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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE NO. **1798**

March 16, 2009

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The bill was read for the first time and referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to taxation; property; requiring compliance with certain laws to
1.3 participate in certain agriculture property tax programs; amending Minnesota
1.4 Statutes 2008, sections 40A.09; 273.111, by adding a subdivision; 473H.04,
1.5 subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2008, section 40A.09, is amended to read:

1.8 **40A.09 AGRICULTURAL PRESERVE; ELIGIBILITY.**

1.9 An owner or owners of land that has been designated for exclusive long-term
1.10 agricultural use under a plan submitted to or approved by the commissioner is eligible
1.11 to apply for the creation of an agricultural preserve. Eligibility continues unless the
1.12 commissioner determines that the plan and official controls do not address the elements
1.13 contained in this chapter or unless the county fails to implement the plan and official
1.14 controls as required by this chapter. An owner of land in the agricultural preserve shall
1.15 lose eligibility for participation and be subject to repayment of all tax benefits received
1.16 under the program if the owner is:

1.17 (1) subject to an administrative, civil, or criminal penalty under chapter 18D for a
1.18 violation of pesticide or fertilizer control law in chapter 18B or 18C; or

1.19 (2) subject to enforcement action for a violation of state water law as contained
1.20 in chapters 103E, 103F, 103G, and 103H.

1.21 Sec. 2. Minnesota Statutes 2008, section 273.111, is amended by adding a subdivision
1.22 to read:

2.1 Subd. 9a. **Cross-compliance with applicable laws.** A person with real property
2.2 otherwise qualifying under subdivision 3 shall lose eligibility for deferment and be subject
2.3 to additional taxes under subdivision 9 if the person is:

2.4 (1) subject to an administrative, civil, or criminal penalty under chapter 18D for a
2.5 violation of pesticide or fertilizer control law in chapter 18B or 18C; or

2.6 (2) subject to enforcement action for a violation of state water law as contained
2.7 in chapters 103E, 103F, 103G, and 103H.

2.8 Sec. 3. Minnesota Statutes 2008, section 473H.04, subdivision 2, is amended to read:

2.9 Subd. 2. **When eligibility ends.** Land shall cease to be eligible for designation as
2.10 an agricultural preserve when the comprehensive plan and zoning for the land have been
2.11 amended so that the land is no longer planned for long-term agricultural use and is no
2.12 longer zoned for long-term agricultural use, evidenced by a maximum residential density
2.13 permitting more than one unit per 40 acres. When changes have been made, the authority
2.14 shall certify by resolution and appropriate maps which lands are no longer eligible. At
2.15 least two weeks before the resolution is to be adopted, the authority shall publish a notice
2.16 of its intended action in a newspaper having a general circulation within the area of
2.17 jurisdiction of the authority. An owner of land in a metropolitan agricultural preserve shall
2.18 lose eligibility for participation and be subject to repayment of all tax benefits received
2.19 under the program if the owner is:

2.20 (1) subject to an administrative, civil, or criminal penalty under chapter 18D for a
2.21 violation of pesticide or fertilizer control law in chapter 18B or 18C; or

2.22 (2) subject to enforcement action for a violation of state water law as contained
2.23 in chapters 103E, 103F, 103G, and 103H.