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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1642

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.~~