

Approved

3/14/84 Fred Kerr  
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Senator Fred Kerr at  
Chairperson

10:00 a.m./~~p.m.~~ on Tuesday, March 13, 1984, 19   in room 423-S of the Capitol.

All members were present except: Senator Ross Doyen (E)  
Senator Ed Reilly (E)

Committee staff present: Raney Gilliland, Research Department  
Jim Wilson, Revisor's office

Conferees appearing before the committee: Representative Marvin Smith

Senator Allen moved the March 1, 1984 minutes be approved, seconded by Senator Montgomery. Motion carried.

HOUSE BILL 2839 - Senator Kerr called on Representative Smith, sponsor of House Bill 2839, who distributed Attachment 1. Representative Smith stated the House Agriculture and Livestock Committee had amended the bill to apply to only land excavated for limestone mining or quarrying purposes. The penalty would be a civil offense, not criminal. Answering Senator Gannon's inquiry, the bill would not be retroactive but effective when published in the statute book. In response to another question by Senator Gannon, Representative Smith felt the \$1,000 penalty, plus actual damages and reasonable attorney fees, would get the attention of the excavators.

As to Senator Karr's inquiry if this is a zoning problem, Representative Smith stated he did not know but said he was happy with the bill as it left the House. Answering an inquiry of Senator Karr as to who would enforce the law, Revisor Jim Wilson stated any litigation would be the responsibility of the land-owner.

Answering Senator Karr's inquiry as to what kind of laws we have regarding strip or coal mines, Jon Wilson, attorney for the KCC, stated he is the attorney for the mined-land reclamation board and the laws apply to coal mining only.

After further discussion, Senator Norvell moved House Bill 2839 be recommended favorably, seconded by Senator Montgomery. Motion carried.

The meeting was adjourned.

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SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

10:00 a.m., Room 423-S

Tuesday, March 13, 1984

Date

NAME

ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
Jon Wilson	Topeka, Ks.	KCC
Ainos Kravur	" "	KPC
Serald Riley	Righter, Ks	KAWG.

STATE OF KANSAS

MARVIN E. SMITH  
REPRESENTATIVE, FIFTIETH DISTRICT  
SHAWNEE AND JACKSON COUNTIES  
123 N. E. 82ND STREET  
TOPEKA, KANSAS 66617



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER AGRICULTURE AND LIVESTOCK  
COMMERCIAL AND FINANCIAL  
INSTITUTIONS  
FEDERAL AND STATE AFFAIRS

HB 2839

Property rights are guaranteed in the constitution - but are lacking in full protection under certain conditions.

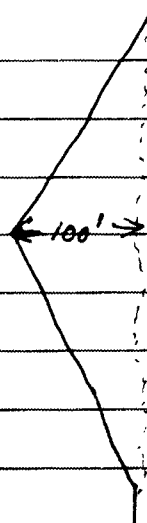
Some areas of our state the soils have a tendency to slip, when excavation occurs.

We have some examples of rock quarries and fill dirt (mining) that have created a loss of property on the adjacent landowner.

HB 2839 provides it is wrong to cause excavation by not less than setback determined by depth of the excavation formula. The bill provides for each one foot of depth - one foot set back.

We have an example of a rock quarry about 20 years ago which set back about 30 feet from property line. Then they went down approximately 200'. Now the land or the adjacent property has slipped approximately 100' back from the property line. Thus denying the use of approximately 1 acre of land.

*The fence prior the rock quarry was a straight line along the property line*



*The fence 20 years later*

So, if excavation going down 100' then they must stay back 100'. Now for those areas where soils are stable and this appears too punitive. Maybe an amendment allowing for variance signed by parties involved prior to excavation.

*Atch. 1*