

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3460

(SENATE AUTHORS: WEBER and Ruud)

DATE
03/15/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance
See SF3141, Art. 1, Sec. 7

- 1.1 A bill for an act
- 1.2 relating to natural resources; modifying exceptions to threatened and endangered
- 1.3 species protections; amending Minnesota Statutes 2016, section 84.0895,
- 1.4 subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:
- 1.7 Subd. 2. **Application.** (a) Subdivision 1 does not apply to:
- 1.8 (1) plants on land classified for property tax purposes as class 2a or 2c agricultural land
- 1.9 under section 273.13, ~~or on ditches and roadways~~ a ditch, or on an existing public road
- 1.10 right-of-way as defined in section 84.92, subdivision 6a; and
- 1.11 (2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise
- 1.12 designated as troublesome by the Department of Agriculture.
- 1.13 (b) If control of noxious weeds is necessary, it takes priority over the protection of
- 1.14 endangered plant species, as long as a reasonable effort is taken to preserve the endangered
- 1.15 plant species first.
- 1.16 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
- 1.17 3b agricultural land as a result of the application of pesticides or other agricultural chemical
- 1.18 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
- 1.19 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
- 1.20 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste
- 1.21 land, or other land for which the owner receives a state paid wetlands or native prairie tax
- 1.22 credit.

- 2.1 (d) The accidental taking of an endangered plant, where the existence of the plant is not
- 2.2 known at the time of the taking, is not a violation of subdivision 1.