

As Amended by House Committee

HOUSE BILL No. 2531

By Committee on Agriculture

1-24

1 AN ACT concerning counties and townships; relating to rights-of-way;
2 authorizing certain persons to use the right-of-way of any county road
3 or township road to install, maintain and operate a pipeline for
4 agricultural activities.
5

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

7 Section 1. (a) Upon approval by the board of county commissioners,
8 any person engaged in an agricultural activity may construct, maintain and
9 operate pipelines in pursuit of an agricultural activity along, upon, under
10 and across the right-of-way of any county road, as defined in K.S.A. 68-
11 101(c), and amendments thereto, or any township road, as defined in
12 K.S.A. 68-101(e), and amendments thereto, in conformity with the laws
13 and regulations of the state of Kansas and the county in which the pipeline
14 is located.

15 (b) Except for pipelines installed in violation of an express
16 prohibition of the board of county commissioners in effect at the time of
17 such installation, all pipelines for use in an agricultural activity installed
18 along, upon, under and across a right-of-way of a county or township road
19 prior to the effective date of this section are deemed to have been
20 authorized by the board of county commissioners and are ratified as
21 permitted uses of such rights-of-way.

22 (c) Any person engaged in an agricultural activity may request the
23 board of county commissioners to approve a pipeline described in
24 subsection (a) by submitting a written application to the county clerk. The
25 application shall provide the location, design and specifications of the
26 pipeline. The application shall also provide the location of all locatable
27 underground facilities in the area of the work and in the vicinity of the
28 excavation. The governing body shall give written notice to each
29 owner of such underground facilities and the owner of any land that is
30 located within a quarter of a mile of such excavation. Any application
31 to use or occupy a specific portion of a road right-of-way shall not be
32 denied or approved with conditions without reasonable notice and an
33 opportunity for a public hearing before the board of county
34 commissioners. The board of county commissioners shall approve or deny
35 the application by resolution within 90 days of receipt by the county
36 clerk. A failure to approve or deny the application by resolution within 90

Proposed Amendment to HB2531, as
amended by House Committee
For Committee on Agriculture
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Office of Revisor of Statutes

The person who makes such a request and
submits such application under this subsection
shall be the same person who is the owner of
such pipeline upon approval of such pipeline
in accordance with this act.

1 (h) Any pipeline permitted under this act and installed on or after
2 the effective date of this act shall be a locatable facility as defined in
3 K.S.A. 66-1802(g), and amendments thereto.

4 (i) For the purposes of this section, "agricultural activity" means the
5 same as in K.S.A. 2-3203, and amendments thereto.

6 (j) Nothing in this act shall supplant any local, state or federal law
7 regulating the transportation of any substance.

8 Sec. 2. This act shall take effect and be in force from and after its
9 publication in the statute book.

If a board of county commissioners vacates a road pursuant to K.S.A. 68-102, and amendments thereto, an owner of a pipeline approved under this section shall remove the pipeline within a reasonable amount of time as determined by the board of county commissioners unless written permission is obtained from all persons acquiring the property interest of the county after the road has been so vacated. If removal is required under this subsection, the owner of such pipeline shall return the property to its functional equivalence before the removal, and, if such owner fails to make the repairs, the persons acquiring the property interest of the county shall have a cause of action against the pipeline owner for such violation of this subsection and may recover damages, including reasonable attorney fees, if the pipeline owner is found liable by a court of competent jurisdiction.

(i) If the owner of a pipeline permitted under this act transfers any portion of such pipeline, such owner shall notify the county clerk of such transfer.

and renumber subsections accordingly