



**Testimony of Mike Baughn, Thomas County Commissioner
Before the House Committee on Agriculture
In Opposition of House Bill No. 2531
February 9, 2022**

WRITTEN TESTIMONY ONLY

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Trego

Wallace

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Chairman Rahjes and Members of the Committee:

Kansas Legislative Policy Group (KLPG) would like to thank you for the opportunity to provide testimony on House Bill No. 2531. KLPG is a non-partisan organization comprised of elected commissioners representing the collective interests of 33 rural Kansas counties.

House Bill No. 2531, would permit any person engaged in an agriculture activity to construct, maintain, and operate pipelines in pursuit of an agricultural activity along, upon, under, and across the right-of-way of any county or township upon approval of the board of county commissioners

We oppose the requirements in House Bill No. 2531.

Typically, counties do not own the land under a county road and were originally only granted privileges for public roads from the underlying landowners. These easement “uses” were restricted to the right to maintain the road for public use. Additional easements or expanded uses, even for the county, need to be granted by the landowner.

Counties in some instances do allow road crossings under certain conditions, but granting parallel access in an easement to private parties is not within the authority of counties. Only the adjoining landowners can grant such permission.

Counties do have a responsibility to ensure the public utilities within the right of way don't obstruct public travel, but counties don't control utility easements or those entities authorized to be in the easement. Kansas statutes specifically direct the placement of public utilities in the road right of way. There are other public concerns with private entities in the right of way to consider: impact on any existing utility in place, compliance/enforcement with installation standards, ownership changes and emergency contact information, owner maintenance standards/reliability and financial capacity for maintenance.

We appreciate the willingness to provide local control over these issues, but counties don't actually have full control. House Bill No. 2531 seems to allow a party who couldn't come to agreement with the landowners to go around them and seek approval from a board of county commissioners, This appears to be taking a landowner right and moving it to the county commission for determination, setting up a conflict for property owners with county commissions. We urge you to reject House Bill No. 2531.

Mike Baughn
President
Kansas Legislative Policy Group