KANSAS LIVESTOCK ASSOCIATION

Since 1894

Date: February 9, 2026

To: House Committee on Local Government
Rep. Emil Bergquist, Chair

From: Taylor Nikkel, Director of Stockgrowers Division, Kansas Livestock Association

Re: **HB 2363 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.**

Position: Opponent, In-Person

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,600 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chair Bergquist and members of the Committee, for allowing the Kansas Livestock Association (KLA) the opportunity to share our views on HB 2363. KLA opposes HB 2363 because it authorizes local units of government to interfere with voluntary agreements between private landowners and private conservation organizations or government agencies who are currently authorized by law to accept and administer conservation easements.

The "uniform conservation easement law", provided for in K.S.A 58-310 to K.S.A 58-317 was enacted by the Kansas Legislature in 1992. This act provides for how (a) how a conservation easement may be created; (b) the duration of a conservation easement; (c) who may bring action affecting a conservation easement; (d) the validity of a conservation easement; and (e) when a conservation easement may be trumped by eminent domain. HB 2363 adds a new layer of bureaucracy by giving boards of county commissioners or city governing bodies authority to deny the granting of a private conservation agreement.

A conservation easement is a legally recorded agreement or contract, between the landowner and a nonprofit land trust organization or government agency. The conservation easement limits a property's uses to protect its conservation values, which are usually stated in the conservation easement. A landowner who denotes or sells a conservation easement retains ownership of the property and continues to determine who may have access and how and when the property can be sold or transferred. The provisions limiting the use of the land encumbered by a conservation easement vary, depending on the purpose of the conservation easement. Conservation easement transactions designed for federal tax benefits and USDA payments, typically are perpetual.

In 2003, KLA founded the Ranchland Trust of Kansas (RTK) and it has since transitioned into a separate, stand-alone organization with a mission of preserving Kansas' ranching heritage and open spaces for future generations through the conservation of working landscapes. To date, RTK has partnered with landowners across the state to conserve over 18,574 acres and preserve the agricultural legacy of the land.

There are many reasons a landowner may seek to be granted a conservation easement. Some landowners utilize it as a succession planning tool; it allows them to leverage the development value of their property and/or generate funds needed to grow their farm or ranch operations. Others see it as a way to preserve the agricultural legacy of the family by conserving the land and its use for the future. In these instances, conservation easement grantors seek the assistance of grantees like RTK.

KLA does not believe that any unit of government should interfere with decisions made by private landowners, especially when the granting of a conservation easement is designed to conserve its current use. Allowing local units of government to decide what a landowner shall do with their property, greatly infringes on that landowner's property rights.

Thank you for the opportunity to submit KLA's views to the Committee. We ask that the Committee not advance HB 2363.