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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 21

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

A bill for an act

1.1
1.2 relating to soil and water conservation; creating a farm unit conservation plan
1.3 program; requiring a conservation plan for participation in a state cost-share
1.4 program; creating a farmland conservation task force; appropriating money;
1.5 amending Minnesota Statutes 2008, sections 103C.101, by adding subdivisions;
1.6 103C.501, subdivision 5; proposing coding for new law in Minnesota Statutes,
1.7 chapter 103C.

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

1.9 Section 1. Minnesota Statutes 2008, section 103C.101, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 2a. **Conservation plan.** "Conservation plan" means a set of documents
1.12 tailored to the natural and economic characteristics of an individual farm unit that includes
1.13 projects and practices recommended to both increase the economic viability of the farm
1.14 operation and preserve or enhance water, soil, wildlife, and other natural resources.
1.15 Specific items contained in a conservation plan must include but are not limited to:
1.16 estimated erosion and nutrient loss rates for the farm unit given current farming practices;
1.17 short-term and long-term economic and environmental effects of erosion and nutrient loss;
1.18 an explanation of relevant federal, state, and local erosion control and water quality laws
1.19 and suggested best practices; a summary of the local district's current comprehensive
1.20 plan if such a plan exists; a listing and description of suggested farming and resource
1.21 management practices including potential effects on yield, income, and farm operations
1.22 for each practice; and information on educational, technical, and financial assistance
1.23 available from relevant agencies and nongovernment organizations.

2.1 Sec. 2. Minnesota Statutes 2008, section 103C.101, is amended by adding a
2.2 subdivision to read:

2.3 Subd. 5a. **Farm unit.** "Farm unit" means a single contiguous tract of agricultural
2.4 land, or two or more adjacent tracts of agricultural land with substantially similar
2.5 geographic, soil, and drainage characteristics, upon which crop or livestock production or
2.6 both are conducted by a person who owns or is purchasing or renting all of the land, or by
2.7 that person's tenant or tenants. If a landowner has multiple farm tenants, the land on which
2.8 farming operations are being conducted by each tenant is a separate farm unit.

2.9 Sec. 3. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

2.10 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share
2.11 basis to furnish financial aid to a land occupier or to a state agency for permanent systems
2.12 for erosion or sedimentation control or water quality improvement that are consistent with
2.13 the district's comprehensive and annual work plans.

2.14 (b) The duration of the contract must, at a minimum, be the time required to
2.15 complete the planned systems. A contract must specify that the land occupier is liable for
2.16 monetary damages and penalties in an amount up to 150 percent of the financial assistance
2.17 received from the district, for failure to complete the systems or practices in a timely
2.18 manner or maintain the systems or practices as specified in the contract.

2.19 (c) A contract may provide for cooperation or funding with federal agencies. A land
2.20 occupier or state agency may provide the cost-sharing portion of the contract through
2.21 services in kind.

2.22 (d) The state board or the district board may not furnish any financial aid for
2.23 practices designed only to increase land productivity.

2.24 (e) When a district board determines that long-term maintenance of a system or
2.25 practice is desirable, the board may require that maintenance be made a covenant upon
2.26 the land for the effective life of the practice. A covenant under this subdivision shall be
2.27 construed in the same manner as a conservation restriction under section 84.65.

2.28 (f) After January 1, 2012, a district board may not enter into a new contract with an
2.29 occupier of agricultural land unless the occupier has a conservation plan for the impacted
2.30 land under section 103C.55, which may consist of a comparable plan as provided by
2.31 section 103C.55, subdivision 3.

2.32 Sec. 4. **[103C.55] FARM UNIT CONSERVATION PLAN.**

2.33 Subdivision 1. **Conservation plan.** Except as provided in subdivision 3, district
2.34 boards, in consultation with the state board and the commissioner of agriculture, shall

3.1 develop a conservation plan for each farm unit in this state. A district board shall distribute
 3.2 the completed conservation plan to the owner or operator of a farm unit.

3.3 Subd. 2. **Priority.** A district board must assign a higher priority to producing a
 3.4 conservation plan for any farm unit located wholly or partially within the watershed of a
 3.5 body of water included in the Pollution Control Agency's latest 303(d) total maximum
 3.6 daily load list of impaired waters as impaired by a source or sources other than mercury or
 3.7 polychlorinated biphenyls or other nonagricultural chemicals.

3.8 Subd. 3. **Existing plan.** A district board need not create a conservation plan for a
 3.9 farm unit already covered by a comparable conservation plan prepared in consultation
 3.10 with or by the Natural Resources Conservation Service or a state agency within ten years
 3.11 prior to the effective date of this section.

3.12 **Sec. 5. FARMLAND CONSERVATION TASK FORCE.**

3.13 (a) The Board of Water and Soil Resources and the commissioner of agriculture must
 3.14 convene a farmland conservation task force. The objective of the task force is to advise
 3.15 the legislature on how the state can achieve the expedient implementation of cost-effective
 3.16 soil and water conservation and nutrient management practices on the state's working
 3.17 farmlands, with an emphasis on farms with a completed conservation plan including
 3.18 recommended projects or practices both for the economic benefit of the farm operation
 3.19 and the preservation or enhancement of this state's water, soil, wildlife, and other natural
 3.20 resources. In particular, the task force must:

3.21 (1) estimate the amount of farmer demand statewide for assistance implementing
 3.22 soil and water conservation and nutrient management projects or practices, including an
 3.23 estimate of the financial and technical resources required and an implementation plan to
 3.24 satisfy this demand as quickly as possible;

3.25 (2) summarize the latest understanding of cost-effective soil and water conservation
 3.26 and nutrient management practices on agricultural lands along with the soil type,
 3.27 geography, cropping, or livestock rearing methods and other conditions under which
 3.28 each practice is most effective;

3.29 (3) describe and evaluate methods for quantitatively measuring any economic and
 3.30 environmental improvements at both the farm and watershed levels for each practice
 3.31 identified in clause (2); and

3.32 (4) describe and evaluate ways in which the state can encourage farmers to
 3.33 implement cost-effective soil and water conservation and nutrient management
 3.34 practices, including but not limited to: modifying or expanding existing state programs,
 3.35 complementing existing federal working lands conservation programs, incorporating

4.1 a conservation compliance component in existing state property tax benefits for the
4.2 agriculture sector, and creating additional incentives.

4.3 (b) The task force must include a representative of each of the following
4.4 organizations: the committee or committees of the house of representatives with
4.5 jurisdiction over agriculture policy and finance, the committee or committees of the senate
4.6 with jurisdiction over agriculture policy and finance, the committee or committees of
4.7 the house of representatives with jurisdiction over environment and natural resources
4.8 policy and finance, the committee or committees of the senate with jurisdiction over
4.9 environment and natural resources policy and finance, the Department of Agriculture, the
4.10 Department of Natural Resources, the Pollution Control Agency, the Board of Water and
4.11 Soil Resources, the Minnesota Natural Resources Conservation Service of the United
4.12 States Department of Agriculture, the University of Minnesota agricultural experiment
4.13 stations, the University of Minnesota Extension Service, the Minnesota Farm Bureau, and
4.14 the Minnesota Farmers Union.

4.15 (c) No later than January 15, 2010, the Board of Water and Soil Resources must
4.16 report the findings and recommendations of the task force to the house and senate
4.17 committees with jurisdiction over agriculture policy and finance and environment and
4.18 natural resources policy and finance.

4.19 **Sec. 6. APPROPRIATION.**

4.20 (a) \$..... in fiscal year 2010 is appropriated from the general fund to the Board of
4.21 Water and Soil Resources for the activities required by sections 3 and 4.

4.22 (b) \$..... in fiscal year 2010 is appropriated from the general fund to the
4.23 commissioner of agriculture for the activities required by sections 3 and 4.