

SENATE BILL No. 538

By Committee on Natural Resources

2-4

10 AN ACT concerning the conservation commission; relating to conser-
11 vation easements; establishing the farm and ranch land protection pro-
12 gram; amending K.S.A. 2-1904 and repealing the existing section.
13

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

15 Section 1. K.S.A. 2-1904 is hereby amended to read as follows: 2-
16 1904. (a) There is hereby established, to serve as an agency of the state
17 and to perform the functions conferred upon it in this act, the state con-
18 servation commission. The state conservation commission shall succeed
19 to all the powers, duties and property of the state soil conservation com-
20 mittee. The commission shall consist of nine members as follows:

21 (1) The director of the cooperative extension service and the director
22 of the state agricultural experiment station located at Manhattan, Kansas,
23 or such persons' designees shall serve, ex officio, as members of the
24 commission.

25 (2) The commission shall request the secretary of agriculture of
26 United States of America to appoint one person and the secretary of the
27 Kansas department of agriculture to appoint one person, each of whom
28 shall be residents of the state of Kansas to serve as members of the com-
29 mission. These members shall hold office for four years and until a suc-
30 cessor is appointed and qualifies, with terms commencing on the second
31 Monday in January beginning in 1973.

32 (3) Five members of the state commission shall be elected by the
33 conservation district supervisors at a time and place to be designated by
34 the state conservation commission. The method of electing such members
35 to be conducted as follows: The state is to be divided into five separate
36 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
37 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
38 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
39 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
40 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
41 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
42 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lin-
43 coln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, King-

1 man, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area
2 No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan,
3 Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth,
4 Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson,
5 Morris, Osage, Franklin and Miami. Area No. V to include: Marion,
6 Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Green-
7 wood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
8 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
9 number years and Areas I, III and V shall elect in odd number years for
10 two year terms. The elected commission members from Areas I, III and
11 V shall take office on January 1, of the even number years. The remaining
12 two elected members of the state commission from Areas II and IV shall
13 take office on January 1, of the odd number years. The method of election
14 is to be by area caucus of the district supervisors of each of the five
15 separate areas of Kansas. The commission shall give each district notice
16 of the time and place of such annual election meeting by letter if a mem-
17 ber is to be elected to the commission from that area that year. The
18 selection of a successor to fill an unexpired term shall be by appointment
19 by the commission. The successor who is appointed to fill the unexpired
20 term shall be a resident of the same area as that of the predecessor.

21 (b) The commission shall keep a record of its official actions, shall
22 adopt a seal which seal shall be judicially noticed, and may perform such
23 acts, hold such public hearings and adopt rules and regulations necessary
24 for the execution of its functions under this act.

25 (c) The state conservation commission may employ an administrative
26 officer and such technical experts as it may require and shall determine
27 their qualifications and duties. Such officer and experts shall be in the
28 unclassified service of the Kansas civil service act and shall receive annual
29 salaries fixed by the commission and approved by the state finance coun-
30 cil. All other agents and employees, permanent or temporary, required
31 by the state conservation commission, shall be within the classified service
32 of the Kansas civil service act. The commission may call upon the attorney
33 general of the state for such legal services as it may require. It shall have
34 authority to delegate to its chairperson, to one or more of its members
35 or to one or more agents or employees, such powers and duties as it
36 deems proper. It shall be supplied with suitable office accommodations
37 at the state capital, and shall be furnished with the necessary supplies and
38 equipment. Upon request of the commission, for the purpose of carrying
39 out any of its functions, the supervising officer of any state agency or of
40 any state institution of learning, insofar as may be possible under available
41 appropriations and having due regard to the needs of the agency to which
42 the request is directed, shall assign or detail to the commission members
43 of the staff or personnel of such agency or institution of learning and

1 make such special reports, surveys or studies as the commission may
2 request.

3 (d) The commission shall designate its chairperson and, from time to
4 time, may change such designation. A majority of the commission shall
5 constitute a quorum, and the concurrence of a majority in any matter
6 within their duties shall be required for its determination. Members of
7 the state conservation commission attending meetings of such commis-
8 sion or attending a subcommittee meeting thereof authorized by such
9 commission shall be paid compensation, subsistence allowances, mileage
10 and other expenses as provided in K.S.A. 75-3223, and amendments
11 thereto. The commission shall provide for keeping of a full and accurate
12 record of all proceedings and of all resolutions, regulations and orders
13 issued or adopted.

14 (e) In addition to the duties and powers hereinafter conferred upon
15 the state conservation commission, it shall have the following duties and
16 powers:

17 (1) To offer such assistance as may be appropriate to the supervisors
18 of conservation districts, organized as provided hereinafter, in the carry-
19 ing out of any of their powers and programs;

20 (2) to keep the supervisors of each of the several districts organized
21 under the provisions of this act informed of the activities and experience
22 of all other districts organized hereunder and to facilitate an interchange
23 of advice and experience between such districts and cooperation between
24 them;

25 (3) to coordinate the programs of the several conservation districts
26 organized hereunder;

27 (4) to secure the cooperation and assistance of the United States and
28 any of its agencies and of agencies of this state, in the work of such districts
29 and to contract with or to accept donations, grants, gifts and contributions
30 in money, services or otherwise from the United States or any of its agen-
31 cies or from the state or any of its agencies in order to carry out the
32 purposes of this act;

33 (5) to disseminate information throughout the state concerning the
34 activities and programs of the conservation districts organized hereunder
35 and to encourage the formation of such districts in areas where their
36 organization is desirable;

37 (6) to cooperate with and give assistance to watershed districts and
38 other special purpose districts in the state of Kansas for the purpose of
39 cooperating with the United States through the secretary of agriculture
40 in the furtherance of conservation pursuant to the provisions of the wa-
41 tershed protection and flood prevention act, as amended;

42 (7) to cooperate in and carry out, in accordance with state policies,
43 activities and programs to conserve and develop the water resources of

1 the state and maintain and improve the quality of such water resources;
2 (8) to enlist the cooperation and collaboration of state, federal, re-
3 gional, interstate, local, public and private agencies with the conservation
4 districts; ~~and~~

5 (9) to facilitate arrangements under which conservation districts may
6 serve county governing bodies and other agencies as their local operating
7 agencies in the administration of any activity concerned with the conser-
8 vation of natural resources; *and*

9 (10) *to facilitate the conservation of private farm and ranch lands in*
10 *Kansas through grants to eligible entities for the administration and pur-*
11 *chase of perpetual conservation easements on eligible farm and ranch*
12 *lands.*

13 New Sec. 2. As used in this act:

14 (a) “Commission” means the state conservation commission.

15 (b) “Conservation easement” means a conservation easement, as de-
16 fined in K.S.A. 58-3810, and amendments thereto, which is a permanent
17 deed restriction.

18 (c) “Eligible entity” means any not-for-profit organization that is an
19 organization as described in section 170(h)(3) of the internal revenue
20 code of 1986.

21 (d) “Eligible farm and ranch lands” means cropland, rangeland, grass-
22 land and pastureland, as well as wetlands and forestland which: (1) Is an
23 incidental part, less than 50%, of an agricultural operation on a farm or
24 ranch; (2) has at least 50% of some combination of prime, unique or
25 statewide important soil or contains historical or archaeological resources;
26 **[(3) is located at least 5 miles outside any city having a population**
27 **of 35,000 or more, or is located within a buffer area of: (A) A mil-**
28 **itary installation or facility under the supervision of the United**
29 **States secretary of the army or the United States secretary of the**
30 **air force; or (B) a military installation or facility under the super-**
31 **vision of the Kansas national guard;]** and ~~(3)~~ [(4)] is subject to a pend-
32 ing offer for purchase of a permanent conservation easement from an
33 eligible entity.

34 New Sec. 3. (a) There is hereby established a Kansas farm and ranch
35 land protection program, to be administered by the commission, for the
36 purpose of limiting loss of agricultural lands to nonagricultural uses.

37 (b) The commission may make available matching grants to be of-
38 fered in cooperation with the United States department of agriculture
39 under the farm and ranch land protection program or the United States
40 department of defense, or any other federal or private entity, to eligible
41 entities for the administration, costs and purchase of permanent conser-
42 vation easements on eligible farm and ranch lands. Such costs may in-
43 clude, but not be limited to, appraisals, surveys, environmental assess-

1 ment reports, easement documentation reports, title searches, title
2 insurance policies, recording fees and escrow fees.

3 (c) The commission may adopt rules and regulations to administer
4 and implement the Kansas farm and ranch land protection program.

5 (d) The commission shall not be the holder of conservation
6 easements.

7 New Sec. 4. To receive grants pursuant to the Kansas farm and ranch
8 land protection program, eligible entities must make application to the
9 commission in the manner prescribed by the commission and shall pro-
10 vide to the commission:

11 (1) Documentation from the internal revenue service that the entity
12 meets the requirement of subsection (c) of section 2, and amendments
13 thereto;

14 (2) a copy of the conservation easement agreement negotiated with
15 the United States department of agriculture, United States department
16 of defense or other public agency or private entity and the landowner of
17 the property for which funding is sought;

18 (3) a written statement that creation and recordation of appropriate
19 deed restrictions will occur upon disbursement of the funds to the
20 landowner;

21 (4) a written agreement to implement the terms of the conservation
22 easement and to report the status of the conservation easement as the
23 commission deems necessary; and

24 (5) any other relevant information the commission deems necessary
25 to assure the appropriate use of grant funds.

26 New Sec. 5. (a) The commission shall evaluate and rank each appli-
27 cation based upon the following criteria:

28 (1) Contiguous acres of farm and ranch land to be conserved and its
29 ability to economically sustain agricultural activities;

30 (2) historic agricultural use and condition of the property;

31 (3) location of the property within a buffer area of: (A) A military
32 installation or facility under the supervision of the United States secretary
33 of the army or the United States secretary of the air force; or (B) a military
34 installation or facility under the supervision of the Kansas national guard;

35 (4) location of the property in proximity to land protected by conser-
36 vation easement or protected from development because of ownership;

37 (5) imminent threat of development for residential or commercial
38 purposes;

39 (6) commitment of eligible entity and landowner to the long-term
40 conservation of the property; and

41 (7) other factors the commission deems critical for fulfillment of the
42 purposes of this act.

43 (b) Upon completion of the evaluations and rankings, the commission

1 shall timely award funds to successful applicants.

2 New Sec. 6. (a) There is hereby established in the state treasury the
3 farm and ranch land protection program fund. All moneys received by
4 the Kansas farm and ranch land protection program shall be remitted to
5 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
6 and amendments thereto. Upon receipt of each such remittance, the state
7 treasurer shall deposit the entire amount in the state treasury to the credit
8 of the farm and ranch land protection program fund. Moneys in the fund
9 shall be expended only for the administration, costs and the purchase of
10 permanent conservation easements on agricultural lands. Moneys may be
11 used for matching grants with federal agencies or private entities to con-
12 serve agricultural lands, but may not be used to acquire fee title to land.

13 (b) On or before the 10th of each month, the director of accounts
14 and reports shall transfer from the state general fund to the farm and
15 ranch land protection program fund interest earnings based on: (1) The
16 average daily balance of moneys in the agricultural land conservation pro-
17 gram fund for the preceding month; and (2) the net earnings rate for the
18 pooled money investment portfolio for the preceding month.

19 (c) All expenditures from the farm and ranch land protection program
20 fund shall be made in accordance with appropriation acts upon warrants
21 of the director of accounts and reports issued pursuant to vouchers ap-
22 proved by the chairperson of the commission, or a person designated by
23 the chairperson, for the purposes set forth in this section.

24 Sec. 7. K.S.A. 2-1904 is hereby repealed.

25 Sec. 8. This act shall take effect and be in force from and after its
26 publication in the statute book.