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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1673

March 12, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to natural resources; establishing long-term land management account;
1.3 requiring contributions; proposing coding for new law in Minnesota Statutes,
1.4 chapter 84C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[84C.021] CONSERVATION EASEMENT PURPOSE STATEMENT.**

1.7 A conservation easement executed on or after July 1, 2009, that is purchased in
1.8 whole or in part with state funds, must include a statement of the conservation purposes of
1.9 the easement including the conservation attributes associated with the real property and
1.10 the benefit to the general public intended to be served by the restriction on uses of the real
1.11 property subject to the conservation easement.

1.12 Sec. 2. **[84C.06] LONG-TERM LAND MANAGEMENT ACCOUNT.**

1.13 Subdivision 1. **Account established.** A long-term land management account is
1.14 established in the special revenue fund. The commissioner of finance shall credit to the
1.15 long-term land management account the contributions required under subdivision 2 and
1.16 any gifts and donations made to the account.

1.17 Subd. 2. **Contributions required.** (a) A holder of a conservation easement executed
1.18 on or after July 1, 2009, that is purchased in whole or in part with state funds, shall
1.19 contribute five percent of the appraised value of the land to the long-term land management
1.20 account established in subdivision 1 within 30 days of purchasing the easement.

1.21 (b) A holder of a conservation easement that transfers a conservation easement to the
1.22 state on or after July 1, 2009, shall contribute five percent of the appraised value of the land

2.1 to the long-term land management account established in subdivision 1 within 30 days of
2.2 transferring the easement unless the contribution requirement has been met by the state.

2.3 (c) The owner of land acquired in fee title purchased in whole or in part with state
2.4 funds for natural resource purposes, including lands acquired by the commissioner of
2.5 natural resources and lands acquired to restore, protect, and enhance wetlands, prairies,
2.6 forests, habitat, water quality, and other natural resources, shall contribute five percent of
2.7 the appraised value of the land to the long-term land management account established in
2.8 subdivision 1 within 30 days of purchasing the land.

2.9 (d) The owner of land acquired in fee title purchased in whole or in part with state
2.10 funds for natural resource purposes, including lands acquired by the commissioner of
2.11 natural resources or lands acquired to restore, protect, and enhance wetlands, prairies,
2.12 forests, habitat, water quality, and other natural resources, that transfers land to the state
2.13 on or after July 1, 2009, shall contribute five percent of the appraised value of the land to
2.14 the long-term land management account established in subdivision 1 within 30 days of
2.15 transferring the land unless the contribution requirement has been met by the state.

2.16 (e) Nothing in this section prohibits a holder of an easement or the owner of land
2.17 in fee title from accepting gifts or other funds to be used in meeting the contribution
2.18 requirements of this section or prohibits a contribution from being made on behalf of a
2.19 holder of an easement or owner of land in fee title to meet the requirements of this section.

2.20 (f) For the purposes of this section, "appraised value" is the most recent assessor's
2.21 estimated market value under section 273.11, subdivision 1, the most recent purchase
2.22 price, or the most recent appraised value of the land, whichever is greater.

2.23 Subd. 3. **Exemption.** The commissioner of natural resources may waive the
2.24 contribution requirement under subdivision 2 for a holder of a conservation easement or
2.25 owner of land in fee title, upon request, provided the following conditions are met:

2.26 (1) for the holder of a conservation easement, the holder must:

2.27 (i) demonstrate a history of providing long-term management, monitoring, and
2.28 enforcement of conservation easements;

2.29 (ii) demonstrate the ability to fund long-term management, monitoring, and
2.30 enforcement of conservation easements; and

2.31 (iii) have or soon will set aside funds for the management, monitoring, and
2.32 enforcement of the conservation easement subject to the requirement under subdivision 2,
2.33 such as administration of an account similar to the long-term land management account
2.34 established under this section.

2.35 (2) for the owner of land in fee title, the owner must:

3.1 (i) demonstrate a history of providing land management in accordance with
3.2 applicable requirements and natural resource purposes;

3.3 (ii) demonstrate the ability to fund the applicable land management requirements
3.4 and purposes; and

3.5 (iii) have or soon will set aside funds for the management of the land subject to the
3.6 requirement under subdivision 2, such as administration of an account similar to the
3.7 long-term land management account established under this section.

3.8 Subd. 4. **Expenditures.** Money appropriated from the long-term land management
3.9 account must only be spent on the management, monitoring, and enforcement of
3.10 conservation easements to ensure that the purposes for conservation easements according
3.11 to section 84C.021 are met and on the management of lands purchased with state funds
3.12 for natural resource purposes. Funds must be appropriated by law and shall not be
3.13 appropriated until July 1, 2017.

3.14 **Sec. 3. EFFECTIVE DATE.**

3.15 Sections 1 and 2 are effective July 1, 2009.