

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. **4167**

03/22/2018 Authored by Gunther  
The bill was read for the first time and referred to the Committee on Legacy Funding Finance

1.1 A bill for an act  
1.2 relating to legacy; modifying requirements for lands acquired with money from  
1.3 outdoor heritage fund; amending Minnesota Statutes 2016, section 97A.056,  
1.4 subdivisions 1, 15.

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

1.6 Section 1. Minnesota Statutes 2016, section 97A.056, subdivision 1, is amended to read:

1.7 Subdivision 1. **Outdoor heritage fund.** (a) An outdoor heritage fund, under article XI,  
1.8 section 15, of the Minnesota Constitution, is established as an account in the state treasury.  
1.9 All money earned by the outdoor heritage fund must be credited to the fund. At least 99  
1.10 percent of the money appropriated from the fund must be expended to restore, protect, and  
1.11 enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife. Money  
1.12 appropriated from the outdoor heritage fund shall not be spent to acquire property by eminent  
1.13 domain unless the owner requests that the owner's property be acquired by eminent domain.

1.14 (b) Land and interests in land acquired with money from the outdoor heritage fund must  
1.15 comply in all respects with the Minnesota Constitution. All determinations for acquiring  
1.16 land in fee title must be based on benefiting all Minnesotans, as the outdoor heritage fund  
1.17 is dedicated for all Minnesotans. Unless otherwise provided by law, lands acquired in fee  
1.18 with appropriations from the outdoor heritage fund must be open to public taking of fish  
1.19 and game, which is a valued part of Minnesotans' heritage that must be forever preserved  
1.20 for the people, and the lands must be managed by law and regulation for the public good  
1.21 in the same manner as lands owned by the state. On lands acquired in fee with appropriations  
1.22 from the outdoor heritage fund, the right of the people to take fish and game must not be  
1.23 infringed or impaired by lack of access, lack of opportunity, or diminished quality or as a  
1.24 result of special or exclusive privilege that does not benefit all Minnesotans.

2.1 Sec. 2. Minnesota Statutes 2016, section 97A.056, subdivision 15, is amended to read:

2.2 Subd. 15. **Land acquisition restrictions.** (a) An interest in real property, including, but  
 2.3 not limited to, an easement or fee title, that is acquired with money appropriated from the  
 2.4 outdoor heritage fund must be used in perpetuity or for the specific term of an easement  
 2.5 interest for the ~~purpose~~ purposes for which the appropriation was made-, including the  
 2.6 purposes of articles XI, section 15, and XIII, section 12, of the Minnesota Constitution to  
 2.7 restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and  
 2.8 wildlife for the benefit of all Minnesotans and, with regard to fee title acquisition, to be  
 2.9 open to public taking of fish and game during the open season, unless otherwise provided  
 2.10 by law, for the public good. The right of the public to take game and fish on these lands  
 2.11 must not be impaired or diminished in quality or experience directly or indirectly. The  
 2.12 ownership of the interest in real property transfers to the state if:

2.13 (1) the holder of the interest in real property fails to comply with the terms and conditions  
 2.14 of the grant agreement or accomplishment plan; ~~or~~

2.15 (2) restrictions are placed on the land that preclude its use for the intended purpose as  
 2.16 specified in the appropriation; or

2.17 (3) the right to take fish and game during the open season as provided by law is impaired  
 2.18 or restricted or the right's quality is diminished by lack of access or grant of special or  
 2.19 exclusive privilege or franchise or otherwise.

2.20 (b) A recipient of funding that acquires an interest in real property subject to this  
 2.21 subdivision may not alter the intended use of the interest in real property or convey any  
 2.22 interest in the real property acquired with the appropriation without the prior review and  
 2.23 approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall  
 2.24 notify the chairs and ranking minority members of the legislative committees and divisions  
 2.25 with jurisdiction over the outdoor heritage fund at least 15 business days before approval  
 2.26 under this paragraph. The council shall establish procedures to review requests from  
 2.27 recipients to alter the use of or convey an interest in real property. These procedures shall  
 2.28 allow for the replacement of the interest in real property with another interest in real property  
 2.29 meeting the following criteria:

2.30 (1) the interest must be at least equal in fair market value, as certified by the commissioner  
 2.31 of natural resources, to the interest being replaced; and

2.32 (2) the interest must be in a reasonably equivalent location and have a reasonably  
 2.33 equivalent useful conservation purpose compared to the interest being replaced, taking into  
 2.34 consideration all effects from fragmentation of the whole habitat.

3.1 (c) A recipient of funding who acquires an interest in real property under paragraph (a)  
3.2 must separately record a notice of funding restrictions in the appropriate local government  
3.3 office where the conveyance of the interest in real property is filed. The notice of funding  
3.4 agreement must contain:

3.5 (1) a legal description of the interest in real property covered by the funding agreement;

3.6 (2) a reference to the underlying funding agreement;

3.7 (3) a reference to this section; and

3.8 (4) the following statement: "This interest in real property shall be administered in  
3.9 accordance with the terms, conditions, and purposes of the grant agreement controlling the  
3.10 acquisition of the property. The interest in real property, or any portion of the interest in  
3.11 real property, shall not be sold, transferred, pledged, or otherwise disposed of or further  
3.12 encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor  
3.13 Heritage Council or its successor. The ownership of the interest in real property transfers  
3.14 to the state if:

3.15 ~~(1)~~ (i) the holder of the interest in real property fails to comply with the terms and  
3.16 conditions of the grant agreement or accomplishment plan; ~~or~~

3.17 ~~(2)~~ (ii) restrictions are placed on the land that preclude its use for the intended purpose  
3.18 as specified in the appropriation-"; or

3.19 (iii) the right to take fish and game during the open season as provided by law is impaired  
3.20 or restricted or the right's quality is diminished by lack of access or grant of special or  
3.21 exclusive privilege or franchise or otherwise."