

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 538

As Amended by Senate Committee of the Whole

Brief*

SB 538, if enacted, would amend an existing statute relating to the State Conservation Commission to add to the duties and powers of the Commission facilitation of the conservation of private farm and ranch lands through grants to eligible entities for the administration and purchase of perpetual conservation easements on eligible lands.

The bill would create five new statutes that would establish a Kansas Farm and Ranch Land Protection Program that would be administered by the State Conservation Commission for the purpose of limiting the loss of agricultural land to nonagricultural uses. One of the new statutes that would be created by the bill defines terms applicable to the program, including "conservation easement" and "eligible farm and ranch land." Under the bill, "eligible farm and ranch lands" would mean cropland, rangeland, grassland and pastureland, as well as wetlands and forestland which:

- Is an incidental part, less than 50 percent, of an agricultural operation on a farm or ranch;
- Has at least 50 percent of some combination of prime, unique or statewide important soil or contains historical or archaeological resources;
- Is located at least five miles outside any city having a population of 35,000 or more, or is located within a buffer area of:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- A military installation or facility under the supervision of the United States Secretary of the Army or the United States Secretary of the Air Force; or
- A military installation or facility under the supervision of the Kansas National Guard; and
- Is subject to a pending offer for purchase of a permanent conservation easement from an eligible entity.

Pursuant to the bill, the Conservation Commission could make matching grants to be offered in cooperation with federal agencies or private entities to eligible not-for-profit organizations for the administration, costs, and purchase of permanent conservation easements on eligible farm and ranch lands. The Commission could not be the holder of a conservation easement but would be authorized to adopt rules and regulations to implement the new program. The bill sets out the steps eligible entities would be required to take to receive grants and the criteria to be followed by the Commission in ranking and evaluating grant applicants.

The bill would establish a new fund in the State Treasury to be known as the Kansas Farm and Ranch Land Protection Program Fund into which all monies received by the program are to be deposited by the State Treasurer.

Background

At the Committee hearing on SB 538, representatives of the Kansas Livestock Association, the Kansas Land Trust, the Kansas Livestock Association Ranch Land Trust, the Nature Conservancy of Kansas, the State Conservation Commission, and the Army Central Regional Environmental Office appeared in support of the bill. No one appeared in opposition.

The Senate Committee of the Whole amended the definition of the term “eligible farm and ranch lands” by adding the provision to include those lands located at least five miles outside any city having a population of 35,000 or more, or located within a buffer area of a military installation or facility under the supervision of the United States Secretary of the Army or the United States Secretary of the Air Force, or a military installation or facility under the supervision of the Kansas National Guard.

No fiscal note was available at the time of Senate Committee on Natural Resources action.

According to the fiscal note prepared by the Division of the Budget, the State Conservation Commission said that existing funds would be used for possible program expenditures in FY 2009; however, if the program were to grow substantially, the Commission may need to request additional appropriations in future years to cover administrative expenses. Administrative expenses would include legal consultation fees associated with the review and processing of all easement applications.