

CHAPTER 382—S.F.No. 1975

An act relating to venue of actions; modifying venue in actions to recover possession of personal property; amending Minnesota Statutes 1984, section 542.06.

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

Section 1. Minnesota Statutes 1984, section 542.06, is amended to read:

542.06 **REPLEVIN.**

Actions to recover the possession of personal property wrongfully taken shall be tried in the county in which the taking occurred; or, ~~at claimant's election; in the county in which he resides; in other cases in the county in which the property is situated.~~

Approved March 20, 1986

CHAPTER 383—H.F.No. 628

An act relating to natural resources; providing for conservation easements on marginal agricultural lands; improving fish and wildlife habitat; requiring planning for wildlife resources and habitat management; creating a private match program; changing the funding source for certain county payments; creating new accounts in the state treasury; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 290.431; Minnesota Statutes 1985 Supplement, section 88.80; proposing coding for new law in Minnesota Statutes, chapters 40 and 84.

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

Section 1. **[40.40] SHORT TITLE.**

Sections 2 to 15 may be cited as the "reinvest in Minnesota resources act of 1986."

Sec. 2. **[40.41] PURPOSE AND POLICY.**

It is the purposes of sections 2 to 6 to keep certain marginal agricultural land out of crop production or pasture to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodable land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

Sec. 3. **[40.42] DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 3 to 6.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of agriculture.

Subd. 3. CONSERVATION EASEMENT. "Conservation easement" means a conservation easement as defined in section 84C.01.

Subd. 4. CONSERVATION RESERVE PROGRAM. "Conservation reserve program" means the program established under section 4.

Subd. 5. LANDOWNER. "Landowner" means a Minnesota resident who owns or is a buyer under a contract for deed, of land that qualifies as a family farm, a family farm corporation or an authorized farm corporation under section 500.24, subdivision 2.

Subd. 6. MARGINAL AGRICULTURAL LAND. "Marginal agricultural land" means land that is: (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2) similar to land described under (1) and identified under a land classification system selected by the commissioner.

Sec. 4. [40.43] CONSERVATION RESERVE PROGRAM.

Subdivision 1. ESTABLISHMENT OF PROGRAM. The commissioner of agriculture, in consultation with the commissioner of natural resources, shall establish and administer a conservation reserve program. Selection of land for the conservation reserve program must be based on its potential for fish and wildlife production, reducing erosion, and protecting water quality.

Subd. 2. ELIGIBLE LAND. Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or adjacent to marginal agricultural land and beneficial to resource protection or necessary for efficient recording of the land description;

(2) was owned by the applicant on January 1, 1985, or for an application made on or after January 1, 1988, was owned by the applicant for at least three years before the date of application;

(3) is at least five acres in size, or is a whole field as defined by the United States agricultural stabilization and conservation service;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

(5) was in agricultural crop production or pasture for at least two years during the period 1981 to 1985.

The eligible land of a landowner may not exceed 20 percent of the landowner's total acreage in the state.

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Subd. 3. CONSERVATION EASEMENTS. The commissioner may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than ten years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

Subd. 4. NATURE OF PROPERTY RIGHTS ACQUIRED. (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the commissioner;

(2) agricultural crop production, unless specifically approved by the commissioner for wildlife management purposes;

(3) grazing of livestock unless approved by the commissioner after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and

(4) spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws or emergency control of pests necessary to protect public health.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Subd. 5. AGREEMENTS BY LANDOWNER. The commissioner may enroll eligible land in the conservation reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the commissioner; or to plant trees or carry out other long-term capital improvements approved by the commissioner for soil and water conservation or wildlife management;

(3) that other land supporting natural vegetation owned or leased as part of the same farm operation during the term of the easement, if it supports natural vegetation or has not been used in agricultural crop production or pasture, will not be converted to agricultural crop production or pasture; and

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(4) to the enforcement of the agreements in this subdivision by an action for specific performance, a mandatory injunction, or for damages in an amount not to exceed the total amount paid by the state to the landowner under subdivision 6, with interest from the date of each default under the agreement.

Subd. 6. PAYMENTS FOR CONSERVATION EASEMENTS AND ESTABLISHMENT OF COVER. The commissioner must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement, up to \$75 per acre;

(2) for the cost of planting trees required by the agreement, up to \$75 per acre;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time the easement is conveyed; and

(4) for an easement of limited duration, 90 percent of the present value of the average of the acceptable bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids made immediately prior to when the easement is conveyed. If federal bid figures have not been determined for the area, or the federal program has been discontinued, the rate paid shall be determined by the commissioner.

The commissioner may not pay more than \$50,000 to a landowner for all the landowner's conservation easements and agreements.

Subd. 7. EASEMENT RENEWAL. When a conservation easement of limited duration expires, a new conservation easement and agreement for an additional period of ten years may be acquired by agreement of the commissioner and the landowner, under the terms of this section. The commissioner may adjust payment rates as a result of renewing an agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

Sec. 5. [40.44] COOPERATION AND TECHNICAL ASSISTANCE; SUPPLEMENTAL CONSERVATION PAYMENT.

Subdivision 1. COOPERATION. In implementing sections 2 to 5 the commissioner must share information and cooperate with the department of natural resources, the pollution control agency, the United States Fish and Wildlife Service, the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota extension service, the University of Minnesota, county boards, and interested private organizations and individuals.

Subd. 2. TECHNICAL ASSISTANCE. The commissioners of agriculture and natural resources must provide necessary technical assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the commissioner on the form and content of the conservation easement and agreement, and on

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agronomic practices relating to the establishment and maintenance of permanent cover, or other conservation improvements. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.

Subd. 3. SUPPLEMENTAL CONSERVATION PAYMENTS. The commissioner may supplement cost-share payments made under other programs, up to \$75 an acre, to the extent of available appropriations other than bond proceeds. The supplemental cost-share payments must be used to establish perennial cover on land enrolled in programs approved by the commissioner, including the federal conservation reserve program and federal and state waterbank programs.

Sec. 6. [40.45] RULEMAKING.

The commissioner shall adopt rules and is authorized to adopt emergency rules in order to implement sections 2 to 6. The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.

Sec. 7. [84.941] POLICY.

It is the policy of the state that fish and wildlife are renewable natural resources to be conserved and enhanced through planned scientific management, protection, and utilization.

Sec. 8. [84.942] FISH AND WILDLIFE RESOURCES MANAGEMENT PLAN.

Subdivision 1. PREPARATION. The commissioner of natural resources shall prepare a comprehensive fish and wildlife management plan designed to accomplish the policy of section 7. The comprehensive fish and wildlife management plan shall include a strategic plan as outlined in subdivision 2. The strategic plan must be completed by July 1, 1986. The management plan must also include the long-range and operational plans as described in subdivisions 3 and 4. The management plan must be completed by July 1, 1988.

Subd. 2. STRATEGIC PLAN. The strategic plan must be updated every six years and include:

- (1) an issues analysis describing major fish and wildlife management problems;
- (2) a description of strategies to address management problems; and
- (3) an assessment of the need for additional fish and wildlife research facilities.

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Subd. 3. LONG RANGE PLAN. The long-range plan must be updated every six years and include:

(1) an assessment of historical, present, and projected demand for fish and wildlife resources;

(2) an assessment of the capability of fish and wildlife resources to meet present and future demand;

(3) development of a data base capable of continuous updating and usable as a resource management tool; and

(4) a statement of major goals, objectives, and policies to address fish and wildlife resource management issues.

Subd. 4. OPERATIONAL PLAN. The operational plan must be reviewed and updated every two years. The operational plan must include the following:

(1) a description of specific actions needed to address resource management issues;

(2) an estimate of the expenditures necessary to implement the management actions and a description of the sources and amounts of revenue available;

(3) a procedure to review expenditures and evaluate the effectiveness of the management program; and

(4) recommendations for additional actions necessary to meet fish and wildlife management needs.

Subd. 5. PUBLIC AGENCY COORDINATION. The commissioner of natural resources must coordinate fish and wildlife planning efforts with appropriate public agencies to achieve optimum public benefit.

Subd. 6. PUBLIC INVOLVEMENT. The commissioner of natural resources must make fish and wildlife management plans available for public input, review, and comment.

Sec. 9. [84.943] MINNESOTA CRITICAL HABITAT PRIVATE SECTOR MATCHING ACCOUNT.

Subdivision 1. ESTABLISHMENT. The Minnesota critical habitat private sector matching account is established as a separate account in the state treasury. The account shall be administered by the commissioner of natural resources as provided in this section.

Subd. 2. FUNDING SOURCES. The critical habitat private sector matching account shall consist of contributions from private sources and appropriations.

Subd. 3. APPROPRIATIONS MUST BE MATCHED BY PRIVATE FUNDS. Appropriations to the critical habitat private sector matching account

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may be expended only to the extent that they are matched equally with contributions to the account from private sources or by funds contributed to the nongame wildlife management account. The private contributions may be made in cash or in contributions of land or interests in land that are designated by the commissioner of natural resources as program acquisitions. Appropriations to the account that are not matched within three years from the date of the appropriation shall cancel to the source of the appropriation. For the purposes of this section, the private contributions of land or interests in land shall be valued in accordance with their appraised value.

Subd. 4. MANAGEMENT. The critical habitat private sector matching account shall be managed to earn the highest interest compatible with prudent investment, preservation of principal, and reasonable liquidity. Unless an appropriation to the account reverts to its original source under subdivision 3, the principal and interest in the account remain in the account until expended as provided in this section.

Subd. 5. PLEDGES AND CONTRIBUTIONS. The commissioner of natural resources may accept contributions and pledges to the critical habitat private sector matching account. A pledge that is made contingent on an appropriation is acceptable and shall be reported with other pledges as required in this section. In the budget request for each biennium, the commissioner shall report the balance of contributions in the account and the amount that has been pledged for payment in the succeeding two calendar years.

Money in the account may be expended only for the direct acquisition or improvement of land or interests in land as provided in section 10. To the extent of available appropriations other than bond proceeds, the money matched to the nongame wildlife management account may be used for the management of nongame wildlife projects as specified in section 290.431. Acquisition includes: (1) purchase of land or an interest in land by the commissioner; or (2) acceptance by the commissioner of gifts of land or interests in land as program projects.

Sec. 10. [84.944] ACQUISITION OF CRITICAL NATURAL HABITAT.

Subdivision 1. ACQUISITION CONSIDERATIONS. In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 97.488;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

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(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

Subd. 2. DESIGNATION OF ACQUIRED SITES. The critical natural habitat acquired by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in section 97.48, subdivision 11, 26, or 27, section 101.42, subdivision 9, or section 101.475.

Subd. 3. COUNTY ACQUISITION APPROVAL. The commissioner must follow the procedures under section 97.481, subdivision 2, for critical natural habitat acquired under this section.

Sec. 11. Minnesota Statutes 1985 Supplement, section 88.80, is amended to read:

88.80 ASPEN RECYCLING PROGRAM.

Subdivision 1. ESTABLISHMENT. The commissioner may must establish and accelerate an aspen recycling program to assure that marketable stands of aspen are available on state lands and may designate priority areas on state lands for aspen recycling providing for the betterment of public lands owned by the state by clearing trees which because of age, disease, pests, or other cause are unmarketable or increase the hazard of forest fires or infestation, permitting the regeneration of stands of healthy aspen capable of economic management, harvesting, and marketing. The financing of this program is determined to be a necessary and proper public purpose for the issuance of state bonds under the provisions of article XI, section 5 of the constitution relating to the betterment of public land, the promotion of reforestation, and prevention and abatement of forest fires and the clearing and improving of wild lands. The program shall designate priority areas on state lands for aspen recycling.

Subd. 2. PILOT PROJECT. The commissioner shall establish an aspen recycling program pilot project in the highest priority area on state lands in order to develop effective program procedures and practices. With respect to the pilot project, the commissioner may restrict bidding on contracts for the cutting, removal, and disposal of aspens, and for related activities, to loggers and others residing in the pilot project area designated under the program that are financially distressed. The commissioner may establish standards and procedures for awarding logging contracts under section 86.35, relating to eligibility for employment for conservation work projects.

Subd. 3. REPORT. The commissioner shall report to the legislature by January 1, 1987 the results of the pilot project and a plan to recycle the overmature aspen stands of the state.

Sec. 12. [84.95] REINVEST IN MINNESOTA RESOURCES FUND.

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Subdivision 1. PROGRAM FUND; ESTABLISHMENT. A reinvest in Minnesota resources fund is created as a separate fund in the state treasury. The fund shall be managed to earn the highest interest compatible with prudent investment, preservation of principal, and reasonable liquidity. The principal and interest attributable to the principal shall remain in the fund until spent. Proceeds of state bonds issued for purposes of the fund shall be segregated in a special account and disbursed only for capital costs of the acquisition and betterment of public land and easements in land and improvements in land for which the proceeds are appropriated.

Subd. 2. PURPOSES AND EXPENDITURES. Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the comprehensive fish and wildlife management plan under section 8;

(2) implementation of the conservation reserve program established by section 4;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and regulations;

(9) information and education;

(10) implementing the aspen recycling program under section 11; and

(11) necessary support services to carry out these purposes.

Sec. 13. Minnesota Statutes 1984, section 97.49, subdivision 3, is amended to read:

Subd. 3. A sum equal to: (1) 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges, or (2) 50 cents per acre on purchased land actually used for public hunting grounds and game refuges, or (3) three-quarters of one percent of the appraised value of purchased land actually used for public hunting grounds and game refuges, whichever amount is the greater, shall be paid out of the ~~game and~~

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~~fish~~ general fund annually to the county in which said lands are located, to be distributed by the county treasurer among the county and the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes. The county's share of the proceeds shall be deposited in the county general revenue fund. For the purpose of determining the applicability of payments pursuant to clause (3) above, the appraised value of the lands acquired shall be deemed to be the purchase or acquisition price thereof during the first five years following acquisition. After the expiration of five years from the date of acquisition or, in the case of lands acquired prior to July 1, 1974, within 90 days after July 1, 1979, and thereafter at five year intervals, a current appraisal of the land shall be made by the appropriate county assessor, and shall govern payments.

Sec. 14. Minnesota Statutes 1984, section 290.431, is amended to read:

290.431 NONGAME WILDLIFE CHECKOFF.

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame ~~section~~ program of the ~~division~~ section of wildlife in the department of natural resources. All interest earned on money accrued in the nongame wildlife management account shall be credited to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year and semi-annual progress reports to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be expended unless the commission has approved the work program.

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife.

Sec. 15. S.F. No. 1526, article 1, section 11, subdivision 1, if enacted at the 1986 regular session, is amended to read:

Sec. 11. [97A.061] PAYMENT IN LIEU OF TAXES.

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Subdivision 1. **APPLICABILITY; AMOUNT.** (a) The commissioner shall annually make a payment from the ~~game and fish~~ general fund to each county having public hunting areas and game refuges. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese. [97.49 s. 7]

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition. [97.49 s. 3]

Sec. 16. **BONDS AUTHORIZED.**

The commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$16,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.641 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the reinvest in Minnesota resources fund.

Sec. 17. **APPROPRIATIONS.**

Subdivision 1. APPROPRIATION TO RESOURCES FUND. There is appropriated to the reinvest in Minnesota resources fund, other than the bond proceeds account within that fund, any money appropriated by law.

Subd. 2. BOND PROCEEDS APPROPRIATION. \$16,000,000 is appropriated from the bond proceeds account of the reinvest in Minnesota resources fund to the agencies and account for the purposes specified in this section.

Subd. 3. COMMISSIONER OF AGRICULTURE. \$10,000,000 is appropriated to the commissioner of agriculture:

(a) from the bond proceeds account of the reinvest in Minnesota resources fund for the conservation reserve program under section 4, to be available until expended

\$9,400,000

(b) from the bond proceeds account of

[Bracketed paragraph notes cite text sources]

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the reinvest in Minnesota resources
fund for administration of the
conservation reserve program under
sections 2 to 5 to be available until
June 30, 1987

\$600,000

\$500,000 of this appropriation must be
distributed to soil and water conserva-
tion districts.

The approved complement of the depart-
ment of agriculture is increased by three
positions in the unclassified service.

Subd. 4. COMMISSIONER OF NATURAL RESOURCES. \$3,600,000 is
appropriated to the commissioner of natural resources:

(a) from the bond proceeds account of
the reinvest in Minnesota resources
fund for fish and wildlife habitat
improvements and acquisition of
interests in land under the
comprehensive fish and wildlife
management plan under section 8, to be
available until expended

\$2,500,000

(b) from the bond proceeds account of
the reinvest in Minnesota resources
fund for aspen recycling under section
12, to be available until expended

\$1,000,000

(c) from the general fund for the
development of a fish and wildlife
research center, to be available until
June 30, 1987

\$100,000

Subd. 5. CRITICAL HABITAT PRIVATE SECTOR MATCHING
ACCOUNT. \$2,500,000 is appropriated from the bond proceeds account of the
reinvest in Minnesota resources fund for transfer to the critical habitat private
sector matching account established under section 10.

Sec. 18. EFFECTIVE DATE.

Sections 1 to 12, 14, 16, and 17 are effective the day following final enact-
ment. Sections 13 and 15 are effective July 1, 1987 except if Senate File 1526 is
enacted during the 1986 regular session, section 13 is not effective.

Approved March 20, 1986

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