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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3466

02/12/2024 Authored by Rehm, Norris, Tabke, Jordan, Pursell and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
02/19/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to natural resources; expanding opportunities to protect native prairie;
1.3 amending Minnesota Statutes 2022, section 84.96, subdivisions 2, 3, 5.

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

1.5 Section 1. Minnesota Statutes 2022, section 84.96, subdivision 2, is amended to read:

1.6 Subd. 2. Definition. For the purposes of this section, "native prairie" means ~~land that~~
1.7 ~~has never been plowed, with less than ten percent tree cover and with predominantly native~~
1.8 ~~prairie vegetation~~ a grassland dominated by original native prairie vegetation, usually
1.9 occurring where the sod has never been broken.

1.10 Sec. 2. Minnesota Statutes 2022, section 84.96, subdivision 3, is amended to read:

1.11 Subd. 3. Easement acquisition. (a) The commissioner may acquire native prairie for
1.12 conservation purposes by entering into easements with landowners or with the land
1.13 administrator of state school trust lands. Before acquiring easements under this subdivision
1.14 on school trust lands, the commissioner must receive advice from the school trust lands
1.15 director according to section 127A.353, subdivision 4. The easements must be conservation
1.16 easements as defined in section 84C.01, clause (1), except the easements may be made
1.17 possessory as well as nonpossessory if agreed upon by the landowner or land administrator
1.18 and the commissioner.

1.19 (b) The easements may be permanent or of limited duration. Highest priority must be
1.20 given to permanent easements consistent with the purposes of this section. Easements of
1.21 limited duration must be for at least 20 years, with provision for renewal for at least another
1.22 20-year period. For easements of limited duration, the commissioner may reexamine and

2.1 adjust the payment rates at the beginning of any renewal period after considering current
2.2 land and crop values.

2.3 Sec. 3. Minnesota Statutes 2022, section 84.96, subdivision 5, is amended to read:

2.4 Subd. 5. **Payments.** (a) For interests in lands acquired under this section, the
2.5 commissioner must make payments to the landowner ~~under~~ or land administrator according
2.6 to this subdivision for the easement.

2.7 ~~(b) For a permanent easement, the commissioner must pay 65 percent of the permanent~~
2.8 ~~marginal agricultural land payment rate as established by the Board of Water and Soil~~
2.9 ~~Resources for the time period when the application is made.~~

2.10 (b) For a permanent easement, the commissioner may pay up to ten percent more than
2.11 the Board of Water and Soil Resources pays for noncrop easements. If the Board of Water
2.12 and Soil Resources does not establish a noncrop easement payment rate, the commissioner
2.13 must establish land value rates for payments considering market factors, such as
2.14 county-assessed land value and sales ratio studies, along with ecological, biological, and
2.15 cultural factors that take into consideration the global rarity of native prairie. The rates must
2.16 be based on the need to protect the extremely small amount of the globally vulnerable and
2.17 imperiled remaining native prairie in Minnesota.

2.18 (c) For an easement of limited duration, the commissioner ~~must pay~~ may pay up to 65
2.19 percent of the permanent prairie bank easement rate for the time period when the application
2.20 is made.

2.21 (d) To maintain and protect native prairies, the commissioner may enter into easements
2.22 that allow selected agricultural practices. Payment must be based on paragraph (b) or (c)
2.23 but may be reduced due to the agricultural practices allowed after negotiation with the
2.24 landowner or land administrator.

2.25 (e) If a native prairie qualifies for the native prairie bank but the landowner requests that
2.26 the commissioner acquire the native prairie in fee rather than acquire an easement, the
2.27 commissioner may acquire it as any outdoor recreation system classification under section
2.28 86A.05 with protections equivalent to a native prairie bank easement. For acquisition under
2.29 this paragraph, the commissioner may pay up to 25 percent more than what the Board of
2.30 Water and Soil Resources pays for noncrop easements. If the Board of Water and Soil
2.31 Resources does not establish a noncrop easement payment rate, the commissioner must
2.32 establish land value rates for payments considering market factors, such as county-assessed

- 3.1 land value and sales ratio studies, along with ecological, biological, and cultural factors that
3.2 take into consideration the global rarity of native prairie.
- 3.3 (f) For a permanent easement acquired on school trust lands under this section, the
3.4 commissioner must pay no less than 100 percent of the easement's appraised value at the
3.5 time of closing.