damages for injuries related to that conduct. "Wrongful conduct" is defined as any federal crime and any state felony or Class A/B misdemeanor. Importantly, no arrest or conviction is required; the defendant only needs to prove the conduct occurred by a "preponderance of the evidence." The bar does not apply to minors (under 18) committing simple trespass, particularly under the "attractive nuisance" doctrine (e.g., a child wandering into an unfenced swimming pool), provided they had no intent to commit a more serious crime.

A second part of the law was a major priority for agricultural and business groups who were concerned about the "expansion" of nuisance law used in other states to sue entire industries (such as the recent wave of litigation against energy and chemical companies brought by "climate change" alarmists). The law restricts who can bring a "public nuisance" claim. It requires that any action for public nuisance that affects more than one political subdivision (county/city) must be brought by the Attorney General rather than private trial lawyers or local municipalities.

The legislationis designed to prevent a "patchwork" of nuisance lawsuits where one county might try to sue an entire sector (like CAFOs or fertilizer manufacturers) for a broad public issue. It centralizes the authority to define what is "detrimental to the public" at the state level.

Note: The law also codifies the "special injury" requirement, meaning a private person can only sue for a public nuisance if they can prove they suffered a unique harm that is different from the harm suffered by the general public. In addition, the design, marketing, or sale of a legal product cannot be labeled a public nuisance. This is intended to protect manufacturers from being sued for "nuisance" based on the secondary effects of their products in society. Also, if an action is licensed or mandated by law, it cannot be a public nuisance unless it involves specific negligent conduct. In addition, aggregation is not allowed. Private injuries cannot be "bundled" to create a public nuisance claim.

The effective date is July 1, 2026.[5]

Conclusion

The 2026 session shifted the legal landscape to favor landowner autonomy and transparency. By reducing "regulatory creep" in agritourism, providing digital tools for water tracking, and hardening penalties for rural crime, the legislature has provided Kansas producers with a more predictable and secure operating environment.

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[1] In other words, "invitation-only" can include scheduled tours, ticketed events or private hunt leases, but not a storefront open to any passerby.

[2] This is the specific threshold for Zone 1 (Eastern Kansas). In Western Kansas (Zones 2 and 3), the threshold for "designated streams" increases to two or three square miles.

[3] This is a seller-side liability. Failure to disclose could lead to significant future costs for the seller if the dam is reclassified.

[4] Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024).

[5] However, the law applies to claims pending on or filed after July 1, 2026. This is a rare "retroactive" application that may impact ongoing litigation against agricultural or chemical entities.