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

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

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

(b) For the purposes of this section:

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

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

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

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

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

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

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

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

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 K.S.A. 58-3811 is hereby repealed.

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