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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1803

02/15/2023 Authored by Jacob and Altendorf The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; preclusion on disposing of state-owned historic sites
1.3 and places without authorization in law; requiring notices and reports regarding
1.4 historic sites and places to the State Historic Preservation Office; amending
1.5 Minnesota Statutes 2022, sections 16B.281, subdivisions 3, 6; 138.665, subdivision
1.6 2.

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

1.8 Section 1. Minnesota Statutes 2022, section 16B.281, subdivision 3, is amended to read:

1.9 Subd. 3. Notice to agencies; determination of surplus. The commissioner of
1.10 administration shall send written notice to all state departments, agencies, and the University
1.11 of Minnesota describing any lands or tracts that may be declared surplus. For any property
1.12 designated as a historic place under section 138.664 or a historic site under section 138.662,
1.13 the commissioner must send written notice to the State Historic Preservation Office describing
1.14 any lands or tracts that may be declared surplus. If a department or agency or the University
1.15 of Minnesota desires custody of the lands or tracts, it shall submit a written request to the
1.16 commissioner, no later than four calendar weeks after mailing of the notice, setting forth
1.17 in detail its reasons for desiring to acquire and its intended use of the land or tract. The
1.18 commissioner shall then determine whether any of the lands described should be declared
1.19 surplus and offered for sale or otherwise disposed of by transferring custodial control to
1.20 other requesting state departments or agencies or to the Board of Regents of the University
1.21 of Minnesota for educational purposes, provided however that transfer to the Board of
1.22 Regents shall not be determinative of tax exemption or immunity. If the commissioner
1.23 determines that any of the lands are no longer needed for state purposes, the commissioner

2.1 shall make findings of fact, describe the lands, declare the lands to be surplus state land,
2.2 and state the reasons for the sale or disposition of the lands.

2.3 Sec. 2. Minnesota Statutes 2022, section 16B.281, subdivision 6, is amended to read:

2.4 Subd. 6. **Maintenance of land before sale.** The state department or agency holding
2.5 custodial control shall maintain the state-owned lands until the lands are sold or otherwise
2.6 disposed of as provided for in sections 16B.281 to 16B.287. State-owned land designated
2.7 as a historic place under section 138.664 or a historic site under section 138.662, must not
2.8 be disposed of without specific authorization in law.

2.9 Sec. 3. Minnesota Statutes 2022, section 138.665, subdivision 2, is amended to read:

2.10 Subd. 2. **Mediation.** The state, state departments, agencies, and political subdivisions,
2.11 including the Board of Regents of the University of Minnesota, have a responsibility to
2.12 protect the physical features and historic character of properties designated in sections
2.13 138.662 and 138.664 or listed on the National Register of Historic Places created by Public
2.14 Law 89-665. Before carrying out any undertaking that will affect designated or listed
2.15 properties, ~~or~~ funding or licensing an undertaking by other parties, or conveying state-owned
2.16 designated or listed property, the state department or agency shall consult with the State
2.17 Historic Preservation Office pursuant to the society's established procedures to determine
2.18 appropriate treatments and to seek ways to avoid and mitigate any adverse effects on
2.19 designated or listed properties. If the state department or agency and the State Historic
2.20 Preservation Office agree in writing on a suitable course of action, the project may proceed.
2.21 If the parties cannot agree, any one of the parties may request that the governor appoint and
2.22 convene a mediation task force consisting of five members, two appointed by the governor,
2.23 the chair of the State Review Board of the State Historic Preservation Office, the
2.24 commissioner of administration or the commissioner's designee, and one member who is
2.25 not an employee of the Minnesota Historical Society appointed by the director of the society.
2.26 The two appointees of the governor and the one of the director of the society shall be qualified
2.27 by training or experience in one or more of the following disciplines: (1) history; (2)
2.28 archaeology; and (3) architectural history. The mediation task force is not subject to the
2.29 conditions of section 15.059. This subdivision does not apply to section 138.662, subdivision
2.30 24, and section 138.664, subdivisions 8 and 111.