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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1642**

02/25/2021

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to natural resources; repealing certain exceptions to prohibition on taking
- 1.3 endangered species of plants and animals; amending Minnesota Statutes 2020,
- 1.4 section 84.0895, subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, 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 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
- 1.13 designated as troublesome by the Department of Agriculture.
- 1.14 (b) If control of noxious weeds is necessary, it takes priority over the protection of
- 1.15 endangered plant species, as long as a reasonable effort is taken to preserve the endangered
- 1.16 plant species first.
- 1.17 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
- 1.18 3b agricultural land as a result of the application of pesticides or other agricultural chemical
- 1.19 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
- 1.20 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
- 1.21 purpose 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.~~