

Testimony, March 14, 2012

Conservation Easements

I appreciate the opportunity to speak with you today on this issue.

How many of you know anything about Agenda 21 or Sustainable Development?
My guess is not many of you.

First, there have always been easements. Real Estate law allows a parcel to be leased for up to 99 years, but there is an end point. There are also situations for example, where Mr. Brown allows Mr. Smith to use his driveway for access to his property when Mr. Smith would otherwise not have access. Conservation Easements are entirely different.

One of the prime targets of the Sustainability movement is the acquisition and control of private property of this country and its natural resources contained within. Conservation Easements provide the tools to legally take land and ultimately transfer it to the federal government under the guise of preserving it for future generations, protecting wildlife etc. while being provided tax benefits.

The problem is that these Conservation Easements are FOREVER. They cannot be severed. This is the trap a property owner doesn't realize until it is too late unless they have hired a good attorney to help them overcome pitfalls.

The private property is handled by a Land Trust, whose only objective is sales and who are not obligated to reveal everything to the prospective property owner.

Once a contract is signed, the property owner is responsible for all the care and compliance of that contract. Once signed, they have released to the Land Trust the 'controlled' use of that land and development rights. They are unable to do anything on that land that might go against that contract, but they are obligated to pay taxes on it although the land is no longer theirs although they still have the 'title' to said property.

Should the owner have a financial reason to try to sell, they discover that the property cannot be divided. Prospective buyers for such easement encumbered land are very limited. The land is hard to get rid of.

A Conservation Easement can only be extinguished when the holding entity (Land Trust) becomes the FULL owner. That Land Trust will be more than happy to buy it at a greatly reduced price, then the Trust can remove the restrictions and sell it at a much higher price. Remember, the Trust is a non-profit, non-taxpaying entity, so what they can do is legal.

What we have here is that the American taxpayer is picking up the cost of these transactions on both ends; financing the tax write-offs and the ultimate government land purchase. Necessarily, the local government has lost revenue with the removal of private taxpaying property from their rolls.

Our country is experiencing a major historical shift in land ownership, its uses, resources and wealth. Two other shifts were acquisition for our railroads and the Homestead Act. Conservation Easements will end up changing our form of government, from one of personal Property Rights to our government owning most of this country's land. (See map provided)

The bottom line is that there **MUST** be a deadline on these Conservation Easements. They must not be allowed to be permanent. I support HB 2587.

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