

**HOUSE BILL No. 2141**

By Committee on Energy and Utilities

2-3

1 AN ACT concerning property; relating to instruments conveying interests  
2 in wind or solar resources; amending K.S.A. 58-2272 and repealing  
3 the existing section.

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

6 Section 1. K.S.A. 58-2272 is hereby amended to read as follows: 58-  
7 2272. (a) Every instrument that conveys any estate or interest created  
8 by any lease or easement involving wind *or solar* resources and  
9 technologies to produce and generate electricity shall include:

10 ~~(a)~~ (1) A description of the real property subject to the easement and  
11 a description of the real property benefitting from the wind *or solar* lease  
12 or easement;

13 ~~(b)~~ (2) a description of the vertical and horizontal angles, expressed  
14 in degrees, and distances from the site of the wind *or solar* power system  
15 in which an obstruction to the wind *or solar power system* is prohibited or  
16 limited;

17 ~~(c)~~ (3) all terms or conditions under which the lease or easement is  
18 granted or may be terminated, except that if the instrument is recorded  
19 under K.S.A. 58-2221, and amendments thereto, any compensation  
20 received by the owner of the real property may be excluded; and

21 ~~(d)~~ (4) any other provisions necessary or desirable to execute the  
22 instrument.

23 (b) *No interest in any resource located on a tract of land and solely*  
24 *associated with the production or potential production of wind or solar-*  
25 *generated energy on the tract of land may be severed from the surface*  
26 *estate except that such rights may be leased for a definite term. Leasing*  
27 *arrangements for development of wind or solar power systems may be*  
28 *made only with the legally authorized owner of the surface estate*  
29 *pursuant to the restrictions provided by this act or otherwise provided by*  
30 *law.*

31 (c) *The provisions of this act shall not apply to any property owner*  
32 *utilizing wind or solar energy power systems for domestic use only or to*  
33 *any tract of land severed prior to July 1, 2011.*

34 Sec. 2. K.S.A. 58-2272 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.

