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## **Chapter 126—Agriculture, Broadband, and Energy Budget Omnibus (S.F. No. 4942)**

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### **Article 1: Agriculture Appropriations**

See the [Agriculture, Broadband, and Rural Development 2024 Conference Committee Agreement spreadsheet](#) for information on appropriations.

### **Article 2: Agriculture Policy**

**Sections 1 to 5 (3.7371)** modify statutes relating to compensation for damage caused by elk, incorporating language from the rules that are repealed in section 73 of this article.

**Section 6 (17.055, subdivision 3)** amends the beginning farmer equipment and infrastructure grant program to give preference to farmers experiencing limited land access or limited market access.

**Section 7 (17.116, subdivision 2)** expands eligibility for sustainable agriculture demonstration grants to add organizations such as farms, agricultural cooperatives, Tribal governments, and local governments.

**Section 8 (17.133, subdivision 1)** amends the farm down payment assistance grant definitions. The definition of “eligible farmer” would add a requirement that a farmer not be seeking to purchase land from an owner who is related by blood or marriage. This section also adds a definition of “incubator farm,” “limited land access,” and “limited market access.”

**Section 9 (17.133, subdivision 3)** amends the reporting requirements for the farm down payment assistance grants to require information about the number of grant recipients who are farmers experiencing limited land access or limited market access.

**Section 10 (17.134, subdivision 3)** modifies the soil health grants so preference is given to applicants pursuing agricultural water quality certification.

**Section 11 (17.134)** adds a limitation to the soil health grant program requiring that a recipient will not sell the equipment for at least ten years.

**Section 12 (17.710)** amends the prohibition on confidentiality clauses in agricultural production contracts to include cooperatives and is effective July 1, 2024.

**Sections 13 to 30** amend Chapter 18B: Pesticide Control.

**Section 13 (18B.01)** adds a definition for “application or use of a pesticide.”

**Section 14 (18B.26, subdivision 6)** provides a process for immediate cancellation of a pesticide product registration.

**Section 15 (18B. 28)** requires the commissioner to convene an advisory panel of experts before approving an experimental use pesticide product registration.

**Section 16 (18B.305, subdivision 2)** adds competency standards that must be met for pesticide applicator training manuals and examinations.

**Section 17 (18B.32, subdivision 1)** requires structural pest control applicators to be at least 18 years old.

**Section 18 (18B.32, subdivision 3)** eliminates the ability to require a practical demonstration for structural pest control examinations.

**Section 19 (18B.32, subdivision 4)** adds competency standards that must be met for structural pest control applicator license recertification workshops.

**Section 20 (18B.32, subdivision 5)** allows the commissioner to suspend or revoke a structural pest control license in the absence of proof of financial responsibility.

**Section 21 (18B.33, subdivision 1)** requires commercial applicator licensees to be at least 18 years old.

**Section 22 (18B.33, subdivision 5)** adds competency standards that must be met for commercial applicator license recertification workshops and allows the commissioner to require attendance at a recertification workshop every one to three years.

**Section 23 (18B.33, subdivision 6)** allows the commissioner to suspend or revoke a commercial applicator license in the absence of proof of financial responsibility.

**Section 24 (18B.34, subdivision 1)** requires noncommercial applicator licensees to be at least 18 years old.

**Section 25 (18B.34, subdivision 4)** adds competency standards that must be met for noncommercial applicator license recertification workshops and allows the commissioner

to require attendance at a recertification workshop every one to three years.

**Section 26 (18B.35, subdivision 1)** adds competency standards for different categories of pest control licenses that must be met.

**Section 27 (18B.36, subdivision 1)** requires certified private applicators to be at least 18 years old.

**Section 28 (18B.36, subdivision 2)** adds competency standards that must be met for private applicator certification requirements and training.

**Section 29 (18B.37, subdivision 2)** requires records of commercial and noncommercial applicators to meet or exceed federal requirements.

**Section 30 (18B.37, subdivision 3)** requires records of structural pest control applicators to meet or exceed federal requirements.

**Sections 31 to 43** relate to Chapter 18C: Fertilizer, Soil Amendment, and Plant Amendment.

**Section 31 (18C.005)** adds a definition of “beneficial substance.”

**Section 32 (18C.005, subdivision 33)** amends the definition of “soil amendment.”

**Section 33 (18C.115, subdivision 2)** updates the reference to national standards to refer to the most recently published version.

**Section 34 (18C.215, subdivision 1)** adds volume to the measures of packaged fertilizers.

**Section 35 (18C.221)** deletes phosphoric acid and inserts phosphate in the description of fertilizer plant food content.

**Section 36 (18C.425, subdivision 6)** extends the collection of a tonnage fee until June 30, 2029, currently set at 40 cents per ton of fertilizer, soil amendment, and plant amendment sold. This section is effective the day following final enactment.

**Section 37 (18C.70, subdivision 1)** amends the membership of the Minnesota Agricultural Fertilizer Research and Education Council by reducing the members of the Minnesota Crop Production Retailers from two to one and adding one additional member representing the Minnesota Institute for Sustainable Agriculture, one member representing the Minnesota Soil Health Coalition, one member who is an expert in public health, and one member who is an expert in water quality.

**Section 38 (18C.70, subdivision 5)** extends the expiration of the Minnesota Agricultural Fertilizer Research and Education Council until June 30, 2030.

**Section 39 (18C.71, subdivision 1)** expands the types of eligible projects that may be funded through the Minnesota Agricultural Fertilizer Research and Education Program to include projects relating to regenerative agriculture and the protection of clean water.

**Section 40 (18C.71)** requires the Minnesota Agricultural Fertilizer Research and Education Council to develop research priorities related to nitrogen management, manure management, and fertilizer best practices for sensitive areas.

**Section 41 (18C.71, subdivision 2)** modifies the votes required to approve project grants to reflect the change in membership of the Minnesota Agricultural Fertilizer Research and Education Council.

**Section 42 (18C.71, subdivision 4)** extends the expiration of the Minnesota Agricultural Fertilizer Research and Education Program until June 30, 2030.

**Section 43 (18C.80, subdivision 2)** extends the expiration of the Agricultural Fertilizer Research and Education Account until June 30, 2030.

**Section 44 (18D.301, subdivision 1)** adds a reference to a section of statute relating to groundwater pollution to the sections the commissioner of agriculture must enforce.

**Section 45 (18K.06)** authorizes the adoption or amendment of rules relating to industrial hemp.

**Section 46 (28A.10)** removes obsolete language.

**Sections 47 to 51** modify provisions relating to food product sampling and demonstration at a farmers' market or community event. These sections are effective the day following final enactment.

**Section 47 (28A.151, subdivision 1)** makes clarifying changes.

**Section 48 (28A.151, subdivision 2)** adds food safety requirements for food sampling and demonstration consistent with Minnesota Food Law.

**Section 49 (28A.151, subdivision 3)** makes clarifying changes.

**Section 50 (28A.151, subdivision 5)** clarifies that a handwashing device is not required when only prepackaged samples are offered.

**Section 51 (28A.151)** requires that food products being offered are labeled with a product's ingredients and any major food allergens.

**Section 52 (28A.21, subdivision 6)** extends the expiration of the Food Safety and Defense Task Force to June 20, 2037.

**Section 53 (31.74)** requires that food consisting of honey and another sweetener be labeled with each ingredient.

**Section 54 (31.94)** extends the Minnesota Organic Advisory Task Force to 2034. This section is effective the day following final enactment.

**Section 55 (32D.30)** amends the Dairy Development and Profitability Enhancement program to allow more flexibility in the way the program is delivered.

**Sections 56 to 61** modify Chapter 41B: Rural Finance Authority.

**Section 56 (41B.039, subdivision 2)** increases the maximum amount of state participation in a beginning farmer loan from \$400,000 to \$500,000.

**Section 57 (41B.04, subdivision 8)** increases the maximum amount of state participation in an agricultural loan restructuring from \$525,000 to \$625,000.

**Section 58 (41B.042, subdivision 4)** increases the maximum amount of state participation in a seller-sponsored loan from \$400,000 to \$500,000.

**Section 59 (41B.043, subdivision 1b)** increases the maximum amount of state participation in an agriculture improvement loan from \$400,000 to \$500,000.

**Section 60 (41B.045, subdivision 2)** increases the maximum amount of state participation in a livestock expansion and modernization loan from \$525,000 to \$625,000.

**Section 61 (41B.047, subdivision 1)** amends disaster recovery loans to allow them to be used to purchase feed during a drought.

**Section 62 (232.21, subdivision 3)** amends the definition of “commissioner” in the grain storage chapter.

**Section 63 (232.21, subdivision 7)** amends the definition of “grain” in the grain storage chapter.

**Section 64 (232.21, subdivision 11)** amends the definition of “producer” in the grain storage chapter.

**Section 65 (232.21, subdivision 12)** amends the definition of “public grain warehouse operator” in the grain storage chapter.

**Section 66 (232.21, subdivision 13)** amends the definition of “scale ticket” in the grain storage chapter.

**Section 67 [346.021]** inserts a new section of statute describing procedures for what one should do if one finds an animal that has escaped from its owner. This section is effective the day following final enactment.

**Section 68** amends 2023 session law to repeal only subdivision 1 of section 32D.25.

**Section 69** revives and reenacts section 32D.25, subdivision 2, relating to data privacy, retroactively to July 1, 2023.

**Section 70** requires the commissioner to convene stakeholders to evaluate financial reporting requirements for cooperatives, and to report back to the legislature with recommendations by January 3, 2025.

**Section 71** requires the commissioner to ensure that examinations for a commercial pest control

applicator license are available in Spanish by January 1, 2025.

**Section 72** requires the commissioner to convene a stakeholder group to explore establishing a state market for carbon credits, ecosystem services credits, or other credits generated by farmers using environmentally sound farming practices, and to report back to the legislature with recommendations by February 1, 2025.

**Section 73** repeals rules and a subdivision relating to elk deprivation payments and repeals the beverage inspection account.

### **Article 3: Broadband**

**Section 1 (116J.396)** amends the border-to-border broadband fund to allow the commissioner to transfer up to five million dollars each fiscal year between the border- to-border, lower population density, and line extension programs. The commissioner must notify the legislature in writing when this authority is exercised.

**Section 2** requires the commissioner of employment and economic development to prepare an application for a federal grant and specifies that funds awarded must be used for the purposes in the Minnesota Digital Opportunity Plan.

### **Article 4: Climate and Energy Finance**

**Sections 1 to 3** outline the appropriations made to the Department of Commerce and the Public Utilities Commission for specific studies and work groups.

**Section 4** requires the commissioner of commerce to report the anticipated costs for administering each named grant and competitive grant program in Laws 2023, chapter 60, article 10, section 2, and Laws, 2023, chapter 60, article 11, section 2 by July 1, 2024. By January 15, 2025, the commissioner must report the annual cost for administering each competitive grant program.

### **Article 5: Renewable Development Account Appropriations**

**Sections 1 and 2** outline the appropriations made to the Department of Commerce from the renewable development account for specific grants and programs.

**Section 3** appropriates money to the Public Utilities Commission for the carbon dioxide pipelines study.

### **Article 6: Energy Policy**

**Sections 1 and 2 (section 103I.621, subdivisions 1 and 2)** amend the permit requirements to require small systems to be compliant with the natural resource water-use requirements and makes a technical change to a cross reference.

**Section 3 (section 116C.779, subdivision 1)** repeals the renewable development account report.

**Section 4 (section 116C.7792)** amends the amount of funds allocated to the solar energy production incentive program.

**Section 5 (section 216B.098)** requires a utility to accept an individual taxpayer identification number in lieu of a social security number, if they require a social security number on a utility application.

**Sections 6 to 18 (sections 216B.16, 216B.1691, 216B.2402, 216B.2403, 216B.241)** amend the current energy conservation statutes to allow public utilities to propose efficient fuel-switching improvement achievements to the commissioner of commerce.

**Sections 19 to 21 (section 216B.2425)** requires the commission to maintain a list of grid-enhancing technology projects and changes the reporting requirements related to grid enhancing technology.

**Sections 22 to 23 (sections 216B.2427)** amend the definitions of “disadvantage community” and “thermal energy network.” Requires utilities to include certain information in innovation plans filed after July 1, 2024.

**Sections 24 to 26 (sections 216C.08, 216C.09, 216C.10)** are technical amendments to various provisions governing or administered by the Department of Commerce.

**Section 27 (section 216C.331)** amends the definitions of “covered property,” “qualifying utility,” and “whole building energy use data.”

**Sections 28 to 44 (sections 216C.435 and 216C.436)** modify the commercial property assessed clean energy program.

**Section 45 [216C.47 Geothermal Planning Grants]** establishes a geothermal planning grant program that provides financial assistance to eligible applicants to examine the technical and economic feasibility of installing geothermal energy systems.

**Section 46 [216C.48 Standardized Solar Plan Review Software; Technical Assistance; Financial Incentive]** establishes a program to provide technical assistance and financial incentives to local units of government that issue permits for residential solar projects and solar plus energy storage system projects in order to incentivize a permitting authority to adopt the SolarAPP+ software to standardize, automate, and streamline the review and permitting process.

**Section 47** extends the deadline for the iron ore study report.

**Section 48** establishes an ultraefficient vehicle development grant program in the Department of Commerce to provide financial assistance to developers and producers of ultraefficient vehicles that use proprietary technology.

**Section 49** establishes the thermal energy network deployment work group which requires the Public Utilities Commission to establish and appoint a work group to examine the potential regulatory opportunities for regulated natural gas utilities to deploy thermal energy networks and potential barriers to development.

**Section 50** requires the commission to contract with an independent third party to conduct a study on the human health and environmental impacts of carbon dioxide pipelines.

**Section 51** is the Thermal Energy Network Site Suitability Study which requires the Department of Commerce to determine the suitability of sites to deploy thermal energy networks statewide.

**Section 52** requires specific entities to submit a grid enhancing technology report which analyzes the cost-effectiveness of installing grid enhancing technologies to address congestion and an implementation plan to install grid enhancing technology. The commission must review the implementation plans and approve, reject, or modify the plans.

**Sections 53 and 54** requires the commission to initiate a proceeding to establish standards for the sharing of utility costs necessary to upgrade a utility's distribution system by increasing hosting capacity or applying other necessary distribution system upgrades at a congested or constrained location to allow for the interconnection of distributed generation facilities and to advance the achievement of the state's renewable and carbon-free energy goals. The commission must establish an interconnection ombudsperson position to assist applicants seeking to interconnect distributed generation projects.

## **Article 7: Minnesota Energy Infrastructure Permitting Act**

**Section 1 [216L.01 Citation]** establishes this chapter as the Minnesota Energy Infrastructure Permitting Act.

**Section 2 [216L.02 Definitions.]** defines terms.

**Section 3 [216L.03 Siting Authority]** gives authority to the commission to provide for site and route selection and to issue permits for large energy infrastructure facilities. The bill also gives the commission authority to work jointly with other states who may be affected by routes.

**Section 4 [216L.04 Applicability Determination]** outlines what should be considered when determining whether a proposal meets the definition of large energy infrastructure facility, or which review process is applicable. The commission must provide forms and assistance to applicants.

**Section 5 [216L.05 Designating Sites and Routes]** requires site and route permits prior to construction of any large energy infrastructure, which are designated by the commission. It outlines the requirements and procedures which includes but is not limited to application requirements, environmental information requirements, notice requirements, and commission considerations.

**Section 6 [216L.06 Applications; Major Review]** states the commission must prepare an environmental impact statement that makes a finding on whether the proposed project will result in a net reduction of carbon dioxide emissions.

**Section 7 [216L.07 Applications; Standard Review]** states applicants applying for permits for certain projects may apply following alternative procedures. Applicants who apply under this section must complete an environment assessment.

**Section 8 [216L.08 Applications; Local Review]** states applicants applying for permits for certain projects may submit an application to the local units of government who have jurisdiction over the site or route. If an application is approved under this section, the applicant does not need a permit from the commission.

**Section 9 [216L.09 Permit Amendments]** applies to upgrades or rebuilds to existing electrical lines and associated facilities; reroutes of high transmission lines; repowers or refurbishes a large electric power generating plant, a large wind energy conversion system, a solar energy generating system, or



an energy storage system; a project that is requested by the owner of a large energy infrastructure facility; and any changes to a large energy infrastructure facility does is not significant.

**Section 10 [216I.10 Exempt Projects]** states several projects are exempt from requiring a permit by the commission.

**Section 11 [216I.11 Permitting Requirements; Exceptions for Certain Facilities]** states certain projects are not deemed to be the construction of a large energy infrastructure facilities but only changes or modifications, and may be done without a permit.

**Section 12 [216.13 Permit Transfer]** allows a permittee holding a large energy infrastructure facility site or route permit to request that the commission transfer the permittee's permit.

**Section 13 [216I.14 Permit Revocation or Suspension]** allows the commission to initiate action to consider revoking or suspending a permit on the commission's own motion or by request of any person who has made a prima facie showing by affidavit and documentation that a violation has occurred.

### **Article 8: Certificates of Need**

**Section 1 (216B.2421, subdivision 2)** amends the definition of large energy facility.

**Section 2 (216B.243, subdivision 3)** states applications must describe the relationship between the proposed facility and state and regional energy needs.

**Section 3 (216B.243, subdivision 3a)** removes the provision that the commission may not issue a certificate of need for a large energy facility that transmits electric power generated by a nonrenewable source.

**Section 4 (216B.243, subdivision 4)** makes conforming changes to the references made in this subdivision. When a joint hearing is authorized, only the environmental requirements and review apply to the certificate of need process.

**Section 5 (216B.243, subdivision 8)** makes conforming changes to the references made in this subdivision. Adds additional exemptions.

**Section 6 (216B.243, subdivision 9)** states that the certificate of need section does not apply to carbon free technology or eligible energy technology.

**Section 7** requires owners of an electric transmission line to give 60 days' notice to the commission that the owner intends to construct, own, or maintain a electric transmission line.

### **Article 9: Conforming Changes**

**Sections 1 to 16** include only conforming and technical changes.

**Section 17** requires a routing permit for carbon dioxide pipelines.

**Section 18** transfers the responsibility for administering the environmental analysis of large energy infrastructure facilities to the Public Utilities Commission.

**Section 19** requires the Department of Commerce, the Environmental Quality Board, and the Public Utilities Commission to adopt rules to conform to the changes being made in this act.

**Section 20** appropriates funds to the Public Utilities Commission for administrative rulemaking costs.

**Section 21** appropriates funds to the commissioner of commerce to allow the commissioner to intervene as a party in the Public Utilities Commission permitting proceedings.