DUCKS UNLIMITED

OPPONENT TESTIMONY ON HB 2363
MIKE BULK, KANSAS DUCKS UNLIMITED VOLUNTEER STATE POLICY CHAIR
KANSAS HOUSE COMMITTEE ON LOCAL GOVERNMENT
FEBRUARY 9, 2026

Good morning, Mr. Chairman and members of the Committee. My name is Mike Bulk and I am a Ducks Unlimited volunteer from Sabetha, Kansas. I have been involved with Ducks Unlimited for over 20 years, currently serving as the State Policy Chair and also on the National Public Policy Committee. I'm here today to testify in opposition to HB 2363 on behalf of our nearly 14,000 Kansas DU members and over 750,000 members nationwide. If enacted, HB 2363 would severely restrict the use of conservation easements, infringe upon property rights, add additional government red-tape, increase government bureaucracy, and prevent landowners from accessing an important land conservation instrument and financial tool.

Ducks Unlimited is a science-based conservation organization working to protect wetlands for waterfowl, wildlife and people. Through voluntary incentive-based programs, we've worked hand in hand with Kansas landowners to conserve habitat and improve working farms and ranches. One of our most important tools for protecting wetlands is to enter into conservation easements with a willing landowner. In Kansas, where nearly 98% of the land is privately owned, easements are the primary mechanism for providing wildlife habitat. Conservation easements are so critical to wildlife habitat and hunting that recently, the National Association of Sportsmen's Caucuses Executive Council adopted a resolution supporting conservation easements. That resolution is attached to my testimony for your review.

Conservation easements are non-regulatory, voluntary, incentive-based contracts, the terms of which are agreed upon by the landowner, for the conservation of natural, agricultural and historical resources on private land. These easements allow landowners to continue farming and ranching while receiving income from lands that are marginal for cropping or grazing but offer outstanding waterfowl values. HB 2363 is, quite simply, government overreach, which would impose an unnecessary and unpredictable layer of review upon the exercise of an important private property right. HB 2363 could create a patchwork of enforcement and interpretations across 105 Kansas counties. This would result in crippling financial uncertainties for Kansans trying to manage their operations and monetize their land.

Conservation easements provide landowners with multiple financial benefits, which would all be jeopardized by HB 2363. In addition to income from the sale of the conservation easement, there are also potential federal income tax deductions available to landowners who donate an easement. If House Bill 2363 is enacted, these popular programs could be taken away from KS landowners by the local government and thus potential income and federal tax deductions would be denied. HB 2363 could also negatively impact landowners who wish to enroll their properties in certain programs with the U.S. Department of Agriculture, including the Federal grassland and wetland easement programs that are important sources of farm and ranch income while protecting soils, water quality and wildlife habitat.

Of course easements aren't for everyone. But the fundamental question in front of the committee today is, "should government infringe upon an individual's personal property rights?" The ability to enter into an agreement between a willing buyer and willing seller is a fundamental private property right which should not be restricted by state or local government. It is this very fundamental right which HB 2363 threatens.

In closing, I'd like to thank the committee for your hard work and thoughtful deliberations on this important issue. We respectfully ask members of this committee to "vote no" on HB 2363.

November 26, 2025

National Assembly of Sportsmen's Caucuses (NASC) Executive Council Resolution Regarding the Importance of Voluntary Conservation Easements

Whereas, conservation easements provide important wildlife habitat on our nation's private lands, supporting opportunities for hunters by increasing available habitat for iconic game species while providing many other environmental benefits; and,

Whereas, conservation easements are a completely voluntary, free-market, incentive-based contract – the terms of which are agreed upon by the landowner – for the conservation of natural, agricultural and historical resources on private land; and,

Whereas, conservation easements protect private property rights and enable landowners to monetize the environmental and habitat values of their land; and,

Whereas, perpetual easements ensure that conservation values are managed forever while providing landowners with clearly defined assurances through written easement contracts; and,

Whereas, conservation easements enable agricultural producers to maintain and expand their operations and pass their land on to their heirs, if they so choose, while benefitting rural economies by keeping private land in agricultural production; and,

Whereas, conservation easements provide capital that enables landowners to grow or maintain agricultural operations or reinvest in the landscape.

Now, therefore, be it resolved by the undersigned members of the National Assembly of Sportsmen's Caucuses Executive Council:

That the Executive Council supports the availability of termed and perpetual conservation easements as an important tool designed to promote conservation practices on private lands while rewarding landowners for their voluntary participation; and,

That efforts to undermine the terms of existing contracts undermine their intent as agreed to by the landowner who chose to enroll the property in an easement program utilizing their property

rights at the time the agreement is made, selling certain land use rights rather than the entire property; and,

That the rights of future generations are important considerations for current landowners, highlighting the importance for families to discuss property decisions, rather than undermining the availability of perpetual conservation easements and their history of success.

This resolution is supported and signed by the following active members of the 2025 National Assembly of Sportsmen's Caucuses Executive Council:

NASC Executive Council President & State Representative Jeffrey Wardlaw (Arkansas)
NASC Executive Council Vice President & State Senator Pat Brennan (Vermont)
NASC Executive Council Secretary & State Senator Jack Bailey (Maryland)
State Representative Nick Archer (Oklahoma)
State Representative C. Scott Bounds (Mississippi)
State Representative Bobby Cox (South Carolina)
State Representative Jesse Chism (Tennessee)
State Representative Amos O'Neal (Michigan)
State Representative Bruce Sassmann (Missouri)
State Senator Robin Webb (Kentucky)
State Representative Steve Wood (Maine)
State Representative Jerome Zeringue (Louisiana)