

shelter to women and their children pursuant to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

Sec. 2. Minnesota Statutes 1986, section 256D.05, is amended by adding a subdivision to read:

Subd. 3a. SHELTER FACILITY'S RIGHT TO APPEAL. A facility providing shelter for women and their children may appeal a decision of a local agency arising from a request for payment pursuant to section 256D.05, subdivision 3. To appeal, the shelter facility shall submit a written appeal request within 30 days of receiving notice of the commissioner's refusal to issue payment pursuant to section 256.01, subdivision 2, paragraph (16). The appeal shall be heard by an administrative law judge according to sections 14.48 to 14.62, except that the report of the administrative law judge is binding on all parties. Within 15 days of receipt of a written appeal request from a shelter facility, the local agency shall file a request for assignment of a judge together with a notice of and order for hearing proposed to be issued. The record in the contested case proceeding shall not include any evidence, including records and documents, developed by the commissioner in the commissioner's review, pursuant to section 256.01, subdivision 2, paragraph (16).

Approved May 28, 1987

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## CHAPTER 271—H.F.No. 601

*An act relating to natural resources; providing that money recovered by the state for forest fire fighting expenses be restored to the fund of origination; increasing the amount that may be paid for tips related to forest fire crimes; clarifying provisions relating to the burden of proof and evidence of negligence; amending Minnesota Statutes 1986, sections 88.17, subdivision 2; 88.75, subdivision 1; and 88.76.*

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

Section 1. Minnesota Statutes 1986, section 88.17, subdivision 2, is amended to read:

Subd. 2. In any prosecution under sections 88.03 to 88.22 for unlawfully starting or setting or having or permitting the continuation or spread of any fire or backfire, proof upon the part of the prosecution that such fire or backfire originated upon, or was permitted to burn upon, or that it spread from, lands or premises occupied by the person charged with the offense, and that this person had knowledge of the fire and made no effort to put it out, shall be prima facie evidence of guilt. ~~The burden of proof as to any matter in refutation of this~~

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~~prima facie guilt, or in extenuation or excuse, shall be and rest upon the person so appearing prima facie to be guilty.~~

Sec. 2. Minnesota Statutes 1986, section 88.75, subdivision 1, is amended to read:

Subdivision 1. Any person who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

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

Any person who violates any provisions of sections 88.03 to 88.22, in addition to any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation, shall also be liable in full damages to any and every person suffering loss or injury by reason of such violation, including liability to the state, and any of its political subdivisions, for all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire caused by, or resulting from, any violation of these sections. All expenses so collected by the state shall be returned to, and deposited in, the original fund from which the expenses were paid and are available for expenditure for the purposes for which the funds were originally appropriated. When a fire set by any person spreads to and damages or destroys property belonging to another, ~~the person setting of the fire shall be prima facie guilty evidence~~ of negligence in setting and allowing the same to spread.

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

Sec. 3. Minnesota Statutes 1986, section 88.76, is amended to read:

**88.76 REWARDS.**

Upon conviction of any person for violating any of the provisions of sections 88.03 to 88.22, the director may pay, from any money placed at the director's disposal under those sections, a reward of not more than ~~\$25~~ \$100 to the person or persons giving the information leading to such conviction.

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