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300 SW TENTH AVENUE ▪ SUITE 24-E ▪ TOPEKA, KS 66612 ▪ (785) 296-2321

MEMORANDUM

To: Chairperson Bergquist
Members of the House Committee on Local Government

From: The Office of Revisor of Statutes

Date: February 9, 2026

Subject: HB 2363 – Requiring conservation easements to be approved by the appropriate municipal governing body.

House Bill No. 2363 (HB 2363) would amend K.S.A. 58-3811 regarding conservation easements. A conservation easement is a voluntary agreement by a landowner to limit the use of the land to preserve its conservation value. Current law allows for the creation of such easements and provides for their duration and transferability. HB 2363 would add a new requirement that any proposed conservation easement be approved by the appropriate planning commission before it is granted.

New subsection (g) to K.S.A. 58-3811 would require the landowner to submit the proposed conservation easement to either the governing body of the city, if the land is located in whole or in part within the boundaries of such city, or to the board of county commissioners of the county, if the land is located wholly outside the boundaries of any city. Each respective governing body is then directed to refer the proposed conservation easement to their planning commission. The planning commission then has 60 days to review the proposal for conformity with the comprehensive plan for such municipality. If the planning commission does not act within 60 days, the proposed conservation easement will be considered approved and referred to the governing body for consideration.

The governing body of a city or the board of county commissioners may deny a conservation easement if such easement is inconsistent with:

- The comprehensive plan for the area in force at the time of the conveyance;
- Any national, state, regional or local program furthering conservation or preservation; or

- Any known proposal by a governmental body of the city or county for use of the land.

If enacted, HB 2363 would become effective on July 1, 2026.