

1.1 Senator ..... moves to amend S.F. No. .... as follows:

1.2 Page ..., after line ..., insert:

1.3 "\$..... in the second year is to the  
1.4 commissioner of natural resources for deposit  
1.5 in the outdoor heritage investigation and  
1.6 enforcement account under Minnesota  
1.7 Statutes, section 97A.056, subdivision 15b.  
1.8 This appropriation is available until June 30,  
1.9 20XX."

1.10 Page ....., after line ....., insert:

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

1.12 Subd. 15. **Land acquisition and use restrictions.** (a) ~~An interest~~ Money appropriated  
1.13 from the outdoor heritage fund may be used to acquire a permanent interest in real property,  
1.14 including, but not limited to, an easement or fee title, ~~that is acquired with money~~  
1.15 ~~appropriated from the outdoor heritage fund must~~ but only if the land will be used in  
1.16 perpetuity or for the specific term of an easement interest for the purpose for which the  
1.17 appropriation was made. Money appropriated from the outdoor heritage fund shall not be  
1.18 used to purchase interests in real property that are not permanent. The ownership of the  
1.19 interest in real property transfers to the state if: (1) the original holder of the interest in real  
1.20 property or a successor in interest fails to comply with the terms and conditions of the  
1.21 appropriation, grant agreement~~or~~, accomplishment plan, this section, or the Minnesota  
1.22 Constitution; or (2) restrictions are placed on the land that preclude its use for the intended  
1.23 purpose as specified in the appropriation.

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

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

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

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

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

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

2.12 (3) a reference to this section; and

2.13 (4) the following statement: "This interest in real property shall be administered in  
2.14 accordance with the terms, conditions, and purposes of the grant agreement controlling the  
2.15 acquisition of the property. The interest in real property, or any portion of the interest in  
2.16 real property, shall not be sold, transferred, pledged, or otherwise disposed of or further  
2.17 encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor  
2.18 Heritage Council or its successor. The ownership of the interest in real property transfers  
2.19 to the state if: (1) the original holder of the interest in real property or a successor in interest  
2.20 fails to comply with the terms and conditions of the appropriation, grant agreement or  
2.21 accomplishment plan, Minnesota Statutes, section 97A.056, or the Minnesota Constitution;  
2.22 or (2) restrictions are placed on the land that preclude its use for the intended purpose as  
2.23 specified in the appropriation."

2.24 Sec. .... Minnesota Statutes 2016, section 97A.056, is amended by adding a subdivision  
2.25 to read:

2.26 **Subd. 15a. Investigation and enforcement of land acquisition and use restrictions.**

2.27 **(a) The commissioner of natural resources may, at the request of the council made through**  
2.28 **an affirmative vote of at least nine of its members, use money in the outdoor heritage**  
2.29 **investigation and enforcement account to investigate whether a requirement of subdivision**  
2.30 **15 has been violated and may enforce the provisions of that subdivision. If the commissioner**  
2.31 **determines that a violation of subdivision 15 has occurred, the commissioner must submit**  
2.32 **a report with the commissioner's findings to the council and the chairs and ranking minority**

3.1 members of the legislative committees and divisions with jurisdiction over the environment  
3.2 and natural resources and the outdoor heritage fund.

3.3 (b) The attorney general may, at the request of the council made through an affirmative  
3.4 vote of at least nine of its members after review of commissioner's findings reported under  
3.5 paragraph (a), exercise its authority pursuant to chapter 8 to bring an action on behalf of  
3.6 the state to enforce the provisions of subdivision 15 and any associated grant agreement or  
3.7 deed restriction.

3.8 (c) Notwithstanding any other provision of law, a person may bring an action for  
3.9 declaratory judgment under chapter 555 to determine whether any of the requirements of  
3.10 subdivision 15 are being violated. The court shall award costs to a person who prevails in  
3.11 an action brought under this paragraph and shall notify the council and the commissioner  
3.12 of natural resources if a person prevails in an action brought under this paragraph.

3.13 Sec. .... Minnesota Statutes 2016, section 97A.056, is amended by adding a subdivision  
3.14 to read:

3.15 Subd. 15b. **Funds for investigation and enforcement of land acquisition and use**  
3.16 **restrictions.** The outdoor heritage investigation and enforcement account is created in the  
3.17 special revenue fund. The account consists of money credited to the account and interest  
3.18 and other earnings on money in the account. Money in the account is appropriated to the  
3.19 commissioner of natural resources. The commissioner must submit an annual financial  
3.20 report detailing expenditures of the account to the council and the chairs and ranking minority  
3.21 members of the legislative committees and divisions with jurisdiction over the environment  
3.22 and natural resources and the outdoor heritage fund. Money in the account may only be  
3.23 used to: (1) conduct an investigation requested by the council under subdivision 15a,  
3.24 paragraph (a); and (2) enforce actions brought by the attorney general under subdivision  
3.25 15a, paragraph (b), after an affirmative vote of at least nine of its members specifically  
3.26 authorizes the funds to be transferred to the attorney general for this purpose."

3.27 Adjust amounts accordingly