

A bill for an act

relating to natural resources; requiring certain procedures for an entity using state money to acquire land for designation as a wildlife management area or a scientific and natural area; amending Minnesota Statutes 2010, sections 84.033, subdivision 3; 97A.145, subdivision 2.

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

Section 1. Minnesota Statutes 2010, section 84.033, subdivision 3, is amended to read:

Subd. 3. **County approval.** The commissioner or an entity using state money to acquire land must follow the procedures under section 97A.145, subdivision 2, when acquiring land for designation as a scientific and natural area under this section.

Sec. 2. Minnesota Statutes 2010, section 97A.145, subdivision 2, is amended to read:

Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision. An entity using state money to acquire land must follow the procedures in this subdivision when acquiring land for designation as a wildlife management area. For the purposes of this subdivision, the term "commissioner" includes any entity using state money to acquire land for designation as a wildlife management area.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

2.1 (c) If the county board approves the acquisition within the prescribed time, the
2.2 commissioner may acquire the land.

2.3 (d) If the county board disapproves the acquisition, it must state valid reasons.
2.4 The commissioner may not purchase or lease the land if the county board disapproves
2.5 the acquisition and states its reasons within the prescribed time period. The landowner
2.6 or the commissioner may appeal the disapproval to the district court having jurisdiction
2.7 where the land is located.

2.8 (e) The commissioner or the owner of the land may submit the proposed acquisition
2.9 to the Land Exchange Board if: (1) the county board does not give reason for disapproval,
2.10 or does not approve or disapprove the acquisition within the prescribed time period; or
2.11 (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons
2.12 stated for disapproval are invalid.

2.13 (f) The Land Exchange Board must conduct a hearing and make a decision on
2.14 the acquisition within 60 days after receiving the proposal. The Land Exchange Board
2.15 must give notice of the hearing to the county board, the commissioner, the landowner,
2.16 and other interested parties. The Land Exchange Board must consider the interests of the
2.17 county, the state, and the landowner in determining whether the acquisition is in the public
2.18 interest. If a majority of the Land Exchange Board members approves the acquisition,
2.19 the commissioner may acquire the land. If a majority disapproves, the commissioner
2.20 may not purchase or lease the land.