

As Amended by Senate Committee

Session of 2014

SENATE BILL No. 323

By Committee on Ways and Means

1-29

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

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 58-3811 is hereby amended to read as follows: 58-
6 3811. (a) A conservation easement may be created only by the record
7 owner of the surface of the land specifically stating the intention of the
8 grantor to create such an easement under this act.

9 (b) Except as otherwise provided in this act, a conservation easement
10 may be created, conveyed, recorded, assigned, released, modified,
11 terminated or otherwise altered or affected in the same manner as other
12 easements.

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

17 (d) Except as provided in subsection (b) of K.S.A. 58-3812, *and*
18 *amendments thereto*, and unless the instrument creating it otherwise
19 provides, a conservation easement shall be limited in duration to the
20 lifetime of the grantor and may be revoked at *such* grantor's request.
21 *Except as provided in subsection (b) of K.S.A. 58-3812, and amendments*
22 *thereto, conservation easements created on and after July 1, 2014;:*

23 ***(1) Shall be limited in duration to 50 years, or if the grantor is a***
24 ***natural person shall terminate upon the death of the grantor or upon a***
25 ***specified term of years contained in the instrument creating such***
26 ***easement, whichever occurs first; or***

27 ***(2) for the purpose of compensatory mitigation required under***
28 ***section 404 of the clean water act (33 U.S.C. § 1251 et seq.) as in effect***
29 ***on July 1, 2014, shall be limited in duration to the life of the project.***

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

33 (f) A conservation easement may not be conveyed or assigned by a
34 holder to any entity or person other than a city or county of this state, an
35 entity enumerated by subsection (b)(2) of K.S.A. 58-3810, *and*
36 *amendments thereto*, or the grantor thereof or such grantor's heirs.

1 Sec. 2. K.S.A. 58-3811 is hereby repealed.

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