

SENATE BILL No. 425

By Committee on Ways and Means

2-9

1 AN ACT concerning counties; relating to conservation easements;
2 amending K.S.A. 58-3811 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 New Section 1. (a) The board of county commissioners of any county
6 is hereby authorized to regulate the granting of conservation easements on
7 property located within such county. If such property is located in more
8 than one county, the board of county commissioners of all counties where
9 such property is located shall agree on each regulation pertaining to such
10 property.

11 (b) For the purposes of this section:

12 (1) "Conservation easement" has the meaning ascribed thereto in
13 K.S.A. 58-3810, and amendments thereto; and

14 (2) "regulate" means to adopt, by resolution, a standard, requirement
15 or other policy pertaining to the duration, type, process, procedure or
16 category of property eligible for a conservation easement.

17 Sec. 2. K.S.A. 58-3811 is hereby amended to read as follows: 58-
18 3811. (a) A conservation easement may be created only by the record
19 owner of the surface of the land specifically stating the intention of the
20 grantor to create such an easement under this act.

21 (b) Except as otherwise provided in this act *and section 1, and*
22 *amendments thereto*, a conservation easement may be created, conveyed,
23 recorded, assigned, released, modified, terminated or otherwise altered or
24 affected in the same manner as other easements.

25 (c) No right or duty in favor of or against a holder and no right in
26 favor of a person having a third-party right of enforcement arises under a
27 conservation easement before its acceptance by the holder and a
28 recordation of the acceptance.

29 (d) Except as provided in ~~subsection (b) of~~ K.S.A. 58-3812(b), *and*
30 *amendments thereto*, and unless the instrument creating it otherwise
31 provides, a conservation easement shall be limited in duration to the
32 lifetime of the grantor and may be revoked at grantor's request.

33 (e) An interest in real property in existence at the time a conservation
34 easement is created is not impaired by it unless the owner of the interest is
35 a grantor of the conservation easement.

36 (f) A conservation easement may not be conveyed or assigned by a

1 holder to any entity or person other than a city or county of this state, an
2 entity enumerated by ~~subsection (b)(2) of~~ K.S.A. 58-3810(b)(2), *and*
3 *amendments thereto*, or the grantor thereof or such grantor's heirs.

4 Sec. 3. K.S.A. 58-3811 is hereby repealed.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.