

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

Section 1. [504.255] **UNLAWFUL OUSTER OR EXCLUSION; DAMAGES.**

If a landlord, his agent, or a person acting under the landlord's direction or control, unlawfully and in bad faith removes or excludes a tenant from a residential premises, the tenant may recover from the landlord up to treble damages and reasonable attorney's fees.

Sec. 2. **EFFECTIVE DATE.**

Section 1 applies to causes of action arising on or after August 1, 1984.

Approved May 2, 1984

CHAPTER 613 — S.F.No. 1407

An act relating to natural resources; making changes in certain forestry laws; amending Minnesota Statutes 1982, sections 88.065; 90.031, subdivision 3; 90.041, subdivision 2; 90.251, subdivision 1; and 90.301, by adding a subdivision; Laws 1981, chapter 305, section 11, as amended; proposing new law coded in Minnesota Statutes, chapter 90.

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

Section 1. Minnesota Statutes 1982, section 88.065, is amended to read:

88.065 EQUIPMENT FURNISHED.

Subject to applicable provisions of state laws respecting purchases, the commissioner of natural resources may purchase for and furnish to any governmental subdivisions of the state authorized to engage in forest fire prevention or suppression materials or equipment therefor, and may repair and renovate forest fire prevention and suppression materials and equipment for governmental subdivisions of the state. ~~The commissioner may use for that purpose~~ any funds available for the purchase of forest fire prevention or suppression equipment or for its repair and renovation under federal grants, if permitted by the terms thereof, or under state appropriations, unless otherwise expressly provided. Except as otherwise authorized or permitted by federal or state laws or regulations, the governmental subdivision receiving any such materials or equipment or repair or renovation services shall reimburse the state for the cost thereof. All moneys received in ~~such~~ reimbursement shall be credited to the fund from which the purchase, repair, or renovation was made, and are hereby reappropriated annually and shall be available for the same purpose as the original appropriation.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1982, section 90.031, subdivision 3, is amended to read:

Subd. 3. The executive council may compromise and settle, with the approval of the attorney general, upon ~~such~~ terms as it may deem just, any claim of the state for casual and involuntary trespass upon state lands or timber where the full ~~stumpage~~ value of such timber or other materials so taken in trespass would not ~~exceed \$1,000~~ exceeds \$5,000; provided, that no ~~such~~ claim shall be settled in any case for less than the full ~~stumpage~~ value of all timber ~~so~~ or other materials taken in casual trespass or the full amount of all actual damage or loss suffered by the state as a result ~~thereof~~. The executive council may make settlement for not less than the full ~~stumpage~~ value of any timber cut by lessees of state lands holding under section 92.50.

Sec. 3. Minnesota Statutes 1982, section 90.041, subdivision 2, is amended to read:

Subd. 2. The commissioner may compromise and settle, with the approval of the attorney general, upon terms the commissioner deems just, any claim of the state for casual and involuntary trespass upon state lands or timber where the full value of the timber or other materials taken in trespass is \$5,000 or less; provided that no claim shall be settled for less than the full value of all timber or other materials taken in casual trespass or the full amount of all actual damage or loss suffered by the state as a result. The commissioner shall advise the executive council of any information acquired by him concerning any trespass on state lands, giving all details and names of witnesses and all compromises and settlements made under this subdivision.

Sec. 4. [90.193] EXTENSION OF TIMBER PERMITS.

The commissioner may, in the case of an exceptional circumstance beyond the control of the timber permit holder which makes it unreasonable, impractical, and not feasible to complete cutting and removal under the permit within the time allowed, grant an extension of one year in addition to those provided in sections 90.121, 90.151, and 90.191. A request for the extension must be received by the commissioner 15 days before the permit expires. The request must state the reason the extension is necessary and be signed by the permit holder. The value of the timber remaining to be cut will be recalculated using current stumpage rates. Any timber cut during the period of extension or remaining uncut at the expiration of the extension shall be billed for at the stumpage rates determined at the time of extension provided that in no event shall stumpage rates be less than those in effect at the time of the original sale. Interest will be charged as provided in section 90.151 for the period of extension.

Sec. 5. Minnesota Statutes 1982, section 90.251, subdivision 1, is amended to read:

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Subdivision 1. The commissioner shall institute ~~such~~ scaling and check scaling procedures for state timber as ~~will~~ sufficient to protect the interest of the state. This will include the assignment of a trained timber scaling specialist in the classified service to be responsible for check scaling and to develop scaling and check scaling techniques and standards. ~~Such~~ The scaling and check scaling techniques and standards shall be approved by the commissioner. Check scaling shall also be accomplished by other forestry supervisors with ~~such~~ reports forwarded to the timber scaling specialist. The timber scaling specialist shall report any scaling deficiencies or trespass to the commissioner. Any ~~such~~ deficiencies requiring the attention of the attorney general or state executive council will be forwarded to these offices by the commissioner. All timber cut on lands in the charge of the commissioner, except as expressly provided otherwise by the commissioner shall be scaled. No timber may be scaled until ~~such~~ timber ~~it~~ is first marked with M I N or as otherwise properly identified as specified in the permit. All scaling shall be done upon the land from which the timber was cut; provided that the state appraiser, subject to the approval of the commissioner, may designate in writing to a permit holder another location where such timber may be scaled, counted or measured; all logs individually scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler; ~~such~~ allowance shall be made for defects ~~therein~~ as will to make ~~such~~ the timber equivalent to merchantable timber. No state timber shall be removed from the land where it was cut until it has been so scaled or counted except as herein provided. Any person removing ~~any~~ ~~such~~ timber from the land where it was cut, or from the place designated, before it has been so scaled or counted shall be guilty of a ~~gross misdemeanor theft~~ under section 609.52.

Sec. 6. Minnesota Statutes 1982, section 90.301, is amended by adding a subdivision to read:

Subd. 6. TICKET FOR THEFT VIOLATIONS. The commissioner may design and issue a ticket in the form, and having the effect, of a summons and complaint, for use in cases of theft of state timber or other state property, where the value of the property is within the limits established by section 609.52, subdivision 3, clause (5). The ticket shall provide for the name and address of the person charged with the violation, the offense charged, the time and place the person is to appear before a court, and any other necessary information.

Sec. 7. **CERTAIN LAWS MADE RETROACTIVE.**

Laws 1983, chapter 301, section 88, is retroactive to July 1, 1982. The commissioner of finance shall adjust the amount of receipts credited to the state forest suspense account during fiscal year 1983 and the total costs incurred by the state for forest management purposes during fiscal year 1983 to reflect this retroactivity.

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Sec. 8. Laws 1981, chapter 305, section 11, as amended by Laws 1982, chapter 511, section 35, and Laws 1983, chapter 111, section 1, is amended to read:

Sec. 11. **EXTENSION OF CERTAIN TIMBER PERMITS.**

The commissioner of natural resources may extend for an additional period of not to exceed one year any timber permit issued pursuant to Minnesota Statutes, chapter 90, which expires between January 1, 1982 1984 and ~~December 31, 1983~~ June 30, 1984. This extension shall be in addition to any extension previously granted pursuant to chapter 90 or pursuant to this section; shall be made without additional charge, and shall otherwise be subject to the requirements of chapter 90.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 6 are effective July 1, 1984. Sections 7 and 8 are effective the day following final enactment.

Approved May 2, 1984

CHAPTER 614 — S.F.No. 1235

An act relating to labor; providing an exemption from the minimum wage laws for certain hours of service by certain domestic employees; amending Minnesota Statutes 1982, section 177.23, by adding a subdivision.

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

Section 1. Minnesota Statutes 1982, section 177.23, is amended by adding a subdivision to read:

Subd. 11. With respect to an individual who is: (1) employed to provide companionship services to individuals who, because of age or infirmity, are unable to care for their own needs; (2) employed to stay overnight in the home of such an aged or infirm individual; and (3) paid the minimum wage or more for at least four hours associated with the overnight stay, the term "hours" for the purposes of requiring the payment of minimum wages and overtime premiums under sections 177.24 and 177.25, shall not include nighttime hours, from 10:00 p.m. to 9:00 a.m., up to a total of eight hours per night, during which the employee is available to perform duties for the aged or infirm individual, but is not in fact performing such duties and is free to sleep and otherwise engage in normal private pursuits in the aged or infirm individual's home. For the purposes of this subdivision, the term "companionship services" is defined in

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