Honorable Emil Bergquist, Chairman of Local Government & Committee:

Kansas HB 2363 is a bill that breaks conservation easement rules in KS. It doesn't create them, it adds Local Govt oversight. This is a bill that simply makes them fair:

The bill requires any new conservation easement to be reviewed by County or City Planning Commission with a public hearing and then approved or denied by County Commissioners or City Council; the goal is to avoid clashing with local land use plans. It also changes things so unless document says otherwise, the easement lasts only the grantors lifetime and can be worked by them-basically making them non-perpetual by default, which is a big shift from the usual "forever deal".

On whom can hold them by KS current law (and the bill keeps this), they're held by qualified organizations like private non-profit land trusts. Think KS Land Trust or Ranchland Trust of KS, Govt. agencies, local state or federal, or some other entities focused on conservation. Landowners donate or sell easements to these holders, who then enforce restrictions forever. It's not someone "buys up" land outright; the landowner keeps the Title and use, farming, ranching, etc... But development rights are given away or sold.

The biggest problem people raise against perpetual conservation easements:

They tie up land farmers. Future generations or owners can't change uses, even if it needs shift like climate, family needs, or better technology. Critics say it's undemocratic to lack in decisions for centuries. Property rights hit and it reduces the land's market value and flexibility. Heirs might feel stuck or lose potential income from development. It's a backdoor way to control land without paying full price. If development is blocked, counties lose potential property tax revenue from higher value uses. Then there's enforcement issues-who pays to monitor and enforce "forever". Land trusts can struggle long-term. Then, there's the problem of abuse potential, in some cases, used for big tax breaks without real conservation benefit and can put a lien on it.

The key points here are use of future flexibility, reduced property rights, and how perpetuity can feel like permanent Govt or NGO control over our private land. HB 2363 is aimed at giving locals more say to rein therein. It will forever, once signed, NO matter what; Future owners, kids and grandkids can't adapt to farming changes, market shifts, or the family needs cash from selling development rights. It's unfair to generations who didn't agree with it. Property rights take a hit; You keep the deed, but easement slashes the lands value big time. It limits what you can build or mine and it lets the holder (usually a non-profit land trust) come inspect, enforce, even sue if you violate. It feels like you are a tenant on your own property.

Also 3rd Party Control, who buys or holds them? Not random people or qualified people are most likely private non-profits like the KS Land Trust, or Ranchland Trust of KS. They're the ones who "buy" the easement (often for a payment or tax deduction credit) and then enforce it. Sometimes Gov. Agencies like USDA or local conservation Districts slip in too. But land trusts

are the main players and opponents say they're unaccountable. We have no strong state oversight on monitoring; they can collect fees and get tax perks.

Counties lose tax revenues when land can't develop into higher value stuff and there's abuse potential, like shady tax schemes where people overvalue the value for tax deductions. Plus, change climate, new technology…the rigid rules can change without court fights.

HB2363 tries to fix some of these things by forcing local review; County or city must approve new easements after a public hearing, so locals get a say instead of outsiders dictating.