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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3568

03/24/2016 Authored by McNamara

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

1.1 A bill for an act
1.2 relating to natural resources; modifying fire permit requirements; amending
1.3 Minnesota Statutes 2014, sections 88.01, by adding a subdivision; 88.10,
1.4 subdivision 1; 88.16, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2014, section 88.01, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 28. Prescribed burn. "Prescribed burn" means a fire that is intentionally
1.9 ignited and managed by an entity meeting requirements established by the commissioner
1.10 for the purpose of managing vegetation.

1.11 EFFECTIVE DATE. This section is effective July 1, 2017.

1.12 Sec. 2. Minnesota Statutes 2014, section 88.10, subdivision 1, is amended to read:

1.13 Subdivision 1. **General authority.** Under the direction of the commissioner, forest
1.14 officers are charged with preventing and extinguishing wildfires, excluding prescribed
1.15 burns, in their respective districts and the performance of such other duties as may be
1.16 required by the commissioner. They may arrest without warrant any person found
1.17 violating any provisions of sections 88.03 to 88.22, take the person before a court of
1.18 competent jurisdiction in the county charging the person so arrested, and the person so
1.19 charged shall be arraigned and given a hearing on the complaint. The forest officers shall
1.20 not be liable in civil action for trespass committed in the discharge of their duties. All
1.21 authorized state forest officers, fire wardens, conservation officers, smoke chasers, fire
1.22 supervisors or individuals legally employed as firefighters, may in the performance of their
1.23 duties of firefighting go onto the property of any person, company, or corporation and in so

2.1 doing may set backfires, dig or plow trenches, cut timber for clearing fire lines, dig water
 2.2 holes, remove fence wires to provide access to the fire or carry on all other customary
 2.3 activities necessary for the fighting of wildfires without incurring a liability to anyone,
 2.4 except for damages arising out of willful or gross negligence.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2017.

2.6 Sec. 3. Minnesota Statutes 2014, section 88.16, subdivision 2, is amended to read:

2.7 Subd. 2. **Exceptions.** No permit is required for the following fires:

2.8 ~~(a)~~ (1) a fire started when the ground is snow-covered;₂

2.9 ~~(b)~~ (2) a campfire;₂

2.10 ~~(c)~~ (3) a fire contained in a charcoal grill, camp stove, or other device designed for
 2.11 the purpose of cooking or heating;₂

2.12 ~~(d)~~ (4) a fire to burn dried vegetative materials and other materials allowed by
 2.13 Minnesota statutes or official state rules and regulations in a burner of a design which has
 2.14 been approved by the commissioner and with which there is no combustible material
 2.15 within five feet of the base of the burner and is in use only between the hours of 6:00 p.m.
 2.16 and 8:00 a.m. of the following day, when the ground is not snow-covered;₂ or

2.17 (5) a prescribed burn, provided the local Department of Natural Resources forestry
 2.18 office has been notified of the location of the fire in advance.

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2017.

2.20 Sec. 4. **PRESCRIBED BURN REQUIREMENTS.**

2.21 The commissioner of natural resources, in cooperation with prescribed burning
 2.22 professionals, nongovernmental organizations, and local and federal governments, must
 2.23 develop criteria for certifying an entity to conduct a prescribed burn without a permit. The
 2.24 commissioner must submit recommendations to the chairs and ranking minority members
 2.25 of the house of representatives and senate committees and divisions with jurisdiction over
 2.26 environment and natural resources with any necessary legislative changes needed by
 2.27 January 15, 2017.