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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2302

April 7, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

1.1 A bill for an act
1.2 relating to natural resources; restricting conservation easements in certain
1.3 conditions; modifying the time period to implement local water plans; amending
1.4 Minnesota Statutes 2008, sections 84C.02; 103B.235, subdivision 4; 103B.325,
1.5 subdivision 3.

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

1.7 Section 1. Minnesota Statutes 2008, section 84C.02, is amended to read:

1.8 **84C.02 CREATION, CONVEYANCE, ACCEPTANCE, AND DURATION.**

1.9 (a) Except as otherwise provided in this chapter, a conservation easement may be
1.10 created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered
1.11 or affected in the same manner as other easements.

1.12 (b) No right or duty in favor of or against a holder and no right in favor of a person
1.13 having a third-party right of enforcement arises under a conservation easement before its
1.14 acceptance by the holder and a recordation of the acceptance.

1.15 (c) Except as provided in section 84C.03, clause (b), a conservation easement is
1.16 unlimited in duration unless the instrument creating it otherwise provides.

1.17 (d) An interest in real property in existence at the time a conservation easement is
1.18 created is not impaired by it unless the owner of the interest is a party to the conservation
1.19 easement or consents to it.

1.20 (e) A person shall not be required to convey a conservation easement as a condition
1.21 of state agency or local government approval to separate an area, parcel, or tract of land
1.22 that is under single ownership into two or more parcels, tracts, lots, or long-term leasehold
1.23 interests.

2.1 Sec. 2. Minnesota Statutes 2008, section 103B.235, subdivision 4, is amended to read:

2.2 Subd. 4. **Adoption and implementation.** After approval of the local plan by the
2.3 organization, the local government unit shall adopt and implement its plan within ~~120 days~~
2.4 16 months and shall amend its official controls accordingly within ~~180 days~~ 18 months.

2.5 Sec. 3. Minnesota Statutes 2008, section 103B.325, subdivision 3, is amended to read:

2.6 Subd. 3. **Revision and implementation.** Local units of government shall revise
2.7 existing plans and official controls to conform them to the recommendations of the county
2.8 board and shall initiate implementation of the revised plans and controls within ~~180 days~~
2.9 18 months after receiving the recommendations of the county board, or ~~180 days~~ 18
2.10 months after resolution of an appeal, whichever is later.