

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3765

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DATE
03/22/2018

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Introduction and first reading
Referred to Agriculture, Rural Development, and Housing Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to agriculture; providing that bee and apiary solar farms are an agricultural
1.3 use for purposes of mandatory review of certain state agency actions; modifying
1.4 requirements for a solar generation site claimed to provide habitat beneficial to
1.5 birds and pollinators; providing that a bee and apiary solar farm is an agricultural
1.6 use for purposes of a metropolitan agricultural preserve; amending Minnesota
1.7 Statutes 2016, sections 17.81, subdivision 4; 216B.1642; 473H.02, subdivision 3,
1.8 by adding a subdivision; 473H.05, subdivision 1.

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

1.10 Section 1. Minnesota Statutes 2016, section 17.81, subdivision 4, is amended to read:

1.11 Subd. 4. **Agricultural use.** "Agricultural use" means use of land for the production of
1.12 livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals,
1.13 horticultural and nursery stock which is under chapter 18H, fruit of all kinds, vegetables,
1.14 forage, grains, bees, and apiary products. Wetlands, pasture, bee and apiary solar farms,
1.15 and woodlands accompanying land in agricultural use shall be considered to be in agricultural
1.16 use.

1.17 Sec. 2. Minnesota Statutes 2016, section 216B.1642, is amended to read:

1.18 **216B.1642 SOLAR SITE MANAGEMENT.**

1.19 Subdivision 1. **Site management practices.** An owner of a ground-mounted solar site
1.20 with a generating capacity of more than 40 kilowatts may follow site management practices
1.21 that (1) provide native perennial vegetation and foraging habitat beneficial to gamebirds,
1.22 songbirds, and pollinators, ~~and~~ (2) reduce storm water runoff and erosion, and (3) improve
1.23 soil health and water quality at the solar generation site. To the extent practicable, when
1.24 establishing perennial vegetation and beneficial foraging habitat, a solar site owner shall

2.1 use native plant species and seed mixes under Department of Natural Resources "Prairie
2.2 Establishment & Maintenance Technical Guidance for Solar Projects."

2.3 Subd. 2. **Recognition of beneficial habitat.** An owner of a solar site implementing solar
2.4 site management practices under this section may claim that the site provides benefits to
2.5 gamebirds, songbirds, and pollinators only if the site adheres to guidance set forth by the
2.6 pollinator plan provided by the Board of Water and Soil Resources or any other gamebird,
2.7 songbird, or pollinator foraging-friendly pollinator-friendly vegetation standard established
2.8 by the Board of Water and Soil Resources. An owner making a beneficial habitat claim
2.9 must make the site's vegetation management plan available to the public and provide a copy
2.10 of the plan to a Minnesota nonprofit solar industry trade association.

2.11 Subd. 3. **Site management for production of bee and apiary products.** An owner of
2.12 a solar site implementing management practices under this section may claim that the site
2.13 is used for, and beneficial to, agricultural bee and apiary production only if the site:

2.14 (1) adheres to guidance established by the Board of Water and Soil Resources at a level
2.15 to meet or exceed the qualifications for exemplary pollinator habitat, which may require,
2.16 at the solar site owner's expense, regular compliance reporting to, and on-site inspection
2.17 by, the Board of Water and Soil Resources or a local soil and water conservation district
2.18 staff person acting on the board's behalf; and

2.19 (2) is used for agricultural production of bee or apiary products for commercial sale,
2.20 with annual production reporting to the commissioner of agriculture.

2.21 Sec. 3. Minnesota Statutes 2016, section 473H.02, subdivision 3, is amended to read:

2.22 Subd. 3. **Agricultural use.** "Agricultural use" means the production for sale of livestock,
2.23 dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural
2.24 or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands,
2.25 pasture, bee and apiary solar farms, and woodlands accompanying land in agricultural use
2.26 shall be deemed to be in agricultural use.

2.27 Sec. 4. Minnesota Statutes 2016, section 473H.02, is amended by adding a subdivision to
2.28 read:

2.29 Subd. 4a. **Bee and apiary solar farm.** "Bee and apiary solar farm" means the site of a
2.30 ground-mounted photovoltaic solar energy system with a generating capacity of more than
2.31 40 kilowatts that is used for, and beneficial to, agricultural bee and apiary production under
2.32 section 216B.1642, subdivision 3.

3.1 Sec. 5. Minnesota Statutes 2016, section 473H.05, subdivision 1, is amended to read:

3.2 Subdivision 1. **Before June 1 for next year's taxes.** An owner or owners of certified
3.3 long-term agricultural land may apply to the authority with jurisdiction over the land on
3.4 forms provided by the commissioner of agriculture for the creation of an agricultural preserve
3.5 at any time. Land for which application is received prior to June 1 of any year shall be
3.6 assessed pursuant to section 473H.10 for taxes payable in the following year. Land for
3.7 which application is received on or after June 1 of any year shall be assessed pursuant to
3.8 section 473H.10 in the following year. The application shall be executed and acknowledged
3.9 in the manner required by law to execute and acknowledge a deed and shall contain at least
3.10 the following information and such other information as the commissioner deems necessary:

3.11 (a) Legal description of the area proposed to be designated and parcel identification
3.12 numbers if so designated by the county auditor and the certificate of title number if the land
3.13 is registered;

3.14 (b) Name and address of owner;

3.15 (c) An affidavit by the authority evidencing that the land is certified long-term agricultural
3.16 land at the date of application;

3.17 (d) A statement by the owner covenanting that the land shall be kept in agricultural use,
3.18 and shall be used in accordance with the provisions of sections 473H.02 to 473H.17 which
3.19 exist on the date of application and providing that the restrictive covenant shall be binding
3.20 on the owner or the owner's successor or assignee, and shall run with the land. A covenant
3.21 made under this paragraph before January 1, 2019, is not violated if the owner installs a bee
3.22 and apiary solar farm on the land.

3.23 Sec. 6. **EFFECTIVE DATE.**

3.24 This act is effective the day following final enactment.