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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 22

- 01/05/2017 Authored by Smith, Bennett, Poppe, Fabian, Heintzeman and others
- The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
- 01/17/2017 Adoption of Report: Re-referred to the Committee on Agriculture Policy
- 02/02/2017 Adoption of Report: Re-referred to the Committee on Agriculture Finance
- 02/09/2017 Adoption of Report: Re-referred to the Committee on Ways and Means
- 02/16/2017 Adoption of Report: Placed on the General Register
- Read for the Second Time
- 02/27/2017 Calendar for the Day
- Read for the Third Time
- Passed by the House and transmitted to the Senate
- 05/09/2017 Passed by the Senate and returned to the House
- Presented to Governor
- 05/11/2017 Governor Approval

1.1 A bill for an act

1.2 relating to real property; exempting certain trusts from reporting requirements;

1.3 amending Minnesota Statutes 2016, section 500.24, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2016, section 500.24, subdivision 4, is amended to read:

1.6 Subd. 4. **Reports.** (a) The chief executive officer of every pension or investment fund,

1.7 corporation, limited partnership, limited liability company, or entity that is seeking to qualify

1.8 for an exemption from the commissioner, and the trustee of a family farm trust that holds

1.9 any interest in agricultural land or land used for the breeding, feeding, pasturing, growing,

1.10 or raising of livestock, dairy or poultry, or products thereof, or land used for the production

1.11 of agricultural crops or fruit or other horticultural products, other than a bona fide

1.12 encumbrance taken for purposes of security, or which is engaged in farming or proposing

1.13 to commence farming in this state after May 20, 1973, shall file with the commissioner a

1.14 report containing the following information and documents:

1.15 (1) the name of the pension or investment fund, corporation, limited partnership, or

1.16 limited liability company and its place of incorporation, certification, or registration;

1.17 (2) the address of the pension or investment plan headquarters or of the registered office

1.18 of the corporation in this state, the name and address of its registered agent in this state and,

1.19 in the case of a foreign corporation, limited partnership, or limited liability company, the

1.20 address of its principal office in its place of incorporation, certification, or registration;

1.21 (3) the acreage and location listed by quarter-quarter section, township, and county of

1.22 each lot or parcel of agricultural land or land used for the keeping or feeding of poultry in

2.1 this state owned or leased by the pension or investment fund, limited partnership, corporation,  
2.2 or limited liability company;

2.3 (4) the names and addresses of the officers, administrators, directors, or trustees of the  
2.4 pension or investment fund, or of the officers, shareholders owning more than ten percent  
2.5 of the stock, including the percent of stock owned by each such shareholder, the members  
2.6 of the board of directors of the corporation, and the members of the limited liability company,  
2.7 and the general and limited partners and the percentage of interest in the partnership by  
2.8 each partner;

2.9 (5) the farm products which the pension or investment fund, limited partnership,  
2.10 corporation, or limited liability company produces or intends to produce on its agricultural  
2.11 land;

2.12 (6) with the first report, a copy of the title to the property where the farming operations  
2.13 are or will occur indicating the particular exception claimed under subdivision 3; and

2.14 (7) with the first or second report, a copy of the conservation plan proposed by the soil  
2.15 and water conservation district, and with subsequent reports a statement of whether the  
2.16 conservation plan was implemented.

2.17 The report of a corporation, trust, limited liability company, or partnership seeking to  
2.18 qualify hereunder as a family farm corporation, an authorized farm corporation, an authorized  
2.19 livestock farm corporation, a family farm partnership, an authorized farm partnership, a  
2.20 family farm limited liability company, an authorized farm limited liability company, or a  
2.21 family farm trust or under an exemption from the commissioner shall contain the following  
2.22 additional information: the number of shares, partnership interests, or governance and  
2.23 financial rights owned by persons or current beneficiaries of a family farm trust residing  
2.24 on the farm or actively engaged in farming, or their relatives within the third degree of  
2.25 kindred according to the rules of the civil law or their spouses; the name, address, and  
2.26 number of shares owned by each shareholder, partnership interests owned by each partner  
2.27 or governance and financial rights owned by each member, and a statement as to percentage  
2.28 of gross receipts of the corporation derived from rent, royalties, dividends, interest, and  
2.29 annuities. No pension or investment fund, limited partnership, corporation, or limited liability  
2.30 company shall commence farming in this state until the commissioner has inspected the  
2.31 report and certified that its proposed operations comply with the provisions of this section.

2.32 (b) Every pension or investment fund, limited partnership, trust, corporation, or limited  
2.33 liability company as described in paragraph (a) shall, prior to April 15 of each year, file  
2.34 with the commissioner a report containing the information required in paragraph (a), based

3.1 on its operations in the preceding calendar year and its status at the end of the year. A pension  
3.2 or investment fund, limited partnership, corporation, or limited liability company that does  
3.3 not file the report by April 15 must pay a \$500 civil penalty. The penalty is a lien on the  
3.4 land being farmed under subdivision 3 until the penalty is paid.

3.5 (c) The commissioner may, for good cause shown, issue a written waiver or reduction  
3.6 of the civil penalty for failure to make a timely filing of the annual report required by this  
3.7 subdivision. The waiver or reduction is final and conclusive with respect to the civil penalty,  
3.8 and may not be reopened or modified by an officer, employee, or agent of the state, except  
3.9 upon a showing of fraud or malfeasance or misrepresentation of a material fact. The report  
3.10 required under paragraph (b) must be completed prior to a reduction or waiver under this  
3.11 paragraph. The commissioner may enter into an agreement under this paragraph only once  
3.12 for each corporation or partnership.

3.13 (d) A report required under paragraph (a) or (b) must be submitted with a filing fee of  
3.14 \$15. The fee must be deposited in the state treasury and credited to an account in the  
3.15 agricultural fund. Money in the account, including interest, is appropriated to the  
3.16 commissioner for the administrative expenses of this section.

3.17 (e) Failure to file a required report or the willful filing of false information is a gross  
3.18 misdemeanor.

3.19 (f) The trustee of a revocable trust with respect to which either the settlor, the settlor's  
3.20 spouse, or both, are the primary beneficiaries during the settlor's lifetime shall not be required  
3.21 to file with the commissioner a report under this section during any period that the trust is  
3.22 revocable.