

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1505

(SENATE AUTHORS: DIBBLE)

DATE

02/25/2021

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568

OFFICIAL STATUS

Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1A bill for an act

1.2relating to natural resources; repealing certain exceptions to prohibition on taking

1.3endangered species of plants and animals; amending Minnesota Statutes 2020,

1.4section 84.0895, subdivision 2.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. Minnesota Statutes 2020, section 84.0895, subdivision 2, is amended to read:

1.7Subd. 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

1.9under section 273.13, or on a ditch, ~~or on an existing public road right-of-way as defined~~

1.10~~in section 84.92, subdivision 6a, except for ground not previously disturbed by construction~~

1.11~~or maintenance~~; and

1.12(2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise

1.13designated as troublesome by the Department of Agriculture.

1.14(b) If control of noxious weeds is necessary, it takes priority over the protection of

1.15endangered plant species, as long as a reasonable effort is taken to preserve the endangered

1.16plant species first.

1.17(c) The taking or killing of an endangered plant species on land adjacent to class 3 or

1.183b agricultural land as a result of the application of pesticides or other agricultural chemical

1.19on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in

1.20the application of the pesticide or other chemical to avoid impact on adjacent lands. For the

1.21purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste

2.1 land, or other land for which the owner receives a state paid wetlands or native prairie tax
2.2 credit.

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