

Testimony before the House Agriculture Committee
HB 2531 – County road ROW authority
In-person testimony in support
Max Dibble, Board of County Commissioners of Phillips County

Feb.14, 2022

Mr. Chairman & members of the House Agriculture Committee:

I am Max Dibble, a county commissioner in Phillips County, Kansas. I strongly and unequivocally support HB 2531. It is essential to economic stability of the county I represent.

Phillips County's lifeblood is agriculture, agricultural services, and the industrial-scale users of agricultural commodities. This includes grain production, animal feeders, and an ethanol plant. These activities, in turn, support fuel suppliers, feed mills, propane distributors, transporters, and the banks, shops and restaurants of our towns. Agriculture supplies much of our tax base and the employees of agriculture and its supporting industries supply the students in our schools.

For decades Phillips County, like other Kansas counties, has assumed that it was the counties that had the power to permit pipelines for agricultural use to be placed in public road rights of way for moving water, animal-waste fertilizer, and natural gas. Based on that understanding we, like other counties permitted such pipelines because they allowed our agricultural producers to operate more efficiently, build new facilities, and remain competitive in an increasingly globalized market. Because we permitted pipelines, farmers have invested tens of millions of dollars in new buildings and hired large numbers of people to work in those facilities. Without the water pipeline in the road right of way, our ethanol plant could not operate. Its water source is distant from the plant. Without the ability to pipe in more water, it will not be able to expand as it has recently announced it hopes to do.

If we look at the animal feeding facilities that rely on pipelines in the road rights of way alone, we see that they probably comprise around 8-10% of our tax base. The employees of Cox Family Farms, an operation that relies heavily on the pipelines, probably account for around 10% of the students in our schools.

As a county commissioner, I would be concerned if the Legislature merely granted anyone who wanted to an unregulated right to bury pipes in the county road rights of way. HB 2531 strikes the balance that I believe we need in this regard by empowering responsible county commissions with appropriate discretion to protect the public interest and placing the costs of installing, maintaining and moving the pipelines, if needed, on the pipeline owners. At the same time, it wisely limits county commissioners' discretion to keep them from being drawn into controversies they are not the appropriate body to decide—like whether or not a specific project that needs a

pipeline should be built. I urge the passage of HB 2531. A failure to do so would put Phillips County, and other similarly situated counties, in serious jeopardy.