SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4479

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DATE	D-PG	OFFICIAL STATUS
03/17/2026	6741	Introduction and first reading Referred to Agriculture, Veterans, Broadband, and Rural Development

A bill for an act

relating to local government; allowing counties to designate certain agricultural lands as unsuitable for electric power facilities; proposing coding for new law in Minnesota Statutes, chapter 394.

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

Section 1. **[394.306] AGRICULTURAL PRIORITY LAND LIST.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Commission" means the Minnesota Public Utilities Commission.

(c) "CPI rating" means the crop productivity index rating assigned by the most recent version of the Web Soil Survey conducted by the United States Department of Agriculture Natural Resources Conservation Service.

(d) "Large electric power generating plant" has the meaning given in section 216I.02, subdivision 9.

Subd. 2. **Creation of agricultural priority land list.** (a) Any county may designate parcels of land within the county's boundaries as agricultural priority land and place the land on an agricultural priority land list.

(b) A parcel qualifies for a county's agricultural priority land list if:

(1) more than 50 percent of the land area of the parcel has a CPI rating of more than 75; or

(2) the parcel has been improved with irrigation or drainage and has been classified by the Natural Resources Conservation Service as prime farmland if irrigated, or prime farmland if drained.

(c) The priority land list must include the total acreage within the county designated as agricultural priority land and, if revised, specific reasons for the revisions. The priority land list also must include the following information regarding each included parcel:

(1) the legal description of the parcel;

(2) the CPI rating of the parcel, or the estimated yield of the parcel if qualified under paragraph (b), clause (2); and

(3) the total acreage of the parcel.

Subd. 3. **Submission of list; landowner opt-out.** (a) A county that has created an agricultural priority land list must submit the list to the commission. The commission must acknowledge receipt of the list in writing within 30 days. A county may submit a revised list to the commission within one year of the county's initial submission. A county thereafter must submit a revised list to the commission every five years on the calendar date the county received an initial acknowledgment from the commission. The county must inform the commission in writing if the county has no revision to the list.

(b) Ninety days before initial submission, and 90 days before submission of any revised list, a county must notify by certified mail all private owners of parcels the county intends to include on the list. The mailing to private owners must include a map showing potentially included parcels, an advisory of an owner's right to opt-out a parcel from inclusion, instructions on how to advise the county of an opt-out, and the opt-out deadline. A private owner who intends to opt-out a parcel must contact the county at least 30 days before the county submits a list to the commission.

Subd. 4. **Effect of list on site permits.** (a) Notwithstanding sections 216I.03 and 216I.18, after a county submits a priority land list to the commission, the commission must not issue a site permit for a large electric power generating plant located on a parcel included on a county's priority land list except as expressly provided in paragraph (b).

(b) The commission may issue a site permit for a large electric power generating plant located on a parcel included on a county's priority land list if the county board of commissioners passes a resolution consenting to the permit.

EFFECTIVE DATE. This section is effective January 1, 2027.