

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 3167**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE  
03/12/2018

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Environment and Natural Resources Finance

1.1 A bill for an act  
1.2 relating to natural resources; modifying provisions for legal representation of  
1.3 department; providing for training and licensing of wildland firefighters; modifying  
1.4 provisions for approved firewood; amending Minnesota Statutes 2016, sections  
1.5 88.10, by adding a subdivision; 88.75, subdivision 1; 89.551; Minnesota Statutes  
1.6 2017 Supplement, section 84.01, subdivision 6.

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

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended  
1.9 to read:

1.10 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
1.11 or outside counsel to render title opinions, represent the department in severed mineral  
1.12 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
1.13 to the contrary, represent the state in quiet title or title registration actions affecting land or  
1.14 interests in land administered by the commissioner and in all proceedings relating to road  
1.15 vacations.

1.16 Sec. 2. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to  
1.17 read:

1.18 Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all  
1.19 individuals employed as wildland firefighters under this chapter are not subject to the  
1.20 requirements of chapter 299N.

2.1 Sec. 3. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

2.2 Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person  
2.3 who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty  
2.4 is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

2.5 (b) Failure by any person to comply with any provision or requirement of sections 88.03  
2.6 to 88.22 to which such person is subject shall be deemed a violation thereof.

2.7 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to  
2.8 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,  
2.9 shall also be liable in full damages to any and every person suffering loss or injury by reason  
2.10 of such violation, including liability to the state, and any of its political subdivisions, for  
2.11 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire  
2.12 caused by, or resulting from, any violation of these sections. Notwithstanding any statute  
2.13 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee  
2.14 of the Department of Natural Resources may represent the commissioner in proceedings  
2.15 under this subdivision that are removed to district court from conciliation court. All expenses  
2.16 so collected by the state shall be deposited in the general fund. When a fire set by any person  
2.17 spreads to and damages or destroys property belonging to another, the setting of the fire  
2.18 shall be prima facie evidence of negligence in setting and allowing the same to spread.

2.19 (d) At any time the state, or any political subdivision thereof, either of its own motion,  
2.20 or at the suggestion or request of the director, may bring an action in any court of competent  
2.21 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,  
2.22 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any  
2.23 person from proceeding further in, with, or at any timber cutting or other operations without  
2.24 complying with the provisions of those sections, or the requirements of the director pursuant  
2.25 thereto; and the court may grant such relief, or any other appropriate relief, whenever it  
2.26 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid  
2.27 in accomplishing the purposes of sections 88.03 to 88.22.

2.28 Sec. 4. Minnesota Statutes 2016, section 89.551, is amended to read:

2.29 **89.551 APPROVED FIREWOOD REQUIRED.**

2.30 (a) After the commissioner issues an order under paragraph (b), a person may not possess  
2.31 firewood on land administered by the commissioner of natural resources unless the firewood:

2.32 (1) was obtained from a firewood distribution facility located on land administered by  
2.33 the commissioner;

3.1 (2) was obtained from a firewood dealer who is selling firewood that is approved by the  
3.2 commissioner under paragraph (b); or

3.3 (3) has been approved by the commissioner of natural resources under paragraph (b).

3.4 (b) The commissioner of natural resources shall, by written order published in the State  
3.5 Register, approve firewood for possession on lands administered by the commissioner. The  
3.6 order is not subject to the rulemaking provisions of chapter 14, and section 14.386 does not  
3.7 apply.

3.8 (c) A violation under this section is subject to confiscation of firewood and after May  
3.9 1, 2008, confiscation and a \$100 penalty. ~~A firewood dealer shall be subject to confiscation~~  
3.10 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~  
3.11 ~~of this section and sold for use on land administered by the commissioner.~~

3.12 (d) For the purposes of this section, "firewood" means any wood that is intended for use  
3.13 in a campfire, as defined in section 88.01, subdivision 25.