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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1862

02/16/2023 Authored by Hansen, R.; Jordan and Becker-Finn The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; removing county approval requirements for certain
1.3 land acquisitions; amending Minnesota Statutes 2022, sections 84.0274, subdivision
1.4 6; 84.0276; repealing Minnesota Statutes 2022, sections 84.033, subdivision 3;
1.5 84.944, subdivision 3; 97A.145, subdivision 2; Minnesota Rules, part 6115.1220,
1.6 subpart 8.

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

1.8 Section 1. Minnesota Statutes 2022, section 84.0274, subdivision 6, is amended to read:

1.9 Subd. 6. State's responsibilities. When the state proposes to purchase land for natural
1.10 resources purposes, the commissioner of natural resources and, where applicable, the
1.11 commissioner of administration shall have the following responsibilities:

1.12 (1) the responsibility to deal fairly and openly with the landowner in the purchase of
1.13 property;

1.14 (2) the responsibility to refrain from discussing price with the landowner before an
1.15 appraisal has been made. In addition, the same person shall not both appraise and negotiate
1.16 for purchase of a tract of land. This paragraph does not apply to the state when discussing
1.17 with a landowner the trout stream easement payment determined under section 84.0272,
1.18 subdivision 2, the native prairie bank easement payment determined under section 84.96,
1.19 subdivision 5, or the Camp Ripley's Army compatible use buffer easement payment
1.20 determined under section 84.0277, subdivision 2;

1.21 (3) the responsibility to use private fee appraisers to lower the state's acquisition costs
1.22 to the greatest extent practicable; and

2.1 (4) the responsibility to acquire land in as expeditious a manner as possible. No option  
 2.2 shall be made for a period of greater than two months if no survey is required or for nine  
 2.3 months if a survey is required, unless the landowner, in writing, expressly requests a longer  
 2.4 period of time. ~~Provided that, if county board approval of the transaction is required pursuant~~  
 2.5 ~~to section 97A.145, no time limits shall apply.~~ If the state elects not to purchase property  
 2.6 upon which it has an option, it shall pay the landowner \$500 after the expiration of the  
 2.7 option period. If the state elects to purchase the property, unless the landowner elects  
 2.8 otherwise, payment to the landowner shall be made no later than 90 days following the  
 2.9 state's election to purchase the property provided that the title is marketable and the owner  
 2.10 acts expeditiously to complete the transaction.

2.11 Sec. 2. Minnesota Statutes 2022, section 84.0276, is amended to read:

2.12 **84.0276 LAND TRANSFERS BY A FEDERAL AGENCY.**

2.13 Before the commissioner of natural resources accepts agricultural land or a farm  
 2.14 homestead transferred in fee by a federal agency, the commissioner must consult with the  
 2.15 Board of Water and Soil Resources for a determination of marginal land, tillable farmland,  
 2.16 and farm homestead. ~~The commissioner must comply with the acquisition procedure under~~  
 2.17 ~~section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an~~  
 2.18 ~~agricultural preserve as provided in section 40A.10.~~

2.19 Sec. 3. **REPEALER.**

2.20 (a) Minnesota Statutes 2022, sections 84.033, subdivision 3; 84.944, subdivision 3; and  
 2.21 97A.145, subdivision 2, are repealed.

2.22 (b) Minnesota Rules, part 6115.1220, subpart 8, is repealed.

**84.033 SCIENTIFIC AND NATURAL AREAS.**

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

**84.944 ACQUIRING CRITICAL NATURAL HABITAT.**

Subd. 3. **County approval.** The commissioner must follow the procedures under section 97A.145, subdivision 2, for critical natural habitat acquired under this section.

**97A.145 WETLANDS FOR WILDLIFE.**

Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(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.

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

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

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if:

(1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or

(2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

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

**6115.1220 PROCEDURES.**

Subp. 8. **Sale of basin to commissioner.** If the landowner chooses to sell the basin and access area to the commissioner the landowner shall obtain from the county board of commissioners the approval to sell the property as required by Minnesota Statutes, section 97A.145. The commissioner must be supplied with a copy of the board's resolution and if the county board refuses approval, the applicant must select from among those options not requiring county board approval. This procedure does not apply in those counties where blanket approval to sell the property to the state has been granted to those landowners who are eligible for compensation under Minnesota Statutes, section 105.391, subdivision 3.