

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1028

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DATE	D-PG	OFFICIAL STATUS
03/04/2013	481	Introduction and first reading Referred to Environment and Energy See SF563, Sec. 3, 44-45

1.1 A bill for an act
 1.2 relating to state lands; providing for school forests; amending Minnesota Statutes
 1.3 2012, sections 89.41; 282.01, subdivisions 1a, 1d.

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

1.5 Section 1. Minnesota Statutes 2012, section 89.41, is amended to read:

1.6 **89.41 EDUCATIONAL UNITS MAY ESTABLISH AND MAINTAIN SCHOOL**
 1.7 **FORESTS.**

1.8 Subdivision 1. Establishment and maintenance of school forests. Any school
 1.9 district in the state, however organized, the University of Minnesota, or any branch
 1.10 thereof, any state university, community college, or other public educational institution
 1.11 or agency of the state, all herein referred to as agencies, may establish and maintain
 1.12 school forests as herein provided according to this section, subject to the approval of the
 1.13 commissioner of natural resources. ~~Any such agency may use for the purpose of such a~~
 1.14 ~~forest any land belonging to it, or may acquire land therefor by gift or with contributed~~
 1.15 ~~funds.~~ For the purpose of a school forest, an agency may use land the agency owns or uses
 1.16 under an agreement or may acquire land by gift or with contributed funds.

1.17 Subd. 2. Conveyance of tax-forfeited land for school forest use. For the purposes
 1.18 ~~of such forest~~ school forests established under this section, any tax-forfeited lands may be
 1.19 sold by the county board to ~~any such~~ an agency or may be conveyed by the commissioner of
 1.20 revenue to ~~any such~~ an agency in like manner as provided for the sale or conveyance of ~~such~~
 1.21 tax-forfeited lands to governmental subdivisions under section 282.01 ~~and amendments~~
 1.22 ~~thereof.~~ A conveyance under this subdivision is made without monetary compensation or
 1.23 consideration for the conveyance, but the conveyance is subject to the conditional use and
 1.24 reversion provisions under section 282.01, subdivisions 1c and 1d, paragraph (e).

2.1 Subd. 3. **Monitoring and reporting.** The commissioner shall annually monitor
2.2 tax-forfeited lands conveyed according to subdivision 2 to determine whether the
2.3 lands continue to be used as school forests. The commissioner shall submit an annual
2.4 monitoring report to the commissioner of revenue that identifies any lands no longer
2.5 used as school forests.

2.6 Sec. 2. Minnesota Statutes 2012, section 282.01, subdivision 1a, is amended to read:

2.7 Subd. 1a. **Conveyance to public entities.** (a) Upon written request from a state
2.8 agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land
2.9 must be withheld from sale or lease to others for a maximum of six months. The request
2.10 must be submitted to the county auditor. Upon receipt, the county auditor must withhold
2.11 the parcel from sale or lease to any other party for six months, and must confirm the
2.12 starting date of the six-month withholding period to the requesting agency or subdivision.
2.13 If the request is from a governmental subdivision of the state, the governmental
2.14 subdivision must pay the maintenance costs incurred by the county during the period the
2.15 parcel is withheld. The county board may approve a sale or conveyance to the requesting
2.16 party during the withholding period. A conveyance of the property to the requesting
2.17 party terminates the withholding period.

2.18 A governmental subdivision of the state must not make, and a county auditor must
2.19 not act upon, a second request to withhold a parcel from sale or lease within 18 months
2.20 of a previous request for that parcel. A county may reject a request made under this
2.21 paragraph if the request is made more than 30 days after the county has given notice to the
2.22 requesting state agency or governmental subdivision of the state that the county intends to
2.23 sell or otherwise dispose of the property.

2.24 (b) Nonconservation tax-forfeited lands may be sold by the county board, for
2.25 their market value as determined by the county board, to an organized or incorporated
2.26 governmental subdivision of the state for any public purpose for which the subdivision is
2.27 authorized to acquire property. When the term "market value" is used in this section, it
2.28 means an estimate of the full and actual market value of the parcel as determined by the
2.29 county board, but in making this determination, the board and the persons employed by or
2.30 under contract with the board in order to perform, conduct, or assist in the determination,
2.31 are exempt from the licensure requirements of chapter 82B.

2.32 (c) Nonconservation tax-forfeited lands may be released from the trust in favor of
2.33 the taxing districts on application to the county board by a state agency for an authorized
2.34 use at not less than their market value as determined by the county board.

3.1 (d) Nonconservation tax-forfeited lands may be sold by the county board to an
3.2 organized or incorporated governmental subdivision of the state or state agency for less
3.3 than their market value if:

3.4 (1) the county board determines that a sale at a reduced price is in the public interest
3.5 because a reduced price is necessary to provide an incentive to correct the blighted
3.6 conditions that make the lands undesirable in the open market, or the reduced price will
3.7 lead to the development of affordable housing; and

3.8 (2) the governmental subdivision or state agency has documented its specific plans
3.9 for correcting the blighted conditions or developing affordable housing, and the specific
3.10 law or laws that empower it to acquire real property in furtherance of the plans.

3.11 If the sale under this paragraph is to a governmental subdivision of the state, the
3.12 commissioner of revenue must convey the property on behalf of the state by quit claim
3.13 deed. If the sale under this paragraph is to a state agency, the commissioner must issue a
3.14 conveyance document that releases the property from the trust in favor of the taxing
3.15 districts.

3.16 (e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts
3.17 may be conveyed by the commissioner of revenue in the name of the state to a
3.18 governmental subdivision for an authorized public use, if an application is submitted to the
3.19 commissioner which includes a statement of facts as to the use to be made of the tract and
3.20 the favorable recommendation of the county board. For the purposes of this paragraph,
3.21 "authorized public use" means a use that allows an indefinite segment of the public to
3.22 physically use and enjoy the property in numbers appropriate to its size and use, or is for a
3.23 public service facility. Authorized public uses as defined in this paragraph are limited to:

3.24 (1) a road, or right-of-way for a road;

3.25 (2) a park that is both available to, and accessible by, the public that contains
3.26 improvements such as campgrounds, playgrounds, athletic fields, trails, or shelters;

3.27 (3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along
3.28 with a reasonable amount of surrounding land maintained in its natural state;

3.29 (4) transit facilities for buses, light rail transit, commuter rail or passenger rail,
3.30 including transit ways, park-and-ride lots, transit stations, maintenance and garage
3.31 facilities, and other facilities related to a public transit system;

3.32 (5) public beaches or boat launches;

3.33 (6) public parking;

3.34 (7) civic recreation or conference facilities; and

3.35 (8) public service facilities such as fire halls, police stations, lift stations, water
3.36 towers, sanitation facilities, water treatment facilities, and administrative offices.

4.1 No monetary compensation or consideration is required for the conveyance, except as
4.2 provided in subdivision 1g, but the conveyance is subject to the conditions provided in
4.3 law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d.

4.4 (f) The commissioner of revenue shall convey a parcel of nonconservation
4.5 tax-forfeited land to a local governmental subdivision of the state by quit claim deed
4.6 on behalf of the state upon the favorable recommendation of the county board if the
4.7 governmental subdivision has certified to the board that prior to forfeiture the subdivision
4.8 was entitled to the parcel under a written development agreement or instrument, but
4.9 the conveyance failed to occur prior to forfeiture. No compensation or consideration is
4.10 required for, and no conditions attach to, the conveyance.

4.11 (g) The commissioner of revenue shall convey a parcel of nonconservation
4.12 tax-forfeited land to the association of a common interest community by quit claim deed
4.13 upon the favorable recommendation of the county board if the association certifies to the
4.14 board that prior to forfeiture the association was entitled to the parcel under a written
4.15 agreement, but the conveyance failed to occur prior to forfeiture. No compensation or
4.16 consideration is required for, and no conditions attach to, the conveyance.

4.17 (h) Conservation tax-forfeited land may be sold to a governmental subdivision of
4.18 the state for less than its market value for either: (1) creation or preservation of wetlands;
4.19 (2) drainage or storage of storm water under a storm water management plan; or (3)
4.20 preservation, or restoration and preservation, of the land in its natural state. The deed must
4.21 contain a restrictive covenant limiting the use of the land to one of these purposes for
4.22 30 years or until the property is reconveyed back to the state in trust. At any time, the
4.23 governmental subdivision may reconvey the property to the state in trust for the taxing
4.24 districts. The deed of reconveyance is subject to approval by the commissioner of revenue.
4.25 No part of a purchase price determined under this paragraph shall be refunded upon a
4.26 reconveyance, but the amount paid for a conveyance under this paragraph may be taken
4.27 into account by the county board when setting the terms of a future sale of the same
4.28 property to the same governmental subdivision under paragraph (b) or (d). If the lands
4.29 are unplatted and located outside of an incorporated municipality and the commissioner
4.30 of natural resources determines there is a mineral use potential, the sale is subject to the
4.31 approval of the commissioner of natural resources.

4.32 (i) A park and recreation board in a city of the first class is a governmental
4.33 subdivision for the purposes of this section.

4.34 (j) Tax-forfeited land held in trust in favor of the taxing districts may be conveyed
4.35 by the commissioner of revenue in the name of the state to a governmental subdivision for
4.36 a school forest under section 89.41. An application that includes a statement of facts as

5.1 to the use to be made of the tract and the favorable recommendation of the county board
5.2 and the commissioner of natural resources must be submitted to the commissioner of
5.3 revenue. No monetary compensation or consideration is required for the conveyance, but
5.4 the conveyance is subject to the conditional use and reversion provisions of subdivisions
5.5 1c and 1d, paragraph (e). At any time, the governmental subdivision may reconvey the
5.6 property back to the state in trust for the taxing districts. The deed of reconveyance is
5.7 subject to approval by the commissioner of revenue.

5.8 Sec. 3. Minnesota Statutes 2012, section 282.01, subdivision 1d, is amended to read:

5.9 Subd. 1d. **Reverter for failure to use; conveyance to state.** (a) After three years
5.10 from the date of any conveyance of tax-forfeited land to a governmental subdivision for
5.11 an authorized public use as provided in this section, regardless of when the deed for the
5.12 authorized public use was executed, if the governmental subdivision has failed to put the
5.13 land to that use, or abandons that use, the governing body of the subdivision must: (1)
5.14 with the approval of the county board, purchase the property for an authorized public
5.15 purpose at the present market value as determined by the county board, or (2) authorize
5.16 the proper officers to convey the land, or the part of the land not required for an authorized
5.17 public use, to the state of Minnesota in trust for the taxing districts. If the governing body
5.18 purchases the property under clause (1), the commissioner of revenue shall, upon proper
5.19 application submitted by the county auditor, convey the property on behalf of the state by
5.20 quit claim deed to the subdivision free of a use restriction and the possibility of reversion
5.21 or defeasement. If the governing body decides to reconvey the property to the state under
5.22 this clause, the officers shall execute a deed of conveyance immediately. The conveyance
5.23 is subject to the approval of the commissioner and its form must be approved by the
5.24 attorney general. For 15 years from the date of the conveyance, there is no failure to put
5.25 the land to the authorized public use and no abandonment of that use if a formal plan of
5.26 the governmental subdivision, including, but not limited to, a comprehensive plan or land
5.27 use plan, shows an intended future use of the land for the authorized public use.

5.28 (b) Property held by a governmental subdivision of the state under a conditional use
5.29 deed executed under this section by the commissioner of revenue on or after January 1,
5.30 2007, may be acquired by that governmental subdivision after 15 years from the date
5.31 of the conveyance if the commissioner determines upon written application from the
5.32 subdivision that the subdivision has in fact put the property to the authorized public use for
5.33 which it was conveyed, and the subdivision has made a finding that it has no current plans
5.34 to change the use of the lands. Prior to conveying the property, the commissioner shall
5.35 inquire whether the county board where the land is located objects to a conveyance of the

6.1 property to the subdivision without conditions and without further act by or obligation of
6.2 the subdivision. If the county does not object within 60 days, and the commissioner makes
6.3 a favorable determination, the commissioner shall issue a quit claim deed on behalf of
6.4 the state unconditionally conveying the property to the governmental subdivision. For
6.5 purposes of this paragraph, demonstration of an intended future use for the authorized
6.6 public use in a formal plan of the governmental subdivision does not constitute use for
6.7 that authorized public use.

6.8 (c) Property held by a governmental subdivision of the state under a conditional use
6.9 deed executed under this section by the commissioner of revenue before January 1, 2007,
6.10 is released from the use restriction and possibility of reversion on January 1, 2022, if the
6.11 county board records a resolution describing the land and citing this paragraph. The
6.12 county board may authorize the county treasurer to deduct the amount of the recording
6.13 fees from future settlements of property taxes to the subdivision.

6.14 (d) Property conveyed under a conditional use deed executed under this section by
6.15 the commissioner of revenue, regardless of when the deed for the authorized public use
6.16 was executed, is released from the use restriction and reverter, and any use restriction or
6.17 reverter for which no declaration of reversion has been recorded with the county recorder
6.18 or registrar of titles, as appropriate, is nullified on the later of: (1) January 1, 2015; (2) 30
6.19 years from the date the deed was acknowledged; or (3) final resolution of an appeal to
6.20 district court under subdivision 1e, if a lis pendens related to the appeal is recorded in the
6.21 office of the county recorder or registrar of titles, as appropriate, prior to January 1, 2015.

6.22 (e) Notwithstanding paragraphs (a) to (d), tax-forfeited land conveyed to establish
6.23 a school forest under section 89.41 is subject to a perpetual conditional use deed and
6.24 reverter. The property reverts to the state in trust for the taxing districts by operation of
6.25 law if the commissioner of natural resources determines and reports to the commissioner
6.26 of revenue under section 89.41, subdivision 3, that the governmental subdivision has
6.27 failed to use the land for school forest purposes for three consecutive years.

6.28 Sec. 4. **EFFECTIVE DATE.**

6.29 Sections 1 to 3 are effective the day following final enactment.