

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1830

(SENATE AUTHORS: OSMEK)

DATE	D-PG	OFFICIAL STATUS
03/18/2015	964	Introduction and first reading Referred to Taxes

A bill for an act  
relating to taxation; property; providing for early termination of an agricultural  
preserve under certain conditions; amending Minnesota Statutes 2014, section  
473H.09.

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

Section 1. Minnesota Statutes 2014, section 473H.09, is amended to read:

**473H.09 EARLY TERMINATION.**

Subdivision 1. Public emergency. Termination of an agricultural preserve earlier  
than a date derived through application of section 473H.08 may be permitted ~~only~~ in the  
event of a public emergency upon petition from the owner or authority to the governor.  
The determination of a public emergency shall be by the governor through executive order  
pursuant to sections 4.035 and 12.01 to 12.46. The executive order shall identify the  
preserve, the reasons requiring the action and the date of termination.

Subd. 2. Death of owner. (a) Within 180 days of the death of an owner, an owner's  
spouse, or other qualifying person, the surviving owner may elect to terminate the  
agricultural preserve and the covenant allowing the land to be enrolled as an agricultural  
preserve by notifying the authority on a form provided by the commissioner of agriculture.  
Termination of a covenant under this subdivision must be executed and acknowledged in  
the manner required by law to execute and acknowledge a deed.

(b) For purposes of this subdivision, the following definitions apply:

(1) "qualifying person" includes a partner, shareholder, trustee for a trust that the  
decedent was the settlor or a beneficiary of, or member of an entity permitted to own  
agricultural land and engage in farming under section 500.24 that owned the agricultural  
preserve; and

2.1           (2) "surviving owner" includes the executor of the estate of the decedent, trustee for a  
2.2           trust that the decedent was the settlor or a beneficiary of, or an entity permitted to own farm  
2.3           land under section 500.24 of which the decedent was a partner, shareholder, or member.

2.4           (c) When an agricultural preserve is terminated under this subdivision, the property  
2.5           is subject to additional taxes in an amount equal to 50 percent of the taxes actually  
2.6           levied against the property for the current taxes payable year. The additional taxes are  
2.7           extended against the property on the tax list for taxes payable in the current year. The  
2.8           additional taxes must be distributed among the jurisdictions levying taxes on the property  
2.9           in proportion to the current year's taxes.

2.10           **EFFECTIVE DATE.** This section is effective July 1, 2015.