

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 405

(SENATE AUTHORS: DRAHEIM and Weber)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 01/26/2017 | 401 | Introduction and first reading |
| | | Referred to Agriculture, Rural Development, and Housing Policy |
| 02/09/2017 | | Comm report: To pass as amended and re-refer to Agriculture, Rural Development, and Housing Finance |

1.1 A bill for an act

1.2 relating to agriculture; requiring notification of adjacent landowners when the

1.3 presence of certain noxious weeds is confirmed; extending protection from penalties

1.4 related to official duties for certain public employees; amending Minnesota Statutes

1.5 2016, section 18.87; proposing coding for new law in Minnesota Statutes, chapter

1.6 18.

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

1.8 Section 1. Minnesota Statutes 2016, section 18.87, is amended to read:

1.9 **18.87 PENALTY.**

1.10 A violation of section 18.86 or a rule adopted under that section is a misdemeanor.

1.11 Employees of the state of Minnesota, employees of University of Minnesota Extension,

1.12 inspectors, county-designated employees, or their appointed assistants are not subject to the

1.13 penalties of this section for failure, neglect, or refusal to perform duties imposed on them

1.14 by sections 18.76 to 18.91.

1.15 Sec. 2. **[18.885] ADJACENT LANDOWNER NOTIFICATION REQUIRED.**

1.16 Subdivision 1. Definitions. (a) For purposes of this section, the definitions in this

1.17 subdivision have the meanings given.

1.18 (b) "Mandatory reporter" means an inspector, the commissioner of natural resources, or

1.19 an employee of University of Minnesota Extension.

1.20 (c) "Eradicate weed" means a weed classified and listed by the commissioner under

1.21 section 18.79, subdivision 13, as a prohibited noxious weed on the eradicate list.

2.1 Subd. 2. **Notification required within four business days.** (a) When a mandatory
2.2 reporter confirms the presence of an eradicate weed on a new parcel or tract of real estate
2.3 in this state, the mandatory reporter must notify the owner or occupant of each adjacent
2.4 parcel or tract of real estate within four business days.

2.5 (b) When a mandatory reporter provides notice under paragraph (a), the reporter must
2.6 also notify the commissioner in the form required by the commissioner.

2.7 Subd. 3. **Notification contents.** The notification required under this section must include
2.8 at least the following information:

2.9 (1) confirmation that the eradicate weed is or was recently present on adjacent property;

2.10 (2) how to identify and eradicate the weed;

2.11 (3) the means by which the eradicate weed is known or suspected to spread;

2.12 (4) the owner's or occupier's duties and rights under this chapter if the eradicate weed
2.13 should spread to their land; and

2.14 (5) appropriate contacts and sources for additional information.

2.15 Subd. 4. **Notification method.** The mandatory reporter must provide the notification
2.16 required under subdivision 2, paragraph (a), by certified mail or another method
2.17 acknowledging receipt.