A bill for an act
relating to state government; establishing a budget for the Department of
Agriculture, the Board of Animal Health, and the Agricultural Utilization Research
Institute; transferring money to the border-to-border broadband fund account;
making policy and technical changes to various provisions related to agriculture;
modifying fees; creating accounts; creating a biofuels program and advisory
committee; appropriating money; amending Minnesota Statutes 2020, sections
18B.26, subdivision 3; 28A.08, by adding a subdivision; 28A.09, by adding a
subdivision; proposing coding for new law in Minnesota Statutes, chapter 41A.

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

ARTICLE 1

AGRICULTURE APPROPRIATIONS

The sums shown in the columns marked "Appropriations" are appropriated to agencies
for the purposes specified in this article. The appropriations are from the general fund, or
another named fund, and are available for the fiscal years indicated for each purpose. The
figures "2022" and "2023" used in this article mean that the appropriations listed under them
are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The
first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is
fiscal years 2022 and 2023.

<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th>Available for the Year</th>
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<tr>
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<tr>
<td>2022</td>
<td></td>
</tr>
<tr>
<td>2023</td>
<td></td>
</tr>
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Sec. 2. DEPARTMENT OF AGRICULTURE

Subdivision 1. Total Appropriation

$56,688,000  $55,897,000
Appropriations by Fund

<table>
<thead>
<tr>
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<th>2022</th>
<th>2023</th>
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<tbody>
<tr>
<td>General</td>
<td>56,289,000</td>
<td>55,498,000</td>
</tr>
<tr>
<td>Remediation</td>
<td>399,000</td>
<td>399,000</td>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Protection Services

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<thead>
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<th>2023</th>
</tr>
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<tbody>
<tr>
<td>General</td>
<td>15,250,000</td>
<td>15,476,000</td>
</tr>
<tr>
<td>Remediation</td>
<td>399,000</td>
<td>399,000</td>
</tr>
</tbody>
</table>

(a) $399,000 the first year and $399,000 the second year are from the remediation fund for administrative funding for the voluntary cleanup program.

(b) $175,000 the first year and $175,000 the second year are for compensation for destroyed or crippled livestock under Minnesota Statutes, section 3.737. The first year appropriation may be spent to compensate for livestock that were destroyed or crippled during fiscal year 2021. If the amount in the first year is insufficient, the amount in the second year is available in the first year. The commissioner may use up to $5,000 each year to reimburse expenses incurred by university extension educators to provide fair market values of destroyed or crippled livestock. If the commissioner receives federal dollars to pay claims for destroyed or crippled livestock, an equivalent amount may be used to reimburse nonlethal prevention methods performed by federal wildlife services staff.
(c) $155,000 the first year and $155,000 the second year are for compensation for crop damage under Minnesota Statutes, section 3.7371. If the amount in the first year is insufficient, the amount in the second year is available in the first year. The commissioner may use up to $30,000 of the appropriation each year to reimburse expenses incurred by the commissioner or the commissioner's approved agent to investigate and resolve claims.

If the commissioner determines that claims made under Minnesota Statutes, section 3.737 or 3.7371, are unusually high, amounts appropriated for either program may be transferred to the appropriation for the other program.

(d) $225,000 the first year and $225,000 the second year are for additional funding for the noxious weed and invasive plant program.

(e) $50,000 the first year is for additional funding for the industrial hemp program for IT development. This is a onetime appropriation and is available until June 30, 2023.

(f) $110,000 the first year and $110,000 the second year are for additional funding for the meat and poultry inspection services.

(g) $66,000 the first year and $66,000 the second year are for additional funding to replace capital equipment in the Department of Agriculture's analytical laboratory.

(h) $274,000 the first year and $550,000 the second year are for additional funding to
maintain the current level of service delivery for programs under this subdivision.

Subd. 3. Agricultural Marketing and Development

(a) $186,000 the first year and $186,000 the second year are for transfer to the Minnesota grown account and may be used as grants for Minnesota grown promotion under Minnesota Statutes, section 17.102. Grants may be made for one year. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2023, for Minnesota grown grants in this paragraph are available until June 30, 2025.

(b) $100,000 the first year is to expand international marketing opportunities for farmers and value-added processors, including in-market representation in Taiwan. This is a onetime appropriation and is available until June 30, 2023.

(c) $634,000 the first year and $634,000 the second year are for continuation of the dairy development and profitability enhancement and dairy business planning grant programs established under Laws 1997, chapter 216, section 7, subdivision 2, and Laws 2001, First Special Session chapter 2, section 9, subdivision 2. The commissioner may allocate the available sums among permissible activities, including efforts to improve the quality of milk produced in the state, in the proportions that the commissioner deems most beneficial to Minnesota's dairy farmers. The commissioner must submit a detailed accomplishment report and a work plan.
5.1 detailing future plans for, and anticipated
5.2 accomplishments from, expenditures under
5.3 this program to the chairs and ranking minority
5.4 members of the legislative committees and
5.5 divisions with jurisdiction over agriculture
5.6 policy and finance on or before the start of
5.7 each fiscal year. If significant changes are
5.8 made to the plans in the course of the year,
5.9 the commissioner must notify the chairs and
5.10 ranking minority members.

(d) $50,000 the first year and $50,000 the
5.12 second year are for additional funding for
5.13 mental health outreach and support to farmers,
5.14 ranchers, and others in the agricultural
5.15 community, including a 24-hour hotline,
5.16 stigma reduction, and educational offerings.

(e) $100,000 the first year and $50,000 the
5.18 second year is for a pilot project creating
5.19 farmland access teams to provide technical
5.20 assistance to potential beginning farmers. The
5.21 farmland access teams must assist existing
5.22 farmers and beginning farmers on transitioning
5.23 farm ownership and operation. Teams may
5.24 include but are not limited to providing
5.25 mediation assistance, designing contracts,
5.26 financial planning, tax preparation, estate
5.27 planning, and housing assistance. Of this
5.28 amount, up to $50,000 the first year may be
5.29 used to upgrade the Minnesota FarmLink web
5.30 application that connects farmers looking for
5.31 land with farmers looking to transition their
5.32 land. These are onetime appropriations.

(f) $54,000 the first year and $109,000 the
5.34 second year are to maintain the current level
5.35 of service delivery.
(g) The commissioner may use funds appropriated in this subdivision for annual cost-share payments to resident farmers or entities that sell, process, or package agricultural products in this state for the costs of organic certification. The commissioner may allocate these funds for assistance to persons transitioning from conventional to organic agriculture.

Subd. 4. Agriculture, Bioenergy, and Bioproduct Advancement

(a) $9,300,000 the first year and $9,300,000 the second year are for transfer to the agriculture research, education, extension, and technology transfer account under Minnesota Statutes, section 41A.14, subdivision 3. Of these amounts: at least $600,000 the first year and $600,000 the second year are for the Minnesota Agricultural Experiment Station's agriculture rapid response under Minnesota Statutes, section 41A.14, subdivision 1, clause (2); $2,000,000 the first year and $2,000,000 the second year are for grants to the Minnesota Agriculture Education Leadership Council to enhance agricultural education with priority given to Farm Business Management challenge grants; $350,000 the first year and $350,000 the second year are for potato breeding; and $450,000 the first year and $450,000 the second year are for the cultivated wild rice breeding project at the North Central Research and Outreach Center to include a tenure track/research associate plant breeder.

The commissioner shall transfer the remaining funds in this appropriation each year to the Board of Regents of the University of
Minnesota for purposes of Minnesota Statutes, section 41A.14. Of the amount transferred to the Board of Regents, up to $1,000,000 each year is for research on avian influenza.

To the extent practicable, money expended under Minnesota Statutes, section 41A.14, subdivision 1, clauses (1) and (2), must supplement and not supplant existing sources and levels of funding. The commissioner may use up to one percent of this appropriation for costs incurred to administer the program.

(b) $16,443,000 the first year and $15,443,000 the second year are for the agricultural growth, research, and innovation program in Minnesota Statutes, section 41A.12. Except as provided below, the commissioner may allocate the appropriation each year among the following areas: facilitating the start-up, modernization, improvement, or expansion of livestock operations including beginning and transitioning livestock operations with preference given to robotic dairy-milking equipment; providing funding not to exceed $400,000 each year to develop and enhance farm-to-school markets for Minnesota farmers by providing more fruits, vegetables, meat, grain, and dairy for Minnesota children in school and child care settings including, at the commissioner's discretion, reimbursing schools for purchases from local farmers; assisting value-added agricultural businesses to begin or expand, to access new markets, or to diversify, including aquaponics systems; providing funding not to exceed $300,000 each year for urban youth agricultural
education or urban agriculture community development; providing funding not to exceed $300,000 each year for the good food access program under Minnesota Statutes, section 17.1017; facilitating the start-up, modernization, or expansion of other beginning and transitioning farms including by providing loans under Minnesota Statutes, section 41B.056; sustainable agriculture on-farm research and demonstration; development or expansion of food hubs and other alternative community-based food distribution systems; enhancing renewable energy infrastructure and use; crop research including basic and applied turf seed research; Farm Business Management tuition assistance; and good agricultural practices and good handling practices certification assistance. The commissioner may use up to 6.5 percent of this appropriation for costs incurred to administer the program.

Of the amount appropriated for the agricultural growth, research, and innovation program in Minnesota Statutes, section 41A.12:

(1) $1,000,000 the first year and $1,000,000 the second year are for distribution in equal amounts to each of the state's county fairs to preserve and promote Minnesota agriculture;

(2) $3,750,000 the first year and $3,750,000 the second year are for incentive payments under Minnesota Statutes, sections 41A.16, 41A.17, and 41A.18. Notwithstanding Minnesota Statutes, section 16A.28, the first year appropriation is available until June 30, 2023, and the second year appropriation is
available until June 30, 2024. If this appropriation exceeds the total amount for which all producers are eligible in a fiscal year, the balance of the appropriation is available for the agricultural growth, research, and innovation program. The base amount for the allocation under this clause is $3,750,000 in fiscal year 2024 and later.

(3) $1,000,000 the first year is for grants to facilitate the start-up, modernization, or expansion of meat, poultry, egg, and milk processing facilities.

Notwithstanding Minnesota Statutes, section 16A.28, any unencumbered balance does not cancel at the end of the first year and is available for the second year, and appropriations encumbered under contract on or before June 30, 2023, for agricultural growth, research, and innovation grants are available until June 30, 2026.

The base amount for the agricultural growth, research, and innovation program is $15,443,000 in fiscal year 2024 and $15,443,000 in fiscal year 2025, and includes funding for incentive payments under Minnesota Statutes, sections 41A.16, 41A.17, and 41A.18.

(c) $2,000,000 the first year and $2,000,000 the second year are for a biofuels infrastructure financial assistance program. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract for grants on or before June 30, 2023, are available until June 30, 2027. Of this amount, $100,000 each year is for the administration
of the biofuels infrastructure financial assistance program.

(d) $15,000 the first year and $29,000 the second year are to maintain the current level of service delivery.

Subd. 5. **Administration and Financial Assistance**

(a) $474,000 the first year and $474,000 the second year are for payments to county and district agricultural societies and associations under Minnesota Statutes, section 38.02, subdivision 1. Aid payments to county and district agricultural societies and associations shall be disbursed no later than July 15 of each year. These payments are the amount of aid from the state for an annual fair held in the previous calendar year.

(b) $287,000 the first year and $287,000 the second year are for farm advocate services.

(c) $238,000 the first year and $238,000 the second year are for transfer to the Board of Trustees of the Minnesota State Colleges and Universities for statewide mental health counseling support to farm families and business operators through the Minnesota State Agricultural Centers of Excellence. South Central College and Central Lakes College shall serve as the fiscal agents.

(d) $1,650,000 the first year and $1,650,000 the second year are for grants to Second Harvest Heartland on behalf of Minnesota's six Feeding America food banks for the following:
(1) to purchase milk for distribution to Minnesota's food shelves and other charitable organizations that are eligible to receive food from the food banks. Milk purchased under the grants must be acquired from Minnesota milk processors and based on low-cost bids. The milk must be allocated to each Feeding America food bank serving Minnesota according to the formula used in the distribution of United States Department of Agriculture commodities under The Emergency Food Assistance Program. Second Harvest Heartland may enter into contracts or agreements with food banks for shared funding or reimbursement of the direct purchase of milk. Each food bank that receives funding under this clause may use up to two percent for administrative expenses; and

(2) to compensate agricultural producers and processors for costs incurred to harvest and package for transfer surplus fruits, vegetables, and other agricultural commodities that would otherwise go unharvested, be discarded, or sold in a secondary market. Surplus commodities must be distributed statewide to food shelves and other charitable organizations that are eligible to receive food from the food banks. Surplus food acquired under this clause must be from Minnesota producers and processors. Second Harvest Heartland may use up to 15 percent of each grant awarded under this clause for administrative and transportation expenses.

Of the amount appropriated under this paragraph, at least $600,000 each year must
be allocated under clause (1). Notwithstanding Minnesota Statutes, section 16A.28, any unencumbered balance the first year does not cancel and is available in the second year.

Second Harvest Heartland must submit quarterly reports to the commissioner in the form prescribed by the commissioner. The reports must include but are not limited to information on the expenditure of funds, the amount of milk or other commodities purchased, and the organizations to which this food was distributed.

(e) $250,000 the first year and $250,000 the second year are for grants to the Minnesota Agricultural Education and Leadership Council for programs of the council under Minnesota Statutes, chapter 41D.

(f) The commissioner shall continue to increase connections with ethnic minority and immigrant farmers to farming opportunities and farming programs throughout the state.

(g) $1,000,000 the first year and $1,000,000 the second year are transferred to the commissioner of agriculture for deposit in the agricultural and environmental revolving loan account established under Minnesota Statutes, section 17.117, subdivision 5a, for low-interest loans under Minnesota Statutes, section 17.117. These are onetime transfers.

(h) $222,000 the first year and $286,000 the second year are to maintain the current level of service delivery.

Sec. 3. BOARD OF ANIMAL HEALTH $5,780,000 $5,881,000
$200,000 the first year and $200,000 the second year are for agricultural emergency preparedness and response.

Sec. 4. AGRICULTURAL UTILIZATION RESEARCH INSTITUTE

$3,893,000

Sec. 5. CANCELLATIONS.

(a) The day following final enactment of this section, $916,553 of the 2021 fiscal year appropriation for protection services under Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 2, is canceled to the general fund.

(b) The day following final enactment of this section, $136,000 of the 2021 fiscal year appropriation for agricultural marketing and development under Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 3, is canceled to the general fund.

(c) The day following final enactment of this section, $120,000 of the 2021 fiscal year appropriation for agriculture, bioenergy, and bioproduct advancement under Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 4, is canceled to the general fund.

(d) The day following final enactment of this section, $157,500 of the 2021 fiscal year appropriation for administration and financial assistance under Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 5, is canceled to the general fund.

ARTICLE 2

AGRICULTURE STATUTORY CHANGES

Section 1. Minnesota Statutes 2020, section 18B.26, subdivision 3, is amended to read:

Subd. 3. Registration application and gross sales fee. (a) For an agricultural pesticide, a registrant shall pay an annual registration application fee for each agricultural pesticide of $350. The fee is due by December 31 preceding the year for which the application for registration is made. The fee is nonrefundable.

(b) For a nonagricultural pesticide, a registrant shall pay a minimum annual registration application fee for each nonagricultural pesticide of $350. The fee is due by December 31 preceding the year for which the application for registration is made. The fee is nonrefundable. If the registrant's annual gross sales of the nonagricultural pesticide exceeded $70,000 in the previous calendar year, the registrant shall pay, in addition to the $350 minimum fee, a fee equal to $0.5 percent of that portion of the annual gross sales over
$70,000. For purposes of this subdivision, gross sales includes both nonagricultural pesticide 
sold in the state and nonagricultural pesticide sold into the state for use in this state. No 
additional fee is required if the fee due amount based on percent of annual gross sales of a 
onagricultural pesticide is less than $10. The registrant shall secure sufficient sales 
information of nonagricultural pesticides distributed into this state from distributors and 
dealers, regardless of distributor location, to make a determination. Sales of nonagricultural 
pesticides in this state and sales of nonagricultural pesticides for use in this state by 
out-of-state distributors are not exempt and must be included in the registrant's annual report, 
as required under paragraph (g), and fees shall be paid by the registrant based upon those 
reported sales. Sales of nonagricultural pesticides in the state for use outside of the state are 
exempt from the gross sales fee in this paragraph if the registrant properly documents the 
sale location and distributors. A registrant paying more than the minimum fee shall pay the 
balance due by March 1 based on the gross sales of the nonagricultural pesticide by the 
registrant for the preceding calendar year. A pesticide determined by the commissioner to 
be a sanitizer or disinfectant is exempt from the gross sales fee.

(c) For agricultural pesticides, a licensed agricultural pesticide dealer or licensed pesticide 
dealer shall pay a gross sales fee of $0.55 percent of annual gross sales of the agricultural 
pesticide in the state and the annual gross sales of the agricultural pesticide sold into the 
state for use in this state.

(d) In those cases where a registrant first sells an agricultural pesticide in or into the 
state to a pesticide end user, the registrant must first obtain an agricultural pesticide dealer 
license and is responsible for payment of the annual gross sales fee under paragraph (c), 
record keeping under paragraph (i), and all other requirements of section 18B.316.

(e) If the total annual revenue from fees collected in fiscal year 2011, 2012, or 2013, by 
the commissioner on the registration and sale of pesticides is less than $6,600,000, the 
commissioner, after a public hearing, may increase proportionally the pesticide sales and 
product registration fees under this chapter by the amount necessary to ensure this level of 
revenue is achieved. The authority under this section expires on June 30, 2014. The 
commissioner shall report any fee increases under this paragraph 60 days before the fee 
change is effective to the senate and house of representatives agriculture budget divisions.

(f) An additional fee of 50 percent of the registration application fee must be paid by 
the applicant for each pesticide to be registered if the application is a renewal application 
that is submitted after December 31.
(g) A registrant must annually report to the commissioner the amount, type and annual gross sales of each registered nonagricultural pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report or approve the method for submittal of the report and may require additional information deemed necessary to determine the amount and type of nonagricultural pesticide annually distributed in the state. The information required shall include the brand name, United States Environmental Protection Agency registration number, and amount of each nonagricultural pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

(h) A licensed agricultural pesticide dealer or licensed pesticide dealer must annually report to the commissioner the amount, type, and annual gross sales of each registered agricultural pesticide sold, offered for sale, or otherwise distributed in the state or into the state for use in the state. The report must be filed by January 31 for the previous year's sales. The commissioner shall specify the form, contents, and approved electronic method for submittal of the report and may require additional information deemed necessary to determine the amount and type of agricultural pesticide annually distributed within the state or into the state. The information required must include the brand name, United States Environmental Protection Agency registration number, and amount of each agricultural pesticide sold, offered for sale, or otherwise distributed in the state or into the state.

(i) A person who registers a pesticide with the commissioner under paragraph (b), or a registrant under paragraph (d), shall keep accurate records for five years detailing all distribution or sales transactions into the state or in the state and subject to a fee and surcharge under this section.

(j) The records are subject to inspection, copying, and audit by the commissioner and must clearly demonstrate proof of payment of all applicable fees and surcharges for each registered pesticide product sold for use in this state. A person who is located outside of this state must maintain and make available records required by this subdivision in this state or pay all costs incurred by the commissioner in the inspecting, copying, or auditing of the records.

(k) The commissioner may adopt by rule regulations that require persons subject to audit under this section to provide information determined by the commissioner to be necessary to enable the commissioner to perform the audit.
(l) A registrant who is required to pay more than the minimum fee for any pesticide under paragraph (b) must pay a late fee penalty of $100 for each pesticide application fee paid after March 1 in the year for which the license is to be issued.

Sec. 2. Minnesota Statutes 2020, section 28A.08, is amended by adding a subdivision to read:

Subd. 4. **Food handler license account; appropriation.** A food handler license account is established in the agricultural fund. Fees paid under subdivision 3 must be deposited in this account. Money in the account, including interest, is appropriated to the commissioner for expenses relating to licensing and inspecting food handlers under chapters 28 to 34A or rules adopted under one of those chapters.

Sec. 3. Minnesota Statutes 2020, section 28A.09, is amended by adding a subdivision to read:

Subd. 3. **Vending machine inspection account; appropriation.** A vending machine inspection account is established in the agricultural fund. Fees paid under subdivision 1 must be deposited in this account. Money in the account, including interest, is appropriated to the commissioner for expenses relating to identifying and inspecting food vending machines under chapters 28 to 34A or rules adopted under one of those chapters.

Sec. 4. [41A.25] **BIOFUELS INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM.**

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

(b) "Account" means the biofuels infrastructure financial assistance account established in subdivision 3.

(c) "Biofuel" has the meaning given in section 239.051.

(d) "Biodiesel blend" has the meaning given in section 239.77.

(e) "Biodiesel fuel" has the meaning given in section 239.77.

(f) "Biofuels Infrastructure Financial Assistance Program Advisory Committee" or "advisory committee" means the Biofuels Infrastructure Financial Assistance Program Advisory Committee under section 41A.26.

(g) "Commissioner" means the commissioner of agriculture.
(h) "Financing" means loans, including low-interest loans, zero-interest loans, forgivable loans, and other types of financial assistance other than grants.

(i) "Program" means the biofuels infrastructure financial assistance program established in this section.

(j) "Technical assistance" means individualized guidance, presentations, workshops, trainings, printed materials, or other guidance and resources on relevant topics.

(k) "Transportation fuel storage and dispensing infrastructure" means an underground storage tank or above-ground storage tank, as those terms are defined in section 116.46 and any rules adopted under that section. Transportation fuel storage and dispensing infrastructure includes any structures or appurtenances to an underground storage tank or above-ground storage tank.

Subd. 2. Program established. (a) A biofuels infrastructure financial assistance program is established within the Department of Agriculture to provide financing and financial assistance to owners of transportation fuel storage and dispensing infrastructure for the purpose of upgrading infrastructure to become compatible with blends of gasoline containing greater than ten percent biofuel by volume or biodiesel blends containing greater than 20 percent of biodiesel fuel by volume. The commissioner, in cooperation with public and private partners, must establish and implement the program as provided in this section.

(b) The biofuels infrastructure financial assistance program must be comprised of state or private grants, loans, or other types of financial and technical assistance for the purpose as provided in this subdivision.

(c) The commissioner's actions under this subdivision are not subject to chapter 14.

Subd. 3. Biofuels infrastructure financial assistance account. A biofuels infrastructure financial assistance account is established in the agricultural fund. The account consists of money appropriated to the commissioner and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account, including interest, is appropriated to the commissioner for the purposes of this section, and must be used, to the extent practicable, to leverage other forms of public and private financing or financial assistance for the projects.

Subd. 4. Program administration. (a) The commissioner is the administrator of the account for auditing purposes and must establish program requirements and a competitive process for projects applying for financial and technical assistance.
(b) The commissioner may receive money or other assets from any source, including but not limited to philanthropic foundations and financial investors, for deposit into the account.

(c) Through issuance of requests for proposals, the commissioner may contract with one or more qualified economic or community development financial institutions to manage the financing component of the program and with one or more qualified organizations or public agencies with financial or other program-related expertise to manage the provision of technical assistance to project grantees.

(d) Money in the account at the close of each fiscal year does not cancel. In each biennium, the commissioner must determine the appropriate proportion of money to be allocated to loans, grants, technical assistance, and any other types of financial assistance.

(e) To encourage public-private, cross-sector collaboration and investment in the account and program and to ensure that the program intent is maintained throughout implementation, the commissioner must convene and maintain the Biofuels Infrastructure Financial Assistance Program Advisory Committee.

(f) The commissioner, in cooperation with the Biofuels Infrastructure Financial Assistance Program Advisory Committee, must manage the program, establish program criteria, facilitate leveraging of additional public and private investment, and promote the program statewide.

(g) The commissioner, in cooperation with the Biofuels Infrastructure Financial Assistance Program Advisory Committee must establish annual monitoring and accountability mechanisms for all projects receiving financing or other financial or technical assistance through this program.

Subd. 5. Eligible projects. (a) The commissioner, in cooperation with the Biofuels Infrastructure Financial Assistance Program Advisory Committee, must establish project eligibility guidelines and application processes to be used to review and select project applicants for financing or other financial or technical assistance.

(b) Projects eligible for financing, financial assistance such as grants, or technical assistance, must fulfill the purpose as provided in subdivision 2.

Subd. 6. Legislative report. The commissioner, in cooperation with any economic or community development financial institution and any other entity with which it contracts, must submit a report on the biofuels infrastructure financial assistance program by January 15 of each year to the chairs and ranking minority members of the legislative committees.
and divisions with jurisdiction over agriculture policy and finance. The annual report must include but not be limited to a summary of the following metrics:

1. the number and types of projects financed;
2. the amount of dollars leveraged or matched per project;
3. the geographic distribution of financed projects;
4. the number and types of technical assistance recipients;
5. any market expansion associated with upgraded infrastructure;
6. the demographics of the areas served;
7. the costs of the program; and
8. the number of loans or grants to minority-owned or female-owned businesses.

Sec. 5. [41A.26] BIOFUELS INFRASTRUCTURE FINANCIAL ASSISTANCE PROGRAM ADVISORY COMMITTEE.

Subdivision 1. Definitions. As used in this section, the following terms have the meanings given:

1. "commissioner" means the commissioner of agriculture; and
2. "program" means the biofuels infrastructure financial assistance program under section 41A.25.

Subd. 2. Creation. The Biofuels Infrastructure Financial Assistance Program Advisory Committee consists of no more than 15 members appointed by the commissioner of agriculture, including but not limited to representatives of agriculture, the biofuels industry, and motor fuel retailers.

Subd. 3. Duties. The advisory committee must advise the commissioner of agriculture on managing the program, establishing program criteria, establishing project eligibility guidelines, establishing application processes and additional selection criteria, establishing annual monitoring and accountability mechanisms, facilitating leveraging of additional public and private investments, and promoting the program statewide.

Subd. 4. Meetings. The commissioner must convene the advisory committee at least two times per year to achieve the committee's duties.

Subd. 5. Administrative support. The commissioner of agriculture must provide staffing, meeting space, and administrative services for the advisory committee.
Subd. 6. **Chair.** The commissioner of agriculture or the commissioner's designee must serve as chair of the committee.

Subd. 7. **Compensation.** The public members of the advisory committee serve without compensation or payment of expenses.

**ARTICLE 3**

**BROADBAND DEVELOPMENT**

Section 1. **BROADBAND DEVELOPMENT APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agency and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose.

The figures "2022" and "2023" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is fiscal years 2022 and 2023.

**APPROPRIATIONS**

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<th>Ending June 30</th>
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<td>2022</td>
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Sec. 2. **DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT**

$ 50,350,000 $ 350,000

(a) $350,000 each year is for the Broadband Development Office.

(b) $50,000,000 in fiscal year 2022 is for transfer to the border-to-border broadband fund account under Minnesota Statutes, section 116J.396. This transfer is onetime.

(c) Of the amount transferred under paragraph (b), up to three percent is for costs incurred by the commissioner of employment and economic development in administering the grant program under Minnesota Statutes, section 116J.395.