

Before the House Agriculture Committee
Presented by Zack Pistora, Kansas Sierra Club
Opponent Testimony on HB 2531
February 14th, 2022



Chairman Rahjes and Honorable Members of the Committee,

Thank you for the opportunity to provide remarks on HB 2531, which would allow the Right-of-Way use for agricultural pipelines by private actors unless denied by County Commissions by 60 days of an application received. Because the Kansas Chapter of Sierra Club has great concerns of this bill's effect of property rights, its retroactive nature in greenlighting previous pipelines (even those that were declared illegally installed), and because of its disregard for potential impacts upon the environment and more, we stand in strong opposition to HB 2531.

HB 2531 presents an unprecedented intrusion upon private property rights of Kansans.

HB 2531 would enable private parties to legally trespass and build on others' private property alongside county and township roads by automatically granting approval for agricultural pipeline owners to use right-of-way so long as county commissioners didn't deny the application by 60 days. HB 2531 does not address whether this intrusion of the pipeline would comprise a 'taking' and if/how the private or public entities involved would compensate affected property owner(s). Under the proposed bill, the private property rights are at the mercy of a county commission without use of eminent domain, which raises legal questions.

We fear that HB 2531 would tip the balance of power to favor agricultural interests over a private citizen's enjoyment of their property and its ecology, thus represents a quick pathway of environmental injustice upon rural Kansans.

Sierra Club feels that all people are entitled to enjoy the sustainable aesthetics, recreational uses, and other environmental benefits of their land and natural settings. When agricultural pipelines that transport a substance (in real experience, a resource, fuel, or waste) away from its source, it can mean the consumption of additional resources and/or increase an environmental risk. People should be able to have their property rights protected from being infringed by heightened risk of destruction from others' facilities. HB 2531 does not provide for the opportunity for a county to reject an agricultural pipeline from using the right-of-way based upon environmental impact or threat to public health or safety, nor gives the county adequate time to conduct impact analyses.

There are just too many questions that HB 2531 doesn't answer.

HB 2531 does not answer other practical implications of this bill, including liability, the need for the county to issue other actions relating to the pipeline constructions, and more. HB 2531 doesn't address the issue of whether previously installed pipelines deemed illegal would now be legal in its retroactive nature. The bill does not address the township authority to prohibit such pipelines in this bill, as it focuses solely on county commissions.

All in all, this bill is quite disturbing and warrants much further discussion before passage. Please oppose.

Thank you for your consideration and service to Kansas.

Zack Pistora | Legislative Director and State Lobbyist, Kansas Chapter of Sierra Club
zackpistora@gmail.com | 785-865-6503

The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.