Session of 2025

HOUSE BILL No. 2363

By Committee on Agriculture and Natural Resources Budget

Requested by Representative Bloom

2-7

AN ACT concerning conservation easements; requiring review by city or county planning commissions and approval by the city or county governing body; amending K.S.A. 58-3811 and repealing the existing section.

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

Section 1. K.S.A. 58-3811 is hereby amended to read as follows: 58-3811. *Subject to subsection (g):* (a) A conservation easement may be created only by the record owner of the surface of the land specifically stating the intention of the grantor to create such an easement under this act.

(b) Except as otherwise provided in this act, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements.

(c) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

(d) Except as provided in ~~subsection (b) of~~ K.S.A. 58-3812*(b)* and unless the instrument creating it otherwise provides, a conservation easement shall be limited in duration to the lifetime of the grantor and may be revoked at grantor's request.

(e) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a grantor of the conservation easement.

(f) A conservation easement may not be conveyed or assigned by a holder to any entity or person other than a city or county of this state, an entity enumerated by ~~subsection (b)(2) of~~ K.S.A. 58-3810*(b)(2)* or the grantor thereof or such grantor's heirs.

(g) In order to minimize conflicts with land-use planning, each proposed conservation easement shall be approved by the appropriate board of county commissioners or city governing body.

When a proposed conservation easement is located on property outside the planning jurisdiction of a city, the board of county commissioners shall

refer the proposed conservation easement to the county planning commission for review. The planning commission shall hold a public hearing within 60 days of the receipt of the proposed conservation easement regarding the conformity of the proposed easement to the comprehensive plan for the county. If the planning commission fails to act within 60 days, the proposed acquisition shall be deemed approved by the county planning commission and the matter shall be considered by the board of county commissioners.

If the property is located partially or entirely within the boundaries or the zoning jurisdiction of a city, the governing body of the city shall refer the proposed conservation easement to the city planning commission for review and recommendation. If the planning commission fails to act within 60 days, the proposed acquisition shall be deemed approved by the city planning commission and the matter shall be considered by the city governing body.

A proposed conservation easement may be denied by the appropriate city or county governing body upon a finding that the proposed conservation easement is not in the public interest when the conservation easement and is inconsistent with:

(1) The comprehensive plan for the area in force at the time of the conveyance;

(2) any national, state, regional or local program furthering conservation or preservation; or

(3) any known proposal by a governmental body of the city or county for use of the land.

Sec. 2. K.S.A. 58-3811 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.