

Jan Wold

Oral Testimony by WebEx in Opposition to HB 2531

Agriculture Committee Hearing

Monday, February 14, 2022 at 3:30pm

I intend to testify orally on my own behalf in opposition to HB 2531 at the Agriculture Committee Hearing on Monday, February 14, 2022 at 3:30pm. I will need to testify virtually on WebEx and can be notified with the necessary information at my email, jestuary@hotmail.com.

Thank you for this opportunity to testify.

My name is Jan Wold. I am testifying for myself. I own 160 acres of farmland in Norton County, about five miles north of Almena. My family has owned this property for well over 100 years. My father was born at the family farm 107 years ago.

Unfortunately a very large hog farm was allowed to be constructed on the adjoining property to the east of my property. There are a number of negative impacts from this hog farm, including impacts to the aquifer and air quality, that I won't get into here. I am in the position of potentially having my property very directly impacted or taken by this proposed House Bill 2531.

I was shocked to hear that the state of Kansas was considering House Bill 2531 that would take away such important private property rights. This House Bill proposes a taking of property rights by the state and county in order to give them to a third party for pipelines for agriculture purposes without review, compensation or agreement of the property owner. I would expect any such pipelines would be carrying either water or more likely, manure.

Even more astounding is that the idea for this legislation apparently was hatched out of a lawsuit in the Alma area, where someone was found guilty by the Court of taking someone else's land for an agriculture pipeline without the owner's permission and without compensation to the owner.

Under normal circumstances the justice system punishes those who unlawfully confiscate private property for their own use. In this case near Alma, the Court found that the unsanctioned and unauthorized trespassing pipeline did constitute a trespass on the private property where it was built. Apparently a jury determined that the value of the use of this private land for the pipeline was \$132,000! Not only did the property owner have rights to control what happened on their own land, but those rights were worth \$132,000.

Generally the government is not allowed to take private property for anything other than a **public use**. The government is certainly not allowed to take property and give it to a private party for their own private use and monetary benefit. The government is also not allowed to take private land without going through eminent domain and a payment to the property owner.

To make things even more egregious, this proposed House Bill is even more absurd as to be back dated to cover a taking (or stealing) of property rights by any private individual previous to this bill being passed. This is basically an effort to make past stealing of property rights “legal” and to eliminate the need for the person illegally taking the land to even have to compensate the actual owner of the property.

I find this proposed bill to be astounding. Who hatched this very surprising idea? My ancestors would have been almost as surprised by this novel idea of taking our family’s property rights on our farmland as they would have been if a dinosaur hatched from one of the chicken eggs they raised on the farm.

In the United States, we generally exercise private property rights or the rights of private persons to accumulate, hold, delegate, rent, sell easements or sell their property. Property rights form the basis for market exchanges. Within a private property rights regime,

individuals need the ability to exclude others from the uses and benefits of their private property.

America's Founders understood clearly that private property is the foundation not only of prosperity but of freedom itself. Thus, through the common law, state law, and the Constitution, they protected property rights — the rights of people to acquire, use, and dispose of property freely. These rights are protected through due process and do not allow private property to be taken for public use without just compensation and being processed through a system of eminent domain.

There is also the potential for environmental and crop damage from third parties digging pipelines, having pipelines break, and the danger of manure being released on food crops and into drainages as could occur on my farmland. There appears to be no mention of any planning or review of pipelines to be placed on other people's private land and no involvement of or input from the actual property owner. Easements would apparently no longer be required.

This proposed legislation forces the transfer of property rights from the property owner who has zero say in how their property is used to the County Commissioners who are basically required to automatically give those rights to any other third party who wants them for free for their own agricultural personal use and profit. The property owner is

not consulted, has no say and is not compensated. Normally, if this were being done for some public use, it would have to go through an eminent domain process and compensation would have to be provided. There will also be a great deal of expensive litigation if this House Bill were ever enacted.

It is incredible that the actual property owner is not even mentioned in this proposed legislation. More incredible is that this bill blanket pardons anyone who has basically stolen property rights for their own personal agricultural use and profit in the past and eliminates the need for compensation for this theft.

It appears to me that the best approach is to keep your names off of House Bill 2531 and kill it in this committee before it causes any more embarrassment to each of you, the committee and the state of Kansas. This is lunacy and the sooner you kill it the better.

Thank you,

Jan Wold
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