

**Testimony on SB 425 relating to Conservation Easements
To
The Senate Committee on Natural Resources**

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SB 425 seeks to allow boards of county commissions to regulate granting of conservation easements on property located within such counties. **The Department opposes the provisions contained in the bill.** The provisions of the bill would be effective upon publication in the statute book.

Conservation easements are one of the most valuable tools in the toolbox for the conservation and protection of natural resources. Kansas is home to over one hundred-forty species of fish, eighty species of amphibians and reptiles, over four hundred species of birds, almost ninety species of mammals and thousands of species of invertebrates. Most of these animals are doing relatively well, but some are in trouble and hence, the need at times to protect and preserve these species and their habitat. In addition, long term protection of management practices is critical for a variety of publicly funded efforts to protect water quality, control soil erosion, implement flood protection efforts and provide protection for our reservoirs. All of those efforts require a variety of tools to be effective and meet the needs of both the program and the cooperating landowners. Taking away this tool unnecessarily limits those options and invites federal intrusion into the lives of Kansans due to the inadequacy of state resource protection options.

This bill will have other far reaching consequences. It creates inconsistency in the application of conservation easements by allowing decisions to approve or disapprove and otherwise regulate at the county level. In a state that is ninety-seven percent privately owned, the bill is an onerous direct assault on private property rights. And finally, the bill makes estate planning, one of the most valuable tools for ensuring land transfer to heirs and receive tax benefits, unstable and unreliable. It is poor public policy at best, potentially creating other unintended consequences.

In summary, the current law in Kansas with regard to conservation easements is adequate and serves the needs of many, if not all, Kansans. This bill is yet another solution in search of a problem. **The Department appreciates the support of the Committee in opposing the bill.**